

CITY OF DANBURY
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DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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DRAFT MINUTES

April 25, 2012

Common Council Chambers 7 pm

Chairman Bernard Gallo called the meeting to order at 7:05 pm. Present were Gallo, Bruce Lees, Matthew Rose, William Mills, Alt. Derek Roy, Alt. Michael Esposito. Absent were Craig D. Westney, Alt. Josh Reilly, Mark Massoud. Staff present were Daniel Baroody, RS, MPH, Patricia Lee, Secretary.

The Pledge of Allegiance was led by Bruce Lees.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS:

17 South Street (K16149), Roland & Reine Issa, Notice of Violation sent 4/9/12 (IL-40 Zone). Gallo introduced this item and Roland Issa came forward. My first time, so forgive me, Issa said. I live at 4 Peaceful Drive, New Fairfield, CT 06812. I used to live on South Street in Danbury 30 or 40 years ago. When I moved out, I could not sell my house. The person who rented it has a tree business; he has a wife and a son. I used to put mulch around. He got carried away for some reason; he started to put the extra mulch in the back. Shawn Stillman was contacted, and I went down, Issa said. Gallo asked did you stop? Issa said I said you know you have to remove them. He says yes. I know you have days down. Then I received the letter, and that's why I'm here. Gallo said there's some old broken down equipment, tires, everything back there. I spoke to him yesterday. He got scared; he did not address the letter. He did stop, by the way, and he is going to remove the rest, when I asked him. Regardless he has no choice; he will remove it. He wants 3 months to remove it? Gallo continued, I think that's too much. I have some medical issues, so I may be out of commission for a few months, Issa said. Whatever they think it is. Issa asked about submitting tonight a letter from his tenant. Dan Baroody said we are not going to accept the letter. It's not signed. Gallo said to Issa, he'd better come up with a plan to clean it up in 30 days. He should know; it's a pigsty back there. Our last meeting in May is May 23rd. Gallo and Baroody stated what they saw back there: chips, debris, parking machinery, encroaching on DRS property and the chiropractor's property. It was referred by the UNIT (Office of Neighborhood Assistance) to the EIC; Mr. Stillman's department. I want to address it with him in the proper way. You say there is more stuff that's he's doing. Baroody said he must submit a restoration plan. It's all in here (Notice of Violation). Issa said, you're saying that's not good enough. Baroody explained what is required: a plan, the instructions are on the order. You have to hire an engineer. Issa asked is what I'm telling you not good enough? Can I have your name? Baroody identified himself. Issa said Baroody; my mother's maiden name. The Health Department, that's where you are. Baroody gave the health department phone number. One last question for you? Do I need my tenant to sign anything? You are the owner of the property; you

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are responsible, Baroody replied. I will talk to him and make sure that things are done. He cannot even start to remove it? Baroody answered no. Baroody said we'll talk next week. Gallo said, you didn't know; but you are the owner, so you are responsible. I know. Thank you. Good night, Issa concluded. Baroody said you need motion to close hearing. Mills made a motion to **close the show cause hearing**. Rose seconded the motion. Motion carried unanimously at 7:17 pm. Motion carries, Gallo announced. Baroody added he's promised to apply for a permit.

10 Precision Road (E17089), Belmi Management Partnership, Notice of Violation sent 4/9/12 (IL-40 Zone). Ben Doto came forward. They left a message with me last week, told them I'd take care of it, but I was off last week. We met yesterday. Doto explained the flagged piece of property, technically on Kenosia. Here's Kenosia, Here's Precision. This building and parking lot was approved in 1980s and 1990s. Vacant property, a masonry contractor tenant was told to get permits, but it sounds like he got scared when he found he needed a site plan. So he's gone. What was put there were a couple of piles of fill. He also changed a wetland crossing that was there. He put a 24 inches pipe crossing it. Cleaning this up can be done, which Doto summarized. In talking with the owner, they may want to go forward in doing something. This was an old site plan, Consultants & Engineers in 1994. I just want to focus on the entrance on Kenosia; this is about where the 24 inches pipe is. There's got to be some crossing there eventually. So do we just take everything out? Or do we take out the crossing. The site is now basically a lawn. There are wetlands along the perimeter of it. They are thinking now, what are the next steps. Doto asked what does the EIC want us to do now? That's the guidance I need now. It may be easier just to leave it. Mills said they are just *thinking* about putting something in; then they could decide to hold off and come back at a later date. They are thinking about putting in what was approved in 1994. Doto said can we leave it there, stabilize around it; do we want to make that additional disturbance? It's your call. Baroody said it's your call as the site engineer. Baroody listed the concerns about the pipe's integrity. Gallo said they have to clean everything. Roy asked about the timing on the approved site plan, based on, well, maybe they might re-apply. Doto, Roy and Gallo discussed what to do, restabilize, a triple impact, installing it to specs, putting more cover on it. This is an Army Corps of Engineer approval for that site plan, 1995; they got all the approvals, so it's a viable way. Gallo said we want to get rid of everything on the property and (ensure) that pipe integrity. Do I need an engineer? I'm kidding, Doto said. And too, how we are going to stabilize it. Baroody said close the show cause hearing part, and wait for the application. Lees made a motion to close the show cause hearing. Esposito seconded the motion. Motion carried unanimously to **close the show cause hearing**. Baroody said again, we'll see this on the agenda again when they file their application.

OLD BUSINESS:

25 Reynolds Road

William S. Coffey

Date of Receipt: 2/22/12.

First 65 Days: 4/27/12.

Regulated Activity # 915

Assessor's Lot # H08108, RA-40 Zone.

Gravel road shoulder expansion.

Benjamin V. Doto, III, PE.

Second 65 Days: 7/1/12 Comments from Candlewood Lake Authority received 3/6/12. Site visit 3/7/12. Structural inspection report from LPR Associates received 3/28/12. Extension letter & request to table received 4/9/12. Roy recused himself. Ben Doto, PE, took the mic, identified himself, and said I don't have anything new to bring today. I met with Dan after the structural report was submitted. As part of that, we are going to show the water and sewer mains, where they are going to be put on the plan as well, and still up in the air, that staircase: it may be taken down, and also we will show some sedimentation and erosion controls. The structural engineer is preparing a way to monitor; we will set some benchmarks. He'll put the protocol together, and if it's fine after 18 months. If the news is bad he will report that too, Doto said. Is this to your satisfaction, Dan, Gallo asked? It will be bonded and the monitoring protocol will be tied to the approval, if it's approved. Motion to **table** by Rose. Second by Lees. Motion carried unanimously at 7:32 pm. Let the record show Mr. Roy is back, Gallo said.

NEW BUSINESS:

30 East Franklin Street

Regulated Activity # 923

Jennings Oil Company

Assessor's Lot # I13016, IL-40 Zone.

Date of Receipt: 4/25/12.

Jeff Jennings; Galen Semprebon, PE.

First 65 Days: 6/29/12.

Improvements per CT DEEP compliance.

Second 65 Days: 9/2/12. Zuvic-Carr & Associates. Gallo introduced this new business, Jennings Oil Company. Galen Semprebon, senior design engineer doing business with Zuvic-Carr & Associations, came forward and identified himself. I believe you've all seen at least one or two applications from Jennings, East Franklin Street, and Semprebon described the heating oil facility they operate; a couple of buildings, a large enclosed tank farm; a fueling facility for their trucks. Semprebon described the spill remediation; that work is still ongoing. They are close to putting the floor in. Zuvic-Carr & Associates got involved, plus some other services for the client; the sedimentation and erosion control plan; and we have some issues to work on. Solids are entering Padanaram Brook, because the majority of the site has a gravel covering on the site. Galen Semprebon discussed protection techniques, improvements proposed; a concrete catch area, trench drain, oil water separator; update catch basins with deep sumps with hoods, and a concrete area in front of the main oil facility. He described the trucks sharp turning required. We want to cut down on the suspended solids entering the brook. The other item: a proposed catchment area underneath their existing sumps, again protecting the soils and the ground water. We did look at a whole bunch of alternatives, which he discussed, immediately adjacent to Padanaram Brook: stone, suspended solids, pervious pavement, heavy truck loads; 65,000 to 75,000 gallons in trucks coming in. We need to try to cut down; we have to do it. We just can't have that entering the brook. We have a couple of nuances to the site. Semprebon discussed the wetland path; 100-year floor elevation, the flood plain; that cuts down on our options. We cannot fill in a flood plain. We have balanced the cuts and fills on the site. At the very least, any runoff will go through the catch basins with hoods, oil water separator, trenches. It's a tight area, Gallo said, and the engineer agreed. Today, this would not have been put here. The cost of moving off to another site would put them out of business. Lees asked the engineer to describe the spill. Galen

Semprebon gave the history of the site, the clay; there was a mistake made someplace. One of these tanks was being rented out to another company. About 10,000 gallons of oil spilled out of a tank and went into the ground. They've been recovering the product; it is still an on-going process. They've removed the material inside the tank farm, and can now put in the concrete floors, with an inspection schedule for noticeable oil, based on the DEP's criteria. Lees asked are you improving the parking lot area, if there's a spill in that area? Semprebon explained the basic idea; the trucks to be parked on the pad at night; the feeling is any spill would be contained, and he described how, with the improvements being made. Lees said I just want to come away in my mind, that it's an improvement. Mills asked about a cement wall around it? This is a concrete pad; the engineer explained the tractor trailer wheels and their path; concrete stands up better to that kind of abuse better than gravel. It would be 5 to 10 feet, right up to the brook. Maneuvering is so tight; but it's literally cutting over these catch basins. Mills and engineer discussed the conditions and the cuts, the berm, the curb line proposed to prevent over-land flow; one new discharge, and moving it down. We want to block off that hole in the wall. We will pick that existing pipe up. This is the direct impact to the wetland at that discharge point. It's just a retaining wall; no fence. Lees made a motion to **table**. Derek Roy asked about a site walk, and is it flagged? Roy seconded the motion. Motion carried unanimously at 7:50 pm. See you May 9th.

Belimo Air Controls (USA) Inc.

Regulated Activity # 924

Turner Road (W. Ridgebury Road)

Assessor's Lot # A17001, IL-40 Zone.

Date of Receipt: 4/25/12.

Milone & MacBroom, Inc.

First 65 Days: 6/29/12.

Chris Donohue, Attorney at Law

Second 65 Days: 9/2/12. Industrial building with assoc. parking, utilities. Attorney Christopher Donohue of Riefberg, Smart & Donohue, PC, identified himself saying I am here to introduce three people from Milone and MacBroom. Darren Overton, from Milone & MacBroom, is here to present the application for the Belimo facility. Overton said it is a proposed manufacturing facility, and he described the vicinity: Turner Road, Saw Mill Road, the State line, the wooded area, and a fairly new residential area here. He described the areas east, west and north of the site. The building sits on top of a knoll. Overton said there is public water and sewer, and he put up a proposed rendering on the easel, with the same north orientation. Overton said the existing facility will be demolished. We will utilize the existing driveway, with a little widening. The loading zone is highlighted in yellow; concrete will hold it better than asphalt. A longer configured parking lot, and a 200,000 sq. ft building is proposed. Overton discussed the design, the new basins, collecting the surface runoff; basin with a wet bottom, planted vegetation for filtering, overflow into an existing pipe system; the existing basin area, the discharge pipes, the ditch along the driveway, the proposed wet pond, and utilizing the existing overflow pipe. He showed a blow up of the site plan we submitted with the project. Overton described the site plan, detention, the basins, filtering, connected in series, following the path of the existing drainage; stone lined ditch that runs down; the marshy area on fringes of the property. We intend to utilize the existing infrastructure that is there to serve the new building. There is now a gas line in Turner Road and we will use gas now to serve the new building. There's about 2 acres of upland review area, Overton said. Highlighted, the dark area is the permanent pool, and lighter blue is the detention. We did submit a wetland delineation report. Lees asked for signage

on the drains. We can add that, Overton said. Lees and Overton discussed the fifty-year storm, the one-hundred-year storm, an overflow; the hundred-year storm now comes a lot more frequently, Lees added. Overton said there is more rainfall now in this area and more intense rainfalls. Overton replied to Lees, one way or another, they have the capacity to hold that water, however it gets there. We propose sediment chambers with oil water separators, etc., Overton said. Mills said we just got this. Baroody took the mic at 8:04 pm, and said I've met with other agencies and the applicant, and I'll have a report for you for the next meeting on May 9th. Lees asked about the old project. Donohue said we will leave that old facility and come here. Gallo said it's good to see they are staying in Danbury. Gallo said I was on the council then. Roy made a motion to **table**. Lees seconded the motion. Motion carried unanimously at 8:06 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: The following were granted by Associate Director Daniel Baroody, RS, MPH:

Regulated Activity # **908**, 30 E. Franklin St. (I13016), Jennings Oil Company.

Regulated Activity # **916**, Middle River Rd. Bridge Project, City of Danbury.

Regulated Activity # **852R**, Capitola Estates Subdivision, Capitola Rd.(Haga).

Regulated Activity # **912**, Danbury Municipal Airport, Stream maintenance, cleaning.

Regulated Activity # **917**, 23 Valley Stream Dr., Thomas & Betty Ann Wilmot, Septic system repair.

Regulated Activity # **817RR**, 41 East Pembroke Rd., Pavilion Holdings, LLC.

Regulated Activity # **919**, 10 Hawley Rd., Ann Marie Biraglia, Attached garage.

Regulated Activity # **920**, 3 Scuppo Rd., Madeline Ridge, LLC, 10 units in 2 buildings.

Chairman Gallo did not read the above approvals into the record. 8:07 pm, any questions on any of them, Gallo asked. Baroody said this activity was outside the regulated area.

ADMINISTRATIVE STAFF ACTIONS: NA

VIOLATIONS:

53 Rowan Street (I12056), Ivaldo & Hidelma Barroso, Notice of Violation sent 4/23/12. Has to come in on 5/9/12 for a show cause here

ACCEPTANCE OF MINUTES: 3/28/12 Meeting (The 4/11/12 EIC meeting was cancelled.) Motion to accept these minutes as presented by Rose. Second by Roy. Motion carried unanimously.

CORRESPONDENCE: Aquatic Pesticide Permit Application from The Pond & Lake Connection for weeds and algae treatment at Ives Center Pond, 53 Lake Avenue Extension, WCSU.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

ADJOURNEMENT:

Motion to adjourn by Roy. Second by Lees. Motion carried unanimously at 8:05 pm.

The next regular meeting of the DEIC is scheduled for May 9, 2012.