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BY:

DRAFT MINUTES

January 23, 2013

City Council Chambers 7:00 PM

Next regularly scheduled meeting date **February 13, 2013.**

Chairman Bernard Gallo called the meeting to order at 7:06 pm. Present were Gallo, Mark Massoud, Bruce Lees, Matthew Rose, Alt. William Nicol, Alt. Josh Reilly, Alt. Derek B. Roy. Absent was Michael Esposito.

Staff present were Daniel Barood, RS, MPH, Patricia Lee, Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Lees at Gallo's request. Craig D. Westney is also here, Gallo announced, as is Mark Massoud. For the record only 7 can sit in; we have 8; one will sit in and not vote, Gallo said.

PUBLIC HEARING:

Padanaram Road

Regulated Activity # 943

Cotswold of Danbury

Assessor's Lot # F07052, RA-20 Zone.

Date of Receipt: 11/28/12.

Artel Engineering Group, LLC.

First 65 Days: 2/1/13.

Heatherwood Acres

Second 65 Days: 4/7/13.

44 residential, cluster units. Copy to S. Danzer, Ph.D. 12/11/12. Public Hearing opens 1/23/13. Chairman Gallo opened this public hearing and read the legal notice into the record at 7:09 pm. We'll start with the applicant first. Attorney Peter A. Scalzo, from 2 Stony Hill Road, Bethel, identified himself, stating I am before you tonight on behalf of the applicant. It's a 75 acre site bordered by Padanaram and Eastwood Roads. Scalzo introduced his team: Dainius Virbickas, of Artel Engineering Group, LLC, Matthew Popp, Landscape Architect, with Environmental Land Solutions, LLC, and Jodi Chase, Ecologist. Of the 75 acre site, the applicant will develop roughly 20 acres. The remaining 53 or 54 acres will be left in its natural state. There are

remnants of a subdivision right in the area where we are planning to develop, Scalzo continued. We'll show this board how we'll correct, fix, this whole site. We are proposing a cluster development, concentrating 44 home sites in that area and leaving the rest of the site in a natural state. (Alt. Josh Reilly arrived at 8:13 pm). Dainius Virbickas took the mic and identified himself, saying this site has frontage on Eastwood and Padanaram Roads. As was stated, this parcel has been subject of prior applications; there are remnants of an old subdivision which ceased to be finished out; there are existing stormwater lines, drainage ditches, etc. We propose to pick up where prior developers have left off, and we are proposing 44 residential homes. Virbickas put the Heatherwood Acres plan on the easel with the cover sheet with index on top. We prepared a 200 scale map so everyone can see; the boundaries are in orange; the 74 acres of land we are proposing to develop; 54 acres one parcel, and the remaining 20 acres on the northern portion of the property. What I've highlighted is the approximate area of our proposed development. 44 homes clustered in the southwest portion; about 20 acres of that 74 acre parcel. We came upon this layout based on our review of prior applications at City Hall and after numerous meetings with City staff and City consultants, and what some of the challenges were on the prior applications. And having heard the history and met with the City, we decided to concentrate our development in the southwest corner. The wetlands on the property general follow the Padanaram Brook on the northern and eastern edge of property, and many fingers of that wetland come down the hillside. There are about 18.7 acres of wetlands on the site, Virbickas said, and these were originally delineated by Henry Moeller, and since then, Matthew Popp has reflagged them. Otto Theall, soil scientist, was used also primarily to identify the southwestern wetlands, as these were pointed out by staff during the prior applications. Virbickas said on the next sheet is the wetlands and soil type map identified by Otto Theall last summer, and confirmed by Matt Popp, and also some of the drainage ditches. Quite a few wetland areas and drainage ditches are the result of prior development that never got finished. Virbickas described the remnants of old foundations; he described the additional foundations, footing drains that the prior developers installed, and the relief points or ditches, and we've identified them for all to see. This is a 50 scale map now, Virbickas said, referring to the Grading & Utility Plan on the easel. We will continue on the existing roadbed that was constructed, and go onward into the site for roughly 1450 feet approximately, give or take. Houses are proposed on the high side to the west, and the low side, east. They will be raised ranches and colonials. Water service will be via a municipal water line currently located by Danbury High School, quite a distance away; we'll bring that service up to our development. The sanitary sewer runs along the banks of the Padanaram Brook, so we will follow the existing roadbed to the existing sewer on the property for sanitary services. Storm drains are a challenge on this parcel, Virbickas said. On this drainage shed map we prepared, see the lower portion of the Drainage Shed Map, located in this shaded area above us, or to the west; quite a bit of water comes down. Virbickas gave the history of the western drainage ditch originally installed probably to capture that water and not impact the previously proposed development. We'll rework that existing ditch and route the water through the property or bypass some of these ditches on the property; another midway on the area of development, and again at the northern end, and capturing it and routing it down through. We are proposing a series of catch basins, swirl concentrators, for road runoff, roof drains, lawns and such, and we'll route it through a Vortech swirl concentrator, all designed to treat the first inch of runoff. Although it looks rather small on the map, it's a sizeable basin designed to treat the first flush, up to a 25 year storm, which Virbickas described. Most will be routed through these water quality basins and discharged in a cleaner state to the Padanaram Brook. We will be disturbing most of the wetlands with our development. A total wetlands of 7057 square feet roughly

will be disturbed. 3334 square feet will be restored, for a net loss of 3723 sq.ft. of wetlands, of the 18.7 acres on the site. The benefits of developing just this portion of the site are by concentrating the development; we can correct the existing erosion problems. We've reflagged the wetlands, and if anyone has the opportunity to walk the site, if you walk it, you will note large areas of erosion. Water has basically been running unchecked through the property causing erosion. We will correct a lot of these unchecked discharges and runoffs, Virbickas said. We will use typical erosion controls which Virbickas described, and due to the steepness of the property, perhaps some polymer bonding products will be used. In addition to the proposed development, we will renovate some of the existing wetlands in the areas I am pointing to, which will have some benefits, which in time will have some plants and wildlife to enhance the wetland areas. I've stated all that I can state, pretty much, Virbickas said. I can answer any questions, or I can introduce Matt Popp. Gallo said I'd like to hear from Matt Popp at this time.

Matt Popp, Landscape Architect, with Environment Land Solutions, LLC, took the podium saying it's good to be back, having spent maybe 8 or 9 years on this now, and Popp took the mic with him to the easel. Popp said with the last application it was noted that in the development area there were lots of drainage channels, and those were never flagged until about 2010 when I went out there, maybe 16 or 17 of them. Otto Theall flagged the wetlands; I did not flag the wetlands, Popp said. I think we have a pretty good map now. Theall is a very respectable soil scientist. A number of trees have fallen from storm Sandy. Popp said you used to be able to walk down that road down to Padanaram without any troubles, but with the multiflora rose, now you can't walk on the road. It is difficult to get from here to here; the invasive species have taken off. When you're out there you can see some of the phragmites and other growth. The wetlands consist of the Padanaram River and then all of the intermittent watercourses mainly running from the west down to the east. It's a steep site with lots of erosion through this area. Regarding wildlife, now I'm in the process of listing the wildlife, and in the 15 or 20 times I've been on the site, I have never seen an endangered species. There are no species of special concern; no vernal pools, bogs, or fens, Popp said. Popp said even in the basins down here low, you'll see there's a big level area, mainly multiflora rose. Again the site is utilizing the disturbed areas. Popp described some of the differences from the last application: previously 57 units, and the northern section is no longer proposed. The upland is dominated by oak trees; it looks pretty natural. A fire road is no longer proposed. The water is from Eastwood. Mitigation measures will be listed, Popp said, and that will restore the disturbed areas; planting disturbed slopes with native species; correct the problems, which I think this site plan does. Gallo said I'll ask the commissioners for questions after the public speaks.

First speaker: Jean Campbell of 94 Hillandale Road in Danbury identified herself, saying I am fortunate to be right above Phase II. We all come together and we speak. I've lived there since 1975 with my late husband, and my neighbors will attest to that as well. Kudos to Cotswold out of White Plains, NY; they are consistent in their perseverance. Now they are only developing the southern end. Those of us on Hillandale Road had to get sewers to protect the integrity of the area. I have to stop and think about their corrections, they will only benefit Cotswold. She referred to the water problems from Clapboard Ridge Road over East Gate Road to Padanaram Road. She discussed a nearby development that has 12 empty available homes. I chose to live up here, Campbell said. This is one of the last areas of open space. Danbury is dedicated to open space. It's ridiculous to be back here again. Danbury was originally called Swampfield. We've had trees fall down; it happens. Their plans show one way in; for safety, if there's a fire, God forbid, we are in trouble. I am not impressed with all the professionals that they bring here. Even though Mr. Popp has visited

12 times and seen no wildlife, I have had an eagle land on my deck, there are coyotes, deer, turkeys; wildlife is converging on this set of land. There are others that can speak more eloquently than I. There are over 200 homes for sale, I've done my homework, Campbell said. I recommend they donate this property to the Open Space of Danbury, and develop some livable, affordable one-level homes in Downtown Danbury. (Applause).

Tom Pura signed in at 7:46 pm, stating I've lived at 43 East Gate Road for 35 years, and I thank the commissioners for seeing us again and allowing us to speak. Gallo said this will not be one night. Pura said I have a petition signed by 148 people in strong opposition to the project proposed, EIC **943**, and he described the proposal. This will damage the very delicate hillside, the brook, the wildlife. I urge you to deny this application. The last thing we need is 44 more cluster homes in Danbury, and I'll present the petition for the record. Pura handed the petition to Chairman Gallo. Pura gave history of the area. Gallo said we all know the developer. Nick Attick was the developer, Pura said. California ranches were proposed on the upside of East Gate. Those foundations are remnants of that development. Pura described the steep driveways; those colonials on the down side. It rained like heck in 1978 and it took out the driveways, so prospective buyers looked at that and thought twice about buying there. That land has been empty, Pura continued. That water keeps coming off of Clapboard Ridge Road to East Gate; we have 28 storm drains and Pura described Dalessio's development. If they go to Phase II, I assume that they'll go back. Eventually the City of Danbury foreclosed on the property and became owner of it. In 2003, the land was bought by M Credit. Shame on us for not buying it, Pura said. Cotswold came in 2005, in January, with the first public hearing on January 12, 2005. Sixty clustered houses were proposed on this environmentally fragile property. Cotswold pulled that application. Two months later they came back with 57 homes. Three houses less; same deal, Pura said. We had 6 public hearings in 2005 ending in October. You're going to hear the same story on this property, and I noticed that Dr. Steven Danzer had a report in today's minutes. Gallo said we have two reports from Danzer, 2005 and 2007. Pura said with an addendum on the back. Look at what he identified: a lot of vernal pools and other stuff. You walk the property after a rain storm; you are going to need hip boots due the amount of water that's there. In November of 2005, with tremendous opposition, again Cotswold withdrew the application. They came back in May of 2007; Cotswold proposed 57 clustered houses. I just turned in Danzer's report, Pura continued. He gave the dates of the public hearings, and the EIC denial. Cotswold sued. On 2/18/10, Pura said there was a hearing on the suit. The judge dismissed the entire law suit 2/25/10. I'd like to enter that into the record: City of Danbury vs. Cotswold. Pura reviewed the history of the land; everything's changed, but Mother Nature. Two proposals were withdrawn. One expensive lawsuit; they lost. I counted the public hearings. We ask you to study and to protect the wetlands and watercourses of the City of Danbury. Based on what you study, you will deny this application, Pura concluded.

Kenneth Gucker from 89 Padanaram Road, Danbury, identified himself next, saying many of you know me from reviewing this pile of lovely stuff. As Tom (Pura) eloquently stated, we've been coming here since 2005 and nothing's changed, except we have this thing called global warning, and Gucker paraphrased what that means. The one thing from last time, as Tom went over the history of this project, EIC **#749** was actually 29 units, not as large. That was in the same area that they are talking about now. The impact in 2007 was too great. They are now going from 29 to 44, while this project was denied at 29. They are coming back at 44. That's more impact, not less impact. This pile that you saw me carry; all of the engineering saying how it will be done. I can't tell you how much time I've spent

on this, Gucker emphasized. Secretary Lee asked Gucker to stop pounding on the table. Gucker said it's a bad situation; it was bad in '74; it was bad in '05; bad in '07. It is very concerning and never changes; as the impact has gotten greater, impervious surfaces are growing. Gucker described the water coming from the top of the site to the bottom, gathering; all they are doing is diverting it around their project. It's not being created; it's being destroyed? Gucker said all will go into a retention pond and possibly a second retention pond will hold the first inch of water in a storm event. This photo is of the Danbury Police Department on 4/8/11; this is where the Brook ends up. We had about 6 inches of rain in one hour, Gucker continued. That's a 100 year event, said Mayor Mark Boughton. It took out North Street Shopping Center, Wells Fargo Bank, Jim Barbarie's, etc. etc., Gucker said, and that's just one storm. This happened in 2012; it happened in 2007. I have pictures of Covered Bridge Condominiums; they get all this water, Gucker continued, all that water ended up against their foundations and in their basements. Gucker said there was the lovely engineering of Stetson Place with a similar proposal, and Gucker described the intended condominium housing. These projects don't see how it affects all the acres down hill. This is what we get every time it rains. Gucker said I will get dates of the photographs for the next meeting. It comes down to tons of water already flowing off the side of this hill, and for 22 years I've watched it, and Gucker described what he's seen over the years with natural occurrences of what's there. 25 acres of it is wetlands, if I remember correctly, Gucker continued. They talk about the previous applicant Mr. Attick and the number of houses he proposed. If they could build that many they would. Gucker said take $\frac{3}{4}$ mile of hillside and remove every tree. They are absorbing the water that's there. It's only going to get worse, not better. Houses will replace those trees, 20 feet apart. Gucker continued to describe the damage of the water channeling and water concentration; the huge amounts. By living there and watching over the last 20 years, I stopped taking pictures then; 2011, 2012, 2007 were all major floods. It's getting worse, not better. According to The Center for Land Education and Research, Gucker quoted what they said. They have well documented stormwater runoff: saturated soil does not absorb water; it increases stream bank erosion and loss of reptilian habitat, urban runoff, watershed. This is part of the Marjorie Brook watershed. I won't bore you with my chart, Gucker said. Like I said, impervious surface will exacerbate this. This stream Padanaram Brook was not meeting EPA standards for water quality and it has not gotten any better. In 2009, the last study, Padanaram Brook, Gucker continued to describe the EPA findings: loss of reptilian habitat. As you add more water, the mass and velocity increases and it scours the brook and removes everything in it. It all winds up downstream, and it's not meeting the standards of the EPA. Popp said there are no vernal pools, Gucker said. Mr. Danzer's report states there were two potential vernal pools identified on 4/17/06, and it goes on from there. They've magically disappeared. We are grateful; you donate your time, Gucker said to the commissioners. We are happy you listen and we get to vent. We live there. We see this everyday. Remember, whatever you add, these streams are now at the breaking point. One more bucket of water is going to make it worse. I ask you to deny this, Gucker said. I ask you continue this. (Applause.) Gallo said, just so you know, I asked Dainius Virbickas if they planned on addressing the issues with the Padanaram Brook. At the prior meeting, Gallo had asked Virbickas to look into the brook that currently floods now. I want Ken Gucker to be aware of that. It's behind First And Last Café, Gallo said.

Noel Baldo-Gruenberg, of 60 Padanaram Road, next took the microphone at 7:19 pm. We cannot afford one more drop of water in Padanaram Brook. I'll read some of my letters to Shea and Phil Colla back in June, and I did not receive a response. I am a condo unit owner located at 60 Padanaram Road. And we have serious flooding problems, and she read her

letter which described the damages to her condo, the finished basements; the neighbors next to the brook on the lower level; now we are plagued with the rain storms; we are all out there watching. A wall was built at some point, with concrete blocks, that creates an entire pool for all of our units, and she described how her units get flooded. I beg you basically; we cannot afford it; we are going to lose our condos. It's out of control already. We cannot sell our condos. The brook is already to capacity, she concluded at 8:23 pm. (Applause).

Suzanne Silverman, of 29 East Gate Road next to the podium saying I am directly above where this development is proposed. I also testified at last major series of hearings. How is this project qualitatively any different from previous applications; any better? My speech is about the trees. Last time we were concerned about the number of trees, and they are going to cut them all down. And even the roots from a small tree helps handle the water. It's still a clear-cutting proposal, and I resent having to come back for another horrible proposal. That's all that I can say, Silverman concluded. (Applause).

Alan Mitchell, from 60 Padanaram Road, next took mic at 8:25 pm. Mitchell said 60 Padanaram Road used to act as a damn. We understood it was in a 50 year flood plain. We get a lot more flooding than we ever have. It devalues all of our units. They have to keep repairing it. It's a big hardship. With these plans, the top half will drain straight into Padanaram Brook, which is very big and very fast. The water is bubbling up through the storm drains, Mitchell said. More is not better; it's going to make things worse. (Applause).

Carolyn Forlenzo, from 87 Padanaram Road, came forward saying that she's here on behalf of her husband also. It also floods back from the road, pulling the road salt into the streams. There was a lot of talk about the 44 units, with 2 cars per unit, so 88 cars total. People will want to cut through the small streets rather than deal with Padanaram Road traffic. If we take away the animals habitat, they will come into our yards. It means more pollutants, clear-cutting; insects living in wooded areas with a natural life cycle will now go into homes. I get rid of insects with chemicals; again pollution. If you drive along Padanaram, the trees have fallen over in the two major storms. Forlenzo said we need to allow that area to naturally heal itself. I'm against this. Does this really bring value to our area? (Applause). Gallo announced I will cut off the public speaking at 9 pm.

Lynn Lukasik and Stephen Lukasik from Eastwood Road came forward. She said I'm going to read this letter. Lukasik read her letter, signed by both of them, dated 1/23/13. We've lived there 28-1/2 years, and the "idea of disturbing this land is shameful". Every storm "brings with it the likelihood of washing away trees and yards of soil in one place and dumping them, along with hundreds of gallons of water in another...and of course, always down stream". One hole in the road was 4 feet wide and 6 feet deep after a recent storm. The City of Danbury had to come and repair it. Stephen Lukasik said we have to continually put in larger and larger drains. Every single tree, blade of grass, every weed, every grain of dirt, all the wildlife must be protected at all costs. Nature is taking it back over the last 30 years. Removing and disturbing this land "is a criminal act of greed and indifference to our fragile environment". Please don't let this go through. At a block party, in the summer of 2011, the City had to put up barriers to protect the children from falling into the holes. They displayed the pictures. This is known issue, they concluded at 8:35 pm. (Applause). Secretary Lee asked for a hard copy of the photograph.

Bill MacKinnon, from 37 Eastwood Road, said I'm at the foot of this new development and he described his vicinity and the trees that have fallen. I will ad lib a little bit. When I think about what we're here for, the main thing is impact. Mackinnon described the erosion, the roadway erosion; you can ice skate on Eastwood Road today in the cul de sac. He discussed elevating his driveway. My neighbor at 36 Eastwood Road had similar problems; water runoff from East Gate. My neighbors have had to repair. I have 4 young kids, none of which can go into that property; it's impossible due to many fallen trees, it's an eyesore. It has a major impact to my property value and my neighbors' property values. In previous applications there was talk of a retaining wall. I don't know how tall that wall would have to be to protect that side of the street. The impact to septic systems on East Gate on Eastwood; I'm not prepared to deal with septic or wall damage. I would have to walk away from my property. I understand the significance of Cotswold's investment, but it should not be at the cost of the environmental impact they way they are proposing it today. Please deny this application. My guess is they will come back again. They should try to get their investment back, MacKinnon concluded.

Joe Macari, from 27 East Gate Road, described where he resides. I've walked the property many times; I've lived here many years. I don't have your background. My background is finance. When you walk back there, you cannot walk straight down; you'll slip, you'll fall, till you get down to a flat part. The water that comes down to my property is not like anything I have ever seen before. I don't know how this could be a good project. We are going to have more water. This makes very good business sense, but thank goodness we have this commission here. I understand that in the past some bad decisions were made. I hope you turn it down.

Good evening, Mark Chory, next said. I am a resident at 14 Eastwood Road, and I want to thank the commission, thank my neighbors, and for the record, ask the commission to deny this project. Chory said I will do my best to be brief. The City's own Plan for Conservation and Development, under Managing Growth & Development, in first part, specifically states in there that we should protect hillsides and ridge lines, and, not to repeat the EIC's purview, the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable, and unregulated uses, disturbance, or destruction. The purpose of these regulations is to protect the citizens of the City of Danbury, by making provisions for the protection, preservation, maintenance, and use of the inland wetlands and watercourses. All of these issues point to the Cotswold property, Chory said. There's a reason it's never been developed. Danbury has a lot of people that want to live here. There are hundreds and hundreds of acres on the west side that we have preserved. I've been a banker for 29 years, Chory continued. There are some facts; there are some interpretations. I am happy to be neighbor to the City for ten years, and Chory described the water he's experienced with his foundation and what he's had to do to protect his foundation. The City did not do anything at first. I videotaped the water during the next storm, and I asked the City engineer to come to see the property; they were shocked what they saw. He described the 2011 storm; the fifteen inch storm drain. I cannot imagine what would have happened without that. Every one of our houses has water issues. To say that those watercourses are only in certain areas; I don't know how you can say that. They talk about disturbing less than a quarter acre of wetlands; again you can interpret and understand this, and deny the application. Thank you very much, Chory concluded.

Rakegh Patel, from 32 Spruce Mountain Trail, identified himself saying I own property there. I want to thank the commissioners for serving time; they are very dedicated to this EIC

commission. I lived there about 34 years. The drain right in front of our driveway is more than a brook; it's a river through the drainpipes. This is not an EIC issue. In this past election, 45 million dollars was approved for a second middle school, so cluster housing; this is another impact of that housing. Environmental impact, yes. Financial impact, yes. Gallo said to Patel we cannot address that issue here. Please record my opposition as a property owner. Thank you, Patel said. (Applause). Gallo asked at 8:50 pm is there anyone else who cares to speak.

Joel Limoncelli, from 25 East Gate Road, took the mic at 8:51 pm and signed in. I live right behind where this proposed development is going to take place, and I wanted to have my voice heard. I have spoken several times in opposition; I want to state my opposition again. We have water coming off our property; retaining walls, collateral damage to our septic systems, longterm damage to the east side of East Gate Road. I'm sure it's not going to affect our situation immediately, but I'm deeply concerned about the impact 3, 4, 5, 6 years after Cotswold is gone. Again I am in opposition to this and ask that you look at all the concerns expressed here tonight. Thank you, Limoncelli concluded.

Joseph Zatkovich, from 16 Eastwood Road, next took the mic and signed in. As many of my fellow residents have stated, the water problem up there is horrendous. The salt, the flowing down, the thick ice; the City did try to mitigate it, and it worked up to a certain point. Now they are talking about more cuts, polymer, trees and roots and everything ripped out of there; it's just absurd. Many of you have been here before. Many of you have not. We seem to go through this every couple of years. We need to keep the area natural. Mother Nature has claimed her, Zatkovich continued. We can't control her, as much as we'd like to. It's overflowing; it's a bad thing. Do your due diligence, and turn this project down, Zatkovich concluded. Thank you.

Chaur-Jian Hsu, from 35 East Gate Road, signed in saying I've been living in my house for 27 years, and I express and thank my neighbors, and I want to talk about another issue. If it's done, it will divert the water, that with the retaining walls that the house will remain in place. All of us have seen large rocks coming down the hill; how could that happen? I am a Ph.D. geophysicist. I know that that model is only as good as what you are putting in, Chaur-Jian Hsu said. When the soil is saturated, it flows and carries everything with it. Would that sustain a 100 year flood? With climate change, it becomes the City's problem. I have serious doubts. Just based on common sense; such a steep wall; I strongly oppose the project, and I thank you. Gallo said one more speaker.

Remo DeGrazia, of 453 Main Street, Danbury, took the mic at 8:00, and said I'll keep it short and sweet. I am in opposition to the development, and he presented 2 pages of notes with his phone number, and stating his opposition. "I believe the wetlands and remaining land should be donated as conservation land (Green Space) for water absorption into the ground and for the wildlife that will ultimately be displaced by this development project. I believe the lot sizes should be a minimum of one acre per home to more closely match the surrounding community on the Clapboard Ridge side". Right. Thank you, DeGrazia said.

Chairman Gallo said I will accept a motion to continue this public hearing. There will be no more public speaking until 2/13/13. Pura confirmed that will be a public hearing. Lees made a motion to **continue** the public hearing. Rose seconded the motion. The motion carried unanimously at 9:05 pm. Massoud asked will we have opportunity to ask questions? After this, Gallo said.

Mark Massoud said a couple of points I have heard about the water quality basins and the swirl concentrators, are there any basins proposed for the southern part of the site as well as the northern part of the site? Virbickas replied, regarding water quality basins for this portion of the site; no, we intend to take the water and stop the erosion that's occurring in this portion of the property. Massoud asked is that picking up off-site water or water from the site itself? Virbickas said the bulk will be routed to the north through a Vortechnic separator. Massoud said I heard a disturbance of approximately 7000 sq.ft.; is the restoration in that area of the direct wetlands impact, or is there off-site wetland restoration in any other portion of the site? Virbickas replied we certainly would consider restoration on other portions of the site. Massoud asked is there a sheet that details the short term erosion controls plan? Virbickas answered, yes; an erosion control plan is included. Massoud asked about the drainage shed map; the different gradations of color. Virbickas said it shows different drainage areas just to help us as engineers; the different cross hatches, the different shades. Virbickas added it does not indicate heavy flows, light flows. Massoud had a question about the 14 to 28 catch basins. Virbickas said we did take a look at the drainage sheds, where swales might be and so on, and we tried to identify where the drainage impacts on the site and on the brook were. Massoud asked graphically, can you show the location of the off site discharges as they impact the site? Virbickas said, as best we can, yes. Lees asked there is not wildlife on the site? Virbickas said actually the timing to look for reptiles and wildlife, it should be done in the Spring. Lees asked regarding the one inch runoff, is there any plans for alternatives? Virbickas said our detention basins have been designed for water quality, not water quantity. For information purposes, Virbickas referred to the Danbury topographic map; we've highlighted the brook in blue, roughly 4.5 square miles; 2900 acres of land that drains down to the reservoirs and then funnels down through the subject property; a huge drainage shed that gets funneled down. Any attempt to minimize the runoff will not have the result that anyone is looking for. There are many problems on the Padanaram Brook, not only in our concentrated area. I've lost track of what the question was, Virbickas said. Lees said I've was here in 2005 and in 2007; is there a net increases or net decrease, or is it the same. Whenever you add impervious surface, there is an increase, Virbickas replied. But according to our analysis the we've prepared, it's better to let that water flow down and into the brook, so basically what we are trying to do; if you picture the runoff as being a giant bell curve; a simplistic view. Lees asked for proper signage and seals for the storm drains. Virbickas said we can certainly add that to our plans. Derek Roy said I think we can take the opportunity to improve what we have here. Roy suggested said the engineer go for a 50 year storm or 100 year storm; what's to prevent us from doing something bigger. Virbickas said we are designing it to a 25 year storm because that is what the City recommends. Roy said a larger storm can hurt the site. Virbickas answered we can take a look at that. Roy asked for the totally impervious surface figure and pervious surface figure. Virbickas said we thought it better to consolidate rather than spread out. Mills said he just a couple of questions: you said you would dig a ditch, you want to reestablish that old ditch; would that be lined with riprap? Virbickas said the intent is to re-establish the ditch. Mills asked for cuts and fills and their yardage. Mills asked about a 32-inch pipe. Virbickas said, in this portion, I believe it's a 24-inch pipe. Mills asked where does that go to? Virbickas responded through the water quality system, but the water will go straight to the Padanaram Brook. Mills said, again, I would like to see a 50 year calculation. Another thing: the silt, sand and what have you have run down into the Brook. I would like you to address that, while you have equipment down there. Virbickas said we can certainly look into that. Gallo asked any questions?

Daniel Baroody, RS, MPH, from the Health Dept., identified himself and said there is no alternative ~~plan~~^{study}, no wildlife study, and no mitigation plan, so my department now sees this application as incomplete. Gallo asked do you have that? Lees made a motion to **table**. Second by Rose. Massoud asked may I make a couple of comments? Motion carried unanimously at 9:25 pm. Lees motioned to take a 5 minute recess. Massoud seconded the motion. Motion carried unanimously at 9:27 pm.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: NA

OLD BUSINESS:

Powell Street, Lot #105

Regulated Activity # 940

Stephen D. Surace

Assessor's Lot # I05154, RA-20 Zone.

Date of Receipt: 10/10/12.

Michael Mazzucco, PE

First 65 Days: 12/14/12.

Single-family dwelling, septic, driveway.

Second 65 Days: 2/17/13. Tabled 10/24/12, 11/14/12, 1/9/13. Extension ltr. rec'd. 12/11/12. Septic approval by Dunn rec'd. 1/23/13 & staff report by D. Baroody. Next item on the agenda 9:38 pm. Michael Mazzucco, PE, said the the CLA said they had no issues, and there was something we had to straighten out in the permit center. It's been so long. Do you have any questions? Daniel Baroody said staff recommends a summary ruling with the 5 conditions. Rose asked for a sixth condition to add a vicinity map as a condition on the plan submitted. Motion to **approve** with the 6 conditions by Rose. Mills seconded the motion. Motion carried unanimously at 9:40 pm. Mazzucco said thank you.

39 North Nabby Road

Regulated Activity # 944

Michael Henry for Henry Farm, LLC

Assessor's Lot # L06004, RA-80 Zone.

Date of Receipt: 11/28/12.

Ralph J. Gallagher, Jr., PE

First 65 Days: 2/1/13.

6.377 acres, Bernadine A. Henry, Owner.

Second 65 Days: 4/7/13. Cease & Desist Order sent 7/9/12, filling conducted without EIC permit, to appear with restoration plan and EIC application at 9/12/12 meeting for discussion. Neighbors' opposition letters rec'd. 9/10/12, 10/10/12, and 10/22/12. Soil analysis & authorization letter rec'd. 10/10/12. Site visit 10/17/12 cancelled. Gallo recommended site vigilance 11/14/12; neighbors have seen trucks. Site visit 12/11/12 cancelled (H. Moeller hospitalized 12/11/12). Gallo introduced this application. Roy made a motion to **table** this pending a site walk. Mills seconded the motion. At 9:42 pm motion carried unanimously to table to 2/13/13.

346 Main Street

Regulated Activity # 850R

Ministerio Avivar

Assessor's Lot # I13030, C-CBD Zone.

Date of Receipt: 1/9/13.

Artel Engineering Group, LLC.

First 65 Days: 3/15/13.

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Second 65 Days: 5/19/13.

Revival Church parking improvements.

Gallo introduced this item. Dan Baroody said staff asks that this be tabled. Mark Kornhaas said we have no objection to that. Lees made a motion to **table**. Second by Westney. Motion carried unanimously.

NEW BUSINESS:

20 Hayestown Road

Regulated Activity # 946

Danbury Yacht Club, Inc.

Assessor's Lot # I09079, RR-10 Zone.

Date of Receipt: 1/23/12.

R.J. Gallagher, Jr., PE.

First 65 Days: 3/29/13.

Robert Bongo

Second 65 Days: 6/2/13.

Seawall repair. Ralph J. Gallagher, Jr.,

identified himself and put his plan on the easel. He gave the vicinity of the Danbury Yacht Club, Inc., that's been there since 1931. The north seawall is being undermined and we have to put in a buttress. I showed Brian Wood (FirstLight Power), and time is of the essence as the lake is down now, so the water is now 20 feet away from this wall now. A footing buttress is proposed, and Gallagher described what prevention measures can be done to avoid future erosion. Gallagher discussed the shallow draw downs versus the deep draw down. The mason is Verissomo; he's our mason. Gallagher in another application we want to get about 20 feet to 30 feet of the boat ramp replaced. Brian Wood said we can put down a weed fabric to keep weed down. If this will entangle this application, then we will keep our application just to this retaining wall. Gallo said I will entertain motion to move this to Administrative Approval. Gallagher said the draw down always happens in March. Secretary Lee said the Candlewood Lake Authority has no problem with this; there's an e-mail from Larry Marsicano. Massoud said I have one more question. I don't have any issue with allowing Dan to put the mat down, in my personal opinion. Gallagher said that's something we can talk with Dan about. Roy motion to move this to Administrative Approval pending a copy of your filing consent (FirstLight) and Candlewood Lake Authority approval. Massoud seconded the motion. Motion carried unanimously to **move to Administrative Approval** at 9:46 pm.

8 Premium Point Lane

Regulated Activity # 93 RR

Joseph Fiscella

Assessor's Lot # K02151, RA-20 Zone.

Date of Receipt: 1/23/12.

R.J. Gallagher, Jr., PE.

First 65 Days: 3/29/13.

Shoreline, seawall improvements.

Second 65 Days: 6/2/13. Ralph J. Gallagher, Jr., again identified himself, saying with me this evening Mr. Fiscella. The property is at 8 Premium Point Lane, technically in Brookfield, but the address is Danbury, Fiscella said. You have to go into Brookfield to get there, Gallagher said. They don't allow patios, Gallagher said, per Brian D. Wood. But woodchips, pea stone or sand is okay, with some plantings around it; reconstruction of seawall, more stairs down to a beach area, even though Fiscella is part of the association, he does not have beach rights in his deed. Then can he have his own beach, and Mr. Wood had no problem with it. Some stairs, a wall on the 440 line, Gallagher said. Mills said I would like to do a site walk on this. Larry (Marsicano) has not responded yet to this. Lee asked for copy of the paper from Brian D. Wood. Massoud asked about the area now. It's wooded, not grassed now, said Gallagher. The beach will go up a small area. The rest of the area will remain as it is. What we show, and anything else, will be planted. Massoud said I would like to see some note that the wooded areas won't be turned into turf grass. Gallo asked are there any further questions? We should do a site walk, Gallo said. Gallagher said time is of the essence. We'll try to set it up before the next meeting on 2/13/13. Mills made a motion to **table**. Westney seconded the motion. Motion carried unanimously at 9:50 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

ADMINISTRATIVE STAFF ACTIONS: NA

VIOLATIONS: 73 Beaver Brook Road, Henrique Amado, filling in a regulated area adjacent to Still River. NOV sent 12/6/12. No response as of 1/9/13, mail returned 1/17/13, Sheriff notified 1/22/13. Sheriff Safranek visited tenant.

ACCEPTANCE OF MINUTES: Motion to approve the 1/9/13 meeting minutes as presented by Lees. Second by Roy. Motion carried unanimously.

CORRESPONDENCE: Aquatic Pesticide Permit Application from Stahl Holdings, LLC, dba: The Pond Connection, for weed and algae treatments at Ives Center Pond, WCSU, 53 Lake Avenue Extension.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

ADJOURNMENT:

Motion to adjourn by Mills. Second by Westney. Motion carried unanimously at 9:55 pm.

The next regular meeting of the DEIC is scheduled for February 13, 2013.