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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

Environmental Impact Commission
(203) 797-4525
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DRAFT MINUTES

APRIL 10, 2013

Common Council Chambers 7 pm

Chairman Bernard Gallo called the meeting to order at 7:04 pm. Present were Chairman Gallo, Matt Rose, Bruce R. Lees, Alt. Derek Roy, Alt. William Nicol.

Absent were Mark Massoud, Alt. Josh Reilly, William Mills, Michael Esposito, Staff present were Daniel Baroody, RS, MPH, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: Led by Derek B. Roy.

PUBLIC HEARING: NA

SHOW CAUSE HEARING: NA

OLD BUSINESS:

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 35 Days PH: 2/27/13.

Heatherwood Acres

PH Decision Req'd: 35 days after PH close. 44 residential, cluster units. Copy to S. Danzer, Ph.D. 12/11/12. Public Hearing opened 1/23/13, continued 2/13/13, 2/27/13. Site visit 2/7/13. Donation sketch rec'd. 2/26/13. Danzer report received 2/27/13. Public hearing closed 3/13/13. Cuts, fills, donation plans to Danzer 3/27/13. Bernard Gallo introduced Cotswold of Danbury, first item on the agenda. No one is here, okay, Gallo said. You commissioners, what you have in front of us: DRAFT Motion to Approve and DRAFT Motion to Deny; what's called the decision. Secretary Lee said to Gallo, louder. Gallo said we have two motions before us: the Draft Motion to Approve and one to Deny. Everyone had this yesterday. I assume everyone has read it and understands it. Sixteen conditions; does anyone have any questions on it at this time, Gallo asked. If not, what's your pleasure? Lees made a

motion to adopt the draft and to approve the EIC 943 as written by the Corporation Counsel and the EIC staff, with the sixteen conditions listed in the draft decision. Second by Rose. Motion made and seconded, Gallo said, to adopt the Draft Decision to Approve with the sixteen conditions. Any remarks, questions on anything? If not, all those in favor vote the usual way. Aye, by many voices. Opposed? The motion carries, Gallo said. Thank you.

91 Miry Brook Road

Regulated Activity # 498 R

Wooster School Corporation

Assessor's Lot # E19001, RA-40 Zone.

Date of Receipt: 2/13/13

TPA Design Group, Dave Sacco.

First 65 Days: 4/19/13.

Wooster Woods, 57-unit cluster subdivision.

Second 65 Days: 6/23/13. Site visit 4/4/13, 2 pm. Gallo introduced the next item on the agenda, 91 Miry Brook Road. We did an on-site on it, Gallo said, Dan and myself, and the project isn't even near the wetlands; they're outside the 100-foot area. Did you want to say a few words, Gallo asked. But Dan still needs some time to review this and prepare the staff report. Anybody have any questions of anybody, while we're here? Lees said, Mr. Chairman, I make a motion to table Regulated Activity # 498R to the next regular scheduled meeting on April 24th. Seconded by Westney. Motion carried unanimously. None opposed. Motion carries, Gallo said.

138 Deer Hill Avenue

Regulated Activity # 948

Tag I, LLC – Norman Buzaid

Assessor's Lot # I15118, RH-3 Zone.

Date of Receipt: 3/13/13.

M. Mazzucco, PE, .62 ac.

First 65 Days: 5/17/13.

Renovate Residence for 6 Garden Apartments.

Second 65 Days: 7/21/13. Gallo introduced 138 Deer Hill Avenue. Michael Mazzucco, PE, came forward and moved the easel, and introduced himself, representing Tag I, LLC, Norman Buzaid, for this project. Mazzucco described the vicinity on the west side of Deer Hill, just south of George Street, currently in the RH-3 Zone. There's an old residence on Deer Hill. There was a detached garage on the property shown on the maps. Still shows on the survey map, but that has since been removed, Mazzucco said. This just shows the vicinity, area map, site plan here too. This thing has been through a number of ZBA applications because of the site frontage and what they were trying to do with it. We looked at, Mazzucco continued, doing three two-family dwellings. We looked at getting two three-family dwellings on there, which required a variance. (See also ZBA 02-103, 06-92, 12-13, 12-27, EIC 871). And they went for another variance for the frontage to allow six units inside with a garden apartment in the main building. They are trying to maintain the existing building. There's a small addition proposed, Mazzucco continued, at the back. But they're going to renovate that, put six units in there, so there will be no more new buildings. Just a small addition to the existing one. And then we are just adding a parking area pretty much where the old detached garage was; and we have some grading down on the back of the property for open space. And the reason why we have an application before the commissioners, on the project that was approved

by the commission off of George Street, the same applicant, I think it was a year or two ago, was wetlands on the back parcel that, 100 feet from there. Lee asked where are the wetlands, Mike? The wetlands are actually west of the site. Mazzucco continued to describe the proposal, open space, drainage retention, the grade, parking lot, driveway. Getting back to the retention system in the rear; sort of elevated fill because of the grade; he discussed some additional storage, smaller storm events and the first flush, City water and sewer, sprinkler, fire protection line in the street. If you have any questions, I'd be more than happy to answer them. Lee asked about the fire protection line. Gallo asked about the exit. Mazzucco said originally we started working on two projects, there was some initial design of combining the two parcels and then accessing them, but I just didn't think it was right. The grades are pretty steep down in the back and sort of creates more of a problem. Gallo asked do we have any questions. Lees had a question about a loss of wetlands. Mazzucco replied no; there's no wetlands even on the site. How close are you coming to the wetlands, Lees asked. Mazzucco replied maybe 50, 60 feet. Lees, Gallo, and Mazzucco discussed what was already approved, the distance to the wetlands, and possibly referring this to staff for administrative approval. Gallo said we already approved that. Mazzucco said Bruce was just asking what's our activity relative to the wetlands that are on that site. So it's probably 60 to 70 feet away. Lees said for times sake; is it something we can move to administrative approval, or is it something staff would feel. Baroody said I don't have a problem with an administrative approval. Gallo asked if anyone had a problem with this. Lees made a motion to move to administrative approval. Second by Rose. Motion carried unanimously with no remarks or questions. Mazzucco thanked the commissioners.

26 and 30 Padanaram Road

Regulated Activity # 190R

Elmer Palma

Assessor's Lots H10126, H10128, CN-20 Zone.

Date of Receipt: 3/13/13.

Artel Engineering Group, LLC.

First 65 Days: 5/17/13.

The Waterfall Restaurant

Second 65 Days: 7/21/13. S&E, grading, topo, engineering reports, plans rec'd. 3/25/13. Staff report by D. Baroody 4/10/13. Gallo introduced this petition, saying you have a report in your packet for a summary ruling. Any questions or remarks, Gallo asked; five conditions of approval. Rose motioned to approve summary ruling Regulated Activity # 190R with the five conditions of approval. Second by Nicol. Baroody said just for discussion, when you vote on the motion, the engineer is here and he wants to describe the stormwater filtration system; there's a change in the permit. Gallo asked Baroody is it something you agree with. Baroody replied yes. Gallo said we have to vote on the motion on the floor; as long as you are in favor of what he's presenting, that's fine. Lees had a comment about improvement. Rose and Nicol withdrew their motions. Mark Kornhaas from Artel Engineering Group, LLC, said, yes, Bruce, we've actually added the stormwater treatment; we've made those changes. Rose made a motion to approve by summary ruling Regulated Activity # **190R** with the five conditions of approval. Roy said I'll second this time. Motion carried unanimously with no remarks.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: NA

NEW BUSINESS:

Bronson Road

Regulated Activity # 949

Richard Gustavson

Lots #I05075, I05076, I05077, RA-20 Zone.

Date of Receipt: 4/10/13.

Replacement single-family residence.

First 65 Days: 6/14/13.

Second 65 Days: 8/18/13. Gallo introduced this saying Mr. Gustavson is here. Gustavson said when I purchased this property about a year ago, not quite sure what I wanted to do with it. I decided that the house is not suitable for renovation; it's just too far gone; an old house. So I designed a new house. This is going to be my retirement house, and if you look at the drawings, you see a stream. We put a plan together which we got approval for through zoning. I'm here to hopefully get approval from you guys, Gustavson said. I did not want to get any closer to it, so we moved it slightly farther away. Gustavson discussed the easement and moving the house back on the property, the well-defined stream, Syd Rapp, Henry Moeller staked it, and no impact whatsoever on the stream. I've never been through this before, Gustavson said, so if there's anything I should be telling you or describing. Gustavson described what he owns. All of my neighbors liked the plan; all were in favor of it going through zoning; nice layout. Lees has questions about storm drains, the plans of the drainage layout that EIC needs to see; basically putting a building up on a piece of land is fine. Lees described the wetlands commission purpose. Lees said the thing that we really need to see is not here. Gustavson said okay. Lees expanded on what needs to be provided to the commission. Lees said it's futile explaining it now; we need a detailed plan. Gustavson said I want to make sure that I can get you what you want next time I come back. Gustavson discussed showing where the gutters will drain. Lees said hopefully they are not draining into the stream. You need to hire a professional that can help you with this, Lees said; work with staff; work with a professional. Bring us those plans. Lees told Gustavson that staff is Dan Baroody. Baroody said I'm in the Health Department. Gustavson said okay. Gallo said first time out it looks easy; there's nothing easy. Roy had a question about the sediment being channeled; move those drains as we don't want it going directly into the watercourse. Gustavson said I am going to speak with Ralph Gallagher and Dan Baroody. There are a few scrub trees, Gustavson said, and I would like to put arborvitae there or something like that. Roy said we've worked with Mr. Gallagher before. The septic system failed last year, Gustavson said, so we had to do the septic system, and we planted our arborvitae all around the back side of that. I'd probably carry that side up. Roy motioned to table # **949** to the next meeting. Second by Rose. Motion carried unanimously.

ADMINISTRATIVE STAFF ACTIONS: Administrative Approval by D. Baroody, RS, MPH, 3/27/13:

77-83 Mill Plain Road, Regulated Activity # **932 R**, Public Storage (D14032), Permit modification, Building C grading plan, CA-80 Zone. Baroody explained that this was a permit modification; they moved the storm drain, in answer to Lees. Public Storage finally built it out, Baroody said, and this is one of their last tweaks, if you will. It's all stabilized; their engineer has given us a certification, Baroody said.

ACCEPTANCE OF MINUTES: 2/27/13 Meeting: Lees motioned to accept these minutes as complete. Second by Mills. Motion carried unanimously.

3/13/13 Meeting: Lees motion to accept these minutes as complete. Second by Nicol. Motion carried unanimously.

There was no EIC meeting on March 27, 2013.

CORRESPONDENCE: Aquatic Pesticide Permit Application from Stahl Holdings, LLC, dba, The Pond Connection for Lake Wackawana, 17 Allen Road.

CT DOT Application to DEEP for General Permit for Water Resource Construction Activities at I-84, interchanges 5 and 6 improvements, upgrade stormwater management systems. That's all we have, Gallo said.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

ADJOURNMENT: Motion to adjourn by ^{Nicol} Mills. Second by Rose. Motion carried unanimously at 9:04 pm. Gallo said thank you.

The next regular EIC meeting is scheduled for April 24, 2013.