



CITY OF DANBURY
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Environmental Impact Commission
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DRAFT MINUTES
February 12, 2014

7 PM
 City Council Chambers

Chairman Bernard Gallo called the meeting to order at 7:03 pm. Present were Gallo, William Mills, Michael Esposito, Craig Westney, Alt. William Nicol, Alt. Derek B. Roy. Absent were Matt Rose, Mark Massoud, Bruce R. Lees, Alt. Josh Reilly. Staff present were Daniel Baroody, RS, MPH, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: Led by William Nicol. Gallo reminded commissioners about correct use of microphones.

EXECUTIVE SESSION: NA

PUBLIC HEARING: NA

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: NA

OLD BUSINESS:

14 Lake Terrace Drive
Mary Janet & John DeVito

Regulated Activity # 971
 Assessor's Lot # J03106, RA-20 Zone.

Date of Receipt: 1/8/14 Garage expansion, remove driveway grade, landscaping.
 First 65 Days: 3/14/14. Cedar Terrace. See also ZBA **13-48**.
 Second 65 Days: 5/18/14. CLA comments rec'd. 2/3/14 & 2/10/14. Revised
 planting plan rec'd. 2/10/14. Staff report by D. Baroody 2/11/14. Gallo introduced
 this item. We did not do an on-site due to weather conditions, but we don't want to hold this
 up any longer. Gallo said a motion to approve is in order. Esposito made a motion to
 approve # **971**. William Mills seconded the motion. The motion to **approve** by summary
 ruling passed unanimously.

97 King Street
Pondview Development, LLC

Regulated Activity # 972
 Assessor Lot #B06006, RA-80 Zone.

Date of Receipt: 1/22/14. Twelve-lot SF residence subdivision, wells, septic.
 First 65 Days: 3/28/14. Artel Engineering Group, LLC. 38 ± acres.
 Second 65 Days: 6/4/14. Revisions, deed, maintenance rec'd. 1/30/14.
 Danzer preliminary report rec'd. 2/12/14. Gallo introduced this item as Darius Virbickas,
 PE, put the plan on the easel at 7:05 pm. Gallo said we had this before. Virbickas
 introduced himself. At our last meeting, you requested that we prepare and submit

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BY:

additional information, and to that end, it is in the packet that everyone should have. There are cross sections of the detention basins. We put signage up for walkers in the woods about the conservation area; basically on our overall map, there is a note stating that there shall be no activity beyond this point; 19 of those signs at 75-foot intervals. If additional signs are needed we will supply them, of course. The commission asked for a maintenance schedule for the homeowners' association for the storm drainage system, plus a declaration of the homeowners' association and the warranty deed for the property, Virbickas continued. Earlier today we did receive a report from Dr. Danzer; he's commenting on our comments. Derek Roy is here, Gallo said. Attorney Neil Marcus took the mic, and said Danzer's report is not too problematic for the most part. Marcus said Danzer said the jurisdiction of the EIC should not be limited. The plan does not contain any significant impact. On page 2, Danzer tends to agree with that: no significant impacts are proposed. He agrees with Jodie Chase. He has a problem with the word possibilities. Marcus said he can take a second look at the site when the weather is better; we just have to figure out how to do that. There is no state statute limiting the time of year for EIC applications under the Wetland and Watercourses Act; it goes year round. Marcus suggested you might consider as a condition of approval to allow Danzer to take a second look when the weather is better to confirm our findings, or to make recommendations for subsequent conditions. Marcus discussed the design, the open space, the importance of this wetland, and no significant impact. We don't think we have a dispute. You consider dealing with Danzer's issue; either confirm the reports are accurate or make reasonable recommendations for subsequent findings. I suggest that that is the way we might want to handle that. Gallo said regarding page 1, item 1, a., we are going to show that to corporation counsel. Gallo said we plan going out when the weather allows it. Marcus agreed sending Danzer's report to Corporation Counsel is an option. Gallo said we like to do a site visit. Marcus said I don't have an argument with this report. Virbickas said we did address that at the last presentation; the majority of work proposed is well beyond the 100-foot setback; some minor grading. There is a stone wall running east and west on the property; yet another buffer. Westney said I would not mind seeing that. Roy asked about the cross sections. Gallo said you got here late. Virbickas said absolutely, the easements, access to the detention basins, the maintenance plan, the level spreader 180 feet wide. Gallo said we had gone over that earlier. Virbickas showed the 100 scale map for Westney on the easel, noting the green highlighted line is the wetland; the yellow line is the 100-foot setback. No wetlands, of course, are being disturbed or lost, Virbickas said. Virbickas said here I've rotated the map. There are a couple of little areas that will be septic systems and grading. There is a little wetland island on the west side. If you wish, Virbickas said, this depicts the detention basin and level spreader, and backwards, the accessway to the detention basin and our cul de sac. Westney asked what was square footage of wetlands disturbed? Virbickas answered roughly about 3500 to 4000 sq.ft. of upland review area. Westney asked what is the plan to limit the lawn area once the house is sold; what's to prevent someone from going into the wetlands. Virbickas replied there could be some kind of easement, and he reminded everyone of the stone wall. Westney asked is it wooded back there? Virbickas said it's all wooded. Virbickas described the property. Westney asked what is the square feet being cleared to make room for the homes? Virbickas said I don't know. There's no reason to go for any further encroachment into that area, and our client is adamant. Westney said thank you; very good. Dan Baroody said based on Danzer's report, the commission could waive the requirement for a public hearing. Gallo said I don't think we need one. William Mills made a motion to **table** until the 2/26 meeting. Second by Roy. Motion carried unanimously at 7:24 pm.

NEW BUSINESS:

**50 Beaver Brook Road
JBD Properties, LLC**

Regulated Activity # 601RR
Assessor's Lot # K12274, IG-80 Zone.

Date of Receipt: 2/12/14. Contractor's office, garage, equipment storage yard.
First 65 Days: 4/18/14. B. V. Doto, III, PE.
Second 65 Days: 6/22/14. D'Entremont revisions. Gallo introduced this next item, # **601RR**, a contractor's office, garage, and equipment storage. Ben Doto, PE, came forward with a plan on the easel and introduced himself and his address. This was originally approved by you guys (in 2005 and 2011) a few years ago, Doto said. This commission approved it. There have been some changes to the building that I wanted to bring in front of you. Doto showed the plan the EIC had already approved with the carport. We had a site walk back then. The conservation easement has already been recorded. The car port goes away, Doto continued. The garage is now a garage-office, so we needed to add some additional parking. We are also adding landscaped islands, striping the pavement, and now there will be sewer service and water service, and a new sign for the front yard. Basically it's the same plan as 8 or 9 years ago, Doto said. They have occupants for it now, thus the changes. It's really simple. Roy made a motion to move # **601RR** to staff for Administrative Approval. William Mills seconded the motion. Motion carried unanimously to **move this to Administrative Approval** at 7:29 pm. It's being done as Administrative Approval in Planning as well, Doto said.

**147-153 Middle River Road
William Lavelle**

Regulated Activity # 973
Assessor's Lot # C10052, RA-40 Zone.

Date of Receipt: 2/12/14. Six lot residential subdivision, driveways.
First 65 Days: 4/18/14. Wells, septic systems, two wetland corridors.
Second 65 Days: 6/22/14. Gallo introduced Middle River Road. William Lavelle, and Nancy Levesque, PE, came forward and put the plan on the easel. Levesque introduced herself as an engineer with CCA, LLC, in Brookfield. The site is approximately 14 ½ acres, and she described the two frontage roads. There are approximately 1.44 acres of wetlands on the property and most of that is being preserved. Levesque discussed the disturbance, the rain gardens, less than one acre of impervious surface; only driveways and single-family homes, on 14 ½ acres, with individual wells and septic systems. Gallo said Middle River and Judith Drive. Roy asked what alternatives were explored. Levesque replied access from Judith Drive, but that would create more impact. Another alternative was flag lots off of Judith Drive, a couple of longer driveways, but this is staying further away from the wetland. We had enough frontage to meet zoning regulations, Levesque said. Mills said I would like to do a site walk; I would like the wetlands to be flagged; what mitigation is proposed for the disturbance; the pre-cast arch to span the wetlands, (see letters dated 7/30/13 and 2/10/14 from Environmental Planning Services to CCA, LLC). You have copies of all these things, William Mills asked? Levesque replied yes. Roy asked how high is that; how long is that; how much filling is proposed to the back of lot 2, the southeast corner? There appears to be a retaining wall. Levesque answered we are not proposing any filling there. Derek Roy said I see that now on the plan C-1. C-1 and C-2 shows the grading, Levesque said. Derek Roy added I'd like to see that on the site walk as well. Craig Westney asked for a clarification on the wetland disturbances. Levesque described the disturbances on lot 1, lot 2; a proposed arched pipe there, then it crosses the yard of this lot and enters the City drainage system within 200 feet of this lot. Craig Westney asked on lot 1, sheet C-2, is this the remaining tree line? The limit of clearing, Levesque replied. Derek Roy commented we are building a house essentially on top of the wetlands. Levesque responded at the easel about the lot 1 wetland. The driveway for lot 2 is where the culvert comes in, Levesque

clarified. Derek Roy said I suppose an one-site (visit) would answer some questions. There were no further questions. Nicol made a motion to **table**. Second by William Mills. Motion carried unanimously at 7:40 pm.

**50-56 Payne Road
A & J Construction**

Date of Receipt: 2/12/14.

First 65 Days: 4/18/14.

Second 65 Days: 6/22/14. Gallo introduced Payne Road at 7:41 pm. Nancy Levesque, PE, from CCA, LLC in Brookfield came forward again. This was previously in front of the commission, she said, and we have resubmitted with the considerations from Dr. Danzer. The silt fence in question was replaced, and the concerns from the last time have been addressed (see EIC #959 for 50-58 Payne Road withdrawn 12/11/13, and SP #02-10). We've discussed the proposed materials on site, plus one difference: the applicant is also proposing a storage sales area as well; a retail sales area, outside of the regulated area. The area is already being used as material storage; a change of use, and this would help as a buffer for the neighbors, and would keep the heavier storage in the rear. Gallo said last time there was some question as to what is to be stored. Levesque replied we have addressed all that is to be stored. William Mills asked is there any proposed activity within the red area? Levesque said the only area significantly changed is the front. Plantings and shrubs and slope plantings are specified. Derek Roy asked about the oil/water separator. Levesque said it's the new model 3000 separator. She continued describing the layout of the proposal for William Mills. That new model is shown on the new plans. This is the new drawing. Gallo said to Levesque, we cannot accept anything from the old proposal. William Mills said I would like to do a site walk again, because it still is not clear in my mind. Levesque said I believe the markers are still there: permanent 4 x 4 posts. Weather permitting, Gallo said, we'd like to do a site visit as soon as possible. Motion to **table** by William Mills. Second by Craig Westney. Motion carried unanimously at 7:49 pm.

Regulated Activity # 974

Assessor's Lot # M12009, IG-80 Zone.
Construction materials storage area.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: This has been for us before, I believe, Gallo said. The Army Corps of Engineers is already involved, and there will be Show Cause Hearings on the 26th of this month. No special session, Gallo said. Everyone knows what's going on.

65 Beaver Brook Road, Rose P. LoStocco, Army Corps of Engineers, 12/20/13.

67 Beaver Brook Road, Rose P. LoStocco, Army Corps of Engineers, 12/20/13.

73 Beaver Brook Road, Henrique Amado, Army Corps of Engineers, 12/20/13.

75, 79, 83, 85 Beaver Brook Road, Joseph LoStocco III, Army Corps of Engineers, C & D Order, 6/25/13.

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: January 22, 2014, Meeting. Motion to accept these meeting minutes as presented by William Mills. Second by Will Nicol. Motion carried unanimously at 7:51 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE: NA

ADJOURNMENT: Motion to adjourn by Michael Esposito. Second by Derek Roy. Motion carried unanimously at 7:52 pm. Thank you, Bernard Gallo said.