

DRAFT MINUTES
February 26, 2014
7 PM
City Council Chambers

Chairman Gallo called the meeting to order at 7:03 pm. Present were Gallo, William Mills, Mark Massoud, Matt Rose, Michael Esposito, Alt. Will Nicol, Alt. Derek Roy. Absent were Craig Westney, Alt. Josh Reilly, Bruce Lees. Staff present were Daniel Baroody, RS, MPH, and Secretary Patricia Lee. Gallo reminded the commissioners on proper use of the microphones.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chairman Gallo.

EXECUTIVE SESSION: NA

PUBLIC HEARING: NA

SHOW CAUSE HEARINGS FOR CEASE & DESIST ORDERS:

Deposition of materials, Still River, four C & D Orders mailed 2/19/14:

65 Beaver Brook Road, Marvin E. Merrill, 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.

OLD BUSINESS:

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 received 1/30/14.
Baroody preliminary report 2/12/14 received. Site visit when? Gallo introduced this item as Tony Lucera and Attorney Neil Marcus and Dainius Virbickas, PE, came forward. Marcus said the maintenance agreement and deeds and conservation area have been submitted, based on 12 homeowners. There is still a foot of snow out there. There were two feet, Marcus said. We suggest that EIC possibly take action on the application tonight with the condition that EIC go out there in the spring, in as much as we don't have any impact whatsoever on the wetlands. Mark Massoud arrived 7:05 pm. Dan Baroody said we had a meeting with Corporation Counsel, and we do have time to table this and wait for the

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2014 MAR 17 P 2:02

BY:



weather to break. Gallo said we need it flagged. It is flagged, Lucera said. There are no buildings close to the wetlands, Lucera said; it's 100 ft away from the conservation line. Gallo said it might be helpful to stake the 100-foot area. Lucera said okay. Mark Massoud and Matt Rose are now here, Gallo said. Virbickas and Marcus looked at the plans on the easel. Derek Roy is here also, Gallo said. Virbickas said the closest house to this little wetland is 120 feet away. As soon as the weather breaks, we will get right out there. Esposito made a motion to **table**. Nicol seconded the motion. Motion carried unanimously at 7:09 pm.

**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. 2/26 Table till site visit. Copy to Steve Danzer,
Ph.D. on 2/27/14. Gallo introduced this Middle River Road application, adding they sent a letter requesting we **table** this. Mills made a motion to table. Second by Esposito and Nicol. Motion carried unanimously at 7:10 pm.

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

Regulated Activity # 974
Assessor's Lot # M12009, IG-80 Zone.
Construction materials storage area.
N. Levesque, PE, CCA, LLC

Date of Receipt: 2/12/14. Table 2/26/14 till site visit. Copy to Dr. Danzer
First 65 Days: 4/18/14. 2/17/14. Gallo introduced # **974**, and Nancy Levesque, PE, from CCA, LLC, came forward. Levesque identified himself. This was before the commission last fall, and we withdrew and resubmitted it with some modifications. Levesque said we are just waiting for the site walk. There are virtually no regulated activities, Levesque said. Nancy put the plan on the easel. Gallo said, Bill, did you have some questions on this? Mills asked how far will the stockpiles be? My question is how far from the wetland area will it be stored. Up on the top level? Nancy said our previous proposal included extending the drive in the back and expanding the storage area. There will be a concrete block barricade proposed. We are within the regulated area; with some of the storage at the rear of the site, but mostly outside in front of the site. Mills said mark the back area where you are going to put the barrier. Nancy Levesque showed where they are grading almost up to the wetland markers. We did walk the site previously; basically we are grading up and providing more plantings as Mr. Baroody recommended. Mills told her what he thought the storage would be. Nancy Levesque said we have not changed the proposal; there is always a bit of storage before you run the processing. Mills asked about the detention basin in the back area. How close is the driveway to the detention basin? Levesque replied about 20 feet. Mills said we should go out and do a site walk to clarify; put some stakes in the ground; show how wide the driveway will be, and how steep a pitch it will be. Roy and Levesque said 12%. Nancy Levesque said to bring the stuff back and farther. Gallo confirmed what Mills is requesting. The other markers are permanent markers, Nancy Levesque said. Mark Massoud asked about the drainage relationship to the wetlands to the rear. Levesque described the water train, the galley system, the separator. It's in place now, she replied to Massoud. Gallo asked is there anyone else with questions? Motion to **table** by Nicol. Second by Mills. Motion carried unanimously at 7:19 pm.

NEW BUSINESS:

75 Beaver Brook Road Joseph III & Francine LoStocco

Date of Receipt: 2/26/14.

First 65 Days: 5/2/14.

Second 65 Days: 6/29/14.

While you are setting up, I'd like to show some pictures, Gallo said to the commissioners. Doto put his plan on the easel at 7:20 pm. Doto introduced himself, saying I am here for Joseph and Francine LoStocco, and hopefully by the end of the meeting we'll have these addresses clarified. I will go over a brief history, Doto said. Gallo said represent the one you're representing. There is 83 and 85 that are listed, a couple of houses down the road, Doto said. The Army Corps of Engineers got involved; there are lots of LoStocco's on the street, and a lot got caught in the drag net here. Doto described 75 Beaver Brook Road. The Still River is to rear; the house is up by the front. The house is inhabited; it's in the IG 80 Zone, a pre-existing lot. There was some activity there last summer, and it's located about 10 to 12 feet above the Still River; Hiro called it a "debris area" on the plan. The LoStocco's contacted me in June. I sent Chairman Gallo a letter, sent a surveyor out there, and I prepared a mitigation plan. There was a delay because the Army Corps of Engineers started sending some letters; they wanted to have a site walk in the fall. Then the government shut down, Doto continued. Everything I've submitted to you I've submitted to them (A C of E). It is adjacent to LoStocco services yard; that's been there forever. We are here for what was done last summer. This is a 1" = 10 feet scale. It's above the river. It is a shady area, so it's challenging trying to get things to grow there. I hired Ellen Hines (landscape architect), and basically what we are going to do is to pull back some of the debris, and get the grade back to what was pre-existing. It's concrete block, and some soil. Doto continued, pull it back, scarify the area, put down a fabric stapled onto the bank, plant it with a combination of trees and shrubs, which Doto listed, and shredded hardwood mulch. The upper area will be seeded with a combination that is shade tolerant, to get it back to what it was and even better. We did not want to just seed it or armor it. I would be happy to answer any questions, Doto said. And help me understand why these other addresses are listed here. Gallo answered because there is debris back there. Doto asked who is the driving force? Baroody said we are working with the Army Corps of Engineers, and as you said, it was shutdown; you are still on their radar. Gallo said we thought there would be something started by now. Doto said there was supposed to be a site walk that never happened. They'd prefer that the work be done in late spring, Doto said. Massoud asked about the photos that were viewed and asked Ben to pick out the ones. This looks like it's 75, Doto said. (Secretary Lee starred that photo.) Derek Roy asked who owns 83 and 85? Doto said I wrote it down. We still have to figure out who owns 83 and 85; the goal is to clean up the entire area. Doto said Francine and Joseph LoStocco. Joseph LoStocco III has four properties, Gallo said. Baroody and Doto looked at the disturbance area plan. That is the tax map. Doto said I'll have to clarify the map. There are similar ownerships, but not identical. Doto said it is my understanding that the work on 79 had been there. Baroody said 79 is part of our Cease & Desist Order. 83 and 85 were picked up off of the Army Corps of Engineers orders. Baroody said on 83 and 85 there's no disturbance. Roy said we also need to see a mitigation plan for 79. Doto agreed. If the Army Corps of Engineers is saying it now, it's something we will deal with, Doto continued. The stuff on 79 you can see has been there 10 to 20 years; there are trees growing through it. Doto said it would be a big help if we could talk to Rose; she was calling the zoning office. We are not trying to hide anything; we are trying to fix it. Massoud said just because it's been there for 10 or 20 years does not mean it does not have to be cleaned up. Doto agreed. Baroody said that's the older stuff; 75 is the stuff that looks new. Roy asked do we need to amend our Cease & Desist Orders, and set up a meeting with the Army Corps of Engineers? Doto replied I need to take a look at it too, Derek; let me go

Regulated Activity # 975

Assessor's Lot # K11141, IG-80 Zone.

Excavation, fill restoration, mitigation.

Benjamin V. Doto, III, PE.

and see myself. Roy said it's rough. The complaint went to both, Baroody and Gallo said. Massoud asked how this came to come on the site. Doto replied I have no idea. It's construction debris; it could have come from anywhere, Mark. Massoud discussed who may have done the dumping. Doto said they have always had a flooding issue, so they may have been extending the berm. Gallo said you guys will check with the Army Corps of Engineers and check 83 and 85 and 79 too. Doto said there was some confusion over the notices. Gallo asked are there no further questions? Roy made a motion to **table**. Second by Massoud. Motion carried unanimously. Doto said I'm borrowing Pat's photos at 7:40 pm.

**18-20 Padanaram Road
18-20 Padanaram Road, LLC**

Date of Receipt: 2/26/14.

First 65 Days: 5/2/14.

Second 65 Days: 6/29/14.

Gallo introduced # 403R and Ralph Gallagher, PE, identified himself. This is 1.85 acre parcel between Elmer's Diner and Burger King; right where the Padanaram Brook crossed under the North Street Shopping Center. Gallagher described what exists there. They want to convert the house to a commercial office building, create an entrance, add a handicapped ramp on the north side of the building, and catch the water, treat it, and disperse it into the ground. It discharges just before the head wall that goes under the road. The entrance is already paved, Gallagher continued. Stormwater galleries are proposed, and pave what is gravel. No grading and no earth moving are proposed, Gallagher said. We respectfully request that it be remitted to Administrative Approval. If you have any questions I can answer them, Ralph Gallagher said. Roy made a motion to **move to Administrative Approval**. Matt Rose and Nicol seconded. Motion carried unanimously at 7:45 pm. Motion carried, Gallo said.

Regulated Activity # 403R

Assessor's Lot # H10123, CN-20 Zone.

Paving, parking, stormwater management.

R. Gallagher, Jr., PE

**8 Pocono Point Road
William Joyce**

Date of Receipt: 2/26/14.

First 65 Days: 5/2/14.

Levesque, PE, of CCA, LLC, came forward again. The proposed project is Pocono Point Road; 1.2 acres in the RA-20 Zone. The proposal is to replace the existing house and garage and replace them, plus new septic, driveway, and roof rechargers. FirstLight and the Candlewood Lake Authority have also been notified. There is a common driveway off the road, and they intend to bring in the new driveway via the common driveway that also serves another home. They want to change out the dock; they would like to do a concrete dock and stone dust pathways down to the Lake. The proposed septic system is in the northwest area of property. It is on public water, and private septic. Are there any questions, Gallo asked. Roy asked what's a roof recharger? It's a cul teck unit, similar to a septic system, Levesque replied, to retain the water, then recharge it into the ground. A holding tank, Gallo said. Very similar to how a septic system works: stone in the bottom, water will recharge in to the ground at a slower rate. It does detain it; hold it back, Levesque said. Roy asked can it handle a large storm event. Levesque replied it can handle a 25 year storm. Levesque added it's becoming more and more common; this is another alternative, like a rain garden, to handle the roof runoff. Massoud asked about the status with FirstLight. We are waiting to hear back from them, Levesque said. It was sent 2/11/14, and we have not heard back from them at this point. Massoud asked is there a landscape buffer to the Lake. Nancy said there is a tree line only in this vicinity, and the septic system and the reserve. Massoud stated the balance of the site is then lawn, I take it. Levesque replied no landscape plan has been proposed so far; their concern has been the house and septic, and the dock. I'm sure there will be plantings proposed, she said.

Regulated Activity # 976

Assessor's Lot # K02008, RA-20 Zone.

SF dwelling, septic, driveway, utilities, dock.

S. Sullivan, PE, CCA, LLC. Nancy

Massoud said in our opinion as part of the approval process, a landscape or buffer plan should be made a part of this approval. I think that FirstLight has released some guidelines for enhancement and buffer areas. Derek Roy said we will work, the three of us, with FirstLight and the Candlewood Lake Authority and us. Massoud said actually FirstLight is the owner of the property and they will ask for a permit from the inland wetlands agency. Gallo asked anyone further? Motion to **table** by Esposito. Second by Nicol. Motion carried unanimously at 7:56 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS:

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: February 12, 2014, Meeting. Massoud said at the last meeting, the language used by Dainius Virbickas was upland review area versus actual wetland loss, as Craig Westney asked at that meeting, on the #972 application for 97 King Street. Gallo asked Baroody if he remembered. Baroody said it was a buffer loss, not a wetland loss. Roy said my notes say there were no wetlands lost. Motion to amend slightly the minutes regarding # 972 testimony, Roy said (upland review area). Motion to accept the amended minutes by Roy. Second by Mills. Motion carried, with the amended language (before the upland review area). Mills seconded the motion. Gallo summarized the minutes to be amended. Motion carried unanimously at 8 pm.

Marvin Merrill is here from 65 Beaver Brook Road, Gallo said. Marvin Merrill came to the mic. I had no idea what this was about until I came in and saw some photos, Merrill said. It is my property, but 12 to 15 years ago I rented it to Ralph LoStocco. He's passed away now. I had no idea what was going on. LoStocco still rents it now. He asked me if he could put some dirt there; level it off, to put some trailers on. We shook hands on it, Merrill said. We are talking about the same property, Gallo and Merrill agreed. They rent out the storage trailers, and the tenants dumped stuff, but it got pushed over to the Board of Education property. Baroody showed the photo with the Board of Education property is right here. Disturbed Area C, Baroody said. Massoud said the trailers are still there and rented as storage. LoStocco still rents my property, and he rents out the trailers, and they dump on my property and it got pushed over to the school. Gallo asked if Merrill could meet with staff in the Health Department. Merrill said I have no idea what to do. I'm on social security; I can't do anything. Make an appointment with Dan Baroody in the Health Department. It will probably go to Corporation Counsel, Gallo said. We are just trying to get it cleaned up. Mills said set up a meeting with Baroody.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE: Mazzucco's Payne Road, Bethel Conservation Commission/ Inland Wetland Agency, CT, letter re: adjoining municipality, dated 1/20/14.

Aquatic Pesticide Permit Applications:
Connecticut Pond Services-Miller-Stephenson Pond, 55 Backus Avenue.
Connecticut Pond Services-Tarrywile Lake, Tarrywile Lake Road
Lycott Environmental, Inc.-Swan Lake, 200 Greenlawn Drive.

Gallo described the correspondence that everyone has in their packets. Do you want to see the plans on Payne Road (Bethel Conservation Commission/ Inland Wetlands Agency, from Michael J. Mazzucco, PE)? Baroody said we can ask for plans and review them, and comment back. It's a sensitive area, Payne Road, Baroody said. Mills agreed we should ask to see the plans.

ADJOURNMENT:

Motion to adjourn by Rose. Second by Roy. Motion carried unanimously at 8:08 pm.