



CITY OF DANBURY
155 Deer Hill Avenue
Danbury, CT 06810

Environmental Impact Commission
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DRAFT MINUTES
March 26, 2014
7:00 PM

City Council Chambers

Chairman Bernard Gallo called the meeting to order at 7:06 pm. Present were Gallo, Bruce R. Lees, Matthew Rose, William Mills, Alt. William Nicol, Alt. Derek B. Roy. Absent were Craig D. Westney, Alt. Josh Reilly, Michael Esposito, Mark Massoud. Staff present were Daniel Baroody, RS, MPH, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: Led by Derek B. Roy.

PUBLIC HEARING: NA

SHOW CAUSE HEARINGS CLOSED FOR CEASE & DESIST ORDERS: NA

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 rec'd. 1/30/14.
 Danzer preliminary report 2/12/14 rec'd. Site visit 3/18/14, 1:30 pm, Tuesday. Danzer
 2nd report rec'd. 3/24/14. Response & revisions rec'd. 3/25/14. Staff report by Dan
 Baroody 3/26/14. Gallo introduced this item at 7:07 pm. Dainius Virbickas, PE, took the
 mic on behalf of the applicant. At the last meeting, we set site walk, and did go for site
 walk, with 2 commissioners, Mr. Baroody and Dr. Danzer. We responded to the new report
 and made some modifications; we'll put the EIC signs up and away from the wetland a little
 bit. Subsequent to that we received staff comments and review, and we are in agreement
 with all comments that were made, Virbickas said. Gallo asked any comments? There were
 no comments. Motion to **approve** with the 9 conditions by Roy. Second by Nicol. Motion
 carried with 9 conditions unanimously at 7:10 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. Site visit 3/25/14. Copy to Danzer 2/27/14.
 Request to table rec'd. 3/26/14. Gallo said we did do an on-site & they asked to table
 again. Lees made a motion to **table**. Second by Mills. Motion carried unanimously.

**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.

Request to table rec'd. 3/26/14. Motion to **table** by Lees. Second by Mills. Motion carried unanimously at 7:12 pm.

Regulated Activity # 974

Assessor's Lot # M12009, IG-80 Zone.

Construction materials storage area.

N. Levesque, PE, CCA, LLC

Table till site visit. Copy to Danzer 2/17/14.

**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. Gallo introduced this. They need more time. Nicol made a motion to **table**. Second by Lees. Motion carried unanimously at 7:13 pm.

Regulated Activity # 975

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

Excavation, fill restoration, mitigation.

B. V. Doto, III, PE.

**8 Pocono Point Road
William Joyce**

Date of Receipt: 2/26/14.

First 65 Days: 5/2/14.

Second 65 Days: 6/29/14.

Request TABLE to 4/9/14, per CCA. Gallo reiterated we've been asked to table this also. Lees made a motion to **table**. Second by Roy. Motion carried unanimously till 4/9/14.

Regulated Activity # 976

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

SF dwelling, septic, driveway, utilities, dock.

S. Sullivan, PE, CCA, LLC

NEW BUSINESS: NA

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: **155 Long Ridge Road**, Edward Bramson, Lots #I24011, I23012, I23011, I23015, I24003, RA-80 Zone, Cease & Desist Order sent 11/4/13 to NYC. Copy of communication to Army Corps of Engineers from Neil R. Marcus, Attorney at Law, rec'd. 2/28/14. Shall file modifications 3/17/14.

Deposition of materials, Still River, four C & D Orders mailed 2/19/14; Show Cause Hearings closed 3/12/14:

65 Beaver Brook Road, Marvin E. Merrill, Army Corps of Engineers, 12/20/13, keep the Cease & Desist Order in force.

67 Beaver Brook Road, Rose P. LoStocco, Army Corps of Engineers, 12/20/13, to Corp. Counsel per 3/12/14 vote.

73 Beaver Brook Road, Henrique Amado, Army Corps of Engineers, 12/20/13, to Corp. Counsel per 3/12/14 vote. Mail returned 3/25/14, unclaimed.

Everything is listed here, Gallo said and he read the violations listed above. Baroody said tonight from Atty. Marcus I received the restoration plan for 155 Long Ridge Rd. We will review it and contact the Army Corps of Engineers also. Ben Doto is working on #975, Gallo and Baroody said. Gallo said the green card came back undelivered from Amado. We'll have to consult with Corporation Counsel, and if he's out of state, serve him by some other means of service. Roy asked the nature of Amado's violation. Baroody said it's along that stretch of the river. Mills asked about all these on Beaver Brook Road. Baroody

responded Marvin Merrill was here twice. His story is that he leased the back side of his land for shipping containers, and he's saying that they are the ones that deposited the fill, but I told him he's responsible. We had a meeting on site, in response to Mills. Baroody said he's appeared and we did a site visit. I would say he's working with us. 67 and 73 are being referred to Corporation Counsel. 79 and 83, Roy said, we agreed that those properties were not involved. Anything further, Gallo asked?

ADMINISTRATIVE STAFF ACTIONS:

18-20 Padanaram Road, Regulated Activity # **403R**, 18-20 Padanaram Road, LLC (H10123), Paving, parking, stormwater management, Administrative Approval by D. Baroody 3/5/14, CN-20 Zone.

Shoreview Lane, Regulated Activity # **909R**, Shoreview Estates Homeowners' Association (H08067), Jetty improvements, erosion controls, patio, Administrative Approval by D. Baroody 3/17/14, RA-80 Zone.

50 Beaver Brook Road, Regulated Activity # **601RR**, JBD Properties, LLC (K12274), Contractor's office, garage, equipment storage yard, IG-80 Zone.

1 Cherokee Drive, Regulated Activity # **977**, Pandolfi Builders, LLC (D05035), Single-family residence, septic, driveway, well, RA-40 Zone.

Gallo asked any questions on any of these? Mr. Baroody? There were no questions or remarks.

ACCEPTANCE OF MINUTES: March 12, 2014, Meeting. Motion to accept these minutes as presented by Lees. Second by Nicol. Motion carried unanimously with no additions or subtractions.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE: Aquatic Pesticide Permit Application, Northeast Tree, Pond & Turf Service, Inc., to treat 22 Shelter Rock Lane, Shelter Rock Business Center, LLC, for algae, Chara, Potamogetons.

Booklets from Cuddy & Feder, LLP, re: New Cingular Wireless PCS, LLC (AT&T) proposed wireless telecommunications tower facility for Danbury FCI; pursuing approval from U.S. Bureau of Prisons, dated 3/13/14. Lees said should I exclude myself. Baroody said it's basically for a cell tower on the prison property. It was denied. They wanted support from City agencies, Baroody said.

Before we adjourn, Mills asked can we schedule some site walks on some of these items? Baroody said we are talking about Tuesday (4/1/14) for site walks. Payne Road and so on, Mills said.

ADJOURNMENT:

Motion to adjourn by Lees. Second by Nicol. Motion carried unanimously at 7:24 pm.

Respectfully submitted,
Patricia Lee, Secretary