

**ENVIRONMENTAL IMPACT COMMISSION**

**City of Danbury  
DRAFT MINUTES**

**April 23, 2014**

**7:00 PM**

City Council Chambers

**ROLL CALL:** Chairman Bernard Gallo called the meeting to order at 7:04 pm with a four-person board. Present were Gallo, Michael Esposito, Mark Massoud, Alt. Will Nicol.

Absent were Bruce Lees, William Mills, Alt. Derek B. Roy, Alt. Josh Reilly, Matthew Rose.

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

**PLEDGE OF ALLEGIANCE:** Led by Will Nicol at Gallo's request.

**EXECUTIVE SESSION:** NA

**PUBLIC HEARING:** NA

**OLD BUSINESS:**

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

**Regulated Activity # 973**  
Assessor's Lot # C10052, RA-40 Zoning

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DANBURY TOWN CLERK

2014 MAY 15 P 5 39

BY: 

Date of Receipt: 2/12/14.

First 65 Days: 4/18/14.

Second 65 Days: 6/22/14.

2/27/14. Danzer report received 4/8/14. Extension letter received 4/23/14.

Chairman Gallo introduced this Middle River Road application, and Neil Marcus, Atty. came forward and identified himself and his firm. At the last meeting, Marcus said, Nancy Levesque, PE, from CCA, LLC, responded to some of Danzer's comments.

There was in addition a request that we consider for some of those lots that will be cleared, that we consider a conservation easement. Then we came up with the idea of a restrictive covenant. They are really pretty simple, Marcus continued. That "The deeds pertaining to lot 3, 4, 5, and 6, shall incorporate the following restrictive covenant: Prior to any land disturbance in the 100' strip running parallel to and easterly of the westerly lot line the Grantee shall file its plan with the Danbury Environmental Impact Commission demonstrating that such land disturbance will have no adverse environmental impacts on the adjacent wetlands. The deed pertaining to Lot 2 shall incorporate the following restrictive covenant: Prior to any land disturbance in the 35' strip parallel to and lying westerly of the easterly lot line, the Grantee shall file its plan with the Danbury Environmental Impact Commission demonstrating that such land disturbance will have no adverse environmental impacts on the adjacent wetlands." That seemed to be what was the concern: if

someone later wanted to put in a tennis court or a pool, this commission ought to have the opportunity to sound off on it, Marcus said. All the other recommendations by Danzer have now been incorporated into the plan. Regarding the precast arched pipe to span the driveway, Levesque said we will work with staff, whatever they want us to install under the driveway. Marcus continued these are relatively large lots; there's a fairly small area of wetlands on the parcel, and we are keeping away from the regulated area. So at this point, we have nothing further to present, Marcus said. We ask the commission, if they see fit, to consider an approval. Dan Baroody and Chairman Gallo agreed they need more time to review it. Nicol made a motion to **table**. Second by Mark Massoud. Motion carried unanimously at 7:11 pm. Gallo summarized and said motion carries.

**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.

received 3/26/14. Site visit 4/2/14. A&J Letter to neighbor Turner received 3/25/14. Danzer comments received 4/3/14 and 4/8/14. CCA revisions, responses received 4/23/14; copy to Danzer. Extension letter received 4/23/14. Gallo introduced this application at 7:12 pm. Marcus came back to the mic, identified himself again from Cohen & Wolf, PC, stating we have submitted a response to all of Dr. Danzer's issues. We've submitted to you written responses, so we are ready for you to approve it. Gallo said we just received these today. We will need more time to review them. A motion to table is in order. Esposito made a motion to **table**. Second by Nicol. Motion carried unanimously at 7:14 pm.

**Regulated Activity # 974**

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

Copy to Danzer 2/17/14. Request to table

**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. Cease & Desist Order reissued for 75 & 85 Beaver Brook Road on 4/8/14. Revised mitigation plan received 4/22/14. Gallo introduced this LoStocco application at 7:15 pm, and Benjamin V. Doto, III, PE, came forward, and identified himself and his address, representing Joe and Francine LoStocco. There previously was some confusion, Doto began. Dan (Baroody) and I went out into the field, after we got the notice, and in response to that we revised this plan, which I think we submitted to you yesterday. Doto said we are still under the Violation section on the agenda. Gallo asked are there any remarks or questions. Again these plans were just received yesterday, Gallo added. Nicol made a motion to **table**. Massoud seconded the motion. Motion carried unanimously at 7:17 pm.

**Regulated Activity # 975**

Assessor's Lot # K11141, IG-80 Zone.  
Excavation, fill restoration, mitigation.  
B. V. Doto, III, PE.

**NEW BUSINESS:** NA

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** NA

**VIOLATIONS:**

Gallo reviewed the three violation items. 8 Mountainville Road still needs to set up an appointment with staff.

**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, received. 2/28/14. Shall file modifications 3/17/14. Gallo said we are awaiting a response from the Army Corps of Engineers. Marcus said regarding Long Ridge Road, we just received the revised plans, and hopefully they will sign off, they being the Army Corps of Engineers. They want to do it during the planting season, which, I assume, is now. I'll be very optimistic; you've seen the preliminaries, and I think you will be pleased with the plans, Marcus continued. Dan (Baroody) will have it tomorrow morning. Baroody identified himself again saying we need to have, #1, an application for the activity, and, #2, get out there for a site walk with Dr. Danzer. Marcus said the wetlands are all delineated. We are way ahead of where you're going with the Army Corps of Engineers. Marcus said I've stayed in touch with them.

**75 and 85 Beaver Brook Road**, Joseph LoStocco III, Army Corps of Engineers, C & D Order, re-issued 4/8/14.

**8 Mountainville Road**, Domenico Chiera, Lot #J17005, RA-20 Zone, Filling of wetlands, Notice of Violation mailed 4/3/14. He still has to set up a meeting with Dan, Gallo said.

**ADMINISTRATIVE STAFF ACTIONS:**

Gallo asked are there any questions for Dan on the staff actions?

EIC #**978**, 13 George Street, Danbury, Will Sibley, North Street Boys, LLC, New stairs, office, footings and wall repairs.

EIC #**190RR**, 26 & 30 Padanaram Road, Elmer Palma, Waterfall Restaurant, Permit modification, compressor, condensers, stand-by generator.

EIC # **967R**, 20 Kenosia Avenue, Perosphere, Inc., Permit modification, Air-cooled chiller on piers, Arthur H. Howland & Associates, PC.

**ACCEPTANCE OF MINUTES:** April 9, 2014, Meeting. Motion to accept these meeting minutes as presented by Esposito. Second by Nicol. Motion carried unanimously 7:21

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:** NA

**CORRESPONDENCE:** NA

**ADJOURNMENT:** Motion to adjourn by Esposito. Second by Nicol. Motion carried unanimously at 7:21 pm.

Next regularly scheduled meeting date May 14, 2014.