

ENVIROMENTAL IMPACT COMMISSION
City of Danbury
DRAFT MINUTES
June 11, 2014
City Council Chambers

ROLL CALL: Present were Acting Chairman Matthew Rose, Alt. William Nicol, Michael Esposito, Bruce Lees. Rose opened the meeting with four commissioners at 7:04 pm. Mark Massoud arrived soon after.
Absent were Chairman Bernard Gallo, Alt. Derek Roy, William Mills, Alt. Josh Reilly, Craig Westney.
Staff present were Daniel Baroody, RS, MPH, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: Was led by Bruce Lees.

EXECUTIVE SESSION: NA

PUBLIC HEARING: NA

OLD BUSINESS:

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. Danzer reports received 4/8/14 and 5/20/14. Extension letter received
4/23/14. Restrictive Covenant sample received 4/23/14. Middle River Hills. Matt
Rose asked Baroody if we have a staff report. Baroody said we do, with 8 conditions
of approval, and I would like to call your attention to condition 4c. Lavelle said he's
waiting for Attorney Marcus to arrive. Marcus arrived at 7:05 pm. Rose said if
everything looks good to the applicant, we are ready for a motion. Any questions
from the commissioners about the conditions of approval, Rose asked. Marcus and
Lavelle concurred privately. Lees made a motion to **approve** with 8 conditions.
Nicol seconded the motion. Motion carried unanimously with four, unanimously.
(Mark Massoud arrived soon after.)

50-56 Payne Road
A & J Construction

Regulated Activity # 974
Assessor's Lot # M12009, IG-80 Zone.

Date of Receipt: 2/12/14. Construction materials storage area.
First 65 Days: 4/18/14. N. Levesque, PE, CCA, LLC
Second 65 Days: 6/22/14. Copy to Danzer 2/17/14. Site visit
4/2/14. A&J Letter to neighbor Turner received 3/25/14. Danzer comments
received 4/3/14, 4/8/14 and 5/8/14. CCA revisions, responses received 4/23/14,
copy to Danzer. Extension letter received 4/23/14. Alternate plan received
4/13/14. Matt Rose introduced this saying we have a staff report on that as well.
Baroody said a summary ruling is recommended with 8 conditions; they have
addressed all of the concerns of Dr. Danzer. Nicol made a motion to **approve** with
8 conditions. Esposito seconded the motion. Motion carried unanimously at 7:09
pm.

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2014 JUN 26 P 4: 20

BY: 

NEW BUSINESS:

155 Long Ridge Road

Regulated Activity # 982

Edward Bramson #I24011, I23012, I23011, I23015, I24003, RA-80 Zone.

Date of Receipt: 6/11/14.

Cease & Desist Order sent 11/4/13.

First 65 Days: 8/15/14.

Neil R. Marcus, Attorney at Law.

Second 65 Days: 10/19/14.

Wetlands, stream restoration, plantings.

Matt Rose asked Dan Baroody to give us an update on this. Neil Marcus, Attorney, with Cohen & Wolf, PC, took the mic at 7:10 pm, speaking for the applicant. Marcus began you all have seen the plan, as he introduced himself, that was approved by the Army Corps of Engineers. The work that was done by Bramson was originally to dredge out the brook that runs through their property. It's pretty apparent where that's occurred. First look at the soils map by Paul J. Jaehnig, Soil Scientist; you will see in the upper left hand corner, the area of the brook that is in the southwest area of the property that was dredged. It is called the West Redding Brook. It does not really run in a natural stream, and it has been lined with stones. Mark Massoud arrived at 7:12 pm, which Rose announced. It's a natural swimming pool. It was all man-made back in the twenties, and he described the course of the stream; the stone bridges. It's hard to give an exact date; the stone bridge is used frequently to get to the back portion of the property; it can fit a tractor. Then the stream begins to run in a more natural course. The area where it widens out is where it was dredged. Refer to the green area on the plan, Marcus said. Paul (Jaehnig) gives you a pretty good key: the green area is the recently filled wetland area. The Army Corps of Engineers was focused on that area; that was where the violation occurred for Army Corps, and for EIC as well, Marcus continued. At the same time previously, work had been done to re-sculpt the western side of the brook. Marcus described SS 49 and SS 45 (see Appendix II, Soil Borings, in report by Paul J. Jaehnig, The Bramson Site, dated 11/19/13); it created a little bit of a finger. We are not quite sure when that was done. The stream was lined there with rocks. Marcus continued, I had suggested to the Bramson's to have the soils studied on the entire site, so Paul Jaehnig has done a terrific job of mapping the soils. See the key on the right hand side, Marcus said. He has basically an insert to show how the brook could be restored to achieve it's original flow, referring to the lower left hand corner of the map. He described the channel. He also mapped the wetlands on the north side of the site up to the property line, Marcus said. There's a stone wall. Everything to the north of the stone wall was untouched. Everything to the south is a semi-landscaped back yard, an area that has been maintained as a lawn over the years. Rose asked are there any questions from the commissioners. Marcus continued that's the history; then you must look at the map that was provided by Robert Sherwood (Landscape Architect, LLC). The Sherwood map is the restoration plan, and consists of two sheets. Go to sheet one, Marcus said, to see the proposal to change a section of the brook in the southwestern corner of the property. Rob (Sherwood) does a great job, Marcus continued; he gives you some grading schematics, showing how the soil levels are going to work. Look at page 2, which shows you the restoration plan and how it will be planted. So we will change the contour of the brook, Marcus said, to restore the original sinuosity, and take the dredged material and use that to establish the new banks of the brook. Throwing them back in did not make much sense, Marcus said. We propose to place them along the brook to change the contours of the brook. Also have a planting plan more in harmony with the wetlands; various wetland plantings to restore a more natural environment along the brook. Marcus summarized the two purposes of the application. Years ago, God only knows when, clearly it was established as a back yard. It does not go beyond the area of the stone bridge, Marcus continued. The wetland boundaries are shown on the plan. We need the EIC's permission to do what the Army Corps wants us to do. I think the Army Corps mistakenly said work must be completed by 8/15/15, but I think they intended that to be August, 2014, Marcus said. Baroody said they

basically approved this plan and would like it done within the planting season this year. Marcus said the ball is in your court. Massoud asked this was approved by the Army Corps? Baroody and Marcus confirmed the approval. Marcus said why don't we finish with the Army Corps. I don't know if this speaks to what you wanted. I'm not sure how that would work out. We deal with this commission more than we deal with the Army Corps of Engineers. Matt Rose said EIC staff should review it. Marcus said Dan (Baroody) has been on the property a couple of times with Sherwood and Danzer. Baroody said he recommended this be tabled. Marcus complemented the people the Bramson's hired. Lees made a motion to **table**. Nicol seconded the motion. Motion carried unanimously at 7:29 pm. Marcus said that was the entertainment portion of your meeting.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: NA

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: May 28, 2014, Meeting. Motion to accept these meeting minutes as presented by Lees. Second by Nicol. Motion carried unanimously.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE: NA

ADJOURNMENT: Motion to adjourn by Esposito. Second by Nicol. Motion carried unanimously at 8:30 pm.

Next regularly scheduled meeting date June 25, 2014.