

ENVIRONMENTAL IMPACT COMMISSION
City of Danbury
MINUTES
August 27, 2014
7:00 PM
City Council Chambers

ROLL CALL: Present were Chairman Bernard Gallo, Matthew Rose, Mark Massoud, William Mills, Alt. Derek Roy. Gallo called the meeting to order at 7:03 pm. Absent were Craig Westney, Alt. Josh Reilly, Michael Esposito,

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

Pledge of Allegiance was led by Derek Roy at Gallo's request.

SHOW CAUSE HEARING FOR CEAST & DESIST ORDER:

Cease & Desist Order sent 8/5/14 to Delores Mezo, 44 Harbor Ridge Rd. (I05122) Vista Avenue, filling of wetland without a permit. Tabled 8/13/14. Daniel Baroody MS, RPH, said I spoke to Mr. Mezo this morning, and he assured me that all fill has been removed, and we will look at it tomorrow morning.

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2014 SEP 15 A 10 15

BY: 

OLD BUSINESS:

**1 Kennedy Avenue
Elan Kennedy Flats, LLC**

Date of Receipt: 8/13/14.

First 65 Days: 10/17/14.

Second 65 Days: 12/18/14.

Revisions, responses rec'd. 8/26/14. Chairman Bernard Gallo introduced this petition for a permit modification. Chairman Gallo put into the record the Conditional Approval by the DEEP (Connecticut Department of Energy and Environmental Protection) dated 8/8/14, and handed a copy to Secretary Lee. Attorney Paul Jaber from Collins Hannafin, PC, introduced himself and identified his team: Tim Carr, with GeoDesign, Michael Lillis with CCA, LLC, and Daniel Lee from Greystar. Jaber said Tim Carr can address the contaminants sub soil. Michael Lillis identified himself and his firm, saying we've submitted some updated and revised information; the most notable change on the plans is the addition of a snow shelf in response to a concern that snow be cast into the river. At the south end of the parking lot, we utilized some compact parking spaces, Lillis continued, and that gave us more room. ConnTech is the manufacturer of the two water oil separators, and Lillis identified the models to be used on the site, and calculated removals proposed. I also included some DEEP information about low impact development (LID) techniques, and I got the DEEP approval dated 8/8/14. I want to defer to Tim Carr now, Lillis said. Timothy Carr, Licensed Environmental Professional, with GeoDesign, Inc. of Middlebury, CT, introduced himself, stating we have been looking at this site since 2005, and this is the only way to economically, viably develop this site. DEEP approval was based on the submittal that we prepared and submitted. You cannot economically remediate or remedy the soils; I know the site pretty well. It really was "Hat Factory Central". In the early 60's, the Army Corps of Engineers came through, and realigned the Still River; basically plowed it over; graded. Below it is pretty disturbed, Carr continued. Lots of those factories used coal, mercury, arsenic, lead, Carr described; the vertical extent of this is 8 or more feet thick. As part of obtaining approval, we had to prove that this is the only method that can be applied, Carr continued; old hat factory rubble. The soils are moderately impacted. The Still River as an environmental resource; there are some levels that exceed standards: mercury, lead, so we must isolate the project. The ground water is not that

Permit Modification # 642 R
Lots #H14356,H14356-1,I14103, C-CBD Zone.
375 residential units, Greystar
Formerly BRT Kennedy, LLC.
CCA, LLC. Site visit 8/25/14, 5 pm.

impacted. We will provide a cap, and an engineered barrier. The goal is to promote drainage and minimize erosion; install an asphalt cap, an engineered controlled barrier. This is similar to a landfill cap, Carr said, with the conditions of approval and the low impact development. The site is flat, so we are required to control stormwater, and Carr discussed percolate, the plastic pipe, gasketed fittings, as part of the approval. Are there any questions? William Mills said number 5 on the DEEP Conditional Approval letter (dated 8/8/14): have you done this yet, and if you have not, can you make sure a copy of the Remedial Action Plan goes to Dan Baroody. Daniel Lee answered saying this is the plan. Carr answered Mills questions about the specialty asphalt, the geo-membrane; useful for connections to the blacktop; we can show some of the details. Mills said about the eight feet before you hit ground water; so I believe you previously said this site will be built up, Mills asked Mike Lillis. Lillis responded a new fence will be provided at the top of the river bank, and he described how long and how high will it be. Chairman Gallo said, Mr. Massoud? Mark Massoud said at the last meeting we did ask for a snow shelf, and thanks for providing that. I worked with the DEEP regarding the snow removal, Massoud said, on a slope draining towards the river, and the preferred location would be in the upland area where the snow could melt and dissipate in a manner not directly into the river. Massoud said I had asked at the site visit and at the previous meeting, for some additional or secondary stormwater treatment certainly along side the river. I understand the restrictions that are on this site, Massoud said; take the surface and roof runoff, the low impact development. Massoud continued, what I struggle with is this: despite all its restrictions, it does have the Still River running through it. I am not seeing any connection; it kind of walls the river off from the site, and that is kind of problematic for me. I talked to the consultants in the field about some things such as a bioswale, and they did some sketches, and they said they would not work. At least at that time, Massoud said. I was attempting to think of other options that would provide some stormwater management, enhancing the connection between the site and the river. I just happened to be on Osborne Street, at what used to be called the Interfaith Daycare Center, and I remembered they had used a StormTreat System. It reminded me, Massoud said, that there are some very small pocket systems that don't necessarily need to infiltrate into the ground. If you look at that, the round plastic type contraptions that have wetland plants and soils, a filtration medium that filters stormwater, in an extremely small footprint. I believe that there are measures that complement to provide some stormwater treatment, rather than "walling the river off". Massoud added I don't see even a lot in the way of landscaping along the river edge. I see it along the roads, but not along the river. I am not opposed to the development of the site, by any means, Massoud said. But the City and developers may be missing a great opportunity to enhance the waterways, that could provide some aesthetics for residents, and enhance the riparian buffer. Mike Lillis took the mic, saying, again, for the applicant, I want to disagree slightly with the DEEP snow removal. This is the Best Management Practice (BMP) for snow removal for parking lots, and they do recognize that plowed snow does sometimes join a wetland, and that deposition of that snow is sometimes unavoidable. Lillis described how it could be treated; except for that fine point, I would argue that we would have to find a site, on-site or off-site, to put that snow. Roy asked Lillis to show on the plan where the snow shelf is proposed, which Lillis demonstrated at the easel. Roy asked what do the stormwater mitigation plans look like now. Lillis replied traditional curbing, catch basin sumps; further processing. Roy said it's very common and we see that on many applications. Roy asked are these the BMP's? Lillis discussed 80%. You exceed that goal at both units, Roy said, and Roy thanked the team presenting this project. Roy said could we amend the conditions, add "no dumping signs", and determine what kind of fence. Lillis said a traditional chain link fence. "No Dumping" signs are to be put on that fence, Roy clarified. Dan Baroody identified himself, and said I'd like to put into the record my amended impact report, and staff recommends a summary approval, with additional

conditions about the signage on the fence. Rose asked about a river walk kind of design. Lillis said that would complicate things: it would compel us to collect the snow and remove it to another site. Daniel Lee said we would not necessarily oppose it, but it does complicate it. Roy asked Carr about the snow. Lillis said at the present time it's just specified as lawn. Roy said we want to make this site the best that it can be. Carr re-took the microphone, and said that part of the site, we did consider that same restriction: "1. No building shall be erected on or over any of the easement areas designated as "E-1", "E-2", "E-3", "E-4", "E-5", "E-6", and Parcel "A1" as shown on said Map", Carr reiterated. Gallo said that's not a structure anyway. Lillis said we are going to replace that existing fence there. Chairman Gallo asked are there any further questions or remarks. Roy motioned to **approve # 642 R**, Permit Modification with the 10 conditions and the additional 11th condition of "NO DUMPING" signs on the fence, and Roy asked for the letter of the Remedial Action Plan from DEEP. Rose seconded the motion. Gallo said we have a motion for approval with 11 conditions as proposed. Mark Massoud voted in opposition. Four commissioners voted in favor including Gallo, Roy, Rose, and Mills, in favor. Motion carried by four votes, Gallo concluded.

NEW BUSINESS: NA

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: NA

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: August 13, 2014. Motion to accept these meeting minutes as presented by Rose. Second by Massoud. Motion carried unanimously with no remarks or questions at 7:43 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE: NA

ADJOURNMENT:

Motion to adjourn by Roy. Second by Mills. Motion carried unanimously at 7:44 pm.