

ENVIRONMENTAL IMPACT COMMISSION
City of Danbury
DRAFT MINUTES
October 22, 2014
7:00 PM
City Council Chambers

ROLL CALL: Chairman Bernard Gallo called the meeting to order at 7:09 pm. Present were Gallo, Matthew Rose, Alt. Derek B. Roy, Michael Esposito. Meeting opened with four commissioners present.
Absent were Craig D. Westney, William Mills, Alt. Josh Reilly, Bruce R. Lees, Alt. William Nicol, Mark Massoud.
Staff present were Daniel Baroody, RS, MPH, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Derek Roy.

EXECUTIVE SESSION: NA

PUBLIC HEARING: NA

SHOW CAUSE HEARING FOR CEAST & DESIST ORDER: NA

OLD BUSINESS:

Backus Avenue
JJW Properties, LLC

Date of Receipt: 9/10/14.
First 65 Days: 11/14/14.
Second 65 Days: 1/18/15.
Copy to Danzer 9/10/14.

Regulated Activity # 989

Assessor's Lots # E18009, E18002, IL-40 Zone
Audi repair facility.
Pietras Assessment Report rec'd. 9/24/14.
Artel Engineering Group, LLC.
Staked 9/29/14, Site visit 10/14/14, 3 pm.

Chairman Gallo introduced this petition and asked Dainius Virbickas, PE, if he wanted to present, since this will go to public hearing. Virbickas explained what he had to present and set up his easel at 7:12 pm. At the mic, Virbickas identified himself and his application for this repair facility. Virbickas said as you all recall, it is a 10.7 acre parcel, and he described the building size, the associated parking and who will use it; this will serve as a secondary building for the site on Sugar Hollow Road. It is for repairs. At last meeting we went through the application, and Virbickas reiterated the wetlands locations; the filling required, the size of the wetland proposed to be filled in; the orange on the map where a swale is proposed to replace the existing wetland. We also propose a small wetland creation area in the back; the location is in the upper left hand corner. We propose to excavate some to get the land down to the existing level; almost a 1 to 1 ratio level. We are also considering some off site mitigation as well, perhaps at Wooster School, and staff has suggested maybe the Airport as well. We will save that for later since this is going to public hearing, Virbickas said. Thomas Pietras, Wetlands and Soil Scientist, next took the microphone saying I've prepared an environmental assessment report for this application. It goes over the proposed mitigation. The site is a sloping hillside; the front parcel gently sloping, with a significant amount of disturbance in the central portion of the site, having been taken down to bedrock in many areas. Lots of soil material was taken out, and a wetland developed in the northeast portion. There are piles and debris out there. The parcel revegetated and there are lots of invasive species there, Pietras continued. The front portion is a mowed grass field. There was a wetland there. There is a driveway to an industrial site west of this. In an easterly direction a wetland drains through a culvert onto the airport property to the south. It is fairly narrow in size. Pietras described the second wetland which developed after excavation; there is some sheet flow, and before the rear post office

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parking area, the soils become sandy, and water percolates into the ground. The front wetland area location makes it difficult to avoid. The mitigation for this replaces the functions that this wetland provides, which Pietras described. A second wetland creation will be created near the post office. There will be wet meadow vegetation. Stormwater will first be treated with the stormwater management system which will be designed for this application. We looked to do better than 1 to 1 mitigation, and Pietras described what they found: the created wetland, polishing of the storm water; will outlet water into the wetland; he described the hydrology of it, complementing the forest meadow which is out there. That is my brief overview of the site. Steven Danzer, Ph.D., posted a number of questions and problems which Pietras enumerated. Pietras said he had Danzer's report dated 10/21/14. I did not get Steve Danzer's later report, Pietras said. This proposal requires a lot of land clearing, man-made features; not high functioning wetlands. Regarding the diversity database, I inquired to the DEEP and their response is that there is not a negative impact to any native species. I don't what that the species was. Derek Roy asked, the bog turtle? Pietras said I don't know if it was the bog turtle, or a plant. The 9/15/14 report provided the requested functions and values report, Pietras said. There was a question about the hydrology in the pit area. Pietras discussed the groundwater seepage into the wetland, plus discharging the stormwater runoff from the parking area. Pietras talked about removing lots of trees, the ratio; a lot of this site does not lend itself to wetland creation. Someone dug a hole out there 10 feet deep. Pietras discussed mimicking those elevations of the created wetlands to the existing wetland. The created wetland will have a native seed mix; this will be mowed; it's a very small area. The proposal is to maintain this and keep it as a wet meadow, with a lot of grasses and other herbaceous plants. Concerning the bog turtle, we have not received any information from the State. Pietras told what he'd read about the bog turtle preferred habitat, but this is not represented at this location. Pietras concluded his presentation at 7:29 pm. I'm not saying there's no chance of bog turtles, in answer to Chairman Gallo. Roy asked Pietras about the pond depth. Pietras replied it's not a deep pond; I was out there last week; maybe 6 inches in depth. It probably had something to do with agriculture at one time, TP. Roy said we'd like to see a better ratio; closer to a one-to-one ration. Chairman Gallo said we did an on-site last week (Gallo, Mills, Baroody, Virbickas). Attorney Neil Marcus took the mic. You want to hold a public hearing? Has the commission found a significant impact? Baroody replied it is a significant impact per Steve Danzer's October report (dated 10/15/14). The public hearing will be November 12th. Baroody said we need a motion. Marcus added this is an historic site that you're looking at, referencing his former Wooster School football career. Motion to move to table by Derek Roy and reschedule to a **public hearing** on November 12th. Rose seconded the motion. Motion carried unanimously at 7:34 pm.

NEW BUSINESS:

24 The Crest Way

Audrienne G. Buzaid

Date of Receipt: 10/22/14.

First 65 Days: 12/26/14.

Second 65 Days: 3/1/15.

Regulated Activity # 990

Assessor's Lots # J02008, J02007, RA-20 Zone.

Stone retaining wall repair.

Point Driftwood

Candlewood Lake. Chairman Gallo

introduced this item of New Business at 7:34 pm. The agent, Audrienne Buzaid's son, Jeffrey Buzaid took the mic, stating that Audrienne G. Buzaid is my mother, and he identified himself, and described the two maps in the application. Buzaid described the wall location, the wall size, the work commencing after the annual lake drawdown approximately 11/1/14. The plan shows where the mixing of the concrete will be, Buzaid said. There will be no machinery in the wetland area. Some rip rap will be gathered and hand carried. Two jetties will be created with a walkway. All work will be done by hand; no machinery. This work is necessary to avoid further

deterioration of the wall. The letter from Candlewood Lake Authority; I've seen it. Secretary Lee said it just came today. I have permission from FirstLight, Buzaid said. Matt Rose and Derek Roy described the letters they've found. The commissioners agreed nobody has signed anything yet. Chairman Gallo gave the FirstLight form back to Buzaid. Dan Baroody described the letter required from FirstLight granting permission to do work on their property. Yeah, we need this as part of the file, Baroody added. Chairman Gallo said Mr. Buzaid is going to give it to you. Buzaid and Baroody talked. Buzaid said I have a copy of 24, not 22 (The Crest Way). It does not get signed until the commission acts. Technically we did not have it in our file, Baroody said. Rose said why can't we move it to Administrative Approval. Matt Rose motioned to move this to Administrative Approval. Roy seconded the motion. Motion carried unanimously with no remarks at 7:43 pm.

**87 Beaver Brook Road
MBD Realty, LLC**

Date of Receipt: 10/22/14.
First 65 Days: 12/26/14.
Second 65 Days: 3/1/15.

Regulated Activity # 991

Assessor's Lot # K1147, IG-80 Zone.
Masonry Resources office, retail & storage
Stone, building & landscape materials.
Artel Engineering Group, LLC. Gallo

introduced this item at 7:44 pm. Virbickas identified himself again and the application address. We are here primarily to gain approval for basically a contractor's yard. A good portion of it is wetland, and probably an acre and half of upland approximately. Virbickas went to the easel and offered to pass around the aerial photograph. The proposal is to utilize the existing areas for outdoor storage for mason supplies, basically all natural materials, Virbickas continued. For a point of reference, looking at the site, on the side furthest from the underpass, the wetlands are about 30 feet away from the gravel area, and continued to expand from fifty feet and beyond. We will not go beyond the existing improvements line. We will replace the front with landscaping. Chairman Gallo and Virbickas agreed they are at least 100 feet away from the Still River. Chairman Gallo stated I would like to do an on-site. Esposito asked about the vicinity. Virbickas said it's on the right side of the road. He passed out the aerial photo of the site at 7:49 pm. Roy discussed the increase in property; where is the egress to the site. The traffic is still controlled, Roy and Virbickas agreed. Motion to table by Esposito. Second by Rose. Motion carried unanimously at 7:50 pm. Virbickas will coordinate with Baroody for the site walk.

**8 Driftwood Road
Lakeview Development Corp.**

Date of Receipt: 10/22/14.
First 65 Days: 12/26/14.
Second 65 Days: 3/1/15.

Regulated Activity # 992

Lot # J03046, RA-20 Zone.
Margaret & James Griesing.
Paul & Ryan Russo.
Residential addition, Candlewood Lake.

Russ Posthauer, PE, from CCA, LLC, took the microphone at 7:51 pm. The project is a proposed addition to an existing house; not quite a 100 % expansion, with an unusual floor plan, and no master bedroom. We are not posing any work on FirstLight property. We will maintain the drive. There is no need for regrading. We will put up a silt fence to protect the lake and provide an area for construction. Baroody confirmed they do not need a permit from FirstLight. Roy made a motion to table to 11/12/14. Second by Matt Rose. Motion carried unanimously at 7:54 pm.

**8 Siboney Terrace
Karen Koschel Crisci**

Date of Receipt: 10/22/14.
First 65 Days: 12/26/14.

Regulated Activity # 994

Assessor's Lot # I04003, RA-20 Zone.
Marker Road, Richard DiTullio, Jr.
Retaining wall replacement.

Second 65 Days: 3/1/15. Candlewood Lake. Gallo introduced this new application at 7:55 pm. DiTullio took the microphone and identified himself, stating I provided the plot plan and the application. I have provided photos of the existing conditions. I have the FirstLight filing consent letter, and a list of the property owners. I can read through the narrative of the activities proposed. DiTullio read his narrative, stating that if the wall is not repaired, it will fail. He described the site that cannot be accessed by heavy machinery, so all work will be done manually. There is no where to get a silt fence in there, so I was going to put some plywood down to act as containment, covered with polyethylene; any soil that we will not reuse will be transported off the site. We will cover (tape flipped to B) the site with polyethylene if there is a rain event while under construction. We will back fill with stone for drainage right behind it, DiTullio continued. Cinderblock cavities will be filled with concrete. Roy asked where are you mixing the concrete, and DiTullio explained the difficulty with the site grade. We cannot repair the wall; it's beyond repair. A segmental retaining wall would not work, and DiTullio explained why. Getting concrete down there is a challenge. That's it, at 7:59 pm, DiTullio concluded. It will take about two to three weeks when we start. Roy asked how much time would the soil be exposed if we had a rain event. DiTullio said we'd watch the weather forecast. The masons that I have, a crew of probably 12 guys. The shed and deck and all that might not be done until spring. It is I important to get the wall stabilized. Has FirstLight seen the narrative, Roy asked. FirstLight has seen what you are looking at. I have the 10/14 FirstLight letter of consent only. I want to make sure that FirstLight has a current copy. I also spoke to Larry Marsicano (Candlewood Lake Authority), and he said to come before you first and get back to him. Motion to table by Matt Rose. Second by Esposito. Motion carried unanimously at 8:04 pm. Roy said to DiTullio come back on November 12th at about 8 pm, since there'll be a public hearing. Roy said Baroody just needs time to review it; thank you for your patience. DiTullio said thanks for your time.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS:

26 Mountainville Road, MRO Property, LLC, Owner, Assessor's Lot # J17014, RA-20 Zone, Cease & Desist Order sent 10/21/14 to 9 Meadow Street, Danbury, CT. (to appear at 11/12/14 meeting). Gallo said this just went out so I'm sure he has not seen it yet. He removed everything off the land, Gallo said.

ADMINISTRATIVE STAFF ACTIONS:

61-63 King Street, Permit Modification, Regulated Activity # **910R**, Elite Building, Inc. / John E. Bruno, Lot # C06053, RA-40 Zone, Modify overhangs, foundation, deck, landscaping (prev. Laurie E. Nimmons 3/28/12). This should not be a problem, Chairman Gallo said.

ACCEPTANCE OF MINUTES: September 10, 2014. Motion to accept these minutes as presented by Esposito. Second by Roy. Motion carried unanimously 8:05 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE: Candlewood Lake Authority electronic library available to Land Use Commissions for overall management of Candlewood Lake, 8/28/14, from Laurence J. Marsicano, Executive Director.

Matt Rose mentioned that on East Pembroke Road, there's no silt fence up. Dan Baroody said there is an active permit there for a church. We will check out the need for silt fence, Baroody said.

ADJOURNMENT: Motion to adjourn by Esposito. Second by Roy. Motion carried unanimously at 8:06 pm.