

ENVIRONMENTAL IMPACT COMMISSION
City of Danbury
DRAFT MINUTES
November 12, 2014
7:00 PM
City Council Chambers

ROLL CALL: Present were Chairman Bernard Gallo, Matthew Rose, Craig D. Westney, Alt. William Nicol, Alt. Derek B. Roy, William Mills.
Absent were Mark Massoud, Alt. Josh Reilly, Bruce R. Lees, Michael Esposito.
Staff present were Daniel Baroody, RS, MPH, Secretary Patricia Lee, at 7:02 pm

PLEDGE OF ALLEGIANCE: Led by William Mills. Commissioners then did a role call with four commissioners present. Westney and Roy arrived later.

EXECUTIVE SESSION: NA

PUBLIC HEARING:

Backus Avenue
JJW Properties, LLC

Regulated Activity # 989

Assessor's Lots # E18009, E18002, IL-40 Zone.

Date of Receipt: 9/10/14.

Audi repair facility

First 65 Days: 11/14/14.

Pietras Assessment Report rec'd. 9/24/14.

Second 65 Days: 1/18/15.

Artel Engineering Group, LLC.

Danzer reports dated 9/21 and 10/15/14. Staked 9/29/14, Site visit 10/14/14.

Applicant requests to open, then **continue** the **Public Hearing to 12/10/14**.

Gallo asked is there anyone who wishes to speak for or in opposition to this application? Craig Westney is here, Gallo said. Attorney Edward Kelleher stated he is here representing the neighbor, Daniel Latty. Attorney Kelleher from 57 North Street, Danbury, signed in at 7:06 pm. Kelleher stated his client's concerns and how long he's lived there. I understand the plans are going to change, but Mr. Latty has been living on that road for many years and is very concerned that the installation of a huge amount of impervious surface will only make it worse. Because we understand that the application will be amended, we will reserve our right to speak later. There have always been drainage issues on Backus Avenue and Miry Brook Road, flooding. My client is at 9 Ye Olde Road, above the property, which extends from Ye Olde Road. Gallo said I'm just trying to get an idea of where he is, and Kelleher explained. It's a fairly steep hill there, both of them on the left. 9 has a larger lot that extends close to Mr. Latty's property. Gallo said I would just like to go out and take a look. Paul Estefan, Airport Administrator, Danbury Airport, next took the mic. Recognizing the location which is across from our 25 acres of wetlands, if there's any mitigation issues with this application, the Airport would definitely want to be included, Estefan said. We have tried to increase our storage on our acres. We would like to take care of some of the dead wood there. Gallo said you would like the property owner to make some improvements. Estefan said the bridge down by Waterworks and Fed Ex does get blocked off. We are interested, and if we can help on the mitigation side we would like to be included, Estefan said. Faith Todd identified herself and signed in at 7:09 pm. One of my main concerns: how is this property going to be accessed? Ye Old Road is right across the street from my property, Todd said. I want a definite assurance that they are not going to access this property through Ye Olde Road. Our neighborhood is a quiet area, and the road is not suitable for a lot of traffic, Todd added. What kind of security are they going to have there? Who knows what problems are going to come up? We have been there for 104 years, and I'm concerned about the lighting, all over the place, what kind of security, the access from Ye Olde Road, Todd concluded. Gallo said thank you; our plans are not finalized. Craig Westney and Derek Roy are both here, Gallo

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said. We need a motion to continue. Mills made a motion to table and **continue** to 12/10/14. Rose seconded. Motion carried unanimously at 7:14 pm.

SHOW CAUSE HEARING FOR CEAST & DESIST ORDER:

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. Green card rec'd. 11/3/14. No one showed up for this item. Baroody stated the EIC could allow the owner to attend the 12/10/14 meeting; if it's another no-show, send it to Corporation Counsel.

OLD BUSINESS:

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.

table to the next meeting rec'd. 11/12/14. Chairman Gallo introduced this item and asked for a motion. Mills made a motion to table. Westney seconded. Motion carried unanimously.

Regulated Activity # 991

Assessor's Lot # K1147, IG-80 Zone.

Masonry Resources office, retail & storage.

Stone, building & landscape materials.

Artel Engineering Group, LLC. Request to

8 Driftwood Road
Lakeview Development Corp.

Date of Receipt: 10/22/14.

First 65 Days: 12/26/14.

Second 65 Days: 3/1/15.

Chairman Gallo introduced this old business at 7:15 pm. Russell Posthauer, Jr., PE, came forward and said we ask that this be moved to Administrative Approval. We will get Candlewood Lake Authority's input. Derek Roy made a motion to **move to Administrative Approval**. Nicol seconded the motion. Motion carried unanimously. Posthauer said thank you very much; my client appreciates it.

Regulated Activity # 992

Lot # J03046, RA-20 Zone.

Margaret & James Griesing.

Paul & Ryan Russo.

Residential addition, Candlewood Lake.

8 Siboney Terrace
Karen Koschel Crisci

Date of Receipt: 10/22/14.

First 65 Days: 12/26/14.

Second 65 Days: 3/1/15.

Staff report by Dan Baroody 11/12/14. Chairman Gallo introduced this petition. Richard DiTullio, Jr., introduced himself saying I am representing my wife Karen. There were a few changes that Dan suggested. I have not seen Dan's report, DiTullio said. Baroody said I received the changes and the letter from the Candlewood Lake Authority, and I would like to place in to the record my report. Staff recommends a summary ruling with the five conditions listed, Baroody continued. Motion to **approve** with the conditions by Matt Rose, adding the hay bales as a sixth condition. Roy said, Larry (Marsicano) asked us to add the hay bales. Any remarks, Gallo asked? Second by Roy. Motion carried unanimously at 7:19 pm.

Regulated Activity # 994

Assessor's Lot # I04003, RA-20 Zone.

Marker Road, Richard DiTullio, Jr.

Retaining wall replacement.

CLA comments rec'd. 11/4/14.

NEW BUSINESS:

1-7 South Street

Town Line Commons, LLC

Regulated Activity # 995

Date of Receipt: 11/12/14.

First 65 Days: 1/16/15.

Second 65 Days: 3/22/15.

Lots # K16158,K16159,K16161, RMF-4 Zone.

45 units in 2 garden apartment buildings.

B. V. Doto, III, PE., 4.2 acres.

Copy to Danzer 10/30/14. Chairman

Gallo introduced this new business as Ben Doto set up his plans on the easel at 7:20 pm. That's set up for the camera, right, John? Doto signed in at 7:21 pm after distributing hand-outs to the commissioners. Good evening, Doto said, and identified himself and his address at 248 Main Street. The site, most of you are familiar with it, was formerly L & L Evergreen. It's a long triangular piece of property. Using the aerial photograph, Doto showed the site location right at the curve on South Street. It is zoned RMF-4; it previously was IL-40. They were a permitted use, Doto continued. The property was sold after L & L shut down. Doto said we notified Bethel; we did send those out. The bulk of units will be one bedroom units, and Doto discussed the apartments proposed. The wetlands were flagged by Environmental Planning Services, LLC, Eric Davison. Because of the length of the property and the zoning regulations, the two buildings have been pushed as close to the road as we could. The buildings were designed, three stories, to fit the site. Doto discussed the floors, the entrances; the old house to be converted to a club house or apartments. There is a bunch of area here, currently a big paved parking lot with storage bins; all of that pavement will be removed. You can see in the dark the flagged wetlands; and railroad ditch is also flagged wetlands. Due to that ditch along the railroad tracks, it is actually on the other side of South Street. The site will have adequate parking, with a small cul de sac for emergency vehicles. Alternatives were considered: previously it was under industrial zoning, and I showed a self-storage development, but industrial uses tend to get expanded pavement. The industrial zone is primarily on the other side of the railroad tracks. This is a plan that meets the Danbury zoning regulations; we felt a residential use would be more appropriate. Last year we pursued a zone change and we received a zone change. A certain amount of open space is required, to be used and enjoyed by the occupants. We looked at traditional town house units, and we were not crazy about that, since it pushed it closer to the wetlands. Doto discussed the balances of cut and fills required for town houses. He showed that layout, Alternate 2; it pushes the development back, making it less useable and functional. We want to try to preserve this house here. So we looked at garden apartments, smaller units, on three stories with the garage at grade, and it shifts the development towards South Street. The driveway, the aisles, the parking, really fit the site. There will be a stormwater management system, a combination of pipe flow; the open space is simply a lawn that residents can use. We tried to keep it very simple. You will see that the site is almost dead level back there, Doto continued. Grade changes are 6 inches to a foot; the first floor is roughly at the South Street grade. We maintained some sheet flow patterns. There will be no curb along the easterly edge of the parking lot, to promote a sheet flow pattern. A landscape plan (L01) is provided, as is required. There are a bunch of trees, a stand that we are trying to save. Ironically, a car took one of them out. The open space is contiguous. That culvert toward the north side of the property, it's basically a drainage ditch that flows into the wetlands. The site will have one major curb cut. There are currently three. Doto concluded I would be happy to answer any questions. Gallo asked are there any questions. William Mills began, on the southern part, looking at the parking, it's 18 feet from the wetlands, and the next one is 25 feet. Mills asked how much of a drop-off will there be from the parking area to the wetlands. Doto showed this at the easel, at the cul de sac here; on the grading and utility plan, we will set the grade at 359. Then it is almost dead flat; the drop off is actually in the wetlands. It is 359.4 here. It is relatively level, and we do have that for the open space. Mills asked how

is it going to run, with the rain and the snow. The water will drain, Doto said. He pointed to the grade levels. It's so thick in there with the vegetation, you almost cannot walk, Doto added. There is enough positive drainage to have the sheet flow patterns. In New England, sometimes this does not work. But here it can spread gently, with some infiltration into the ground. Mills asked how far from the cul de sac is that parking. I could give you an exact number next time, Doto replied; 10 to 15 feet. Do you think that is too close? I can talk to my client. Over in here there is pavement right up to the edge of the wetland. We are pulling out a lot more pavement than we are putting back. Roy asked for the net gain on impervious surface. The net gain is about 33,000 sq. ft., Doto said. Mills asked to do a site walk on this. Stake the corners of buildings and edge of pavement. The clubhouse is there. The wetlands should be flagged; they were done this summer, Roy and Doto agreed. When will the site visit be, Doto asked. We will do it through Dan and Pat, Gallo said. Motion to **table** by Rose. Second by Mills. Motion carried unanimously at 7:45 pm.

**7 Jeffrey Street
Charlotte Griffin**

Regulated Activity # 996

Lot # H22133, RA-20 Zone, Lake Waubeeka.

Date of Receipt: 11/12/14.

Replace two failed retaining walls.

First 65 Days: 1/16/15.

Garrett Meade, Contractor.

Second 65 Days: 3/22/15. Chairman Gallo introduced this regulated activity at 7:45 pm, and Ms. Griffin and Garrett Meade introduced themselves. Gallo said you are proposing two walls. Garrett said we are replacing two old walls with one new wall, of precast concrete out of Brewster, NY. Gallo asked for a minute to see the plan. At 7:47 pm, Gallo said explain what you're doing. Garrett described the septic area, the chamber; if that wall comes down the septic will come down. We intend to fill it in with geogrid. We can't get concrete in there. We have to do everything by hand. It will be about 11 feet tall at its highest point. So we do have to move it down the hill. The rock ledge means there is no way to attach it. I believe the whole house, everything, is in the regulated area, Garrett said. We will have it staked out there by a surveyor. We have to get that property line at the lake there surveyed. The commissioners discussed doing a site walk. Any further questions at this time, Gallo asked. Have that property line surveyed before the site walk, Gallo said. There were no other questions. Motion to **table** by Nicol. Second by Mills. Motion carried unanimously at 7:51 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: NA

ADMINISTRATIVE STAFF ACTIONS:

64 King Street, Regulated Activity # **993**, Jose Farinha (C07033), RA-80 Zone, single-family residence, Admin. Approval by D. Baroody 11/3/14. Gallo read this, saying that was last month.

ACCEPTANCE OF MINUTES: October 22, 2014. Motion to approve these meeting minutes by Roy. Second by Nicol. Motion carried unanimously with no corrections or additions at 7:51 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: NA

CORRESPONDENCE: NA

Gallo next appointed a Nominating Committee including William Mills, Derek Roy and Will Nicol. Mills asked about some concerns he has on the amount of construction on the dirt road, Prindle Lane. I'm looking at an area off I-84, 150 feet or more, filled, and I have concerns about that, Mills continued. On the other side they put storm drains in, and I am curious as to why this is being done. I don't remember any application for McFly's and a Residence Inn. What mitigation is being given back to the City? Let's do a site walk, Mills continued. And pull out the approval previously done, Mills said, and find out if the road widening approved. I don't remember anything about fill in the wetlands and widening the road. It is quite a long length. Dan (Baroody) thought it was the City Water Department, Mills said. It's ongoing; they are still there. Since they put storm drains in, it will be eventually paved, and filtration and trap rock added, and flow into the already disturbed wetlands. Baroody said we can search the files and listed a couple: the Steiners' hotel complex. We can definitely check it out, Baroody said.

Mills asked what do we do with the no-show at 26 Mountainville Road. Baroody replied I met with the property owner last week; he had just purchased the property and he was going to be here tonight with his engineer. We will have to continue the Show Cause Hearing, and hope he shows up on December 10th, and if he does not, then we will turn it over to Corporation Counsel. Mills next listed the four site walks coming up; a lot of walking.

ADJOURNMENT: Motion to adjourn by Roy. Second by Rose. Motion carried unanimously at 8:02 pm.
Motion carries, Gallo concluded.

The next regular EIC meeting is scheduled for December 10, 2014, at 7 pm.

Happy Thanksgiving!