

ENVIRONMENTAL IMPACT COMMISSION

City of Danbury

DRAFT MINUTES

December 10, 2014

7:00 PM

City Council Chambers

Chairman Bernard Gallo called the meeting to order at 7:20 pm. Present were Gallo, Craig D. Westney, William Mills, Bruce Lees.

Absent were Mark Massoud, Matthew Rose, Alt. Josh Reilly, Michael Esposito, Alt. William Nicol, Alt. Derek Roy.

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

PLEDGE OF ALLEGIANCE: Led by Lees at Gallo's request.

EXECUTIVE SESSION: NA

CONTINUED 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.

Extension letter requested 12/10/14. Applicant requests continue Public Hearing to 1/14/15 for re-evaluation. Gallo asked anyone here wishing to speak on this. Mills asked Dan Baroody if any new plans have arrived. Baroody replied no. Chairman Gallo asked is there anyone else wishing to speak on this? William Mills made a motion to **continue** this public hearing to 1/14/15. Craig Westney seconded the motion. Motion carried unanimously at 7:21 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. No show 11/12/14. Maria Duran picked up a Regulated Activity application 12/9/14. Maria Duran and William Duran are present tonight. Gallo introduced this item and the couple came forward. Mr. William Duran identified himself, the owner of 26 Mountainville Road. Duran said this is my first time; I don't know how this meeting works. I am intending to repair. I never had any bad accusations; I was trying to clean up the property. Later I found what I did was wrong. I have an architect and will fix it up at soon as possible. Chairman Gallo asked him about the 3 violations. I bought the property about a month ago. The grass was 3 feet high and there was garbage all over the place. It was disturbing to see a nice property in this situation, Duran continued. I would like to say in my favor, I did not dump on the property, not in the proportion that they said I did it. Duran discussed the location of the wetlands. I will present a plan to the Health Department, and see how this is going to work. Dan (Baroody) is the staff member, Gallo said. Duran said he has been very helpful. I have one more question. As I progress through this, I am also going to try for a permit: I would like to see if I can improve the property. Chairman Gallo replied I don't know if you are going to get a permit or not. Duran said I realized on Thanksgiving, I missed the (meeting) date. Chairman Gallo said you have to talk to Dan. Baroody said we generally don't allow any permits until the violations are corrected. The roof got a permit. Duran said once I present a plan, how long? Chairman Gallo said that depends on how good the plan is. Motion to **close** this public hearing. Second by Lees. Motion carried unanimously at 7:23 pm.

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2015 JAN 15 P 5:36

BY: 

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.
Site visit 11/24/14, 3:15 pm.

Regulated Activity # 991

Assessor's Lot # K1147, IG-80 Zone.
Masonry Resources office, retail & storage.
Stone, building & landscape materials.
Artel Engineering Group, LLC. Tabled 11/12/14.
Staff report by D. Barody 12/10/14.

Chairman Gallo introduced this application at 7:25 pm. Mark Kornhaas identified himself and his address at Artel Engineering. We have submitted no new plans since the last time that we were here. We are applying for a Special Exception permit so we tweaked some of the plans, for example, a split rail fence along the back, along the flood zone, so I figured you guys would like that. I did receive Dan's staff report, and I have no objections to the report and the conditions. Chairman Gallo said a motion is in order. William Mills motioned for a summary **approval** with the 6 conditions. Craig Westney seconded the motion. Motion carried unanimously at 7:25 pm. Kornhaas said thank you.

**1-7 South Street
Town Line Commons, LLC**

Date of Receipt: 11/12/14.
First 65 Days: 1/16/15.
Second 65 Days: 3/22/15.
Site visit 11/24/14, 2:30 pm.

Regulated Activity # 995

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.

Revisions rec'd. 12/10/14. Chairman Gallo introduced this project, and Benjamin Doto, III, PE, came forward and put plans on the easel. Doto identified himself and signed in, Professional Engineer, representing Town Line Commons, LLC. Since our last meeting some things were asked of us. It is the old L & L Evergreen site, Doto said to Bruce R. Lees. The footprint is pretty straight forward. It was asked that the property be staked. We did a site walk with Dr. Danzer and we have read his screening report. Eric Davison is here tonight and will address Danzer's report. Doto explained some changes to the parking; we pulled 7 spots away, and Danzer wanted more than lawn; some plantings in grass area. I will go over Danzer's report. Regarding his second comment, that swale is the Dept. of Transportation. It's not on our property. It appears it's all road sand, and it's not coming from our site. There is a little ditch, and we are proposing to put a check dam in it, and catch some sediment there. We don't have to go to the railroad tracks to clean it. The underground and infiltration system will slow down any sedimentation. I want the parking lot flow to sheet flow; no concentrated flow, and a combination of measures will address this. Danzer also asked that some plantings be swapped out for more native planting; some of those are required by Planning for the islands, but you will see. Using the plan on the easel, Doto displayed the new site plan; we pulled away 7 parking spaces there. This whole area here, for additional plantings; it will not just end at the cul de sac. Ellen Hines is our landscaped architect, Doto continued. There are hundreds of plants, and we wanted to make this area useable, so I have a small woodchip path, basically the design that Ellen Hines did. In addition, we've added more native species in there compared to the original design. Danzer's last comment to increase the buffer around the cul de sac, we already talked about. William Mills asked about including the check dam as part of the maintenance program. Gallo and Doto said the sediment goes all the way to Shelter Rock, and removing all of that pavement will help as well. Mills said Planning and Zoning said you have to remove all the pear trees for a sidewalk. Doto clarified that one tree was hit by a car. Doto showed which trees have to come out; these here; where it's flat, they will stay. We'll have to get an easement for the sidewalk. Mills said thank you. Lees asked Doto about the detention basin. Doto

said that's Timber Oaks. Lees asked about adequate treatment for the runoff. Doto said we have challenges on the site too with elevations. The buildings were designed to fit the site. There are almost no cut and fills on the site, which Doto discussed. Lees asked about the elevations, and what if we have a rain event like yesterday. Doto said it's hard to see, but there is a shelf after that drop-off. Planning and Zoning requires that we keep all our elevations above the hundred year floodplain. Eric Davison, from Environmental Planning Services, next took the microphone saying let me summarize what is in my letter; you may not have seen it yet. The issue of bog turtles in Danbury, I know this has come up in several cases: Kenosia, Shelter Rock. Davison said it is a State endangered and federally threatened species. As noted in the plan by the Fish and Wildlife Service, the turtle was rare way back then. All the bog turtle sites are close to the New York border. So in Fairfield County there were historic records, and the record that triggers this is Simpaug Brook. Concerning turtles close to the Bethel Town Line, there is no record of this animal in this wetland system past the 1950's or so. They classify and map the sightings, and the general consensus among biologists is that the bog turtle is now extirpated; basically local extinction. The sites are restricted, and there is no case when somebody says, okay, they are officially gone, Davison continued. He gave some history: I was assistant to Dr. Michael Klemens on Kenosia. The same thing came up in Ridgefield, and it essentially says the same thing: it's generally considered historic record. I'm not sure what Danzer is trying to get with these questions. And Davison listed the habitat, the three zones of management concern for the bog turtle recovery plan, the guidance is no development; he listed what affects the bog turtle's habitat, and urbanization of the watershed; the bog turtle is a sensitive species, and this watershed is largely urbanized. I say in my letter the guidance is no development, so what's on the site *now* is noncompliant. The question was strange to me, Davison said. This new use is noncompliant; it does not change anything. I was not sure what Danzer wanted me to say, other than that. Everything on the other side of the railroad tracks, that wetland is highly impacted. There are no undisturbed areas on the site; the vegetation is thick. That whole site is compact fill. No significant habitats will be altered. I like what Steve has done regarding the planting plan and capturing the sheet flow. The likelihood of them being there is very low. I can answer any questions, Davison said. Lees asked about any habitats there. Davison replied anytime you have a wetland of this size, you are going to have a lot of biology in there, certainly animals using that wetland. Lees said we are trying to preserve that; maybe some kind of signage: an active wetland. Educational signage is used, Davison said; yes, you certainly could. Baroody had nothing to add. Ben Doto said, one more thing: we will add those signs. Davison said I don't want to discourage you from asking the bog turtle questions. What should we be asking these three towns, here's how we suggest you handle this: ask the DEEP, Davison concluded. Motion to **table** by William Mills. Second by Lees. Motion carried unanimously at 7:55 pm.

**7 Jeffrey Street
Charlotte Griffin**

Date of Receipt: 11/12/14.
First 65 Days: 1/16/15.
Second 65 Days: 3/22/15.

Regulated Activity # 996

Lot # H22133, RA-20 Zone, Lake Waubeeka.
Replace 2 failed retaining walls.
Garrett Meade, Contractor. Site visit 12/8/14.
Staff report by D. Baroody 12/10/14.

Chairman Gallo introduced this petition, and Charlotte Griffin and Garrett Meade came forward. Charlotte Griffin introduced herself and Garrett identified himself. Chairman Gallo said we walked it the other day when we were up there. Is everyone familiar with this, Chairman Gallo asked. They have not seen the report. Baroody offered to show them the proposed conditions of approval. Meade and Griffin read his 12/10/14 project impact report at 7:59 pm. Baroody and Meade conferred quietly. My guy

says we can do it, Griffin said. Dan Baroody said we recommend a summary ruling with the five conditions, with proper installation of erosion controls. William Mills: motion to **approve** with the five conditions. Craig Westney seconded. Motion carried unanimously at 8:02 pm. Griffin said thank you. Secretary Lee said we can copy plans and call Charlotte Griffin when ready.

NEW BUSINESS:

3 Clear Brook Road Antonio J. Corte-Real

Date of Receipt: 12/10/14.
First 65 Days: 2/13/15.
Second 65 Days: 4/19/15.

Regulated Activity # 997

Lot # K09039, RA-20 Zone.
Benjamin V. Doto, III, PE.
SF residential improvements.
C & D Order sent 7/24/14. Chairman

Gallo introduced this new application and Benjamin V. Doto, III, PE, gave some history of the project. He did stop work, Doto said. My client purchased the property in 2013 and started making improvements without permits. He had a half buried basement. He desired to have a walk-out basement. It's about a half acre; a single-family residence. We had it topo'd. Almost the entire property is within the regulated area. He's not proposing to add to the house. He is proposing a walk-out patio, and to tie in the stairs to the driveway, to the existing garage. He has to re-lay his well line, and we are proposing to move that line so the line does not freeze. He needs to get on board with EIC first, Doto continued. We are showing a sewer line out in the road. We are not tying into that line. If the septic system were to fail tomorrow, I would recommend tying in to that sewer line. Doto explained why it took so long for him to get his application in; some of it is my fault, and Paul Hiro was backed up. Doto described the sewer line that ironically follows Beaver Brook. Doto discussed not proposing the sewer line at this time. I talked to Pete Dunn, and he said as long as it is feasible, it could get done. Doto next discussed the three bedroom house, seeding, silt fencing, fine grading; those trees are not coming down; the grade that has dropped most is right behind the house. The grade is not touched along the trees and brook. We would be happy to meet on site, but it is pretty straight forward, Doto concluded. Any questions, Chairman Gallo asked at 8:09 pm. Doto answered Mills' questions about the plan, the garage, the driveway; horseshoe driveways are out of favor these days. The garage is staying just like it is. Bruce R. Lees made a motion to **table**. Second by Craig Westney. Motion carried unanimously at 8:11 pm. Doto added that Mr. Corte-Real was not aware of the wetland, and he is sorry.

30 Shelter Rock Road Moody-Fantel Properties, Inc.

Date of Receipt: 12/10/14.
First 65 Days: 2/13/15.
Second 65 Days: 4/19/15.

Regulated Activity # 998

Lot # K15088, IL-40 Zone.
Benjamin V. Doto, III, PE.
Site improvements, storage.
Detention basin=wetland soil. Chairman

Gallo introduced this new item and again Ben Doto placed his plans on the easel and distributed the Revised Site Plan. It's the Metro Roofing Site. Doto described what exists: a 6.4 acre site in the IL-40 Zone. There is an old detention basin in the back; technically that basin is a wetland, but it has never been an issue. We are basically adding some storage units. It has some standing water in the bottom, and was designed to serve a building that was never built. Doto showed the location: a little frontage on South Street; this is Preferred Utilities, and the basin runs along side of their property. Here's the Metro Roofing building. The basin has been sitting there, but it does accept drainage and Doto explained from what sources. It serves a pretty big and significant watershed. I was hoping this could be moved to

Administrative Approval. Our intent is to get it back functioning, Doto concluded. Dan Baroody said it is feasible to just restore the detention pond; it's not a naturally occurring wetland, so I would not object to Administrative Approval as there are no true wetlands on the site. Lees made a motion to move to Administrative Approval. Craig Westney seconded. Motion carried unanimously at 8:18 pm. Ben said thank you and good night. Lees said Happy Holidays.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: NA

ADMINISTRATIVE STAFF ACTIONS: 8 Driftwood Road (J03046), EIC **992**. Residential addition. Moved to Admin. Approval 11/12/14. Admin. Approval by D. Baroody 12/4/14, RA-20 Zone.

ACCEPTANCE OF MINUTES: Motion to approve the meeting minutes from November 12, 2014, by Bruce Lees. Second by William Mills. Motion carried unanimously 8:19 pm.

ELECTIONS: Nominating Committee: William Mills, Derek Roy, William Nicol. After the schedule was accepted, Mills said I called all the parties by telephone. Chairman Gallo seeks to maintain chairmanship. Rose wants to stay as co-chair. And Mark Massoud wants to stay as secretary, Mills said. If there are no objections, William Mills so motioned for these three to maintain their positions. There's no vote needed, Lee asked? William Mills made a motion to close the election proceedings. Chairman Gallo seconded the motion to close. Motion for the chairman of the elections committee to cast one ballot. The chairman of the elections committee for 2015 cast a single ballot for the so-stated slate, Mills said. Craig Westney seconded the motion. Motion carried unanimously at 8:24 pm.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: 2015 Meeting Schedule. Next regularly scheduled EIC meeting January 14, 2015. William Mills motioned to accept the 2015 meeting schedule. Westney seconded. Motion carried unanimously.

CORRESPONDENCE: NA

ADJOURNMENT: Motion to adjourn by William Mills. Second by Westney. Motion carried unanimously at 8:27 pm.

After the meeting adjournment, Commissioner Westney introduced Nathan and Brandon, Boy Scout troop members working on citizenship and community badges, saying hopefully they picked up some information tonight. Craig Westney introduced Chairman Gallo, Lee and Baroody to the Boy Scouts from Pack #252. The boy scouts had no questions.