



CITY OF DANBURY
155 Deer Hill Avenue
Danbury, CT 06810

Environmental Impact Commission

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ACTIONS TAKEN

January 11, 2006

Common Council Chambers

Meeting called to order at 7:08 pm by Shay Nagarsheth.

Members Present: Chairman Nagarsheth, Bruce R. Lees, Kevin B. Russell, William Mills, Matthew N. Rose, Jon K. Fagan, Alt. Kurt A. Webber (late) for C. Westney.

Members Absent: Craig Westney

Staff Present: Scott T. LeRoy, MPH, MS, Health Director, Secretary Patricia Lee, Corporation Counsel Robin Edwards

ACCEPTANCE OF MINUTES: November 9, 2005, approved unanimously.

EXECUTIVE SESSION:

7:00 pm: Executive Session. **EIC 573**, Environmental Impact Commission to discuss Stipulated Judgment 2004 (Mikelic). B. Chianese, R. Edwards and S. LeRoy invited to join session. Following the private session, Mills motioned to authorize Corporation Counsel to advise the Court that the Commission does not object to an extension for a reasonable period of time until April 17, 2006, to allow the Mikelics to complete the repairs agreed to in the Stipulated Agreement dated 9/30/05, so long as the Mikelics (1) apply for and obtain an approved grading permit application, including fees and bonding, and (2) the Mikelics submit evidence of a contract with the contractor to complete the repairs within 30 days. B. Lees seconded the motion, and it carried unanimously.

STAFF REPORTS & COMMUNICATIONS:

Jack S. Kozuchowski, CHMM, Coordinator of Environmental and Occupational Health Services, had provided the Commissioners with photos and a report on the violations at 36 Franklin Street (H13036), LeRoy explained. EIC application and evaluation required per LeRoy.

Scott T. LeRoy, MPH, MS, Health Director, reviewed agenda items and who will be reviewing them. LeRoy briefly discussed the following:

NOTICE(S) OF VIOLATION, CEASE & DESIST ACTIONS:

Follow-up to Notice of Violation and denial, 12/10/04, to William S. Coffey, Jr., **43 Beaver Brook Road**, EIC 585. 6/8/05 Scientists proposed mitigation, planting plan. 8/29/05 Engineer Ramunni's report rec'd. COD Engineering Dept. cannot comment

on slope stabilization. LeRoy to send certified letter 1/06 to hire new engineer, and N.O.V. will remain in place.

Notice of Violation, 11/16/05, to Michael & Dawn Glick, **5 Golden Hill Road** (H12091) for filling, fill material, without DEIC permit. Michael & Dawn Glick excused from attending 12/14/05, since LeRoy, Kozuchowski, Mead & Gleissner had meeting 12/14/05. Soil study rec'd. 12/13/05. Eric Gleissner to provide maps 1/11/06. Health Dept. is handling this 1/11/06, per S. LeRoy. Glick to submit EIC application for Regulated Activity.

Notice of Violation, 12/21/05, to Nicholas Tsakonitis, **36 Franklin Street** (H13036) for gross violation with placement of fill in wetlands and a watercourse below property. Violator ordered to cease, and to appear 1/11/06. Approved site restoration plan to be completed by 1/10/06. LeRoy reviewed Kozuchowski's letter, N.O.V. and photographs. Owner to submit EIC application for Regulated Activity.

PUBLIC HEARING:

1 Kennedy Avenue

Regulated Activity # 642

BRT Kennedy, LLC Assessor's Lot #H14356, H14356-1, H13289, C-CBD Zone.

Date of Receipt: 11/30/05.

Kennedy Place: condominiums & retail.

Public Hearing opens 1/11/06. Motion to **close Public Hearing with Stipulation** by Fagan. Second by Rose. Motion carried unanimously. Motion to **table** by Lees. Second by Mills. Motion carried unanimously.

OLD BUSINESS:

62 Chestnut Street, Inc.

Regulated Activity # 529 R

62 Chestnut Street

Assessor's Lot # J13298, RMF-4 Zone.

Date of Receipt: 9/28/05.

Engineering requests drainage revisions.

First 65 Days: 12/2/05. Extension ltr. rec'd. 12/1/05. 1/11/06 revised mitigation & enhancement plans for Hatters Park rec'd. from Artel. Motion to **table** by Mills. Second by Lees. Motion carried unanimously.

Seneca Trail / Candlewood Pines

Regulated Activity # 632

Pamela Equities Corp.

Assessor's Lot # H03069, RA-80 Zone.

Date of Receipt: 10/26/05.

Lots 15A- 21A.

First 65 Days: 12/30/05. S. Sullivan of CCA, LLC: site is staked 12/8/05. No objections by Northeast Generation Svcs. Revised septic system plans with CLA recommendations rec'd. 12/12/05. Ext. ltr. rec'd. 12/23/05. Motion to **table** by Lees. Second by Fagan. Motion carried unanimously.

18 Waterview Drive

Regulated Activity # 633

Steven Weiss

Assessor's Lot # I07019, I07020.

Date of Receipt: 10/26/05. Residence reconstruction with new septic, RA-20 Zone.

First 65 Days: 12/30/05. Site staked 11/18/05. To redesign system, James Blansfield requested TABLE to 1/25/06 meeting. Extension ltr. rec'd. 1/9/06. Motion to **table** by Mills. Second by Lees. Motion carried unanimously.

South King Street, Lot #2

Regulated Activity # 636

Eric Schweitzer

Assessor's Lot # D07034, RA-40 Zone.

Date of Receipt: 10/26/05.

SF residence, well, septic, driveway.

First 65 Days: 12/30/05. Danzer report rec'd. 11/7/05. Postponed 11/30/05 & 12/14/05 to work on mitigation plan. Extension ltr. rec'd. 12/21/05. Kozuchowski & Schweitzer met 1/5/06; TABLE to 1/25/06. Motion to **table** by Mills. Second by Lees. Motion carried unanimously.

40-42 Kenosia Avenue

Regulated Activity # 641

Matthew Ahearn

Assessor's Lot #E17085, E17086, IL-40 Zone.

Date of Receipt: 11/30/05.

Contractor equipment sales, storage, repair.

First 65 Days: 2/3/06. Engineering's comments rec'd. 12/21/05. TABLE to 1/25/06 per M. Mazzucco. Motion to **table** by Mills. Second by Lees. Motion carried unanimously.

51A East Lake Road

Regulated Activity # 643

Richard Radachowski

Assessor's Lot # E06061, RA-80 Zone.

Date of Receipt: 11/30/05.

Single-family home, well, septic, driveway.

First 65 Days: 2/3/06. Alternatives rec'd. 12/14/05 from Artel. Motion to **table** by Lees. Second by Fagan. Motion carried unanimously.

Saw Mill Road & Old Ridgebury Road

Regulated Activity # 646

WCI Communities/ The Reserve

Assessor's Lot # B15001, PND Zone.

Date of Receipt: 11/30/05.

Phase 6: 284 cluster residences.

First 65 Days: 2/3/06. Project summary rec'd. 12/29/05. Motion to **table** by Lees. Second by Mills. Motion carried unanimously.

NEW BUSINESS:

73 Southern Boulevard

Regulated Activity # 649

Immaculate High School

Assessor's Lot # I16078, RA-8 Zone.

Date of Receipt: 1/11/06.

Track & field, parking improvements.

First 65 Days: 3/17/06. B.V. Doto, III, P.E. Motion to **table** by Lees. Second by Mills. Motion carried unanimously.

Winnebago Trail, Lots 1A – 5A Regulated Activity # 650

Pamela Equities Corp.

Assessor's Lot # H03069, RA-80 Zone.

Date of Receipt: 1/11/06.

Single-family home with related site work.

First 65 Days: 3/17/06. Recommendations from CLA, Brian Wood, rec'd. 1/10/06. Motion to **table** by Mills. Second by Fagan. Motion carried unanimously.

Winnebago Trail

Regulated Activity # 651

Pamela Equities Corp.

Assessor's Lot # I03003, RA-80 Zone.

Date of Receipt: 1/11/06.

Single-family home with related site work.

First 65 Days: 3/17/06. CCA, LLC. Motion to **table** by Mills. Second by Fagan. Motion carried unanimously.

CORRESPONDENCE:

January 19, 2006, Thursday, 6 pm: Two seminars on the law of land use and the FOI Act.

As of 2/1/06, Swampfield Land Trust, Inc. is changing its name to **Land Trust of Danbury, Inc.**

EIC ADMINISTRATION, OPERATIONS & FUTURE AGENDA ITEMS:

46 Payne Road

Regulated Activity # 631

Estate of Jerome Bigelow

Assessor's Lot # M13005, IG-80 Zone.

Date of Receipt: 9/28/05.

Jeffrey Bigelow & Milton Feldman.

First 65 Days: 12/2/05. Second 65 Days: 2/5/06. Wetlands enhancement project. Revised mitigation plans rec'd. 10/21/05. Narrative report rec'd. 11/23/05 from Mazzucco. Project impact report by S. LeRoy 11/30/05. Mitigation plan rec'd. 12/12/05. Extension ltrs. rec'd. 12/13/05 & 2/27/05. N.O.V. still in place 12/14/05. On 12/14/05, EIC voted to **table** to allow time to get co-executor's permission for Conservation Easement. LeRoy reviewed the history briefly 1/11/06.

ADMINISTRATIVE STAFF ACTIONS:

113 West King Street, Parcel 2B

Regulated Activity # 645

Frank Hordos

Assessor's Lot # B06023, RA-80 Zone.

Date of Receipt: 11/30/05.

SF residence, well, septic, driveway.

Admin. Approval done by S. LeRoy 12/21/05.

5 Gregory Street, Parcel B

Regulated Activity # 380

R

Jose M. Lima

Assessor's Lot # G13213, RA-40

Zone.

Date of Receipt: 11/30/05.

Wetland enhancement plan.

N.O.V. sent 8/22/05. Seven-point agreement with S. LeRoy 11/29/05. 12/13/05
Planting plan rec'd. Admin. Approval by S. LeRoy 12/21/05.

ADJOURNMENT:

Lees motioned that 2006 EIC meetings **open at 7 pm** (instead of 7:30 pm). Mills seconded the motion, and it carried (Lees, Mills, Webber, Rose, Fagan), providing the Common Council Chambers are available.

Rose motioned to adjourn. Webber seconded the motion and it carried unanimously at 10 pm.

The next regular meeting will be held **1/25/06** at **7 pm**.