



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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Minutes
September 13, 2006

Call to order Chairman Bruce Lees at 7:00 PM

Present were Bernie Gallo, Matthew Rose, Kurt Webber, William Mills Bruce Lees and Jessica Soriano (arrived at 7:10 PM). Also present was Senior Environmental Inspector Dan Barody.

Absent were Jon Fagan and Craig Westney.

BL asked KW to take JF place.

BL said they would limit the public hearing to one hour

PUBLIC HEARING

Saw Mill Road & Old Ridgebury Road, Regulated Activity #717
The Reserve, Phase 4, phase A, Assessor's Lot # B15001, PND Zone.
Date of Receipt: 7/12/06. 401 residential units, "Encore at Rivington".

First 65 Days: 9/15/06. Second 65 Days: 11/19/06. WCI Communities /Tighe & Bond. E + S Control Plan, stormwater & drainage plans, planting & mitigation plans rec'd. 7/26/06. "Earthworks Enlargement" plan rec'd. 8/21/06. Planting plans rec'd. 8/23/06. Impact report by D. Barody 8/23/06. Site visits 9/5 and 9/8/06.

PNJ asked that all previous info submitted be incorporated into the record.

John Dolan Project Mgr WCI- three diff neighborhoods. This is second phase encore, 401 unit age restricted community. Refer to renderings. Combination of walk out units and underground parking. Gated community indoor and outdoor pool. Community center.

John Block, Tighe & Bond, described location of site. Master Plan approved 10/04. Phase 1 486 units/ ph 6 284 units design studio phase 8 10000 sf office building and Anns place all approved. Tonight is phase 4A. includes grading, parking detention basins. No filling of any wetlands needed. Two intermittent watercourses, remainder of sear rd. 1875 sq ft. Entire site drains to north. Have submitted detailed plans to DOT and DEP, waiting for expected approvals. Wetlands are flagged. Building corners are staked out as requested by the commission. Dedicated wildlife habitat easement and open space areas delineated on plan. 322 acres either conservation easement or open space. 545 acres total parcel. Handed out alternatives developed as course of design process. Compare designs on sheet ALT1. modified to two entrances instead of many. Adding retaining wall behind building 2 on ALT 2. ALT3 instead of larger mid size housing units, parking had been further down hill. town house units require retaining walls. Area of disturbance increased so shifting units around

did not work. Ended up that two buildings are using back face as retaining wall. ALT4 took midrise on corner and move it into the hillside. Cuts down earth work within regulated area. This is the one that's proposed. More total excavation proposed. BL asked what material walking trail will be composed of. JB said just a path will allow drainage. BM asked them to move bldgs 1-2-3-4 further back. He did site walk and those were his concerns. BL said the engineer has looked at changing the retaining walls and the fill but BM is asking to move these buildings further from wetlands. JB said they looked at making the buildings smaller but then they would have to be closer to the wetlands.

Erik Lindquist, also from Tighe & Bond to go over the stormwater management and hydraulics for the site. Runoff collected, running to the north, broken into systems.

Matt Popp, Soil Scientist, Environmental Land Solutions, said he has walked this site many times. Submitted photo. Described the watercourses, three intermittent watercourses that run through the site. BL labeling these photos in order 1-2-3-4-5. the proposed development is not disturbing any inland wetlands. BMP to be followed to address the two concerns. Review proposed mitigation measures. Another photo labeled exhibit 6. KW said behind buildings 3 and 8, will there be any impact? BM questioned their choices in plantings. BL mentioned wetland boundary markers.

John Block said the master plan show 680 units they brought it down to 401.

No public comment or opposition.

MR made motion to continue the public hearing to 9/27. BM seconded

OLD BUSINESS:

67 Cedar Drive Regulated Activity #709

Blanca Hubbell Assessor's Lot # K04172, RA-20 Zone.

Date of Receipt: 6/14/06. Stone walls, patio.

First 65 Days: 8/18/06. Second 65 Days: 10/22/06. Recommendations from B. Wood/ CLA rec'd. 7/26/06. Extension letter rec'd. 8/9/06. Hubbell's to contact Cedar Hghts. Association. Table till 9/13/06 per M. Lillis.

BM/MR motion to table

22 Shelter Rock Lane Regulated Activity #713

Shelter Rock Business Center, LLC Assessor's Lot #L15005, L15006, IL-40 Zone.

Date of Receipt: 7/12/06. Expansion/Construction of 3 buildings.

First 65 Days: 9/15/06. Second 65 Days: 11/19/06. B.V. Doto met with D. Baroody 8/7/06. Wetland Mitigation, signage, stencil plans rec'd. 9/7/06.

DB provided staff report. Proposed work is appropriate. Staff recommendation is for summary ruling with conditions as listed in staff report. BL asked if application is complete. MR motion to accept this as complete. BG second unanimous. MR motion to approve this per summary ruling with the eight conditions of approval from staff report. BG seconded. Unanimous.

10 Great Pasture Road Regulated Activity #719

Chuck Saber Assessor's Lots #L15008, L15009, RA-40 Zone.

Date of Receipt: 8/9/06. Safe & Sound Storage, 4 buildings.

First 65 Days: 10/13/06. Second 65 Days: 12/17/06. M. Mazzucco, PE. Notified Bethel Town

Clerk.

DB still waiting for mitigation report which was requested by commission suggest tabling. BM motion to table until 9/27. MR seconded. Unanimous.

Spruce Mountain Road, Lot B1 Regulated Activity #720

Jeremy Schoeller Assessor's Lot # F19095, RA-40 Zone.

Date of Receipt: 8/9/06. SF residence, septic, driveway.

First 65 Days: 10/13/06. Second 65 Days: 2/17/06. R.J. Gallagher, Jr.

Jeremy Schoeller said there were some matters in question. DB met with applicant and Airport Staff some evidence of dumping on land. Asked applicant to supply report or some test holes. That was not completed before tonight. Ask they table until they get some evidence.

Jeremy Schoeller said there hasn't been any dumping. There were some old oil drums, said DB was supposed to call him to arrange test wholes. BL said the commission has to depend on staff for their expertise. BM motion to table until 9/27. BG second.

18 Hillside Road Regulated Activity #721

Jeff & Karla Mortara Assessor's Lot #I08040, RA-20 Zone.

Date of Receipt: 8/9/06. Rebuild SF residence, upper garage.

First 65 Days: 10/13/06. Second 65 Days: 12/17/06. Blansfield Builders to contact CLA. CLA comments rec'd. 8/21/06. Sedimentation and erosion control plan & roof drain plan rec'd. 9/7/06. Revisions & planting plan rec'd. 9/8/06. See 12/15/05 letter re: EIC # 644 from Jack S. Kozuchowski.

Jeff & Carla Mortara want to build on same footprint. Brought plan vegetative and s & e plan. Had submitted plan with proposed garage but they had plan revised to remove it. Everything proposed is above the 440 line. Also want to clarify and add to record the proposed addition which was approved as permit #644 as well as variance. Approved by Jack Kozuchowski. Exhibit one. Engaged Ellen Hines LA and Ben Doto PE.

Ben Doto referred to SEC and roof drain plan. Straightforward plan. Driveway drainage – nothing proposed at this time since portion of driveway is below 440 address later if a garage is added. Leave existing drainage for driveway as it is.

Ellen Hines proposed planting and site restoration plan. Majority of site is still covered with canopy of old oak trees. Some of these trees are old and for that reason proposing some new plantings. Plantings outside of construction limit line to start as soon as commission will allow them to this will eliminate the potential for erosion. Some new species are establishing themselves and these will be removed before they get a foothold. Committed to plantings as detailed on plan. As reconstruction of house progresses they will continue with plantings on list as detailed. BM asked if everything is below the 440 line. She said some of the area was denuded and they want to replace that. BM asked if she had been in contact with CLA. She said she has. BM asked Jeff Mortara about additional garage proposal, J Mortara said there is a stone retaining wall below the fence, which was damaged by the water used to put out the fire. NU gave them a license to remove the dead trees. Before they come back to get approval from the commission for the garage, they need to get NU to approve it. Wall needs to be fixed before it can go forward. BL said the garage will be a modification of this permit. JMortara asked for expediency if possible since they are living in temporary housing.

DB staff report said activity will be limited to rebuilding house on existing foundation and previously approved permit #644. staff recommends summary ruling with five conditions. Application is complete. All plans have been submitted. MR motion to accept as complete.

BM second motion. MR motion to approved as summary ruling with five conditions of approval from staff report. BM second.

57-59 Bear Mountain Road Regulated Activity #722

Nevzat Murtishi Assessor's Lot # H04073, RA-80 Zone.

Date of Receipt: 8/9/06. Single-family residence, well, septic, driveway.

First 65 Days: 10/13/06. Second 65 Days: 12/17/06.

DB staff report. All revised plans have been submitted. Move house asway from wetland area recommend summary rulling with conditions listed in staff report. Application is complete. MR motion to accept as complete. BM seconded. MR motion to approve as summary ruling with eight conditions of approval. BM seconded.

193-207 Great Plain Road Regulated Activity #723

Sycamore Trails Group, LLC Lots # J04085,J04084,J05009,J05100, RA-80 Zone.

Date of Receipt: 8/23/06. Savannah Hills Subdivision, 12 SF lots proposed.

First 65 Days: 10/27/06. Second 65 Days: 12/31/06. Cordeiro, ±33.5 acres. Tabled to 9/13/06 per M. Mazzucco.

Lorraine Seder and Deborah Legg submitted letters and photos. Distributed copies of letters to comm. Members they need copies of pictures. Asked if they will be able to speak on this. BL suggested contacting the health dept.

Mike Mazzucco PE, refer to subdivision map prepared by Paul Hiro, existing conditions map. Grades are somewhat moderate. Three areas of wetlands flagged by ESM Assoc. refer to site development plan. Identify location of site. Only place to access the site with a road is across from Lakeview Dr. Hwy Dept asked for widening along great plain rd. need to look at to see what impact that would have. Two interior lots served by accessway, lots 9 & 10. on site septic and wells for all lots. Other areas have detention galleries, numerous detention galleries throughout the development. Said there was a cell tower proposed for this site in the past. Topography issues limit. BL asked if there would be any loss of wetlands. MMazzucco said no, other than control device no other impact no other fillings proposed. KW asked about lot 9 and the location of the house, why not move it south. MMazz said they could pull it forward just don't want it to look the other way. BM asked if the state would require them to widen the road. MMazz said not the state the town wants it widened to 26 ft., need to see what they can do with that. BG made motion to send this to a public hearing. BM seconded that motion. BG said he also wouldlike to do onsite. Unanimous vote on ph

Margaret golden exhibit 1 copies need to be made

Set public hearing for October 11, 2006. look to setting up site walk possibly with applicant

MMazz asked what they would like to see as to staking. DB said center line of road. BM said wetlands. DB said house on lot 9.

DB point of clarification public hearing being held for purpose fo public concern so that neighbors can be heard. BG amended motion. BM amended second. MR motion to table this matter until the public hearing.

NEW BUSINESS:

Change tape

99 Federal Road Regulated Activity #724

STLJ, LLC (Stew Leonard) Assessor's Lot #L08031, CG-20 Zone.

Date of Receipt: 9/13/06. Walgreens 15,000 sq.ft. building.

First 65 Days: 11/17/06. Second 65 Days: 1/21/07. Rotondo Engineering, LLC.

Keith Buda Rotondo Engineering, brief overview of proposed improvements. 40.5 acres. Ex stew Leonards bldg with paved parking area. Addition and separate bldg proposed. All within limits of existing site development. no further beyond current existing development. Reconfig of parking spaces done to accommodate these actually creates less impervious surface. Portion of ex drainage system reconfigured to accommodate these improvements. All of ex stormwater discharge points to remain as is, no new ones. Added vortechnic units to be added – grading permit was issued in 1999 by mark massoud for 14000 add and 35000 retail bldg. this is a reduction of that proposal. KW asked no additional parking being proposed. KBuda said existing is being reconfigured to accommodate uses. Staying within paved surface that exists today. As exists today there is no treatment for any of the stormwater. BM asked if rest of parking area will continue to discharge as it does today. KBuda said yes. BM asked for stenciling no dumping leads to Still River, BL said Costco has it on all their drains. To guard still river and vortechnic units so people will know that anything dumped into it will go right to still river.

Matt Popp LA and Soil Scientist, wetland system mainly in back, still river flows northward behind that. This will improve water quality and no impact on wetlands. BL asked about army corp. MPopp said must be a disturbance of 500ft or more. BL asked if they could show the existing drainage on their plan also. BM said something about sweeping of sand and salt. BM motion to table until 9/27 BG second motion.

MR/JS take five minute recess.
BL called meeting back to order.

Padanaram Road, "Spring Creek" Regulated Activity #725

Woodland Group, LLC Assessor's Lot #G09086, RA-40 Zone.

Date of Receipt: 9/13/06 51-Unit housing facility, 9.8 acres.

First 65 Days: 11/17/06. Second 65 Days: 1/21/07. Surveying Associates, P.C.

John Block, Tighe & Bond, described location. One driveway cut. Land slopes down to brook. All parking under building in two levels with four spaces outside. Interesting site, was an approval in 2003 and is good until may 2007 for affordable housing by the corp and DEP but it disturbed most of the wetlands. BL said to clarify it was not approved by this commission. JBlock said 230 sq ft of disturbance of intermittent water course. The corp thinks this plan is fantastic. Said DB and SD have been out there. Former applicant did get permit from DOT for driveway. BL asked about requirements for low income housing. Block said he does not know about that Tony Lucera will be available for the next meeting.

DB said he was out to site with Steve Danzer would have him come back to evaluate the site. BL asked if he could get that done. DB said they have pulled everything out of wetland and they have permit to construct but erosion control systems fail during construction, that's all we have so far. BM said public concern because this is Padanaram Rd., should they have public hearing rather than having some meetings where the public request a hearing. Other applications on Padanaram have gone to public hearing. If there is no interest they can close the hearing, once they get danzers report they will have a better idea. BM motion to have this go to public hearing. BG second. BL said if they schedule it for public hearing, then they can't talk about it until then. BM said the time will allow staff and dr d to go out and look at it. BL said this would be based on public interest. And the date would be 10/25/06.

13 Flint Ridge Road Regulated Activity #726

Claudia Wagner & Don Lebowitz Assessor's Lot #J04050, RA-20 Zone.

Date of Receipt: 9/13/06. LaurelRock Company, grading, seeding.

First 65 Days: 11/17/06. Second 65 Days: 1/21/07.

DB said new application for rebuild on single lot within regulated area waiting for comments from CLA. BM motion to table until 9/27. BG seconded motion.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

ADMINISTRATIVE STAFF ACTIONS:

CORRESPONDENCE :

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

EIC 585 , N.O.V. issued 11/16/04 to William Coffey, Jr., re: 43 Beaver Brook Road. Letter sent by R. L. Edwards, Atty., 3/14/06. Baroody & LeRoy met with the Coffeys on 4/12/06; engineers to provide compliance schedule.

DB said CC issued letter giving them till the end of month to comply or further legal action will be taken. May take form of injunction. at that point further discussion would be under executive session.

EIC 567 , 22-24 Padanaram Road, Elmer's Diner, formerly Ann's Place & RDB Associates, LLC, approved 10/1/04. Elmer Palma, LLC, requests EIC Commission transfer approval to new owner.

They need copies of request for change of ownership. Started construction with foundation permit. Never advised commission that there was a change of ownership and approvals note that they are non transferable. Original permit was admin app but at any time the Comm can bring back the approval to be voted on and in this case, the building official has stopped work on building walls closest to still river so they will have to have a structural change. MR said they were pouring yesterday. BM motion that they submit a new application. BL said DB said they can make an motion for new application to be submitted or pull the admin approval. DB said they are asking them JS asked why they would if it is just a change of use. Db said it is a change of use, and there will be structural changes. The building dept has stopped work. BM said they are building a retaining wall to ft from the water, it is so close to the stream.

Elmer owner of diner, before brought property had submitted for change of ownership and it was approved. Try to buy property submit permits, tried to wait but costing a lot of money. Thought his engineer had done what needed to be done, and now finds out that they did not. Wants to do what is right. They had started working thinking they had approvals. BL explained that they had approved this as an office building now it's a restaurant. Now there will be structural changes to the building so they have to look at it. Elmer said when he submitted the permit he asked what needed to be done and tried to do it. He said they tried to do erosion controls as requested, 185 linear ft retaining wall, five feet under ground with footings to make sure they will not touch stream. BL said that is why they need to see this as a plan, suggest he work with DB. Resubmit plan so the Commission can look at it. Elmer wants to abide by the law. KW asked if we have issued NOV. DB said have been working with site engineer and contractor as well as Building inspector but they may need a DEP encroachment permit as well as an armycorp permit

BM motion to submit new application for regulated act. MR seconded.

At 9:15 PM, MR made motion to adjourn. BM seconded motion and it was passed unanimously.