

BY: 

ENVIRONMENTAL IMPACT COMMISSION
City of Danbury
DRAFT MINUTES
JUNE 24, 2015
CITY COUNCIL CHAMBERS

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ROLL CALL: Chairman Gallo called the meeting to order at 7:05 pm. Present were Chairman Bernard Gallo, Craig Westney, Matthew Rose, Mark Massoud, William Mills, Bruce R. Lees.
Absent were Alt. William Nicol, Michael Esposito.
Staff present were Ryan Boggan, Danbury Health & Human Services Dept., Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: Led by Matt Rose. Chairman Gallo apologized for the last cancelled meeting 6/10/15.

EXECUTIVE SESSION: NA

CONTINUED PUBLIC HEARING:

**12 East King Street
Delmar Smith**

**Regulated Activity # 1000
Lot # D05043, RA-80 Zone.**

Date of Receipt: 2/25/15. 3-Lot res. subdivision w/ septic, driveways.
First 65 Days: 5/1/15. R. J. Gallagher, Jr. & Associates
Second 65 Days: 7/5/15. 7.477 ± acres. Copy to Dr. Danzer 2/26/15.
Danzer report rec'd. 4/6/15. Extension letter rec'd. 4/27/15. Revisions rec'd.
5/14/15. Danzer 2nd report rec'd. 5/26/15. EIC must render decision within 65 (35!) days of closing the public hearing. Julie Forrest, from 10 East King Street, took the mic and introduced herself. I am addressing what we previously stated. Julie Forrest spoke in opposition to the application, questioning the rain gardens. Were the FERC tests done in the proper areas; it's rocky, and the ledge; the stormwater runoff from houses 2 and 3, the soils and wetlands report by Cynthia Rabinowitz (ConnSoil: cynthia@hgconnsoil.com). We have shown that there is a manmade bridge, and an alteration to the wetlands; and how to right that wrong. Forrest said it's the responsibility of the owner to return the area to its natural state. Forrest summarized the activities, the changes in slope, the tree clearing; all activity is guaranteed to have an adverse effect. Screech owl boxes (are proposed), but we'd prefer to see the proposed rain gardens, and we are hoping to hear from the commission that it should not be considered.
Tom Forrest signed in and identified himself, from 10 East King Street. At the last meeting Mr. Gallagher presented a new site plan and said that nothing has changed, using the easel. The lots are actually considerably different, Mr. Forrest said. Forrest expressed his opposition to the revisions; very rocky, there's lots of ledge; the perc holes; the holes for lot one are only about 150 to 200 feet from my home. It's very wooded there; tough to get a backhoe in there. Now the septic and reserve are on what? Forrest read from the regulations about the septic. The lot 2 septic should be rejected. Mr. Forrest read the wetlands regulations into the record. The homes are set to be slab homes. Mr. Forrest cited Rabinowitz' report: will there be testing for contaminants, from the debris on parcel B, but photo evidence shows that this is not the case. There's debris on all three lots. Is Rabinowitz qualified, and he cited her report. How did she come to these conclusions? Bruce Lees arrived at 7:19 pm. Mr. Forrest discussed the trees, native species, the outdoor lighting, what will be enforceable and how? There's not enough acreage for a three-lot subdivision and it should not be considered.

Jeanette Carlucci, from 2 and 4 East King Street, said my husband and I, fear significant adverse impacts now and forever more. Protection of the wetland is essential. She cited the wetland regulations at 7:20 pm; best management practices, rain gardens. The stormwater management drains do not meet criteria, and should not be approved. Carlucci discussed the materials, evidence, the testimony, the debris, garbage, the vehicles, disturbances; three more homes and septs, all contributing to the deprivation of the land. It was never a farm. Lee shut the chambers doors at 7:24 pm, and Carlucci continued. No contamination analysis was done. She referred to the 25-year storm, the 50-year storm; Mr. Gallagher used the 25-year storm. Is there a loss of functionality of a wetland or watercourse, per the State Statutes? Carlucci discussed the licensing of the environmental professional Cynthia Rabinowitz (Soil Scientist). Carlucci discussed the EIC documents that should have been required by the DEEP regulations, which were not provided by the applicant. There should have been weekly readings, Carlucci said. Her report clearly states that she reviewed Mr. Moeller's report, and it was made at a computer. Carlucci said I was able to do the same thing. It's of questionable accuracy. Regarding the depth to the restrictive layers, Elgin requires a 12-foot separation. The stream which runs continuously through the wetlands is not even in the revised edition. Carlucci cited the Dept. of Health Statutes at 7:30 pm. Lot 1 has a roof drain running right along the well hole, 5 to 10 feet away. Engineering data was not included. Carlucci said my personal comments: we think there was a jump to over-develop the land. She discussed the history of the lot sell-off by Mr. Smith; there's five acres left, enough for two lots, but not three. Concerns about contamination have not been addressed, since the soil has not been tested, Carlucci continued. I'm worried about my well. There will be erosion and sedimentation, Carlucci said. Carlucci discussed the driveway spacing, referring to Mr. Forrest's plan on the easel, and noted the polluted water going into the ground. We have provided comments, evidence and testimony, and feel it should not be approved. Thank you, Carlucci said, for your time. Chairman Gallo said we know most of those rules. Mr. Gallo asked Mr. Gallagher to speak at 7:36 pm.

Ralph Gallagher said he had reviewed Mr. Danzer's report. At the easel, Mr. Gallagher said the comments were incorrect about the brook. Mr. Danzer is taking some things out of context. You don't have a subdivision until you have a first cut, and every property in town started off as hundreds of acres. Gallagher rebutted Danzer's report (received 5/26/15): a regulated area is not a forbidden area, and he discussed protections during construction; what's prudent and careful; erosion and sedimentation controls; restrictions on the stockpile areas; there are many things we can do. Gallagher discussed coming back to the EIC if they need to change anything; prudent and feasible alternatives; distance from the wetlands; the neighbors' houses proximity to the wetlands; no long term erosion after construction is done and the lawn are planted. No erosion is going into the wetland, and we don't propose to have any. At the next meeting I will show the limits of clearing; the limits of disturbance. There are not a lot of trees, which you saw if you walked the area. There is a very small watershed, and we can control it very well. We have the 80,000 square feet. Danzer tries to expand into the Planning and Zoning concerns, Gallagher said. I talked to my client, and we will come back next meeting with a conservation easement. Mr. Gallagher discussed the back yards, the planted buffer area, the stone wall creating a good break for any erosion. He discussed any pollution on the property: there's a tractor, a couple cars out there. It was a farm; he used it to plant trees; environmental studies are not required on this residential area. The details are shown on Sheet 3. The good test holes I did with Mr. Dunn (City Sanitarian). They are talking about things that they do not know about; it is what it is. We always meet the regulations; you can't get by if you don't, Mr. Gallagher continued. The land bridge, an old crossing used by Mr. Smith; if the commission does not want him to use that, put that in the approval. We recommend that you do not remove that bridge. We will come back with a planted buffer line

and an adjustment to the storm drain line too close to the well. Chairman Gallo said your 65 days are up on July 5th. Gallagher said it's the same as any cleared area; most of this is not that wooded; it used to be pasture. Gallagher stated what he would stipulate and whatever else the commission thinks would be required for approval.

Mr. Mills said I have a different perspective. I did a site walk on the property, and I feel differently about the trees. The markings are completely off, Mr. Mills said, and I took Dr. Danzer's report with me today. Mills discussed tree removal, the understudy, the steep drop-off. I don't see where it could be pasture; no limits of clearing were depicted; there is especially dense overstudy, lots of equipment, and I request, through the Chair, a soil study be done where I'm sure old oil was spilled, Mills continued. What are the cuts and fills? Where is that building 3 really supposed to go? I found it interesting that Danzer said people like to have back yards. Mills said I'm surprised that you did not give a conservation easement in the beginning. Yes, there is ledge; will blasting be required?

Gallagher said there will be no blasting. Mr. Mills said I still have a lot of questions, especially when you talk about runoff going to a reservoir. There's a lot missing to this application, Mills said, which he discussed further at 7:59 pm. Mr. Gallo said we will not order that until we are finished here tonight. Motion to close the public hearing by Mills. Second by Massoud. The vote to close this public hearing was unanimous.

We have proposed conditions of denial, and proposed conditions of approval, which we have all read, Chairman Gallo said. Now it's up to the commission to tell me what to do.

Mills made a motion to deny. Mr. Westney seconded the motion. Gallo asked are there any remarks from commissioners? Motion to **deny** carried unanimously at 8 pm. Mr. Gallo said the application is denied.

SHOW CAUSE HEARING FOR CEAST & DESIST ORDER: NA

OLD BUSINESS:

**Miry Brook Road
City of Danbury Dog Park**

Date of Receipt: 5/13/15.

First 65 Days: 7/17/15.

Second 65 Days: 9/20/15.

(Mr. Estefan is out of town.) Motion to **table** by Lees. Second by Mills. Motion carried unanimously.

Regulated Activity # 1007

Lot # M19017, RA-40 Zone.

Paul Estefan, Airport Administrator

Peter Byrne, CM, vhb

Fencing, gravel parking area, waste stations.

64 King Street

Jose Farinha

Date of Receipt: 5/13/15.

First 65 Days: 7/17/15.

Second 65 Days: 9/20/15.

Mr. Gallagher returned to the microphone, and using the plan on the easel, said Mr. Farinha would like to put in a pool, with the change to the septic. Ryan Boggan and Bernard Gallo discussed hashing out the specifics. Any questions or remarks, Mr. Gallo asked. Motion to **table** by Mills. Second by Rose. Motion carried unanimously at 8:04 pm.

Regulated Activity # 1008

Lot # C07033, RA-20 Zone.

R. J. Gallagher, Jr., PE

Modifications to EIC **993**.

SF residence, pool, septic, water service.

12 George Street

Tag I, LLC – Norman Buzaid

Date of Receipt: 5/13/15.

Regulated Activity # 1009

Lot # I15110, RMF-4 Zone.

1 Building with 8 garden apartments.

First 65 Days: 7/17/15. M. Mazzucco, PE
Second 65 Days: 9/20/15. Copy to S. Danzer 6/9/15. Staking complete on 6/8/15.
They asked us to table this one, Chairman Gallo said. Lees made a motion to **table**.
Mr. Westney seconded. Motion carried unanimously.

**63 Cedar Drive
67 Cedar Drive, LLC**

Date of Receipt: 5/13/15.
First 65 Days: 7/17/15.
Second 65 Days: 9/20/15.
Candlewood Lake Authority comments rec'd. 5/21/15. Project Impact Report by Ryan Boggan 6/24/15. Mr. D. Ben Benoit, 67 Cedar Drive LLC, % PCW Management Center, LLC. Chairman Gallo introduced this application and Abigail Adams came forward and signed in at 8:05 pm, and identified herself. Ms. Adams said I made the presentation at the last regular meeting and there was a concern about blasting. Adams discussed the borings and no bedrock was found, so there will be no blasting. Motion to **approve** by Massoud with the 8 conditions of approval. Lees seconded the motion. Motion carried unanimously at 8:06 pm.

Regulated Activity # 1010

Lot # K04169, RA-20 Zone.
PCW Management Center, LLC
A2 Land Consultants, LLC.
Abigail Adams, RLA. Revisions

**10 Christopher Columbus Avenue
Vespucci Recreational Center**

Date of Receipt: 5/27/15. Improve, expand entrance, parking, landscaping.
First 65 Days: 7/31/15. B. V. Doto, III, PE.
Second 65 Days: 10/4/15. Revisions rec'd. 6/11/15. Mr. Gallo introduced this item. We have a summary ruling in front of us with 7 conditions, Mr. Gallo said. Lees made a motion to **approve** with the 7 conditions. Rose and Mills seconded. Motion carried unanimously at 8:12 pm.

Regulated Activity # 1011

Lot # E16001, IL-40 Zone.

NEW BUSINESS:

**84 Forty Acre Mountain Road
Shirley Ann Coakley**

Date of Receipt: 6/10/15.
First 65 Days: 8/14/15.
Second 65 Days: 10/18/15. Gallo introduced this new business as Daniel Lamb placed the plans on the easel. Mr. Lamb, an architect, introduced himself and distributed photos of the former house, which burned down, and said we are coming before you to replace the house, moving it slightly off the FirstLight property. If you look at the pictures, from the house down to the Lake, it's fairly well developed, and we are replacing the house on the existing footprint. Mr. Lees asked Lamb did he contact the Candlewood Lake Authority; generally Larry (Marsicano) sends comments to us. You want me to drop off plans to him, Lamb asked. I will drop plans off tomorrow. It's pretty much the same house, in answer to Mr. Gallo. We are pulling it back and cantilevering it out. No change to the well and septic location, Lamb said. Massoud asked about the foundation. Lamb said the old foundation was not up to code, so we will replace it. Massoud asked about FirstLight Power? Mr. Lamb said that's not required now, since we pulled it back off of FirstLight property. The house is about a foot away, with the roof overhang, from FirstLight. We are going before ZBA tomorrow night, Lamb explained to Mr. Massoud. Motion to **table** by Lees. Second by Westney. Motion carried unanimously at 8:14 pm. Ryan (Boggan) is the gentleman you want to work with, Chairman Gallo said to Mr. Lamb.

Regulated Activity # 1013

Lot # K02022, replacement residence.
Daniel J. Lamb, Architect
RA-20 Zone, Lakefront.

**9 Jeffrey Street
Maura Newell Juan**

Regulated Activity # 1014

Lot # H22132, RA-20 Zone.

Date of Receipt: 6/24/15.

First 65 Days: 8/28/15.

Second 65 Days: 11/1/15.

introduced this at 8:15 pm. Maura Newell Juan, AIA, with Seventy2Architects, LLC, identified herself. We are producing a small addition, and she explained the expansion slightly farther away from the wetlands. We are making the deck wider. We have a sedimentation and erosion control plan; it will be two bedrooms when we are done. Gallo said you will be working with Ryan Boggan. Gallo said you're expanding the deck, and adding an attached garage. Newell Juan said we went to the ZBA last week, and did get approval there (ZBA # **15-19**). Boggan said I still need some time to review this. This is the first time I'm seeing this, Mr. Boggan said. Newell Juan said an Administrative Approval sounds alright. Lees made a motion to **table**. Rose seconded the motion. Motion carried unanimously at 8:19 pm.

Seventy2 Architects.

Lake Waubeeka res. expansions.

Von Eggers & Pearl. Gallo

**60 Backus Avenue
DXR Corporation**

Date of Receipt: 6/24/15.

First 65 Days: 8/28/15.

Second 65 Days: 11/1/15.

Gallo introduced this item as Doug DiVesta signed in at 8:20 pm. DiVesta identified himself (Civil Engineering Associates, Inc.), representing the applicant, and placed his plans on the easel. This was Waterworks, and DiVesta gave the date of the previous approval on the 8.4 acre parcel. The property is in the IL-40 zone on the east side of Backus Avenue. Miry Brook cuts through our property. Tonight, it's very simple: there are two corporations now at this property, so we need more parking; we ask for 24 additional parking spaces, and he described where they would be added. The area has already been disturbed. DiVesta discussed the pervious pavers, similar to Buffalo Wild Wings, the lawn area, the water storage in the stone aggregate underneath, and upgrading the existing drainage system. We will replant with the same type of vegetation. You will see a Phase II which we will come back to you for that. But 24 spaces are needed now. Gallo asked are there any questions. Mr. Westney said repeat what you said about impervious pavers? All new 24 parking spaces will be paver stone, Doug DiVesta said, so no drainage is needed there. Mr. Westney asked what about snow removal and salt, and Doug DiVesta explained to Mr. Westney. Lees asked about Buffalo Wild Wings. Motion to **table** by Lees. Second by Westney. Motion carried unanimously at 8:26 pm.

Regulated Activity # 513R

Lot # E18015, IL-40 Zone.

DiVesta Civil Engineering Assoc., Inc.

Additional pervious parking spaces.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: NA

VIOLATIONS: NA

ADMINISTRATIVE STAFF ACTIONS: NA

ACCEPTANCE OF MINUTES: NA

The June 10, 2015, meeting was cancelled.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

CORRESPONDENCE: Aquatic Pesticide Permit Application from Stahl Holdings, LLC, dba, The Pond and Lake Connection, Ives Center Pond, WCSU, at 53 Lake Avenue Extension, algae, watermeal, duckweed, June through September.

Chairman Gallo discussed the loss three EIC Commissioners. We have to fill these positions; three people we've lost. We need four for a quorum. So the beginning of the month will be tough, Chairman Gallo said.

ADJOURNMENT: Motion to adjourn by Mr. Lees. Second by Mr. Mills. Motion carried unanimously at 8:30 pm.