



CITY OF DANBURY
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Environmental Impact Commission

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MINUTES

January 10, 2007 – 7 pm

Common Council Chambers

Next regularly scheduled meeting: January 24, 2007

ROLL CALL: Bruce R. Lees, Acting Chairman, called the meeting to order at 7:12pm, and the Commissioners identified themselves right to left.

PLEDGE OF ALLEGIANCE: This was lead by Mark Massoud.

PUBLIC HEARING:

193-207 Great Plain Road

Regulated Activity # 723

Sycamore Trails Group, LLC

Lots # J04085,J04084,J05099,J05100, RA-80 Zone.

Date of Receipt: 8/23/06.

Savannah Hills Subdivision, 12 SF lots proposed.

First 65 Days: 10/27/06. Public Hearing must close 1/19/06. Cordeiro, ±33.5 acres. Public Hearing opened 10/11/06, continued 10/25, 11/8, 12/13/06, and 1/10/07. Comments from Conservation Commission rec'd. 10/10/06. Cuts & fills, Supplemental C, and Overall Site Development Plans received 10/13/06. Danzer report rec'd. 11/7. Wetland Assessment from ESM rec'd. 11/8/06. 65-day **extension** ltr. rec'd. 11/8/06. Revisions rec'd. 12/7/06 and 12/11/06, including blasting & planting plans. Revised Overall Cut/Fill Plan rec'd. 12/27/06. Revised plans rec'd. 1/4/07. Chase' site plan review report & watershed comparison map received 1/10/07 from M. Mazzucco. D. Baroody's staff report rec'd. 1/10/07. Neil Marcus, Attorney at Law, took the mic and identified himself and his firm, Cohen & Wolf, P.C. Bruce R. Lees said he will seat Alt. Mark Massoud for Bernard Gallo this evening, and Alt. Kurt Webber for Craig Westney tonight. Matt Rose has just arrived, Lees announced. Marcus introduced himself, and introduced Michael Mazzucco, PE, who identified himself. The latest set of plans that we submitted, Mazzucco said, had a few revisions, and I'll go over those changes. We got a report today from Brian Wood of the Candlewood Lake Authority (CLA), plus a copy of a report done by Jody Chase. I'll highlight some of her points tonight, Mazzucco said. I'll just go to the plans, Mazzucco continued. If you will look on the survey map, we have added onto 3 lots, and I'll explain why we did that. You see this hatch mark here; essentially that steep area, lots 10,11,12, we put those Conservation Restriction areas on that, and a level spreader there. We increased the outlet width. Mazzucco referenced the CLA report, saying I've gone over this with the Commission regarding access for the road and alternatives. We cannot access Old Town Road; most of it is scrabble, Mazzucco said. So the only spot to come in for the road is here. So we just hugged that easement. According to the flagged wetland maps, we do not have any direct impact to the wetland. So this really is the only spot for the road. To negotiate this steep

slope, we've turned it here; so we spent a lot of time on the layout and placement of the road, Mazzucco said. We know that there's ledge out there, and that's not a bad thing. That's an important consideration to look at, the rock situation. You can see the Conservation Easement areas clearly. We do realize there will be some blasting, Mazzucco continued, but that will be better than grading out that area, as opposed to having erosion. We see no evidence of discharge. We also added the detention for the roof runoff, and the applicant has agreed to do pervious paving for all the driveways, to address that comment about impervious surfaces. It is not then an overwhelming increase in impervious surfaces. I got the CLA report today, and I disagree with that. Brian Wood talks about reducing lots and working on deep slopes, but most of the work on deep slopes really has to do with the 1st 600 ft. of the road. Once we get into the site, there's really not a lot of cutting & filling, Mazzucco explained. We spent lot of time on this layout, which he described. We tried to keep a 10% grade maximum. So we didn't have a lot of flexibility there. If you go out there, you'll see that they are really in "pretty decent areas", Mazzucco said. Old Town Road is really not available as access. We got rid of the weir altogether, even though, as I mentioned at previous meetings, it would help with detention; we essentially provided detention outside of the wetland system. We also wanted to do a pre- and post-development comparison: this pink area here is really not a lot. There is just a little bit of change in the watershed, and we tried to keep it as similar as we could. I think in between we did submit the cuts and fill plans. I don't know if any of you had a chance to review that letter from Brian Wood, but I think most of the stuff Chris Majewsky is going to address. Bruce R. Lees asked if the Commissioners had any questions. Mills asked a question on the 15-inch pipe under road; and a question on the setback from edge of wetland; and a question on detention basin #3, will there be rip rap or a level spreader? Where is the detention basin #3? Mazzucco responded, 20 feet away from the tip of the berm. It's really ill's had a question on the wall. Mazzucco responded using the plan profile of the road. Regarding the first phase of the road, Mazzucco discussed the catch basins and driveway. The second phase down near the road, that retaining wall by the road will act as a complete barrier, all the rest of the work will be done, including a Vortechnic unit. The sight line improvement is the second phase. The third phase will all be done from the back; you are in a cut situation, you are almost in a detention, so all of that third phase will be sort of backwards, so there will be erosion control just by the way you're doing the work, Mazzucco said. It made a lot of sense, and we've outlined that. Mills repeated what he'd said for clarification. Mazzucco said "right", and discussed the high point, the drainage to Vortechnic unit, picking up the water coming down from Old Town Road, the control device at detention basin #3, "at the north of that basin just in case". Mills explained his concern, the water cascading down towards Lake Candlewood. Mazzucco cited the drainage analysis, actually less rate. Mills replied OK, thank you. Lees asked if Commissioners had other questions. Chris Majewsky identified himself & his firm, ESM Associates, stating we did the environmental work. They also hired Jody Chase. Majewsky said we didn't agree with a lot of Mr. Danzer's comments. I'll go through the highlighted topics of J. Chase report, and Majewsky addressed Danzer's comments one by one. Danzer's remark was prior to submittal of our report, Majewsky said. The summary on this one: I concur with the findings of ESM. Dumping has been addressed; the materials have been removed. Next, how can the site be developed in a reasonable manner? Chris Majewsky continued going through Chase's report, through amphibian habitat, weir removal, rock removal outside the scope of her review. Jody Chase agrees that a hemlock forest is not an unusual habitat in Danbury. In summer months, it's less than a prime habitat for salamanders. Marginal vernal pools were discussed by Majewsky. Chase seemed to think that the measures being proposed are sufficient at this time; Chase basically agrees with our determination, Majewsky concluded. Attorney Marcus came back to microphone. I have a couple comments on Brian Wood's letter, which I received this afternoon: the watershed issues, we agree with that; you have got to use techniques that are recognized, and the applicant is

prepared to do that. The information is there to show that the proposed structures will end up with post- and pre-development discharges in balance. The checklist as a condition is an important tool. Regarding the stormwater management plan in paragraph 3, again, the Vortechnic units are pretty standard these days. And how they are maintained, I asked Mike Mazzucco, these units are so common these days that the cleaning and maintenance of them is pretty much standard operating procedure, Marcus continued. Concerning alternatives on the next page, the CLA talks about reducing the number of lots to reduce the impacts, and I don't know that I agree with that, Marcus said. I would take exception that there's a direct correlation between the number of lots and the amount of impact. Marcus addressed the "overwhelming" impervious surfaces: this really does not lead to that conclusion, and I have a little problem since he does not follow through with his statement. What we're trying to accomplish, Marcus said, is to protect the Lake. He doesn't tell you why he doesn't support that, but we have addressed that by Mike Mazzucco's input and the report by Jody Chase. Concerning flood capacity, I'm not sure what conduits he's talking about. It's a broad generalization. Is flooding directly related to this project? We don't think so, Marcus said. "Probable": Marcus continued, I'm not sure what that means here, but we would take a look at it. There are some things in the CLA letter that shows Brian Wood has not seen the most recent reports. If there are no other questions, Marcus concluded, otherwise the applicant rests.

Lees said I will now open up the Public Hearing to the public, their opportunity to speak. Does anyone want to speak for or against this application? Again, tonight will be the last time you will be able to speak, Lees said.

Debbie Legg, a neighbor, came forward at 7:50 pm. She said I saw the Jody Chase letter today at City Hall, which she sited. I would like the Commission, Legg said, to address the reptiles and species list, the salamanders. I know that they do reside in this area as I have found them. I know I've seen the blue salamanders, and she presented Exhibit#1 report for tonight. Legg's letter is Exhibit #2.

Lorraine Sedor, signed in and identified herself. Sedor thanked the Commission Members for their time and efforts. After reviewing her notes, Sedor went to the easel to the 100-scale map. Sedor said I made a few copies for myself, as I live directly across the street. I want to know where this detention pond number 3 is; there is a line to the left of it, and I hope that's where it is, in correlation to my house. I understand that all detention ponds will run into the wetland, Sedor said. Has this all been taken into consideration, and where is detention pond 3? At the easel, Sedor showed her house on the 100-scale map, where her mailbox is, the grade comes up to here; how can the water be detained above Great Plain Road, since water runs downhill, Sedor asked. I'm confused. Lees replied I'll let Michael Mazzucco answer that question through the chair. Mazzucco said I'll go to the 40-scale plan, which is easier to read. Is that your house? Lorraine and Mazzucco discussed the layout at the easel. There's sort of a saddle, Mazzucco said, and we are doing some excavating. For expediency, Lees said, we have conference rooms, for after the hearing, to address more particular questions on individual residences. Lorraine Sedor also asked the size of these ponds. Sedor said thank you. Her letter is Exhibit #3.

Noel McCarry from Jackson Drive next came forward, saying and the only thing I wanted to ask is if there is a mechanism whereby the difference of opinions here, Danzer versus Baroody (Tape#1 flipped to side B); will there be opportunity for them to provide their opinions? Lees replied after the Public Hearing closes, no new information may be submitted. Baroody said after the Public Hearing closes, my understanding is that we cannot discuss any new information. If information comes in, but there's no time to review it, the Commission will have to decide to admit it or not.

Gary Sivacek identified himself at the mic, saying I submitted a letter in opposition, which Secretary Lee found in the file. Sivacek said I'd like to have it read. Lees said we have a copy of your letter in the master file, and all Commissioners have a copy.

Noel McCarry came forward, and asked is there going to be any reevaluation of those

vernal pools in the springtime? Lees replied no; appeals and recourses are available, to give you the bigger picture of the whole project. I don't believe we have anything scheduled to investigate those vernal pools. McCarry asked what will then be the next step? Baroody answered I believe they are concurrently before the Planning Commission. Lees instructed McCarry to check with Planning commission as to the next step. Neil Marcus said I have a rebuttal on one item. Marcus identified himself again and said the first speaker talked about salamander habitat. Marcus continued I have a great deal of experience in Redding with salamanders. I hate salamanders. Salamander habitats are not protected under the Wetlands and Watercourses Act. And they first have to determine that it is their habitat, and you have to consider that the salamander has some positive impact on the wetland. Marcus said so, to the first speaker taking issue with Jodie Chase' letter, what are your limitations with respect to salamanders, and first see what the statute says. Baroody took the mic and identified self. I'd like to place into the record our staff report which you have copies of; I can go over those points, Baroody said, and he did. We still see that the construction of the road is within 20 to 25 feet of the wetland, and this would impact the wetland mostly during the construction process. Building a wall that big, I don't think that the plan designers have covered that. Concerning an alternative, the use of the Old Town Road should be further explored by the applicant, Baroody said. They simply said they can't do it, or that there might be title problems, so this should be further investigated. Then on Section 6, Baroody aid, we go over the decision-making process, tying in applicant's materials, the staff report, etc. Lees asked if any Commissioners had questions. Mills made a motion to **close the Public Hearing**. Fagan seconded the motion 8:10 pm. The motion carried unanimously (7 including Bruce Lees).

Fagan made a motion to accept this as complete. Mills seconded the motion, and it carried unanimously. Fagan made a motion to **table** #723. Mills seconded the motion. The motion to table to 1/24/07 carried unanimously.

OLD BUSINESS:

Padanaram Road, "Spring Creek"

Regulated Activity # 725

Woodland Group, LLC

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

Date of Receipt: 9/13/06

45-Unit housing facility, 9.8 acres.

First 65 Days: 11/17/06. Second 65 Days: 1/21/07. Public Hearing opened 10/25/06, continued 11/8 & 12/13/06. Mitigation plan & 2002 letter from Army Core of Engineers received 10/8/06. The Public Hearing must close 12/15/06. **Extension** for Public Hearing received 11/7/06. Revised plans, tree & wildlife reports, Conservation Easement map was received 11/6/06. November report from Danzer rec'd. 11/6/06. Public Hearing closed 12/13/06. Draft proposed conditions of denial and approval were prepared 1/9/07. A decision is required by 1/17/07. Commissioners Fagan and Massoud recused themselves for this application. Lees said we're back in session here at 8:15 pm. Dan Baroody identified himself and said he has no further information; the application is complete. Rose made a motion to accept as complete. Mill seconded this motion. The motion carried unanimously by 5 votes. Mills made a motion to accept the draft decision for denial. Soriano seconded the motion. Lee reiterated the motion made & seconded. Has everyone looked over a copy of that draft, Lees asked? This is open for discussion with a motion on the floor. Lees continued, we have a decision of denial now. It was a draft. Lees reviewed the layout of the 8-page document. Lees asked all those in favor? The motion to deny carried with 4 ayes, 1 opposed (Rose). Lees said so the application has been denied. Baroody said I think your motion was to adopt that decision. I think you need a separate vote. Secretary Lee reiterated Mills' motion and Soriano's second. Lees said the draft is now a document. Lees

continued, so we would need a vote. Mills made a motion to **deny** Application # **725**. Soriano seconded the motion. Lees asked if there was any discussion. The motion carried with 4 ayes, and one opposed (Rose). Mills, Lees, Soriano and Webber voted in favor of denial, with Fagan & Massoud recused.

Ironwood Drive

Regulated Activity # 471 R

Mark & Corinne McConkey

Assessor's Lot #C11002, RA-40 Zone.

Date of Receipt: 10/11/06.

SF residence, well, septic, driveway.

First 65 Days: 12/5/06. Second 65 Days: 2/18/07. Michael Mazzucco, PE. **Extension** letter rec'd. 11/8/06. Revised site/ septic plan received 12/11/06, per CT Health Dept. Lees introduced this application at 8:23 pm. Mazzucco took the microphone and identified himself. At our last meeting, I think we were just waiting for the staff report. Baroody stood and identified himself, stating the review of the septic system was approved by the State, however the house is located close to, and even in, the wetland. I'd like to meet with the engineer to discuss placement of the house, Baroody said. It was approved as EIC # 471. The septic system is fine; they want a larger house. Lees announced that Fagan and Massoud have rejoined us. Mills made a motion to **table**. Fagan seconded the motion and it carried unanimously.

37 Holley Street

Regulated Activity # 733

Jose & Maria Bernardino

Assessor's Lot #K12093, RA-20 Zone.

Date of Receipt: 10/25/06.

SF residence, driveway on .56± ac.

First 65 Days: 12/29/06. Second 65 Days: 3/4/07. ESM Associates, Inc. **Extension** letter received 12/18/06. Chris Majewsky identified himself at the mic, saying the Commission's requests were passed on to the applicant, and we are just waiting to hear their comments. Mills made a motion to **table**. Fagan seconded the motion, and it carried unanimously.

237 Franklin Street Extension

Regulated Activity # 734

Nevzat Murtishi

Assessor's Lot #F12117, RA-40 Zone.

Date of Receipt: 10/25/06.

Proposed attached garage.

First 65 Days: 12/29/06. Second 65 Days: 3/4/07.
Murtishi requested **WITHDRAWAL** 1/4/06.

62-69 Kenosia Avenue

Regulated Activity # 735

Artel Engineering Group, LLC

Assessor's Lot #F18002, #G18001, IL-40 Zone.

Date of Receipt: 12/13/06.

Parking area improvements, paving.

First 65 Days: 2/16/07. Second 65 Days: 4/22/07. Jay Earl Associates, LLC. Revised plans received 1/10/07. Dainius Virbickas, PE, identified self and explained how they've

reconfigured that swale, the groundwater elevation, and lengthened the infiltration swale. It will be shallower, enabling us to use the volume of that swale for function, so we meet the CT DEP requirement on the first flush treatment. Lees asked if Commissioners had any questions. Lees said I see our esteemed Airport Administrator is in the audience. Mark Massoud asked Virbickas some questions about the trench, which Virbickas answered regarding how long the trench will hold the water. It seems to be soil that will take on water, Virbickas said; it's not hard packed material. Fagan asked has Dan had an opportunity to look at this? Baroody took the mic and said we just received the plans today, the day of the meeting, so we ask for more time to review, plus we want to meet with the Airport Administrator. Paul Estefan, the Airport Administrator, took the mic at 8:30 pm. Estefan said we're doing the same thing for the West Side Firehouse. I basically support the project, but I'd like to take a harder look at it and review it with staff, Estefan said. Lees asked if there were any questions. Mills made a motion to **table** this. Soriano seconded the motion, and it carried unanimously at 8:32 pm.

18 The Crest Way

Regulated Activity # 736

Joseph Kochansky

Assessor's Lot #J02005, RA-20 Zone.

Date of Receipt: 12/13/06.

Residential expansion out & up.

First 65 Days: 2/16/07. Second 65 Days: 4/22/07. Douglas MacMillan, Architect. Revised B100 plan received 1/8/07. CLA comments and recommendations received 1/10/07. Bruce Lees introduced this item at 8:33 pm. Doug MacMillan identified himself and took the mic. We met with Brian wood of Candlewood Lake Authority, MacMillan said, and there was information he wanted us to put on this map, which Ralph Gallagher did. The information that Brian Wood is looking for, we just got that letter today, but it sort of summarizes his input. It's a relatively small project, which MacMillan described using the easel. We would be happy to remove those and put in some plants, and additional curbing we are happy to do. Mills made a motion to **move this to Administrative Approval**. Rose seconded the motion. Lees asked if there was any discussion and said, "We have a second". The motion carried unanimously at 8:35 pm to move EIC **736** to Administrative Approval.

113 West King Street

Regulated Activity # 645 R

Frank Hordos/ F.D.J., LLC

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

Date of Receipt: 12/13/06.

Revisions to septic & drainage systems.

First 65 Days: 2/16/07. Second 65 Days: 4/22/07. John F. McCoy, PE, of JFM Engineering, did presentation 12/13/06; application tabled. Dan Baroody took the mic, identified himself, and asked that this not be Administrative Approval this time, although it was last time. Baroody said they are moving the septic closer to the wetland and they are trying to get two lots. Fagan said, if you notice, the entire lot is not shown on any of the maps. Also, this is in Danbury's watershed. And this lot does not meet the requirement for two-acre zoning in the watershed. Mills made a motion to **table**. Fagan seconded the motion, and it carried unanimously. Motion to recess by Mills, seconded by Soriano. Motion to recess at 8:40 pm carried unanimously.

NEW BUSINESS:

16 Plumtrees Road

Regulated Activity # 737

Date of Receipt: 1/10/07.

11,000 sq.ft. industrial building. J. Putnam.

First 65 Days: 3/16/07. Second 65 Days: 5/20/07. Anchor Engineering Svcs., Inc. Revised grading, draining and stormwater plans received 1/5/06. ESM soil report received 1/10/07. Lees reconvened the EIC meeting at 8:45 pm. David Brown, PE, of Anchor Engineering, identified himself saying he represents the applicant. He described the vicinity of project at the easel, on Plumtrees Road. Site is approximately 3.3 acres in the Industrial Zone. The wetland area along this area has been delineated by Chris Majewsky, Brown said. The majority of site does drain in this direction; the upland soils are described as well as soils down in this area. Brown continued all the soil information is entirely consistent with ESM and Mr. Majewsky's evaluations. First of all, the facility would be permitted by the DEP, a category of solid waste facilities, for demolition type debris and rubbish. The General operation would entail trucks coming in, to the weighing scale, then proceed to upper area, deposit waste inside the building, then a tractor trailer is positioned to receive the waste for out shipment. A 25 foot vegetated buffer is proposed, plus a retaining wall, 30 feet to 35 feet from demarcated wetland. Regarding the stormwater systems: we have inside building floor drains which go to a holding tank; roof leaders, all the water is captured, with 7 catch basins, subsurface retention basins to handle a 25-year storm event. (Tape #1 replaced with Tape #2, side A). Brown continued describing the operation in the building, showed the architectural drawings, elevations, where the waste materials will be handled; all of that is done inside this structure, Brown said. Brown discussed the debris, tires, "clean wood"; the drainage will be captured by 7 basins, then to the Vortech unit, then to the stormwater treatment system. We show the public water coming in, the sewage to be handled by an on-site septic system, the exact location is still to be determined, and will be built by others. There will be a somewhat limited discharge to the stream; there will be the natural vegetated buffer area. The project has negligible impact on the wetland, Brown said. We've examined DEP's natural database, and no threatened species were found. The facility must obtain a DEP solid waste permit, which is quite a process, so that would be a future activity for the applicant to go through, dealing with traffic issues, types of waste, etc., all under that DEP permit process. A stormwater pollution prevention plan will be part of that, including inspection of the site by the State. We've reviewed the regulations, and we've looked at this design carefully. This project would not have an adverse impact, Brown said. Lees asked the Commissioners if they had any questions. Chris Majewsky identified himself and described the location on Plumtrees Road. Majewski described what kind of soils he found there. The site is presently wooded, and he described the types of trees, burrow pits, some previous cut and fill activity, the canopy, Norway maples, elm, cherry, invasives, some honeysuckle. The stream is intermittent in character, urban, with lots of scour, and a lot of bank failure. Majewski said there are many channels, you know; the steam is of relatively low quality or urban quality. We'll do some restoration work on the stream, and some plantings. Lees had questions on the garbage. Majewski said there have been some discussions about cleaning it up; kind of an Adopt-A-Street or Site, and may include some stabilization work on the banks. Mills asked is it flagged. Majewski said yes; it's basically an intermittent watercourse. Brown, as a point of clarification, said we've filed a supplemental revised sheet resizing the subsurface detention. Lees asked are you next to the salvage yard? Majewski said yes, but most of the trash seems to come from the housing development. Webber asked a question about the retaining wall distance to wetland area and its height. Brown responded, and addressed the underdrain behind retaining wall, saying our calculations show that there is way less than 5% difference between the existing drainage into the stream and the proposed; "It's almost a perfect match". Mark Massoud had a question on the volume of removal. Brown described typical refuse material. In a storm event, it is not a predictable amount of water at any one time,

but approximately a 1000 to 2000 gallon tank. You want to keep the grades free. Cleaning out, Brown said, you don't typically need to go in and wash these down. Fagan said one point: you mentioned a proposed septic tank and leaching field...there's no city sewer on Plumtrees Road? Brown said correct, believe it or not. Lees said I know a facility must be a certain size to perform these functions; there must be a certain capacity of the building to process. Brown said you do need a certain amount of floor space, an amount for construction and demolition waste, plus space for solid waste. Lees asked a question about the relative size of this facility. Brown said this is a modest size facility. Lees asked if there was any kind of fencing or border planned. Brown said the only fencing now proposed is the entrance gate. Brown discussed the retaining wall; there are no plans to secure that area. There is a fence on that adjoining property there. Lees said we appreciate your patience on this first night. Mills made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 9:08 pm.

37 Ironwood Drive

Regulated Activity # 616 R

Peter & Kristen Schretzenmayer

Assessor's Lot# C11018, RA-40 Zone.

Date of Receipt: 1/10/07.

Deck addition.

First 65 Days: 3/16/07. Second 65 Days: 5/20/06. Bob Young took the mic, and identified himself as the agent and general contractor. I'm proposing a 12 foot by 28 foot deck on the house due to the high ground water. He described the deck, piers, girder; and this will be the only disturbance in the buffer zone. The farther out line would be the outer border of the deck, so the piers would be 2 feet in. Lees asked so those little triangles are what? Young replied those are plantings. Young explained the distance to the wetland, 10 feet from the actual wetland border. The foundation is in; we have not started framing yet. Lees asked has the Health Department been out to inspect the erosion controls. Baroody asked did you get your grading permit? If you have, then Joe Mead has been out there, Baroody said. Mark Massoud had a question on the previous date of approval. Young explained that a new owner bought the land. Massoud said in the previous approval was there a specified setback from the wetland? Was there some stipulation? Secretary Lee said here's the previous approval EIC #616. Lees said this was just submitted on January 8th. Dan Baroody identified himself and said, for the Health Department, if you notice this has been revised five times, we've been round and round with this. Massoud said, off top of my head, for a buffer mixture that doesn't sound appropriate as a buffer to the wetland. I would want to have Staff take a look at that. Is this appropriate? It may go against the spirit of the previous approval, Massoud said. Rose asked why can't the deck be moved into that deck area? Young replied because of the two sliders, two different rooms, so you really can't. It would make things easier, I know. Rose said what about cutting that deck off? Young said maybe I could do that. Baroody said if we approve this deck or a variation on it, we could change your planting strategy as well. Lees asked are there stairs off the deck down to wetland? Lees asked the Commissioners if they had any other questions. Fagan made a motion to **table**. It was seconded by Massoud. The motion to table carried unanimously at 9:19 pm.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: N.A.

ADMINISTRATIVE STAFF ACTIONS: N.A.

CORRESPONDENCE:

December letter from CT DEP to F. L. Khouri, City Engineer, recommending maintenance, repairs and inspections for 8 dams. Baroody explained this is a formality; we don't need to do any site walks, in answer to Mills' question. Mills asked will it impact the wetlands?

Schedule of Regular Meetings for **2007** distributed.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS:

EIC **585**, N.O.V. issued 11/16/04 to William Coffey, Jr., regarding 43 Beaver Brook Road. Letter sent by Robin L. Edwards, Atty., 3/14/06. Baroody and LeRoy met with the Coffey's on 4/12/06; engineers to provide compliance schedule. 11/8/06 Corporation Counsel reviewing Engineering Report from GZA GeoEnvironmental, Inc. 12/13/06 Soriano requested asking Corporation Counsel for status update. Baroody explained that all of these recommendations have been met, except for the planting, which will be done in the spring. It's Staff's recommendation that the basic violation has been stabilized. And that was the major point of the Notice of Violation. I recommend we close out the Notice of Violation, then the owners will have to come in with an application for a Regulated Activity. Massoud asked are they using it now at all? Baroody replied no, not that we could detect. The bays for mulch appear to be on the adjacent lot. Lees asked why not keep Notice of Violation in place? Baroody said he's done everything we've asked, except for plantings. Mills added he put that road in, and he was supposed to put plantings, I believe, down to the Still River. Mills continued, and as far as waiting for him to revegetate, I would agree with Mr. Lees, keep the Notice of Violation in place; or based on our past experience it may not be done. Baroody said I'm not here to argue for the applicant, but the plantings that were originally required have been put in. The rest of the plantings were suggested by Dr. Danzer. Mills had a question about where Danzer wants the additional plantings, which Baroody answered. Mills asked can we give him a date that it has to be done by? Baroody said it will have to be done in the spring. Staff's opinion is that the work has been done, and the Notice of Violation could be closed out. But if you want to keep the Notice of Violation open through the spring, it's up to you. It's still with Corporation Counsel, so if you want to close it out, we could send that up to Corporation Counsel, Baroody concluded. Lees said we're not going to do anything; keep this on the agenda for the next meeting.

Next, Lees addressed Commissioner training. Will we get the spring State training sessions schedules, and one free pass? Keep that on the agenda when it comes out, so we can send one or two Commissioners. Baroody said we discussed which is more fruitful, CACIWAC versus DEP Commissioner training for 2007. When we get the letter, we'll pass it on and make sure. Secretary Lee said one point: it fills up fast. Contact Bernie Gallo about it when letter comes. Baroody we are still within the same budget cycle. Lees said keep it on the agenda. Baroody added if you make all three classes in one year, you get a certificate.

ADJOURNMENT:

Fagan made a motion to adjourn. Massoud seconded the motion, and the motion carried unanimously at 9:31 pm. Meeting adjourned.

The next regular EIC meeting will be held on **January 24**, 2007, at 7 pm.

Respectfully submitted,

Patricia M. Lee, Secretary