



**CITY OF DANBURY**  
**155 Deer Hill Avenue**  
**Danbury, CT 06810**

*Environmental Impact Commission*

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**MINUTES**

**May 23, 2007**

**Common Council Chambers- 7 pm**

The meeting was called to order at 7:10 pm by Chairman Barnard Gallo, who asked the Commissioners to identify themselves, right to left. Four Commissioners were in attendance at the meeting opening.

Present were Gallo, Bruce R. Lees, William Mills, Jessica Soriano, Matthew Rose, Craig Westney, Alt. Mark Massoud,  
 Absent were Jon Fagan, Alt. Kurt Webber.

The Pledge of Allegiance was led by Matthew Rose at Chairman Gallo's request.

**CONTINUANCE OF PUBLIC HEARINGS:**

**Route #37 & Stacey Road**

**Regulated Activity # 751**

**Acropolis Venture, LLC**

Assessor's Lot # G08033, G08102, RA-20 Zone.

Date of Receipt: 3/28/07.

Glen Brook Estates, LLC.

First 65 Days: 6/1/07. Second 65 Days: 8/5/07. Public Hearing opened 4/25/07. Public Hearing must close 5/30/07. 23 single-family detached cluster dwellings. Revisions, alternates rec'd. 5/9/07. Patios & open space revisions rec'd. 5/21/07. Extension letter and more mitigation requested 5/23/07. Chairman Gallo said each side will have one hour. Keith Beaver of Didona Associates identified himself at the mic, and he summarized what the Commissioners will find in the revised packet, the changes. Other than the changes the plans are what you heard at the last meeting, Beaver said. Mike Mazzucco, PE, took the podium and reiterated the summary of the reductions with the detention basis, the CFS details, total CFS reduction, plus rain gardens accepting water from roof runoff, and infiltrating all that water into the ground. Mazzucco said there was a comment at last meeting by my client about the Vortech unit, and he elaborated on the 25 year storm event, so there is no need for it to be off line. We just submitted the updated calculations on that. Gallo said for the record, Soriano and Westney are here now. Michael Klein, biologist and soil scientist, identified himself self at microphone at 7:15 pm, saying for those who may not have been to the site; Klein discussed the invasive plants, traditional wetland functions, so that the mitigation plan for the site concentrates on restoration. Klein discussed the impact, minimizing it; restoration is what's mostly been done here, and that restoration is a higher form of mitigation; we don't have to change the hydrology, and in addition the ratio is about 6 to one, for every foot of impact. Klein

discussed the lawn, removal of invasive species, shrub materials, to improve the quality of that wetland. The second part of our mitigation plan involves the buffer area, together over an acre of native habitat that's going to be restored. The third element of mitigation plan, Klein continued, is the stream bank restoration, and the measures proposed on this plan include removing a section of existing site, using bioengineering, which is very successful, and has been used many times in the northeast, and provides a very stable stream bank and a good habitat; about 400 linear feet of stream. That restoration includes removal of invasives, and planting & seeding, thus providing habitat. The detention basin and rain garden bottoms are not counted as mitigation, but there are other functions that wetlands provide. It certainly does have some mitigating function. The last element I'd like to mention, Klein said, is that most communities don't require a 25 year storm event design, so that these small flows go into these systems, and at a certain point, larger, cleaner flows bypass the system, that is, off line. It is more expensive. Klein finished at 7:22 pm. Mills said let record show I did come in and listen to tapes this week. The setback around rain garden #5 is only 42'6", so I'm requesting to relocate rain garden #5, since it seems to abut the wetland flags; I'd prefer if you could relocate that further away, maybe put it on the side. Mill said I'm curious: are you going to put up a fence with signage saying this is a protected area? Keith Beaver responded, I don't see any problem relocating rain garden #5; I have no issue with that. Applicant has said that a split rail fence is proposed as well. Mills said I notice that the maintenance of the rain gardens, when houses are purchased: the new people will be notified that they must be maintained; I didn't see any maintenance proposed on the detention basins. Can we have a maintenance schedule for the detention basins? Lastly, Mill said, regarding the mitigation crossing the brook; I was seeking additional mitigation. There was a swap of land with the Amber Room. Several years ago the Amber Room was cited, so I'm suggesting, if possible, you go in and remove the rest of the soil, and restore that area. Lees announced that Mark Massoud is here at 7:25 pm. Lees said any signage stays within the criteria that we have with the City of Danbury: a nice logo with a duck. Thank you, Mr. Chairman. Gallo asked are there any other comments? Daniel Baroody identified himself, saying I spoke to the applicant today about details of the mitigation plan, including the fill that was left behind the Amber Room. Michael Mazzucco submitted an extension letter for 30 days. We have to take a look at that property, Baroody said, as much of that area was put into a Conservation Easement behind the Amber Room, and it was recorded, so legally we'll have to look into that issue. Gallo asked are there any other comments? Lees made a motion to **continue the Public Hearing** to 6/13/07. Mills seconded the motion. The motion carried unanimously at 7:30 pm.

**Padanaram Road**

**Regulated Activity # 749**

**Cotswold of Danbury, LLC**

Assessor's Lot# F07052, RA-20 Zone.

Date of Receipt: 3/14/07.

57 SF cluster residences, Tighe & Bond.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. Public Hearing opened 5/9/07. Public Hearing must close 6/13/07. Surveying Associates, P.C. 74.15 acres. Earthworks plans rec'd. 5/9/07. Two reports from Danzer rec'd. 5/22/07. Extension letter rec'd. 5/23/07. Chairman Gallo introduced this application at 7:31 pm, with one hour for the public, and one hour for the petitioner if needed. Gallo said I'd like to say that the two previous applications (EIC **587** and EIC **620**), materials, minutes, shall be included into this petition. Paul N. Jaber, Attorney, next identified

himself, and he introduced his team here tonight. As you recall the site is really divided into two, Jaber said, and he described the north and south sections; the suggestion was made that we come in with just the south portion, for now, and deal with the rest later, the north portion at some later time. Yesterday we received an extensive report from Dr. Danzer. Pat sent it to us, and he has a number of issues with the south portion of the site. After receipt of that report, it would be prudent for us to prepare several alternates, for the south side. Jaber continued, we just discussed them yesterday, and they should be finished by your next meeting. I think we can limit of lot of impact per Dr. Danzer's report. It would then be premature and absorb a lot of time, since the alternates that we will submit will be different than the application for the north side that you have before you now. So I suggest we continue our presentation to the next meeting, Jaber said. We also have pending the application to do test borings on the site. Tom Pura, speaking from the audience, twice said we can't hear him. We did not do the test borings, Jaber said, and that application is still before you. While you do have the right, in my judgment, to act upon EIC **749G**. Gallo said Dr. Danzer's reports said that previous issues still have not been addressed. Jaber replied they will be addressed this time, although I'm not saying that they were not previously addressed. Mills said I have one question: is that from Dr. Danzer's concerns, page 106, dated May 21<sup>st</sup>, and he read Danzer's comments about the Dru report. Jaber said I didn't mean to argue or debate it with you, but the wetlands were delineated by Henry Moeller, not Dr. Abrams, and by Northwest Conservation which you had asked us to hire last time. Jaber said that bothered us because Abrams did not do that; he's not a soil scientist. Gallo said with that, we can move to the Public Hearing. We can concentrate, address the south side, where most of the units are. The public is welcome to speak, who would like to be first?

Kenneth Gucker, from 89 Padanaram Road, Danbury, signed in at 7:41 pm. Just a couple of things that were bothering me the last couple weeks and before. I too read the Danzer report. It shows that we must incorporate the last two applications with this one. I don't see any way that they are addressing the water, except for taking it from the top side and bringing it to the bottom side. We're getting these storms every five years now, and it all ends up in this river basin. My printer was dying on me, so these photographs are in black and white. You could white water a canoe down these water ways shown in my photos. Gucker showed the photo of Covered Bridge. This happened in April and before in 1999. I have plenty of photos for everybody. We were taking all these projects, taking down the pervious surfaces; it's happening all over town, and when the water is really running, it sounds like I'm living next to Niagara Falls. To say that this last Northeaster is an isolated storm; you'll see that the water is right back up, as you'll see on these pictures, and also on the storm before that one. Ken Gucker added nothing would be complete without a couple of wildlife photos, turkeys, turtles, and other things that are over there. Where they have the crossing over the pipes, showing two photos, these pipes are no longer useable; so that should be looked at as well. My last photo is one I've submitted before, and it shows the lovely retaining walls at Stetson Place. This developer was supposed to leave a tree line, but all the trees were removed, so I would expect that here as well. In the past, Committees have brought up the water; how many trees will be removed. I would like to know what is the acreage of the disturbance here, Gucker said. What are we talking here? Other than just slowing the water rate down, how are they going to deal with that? I'll let my neighbors speak now. Lees had a question on one of Gucker's photos at Covered Bridge Condominiums, after the water had dropped about two feet. The photos show the northeaster, and the storm before that and the storm before that. We're not talking about heavy storms. Plus we need to look at these, to see how it will affect

everything down stream, down towards North Street and the Still River. Thank you.

Romeo DeGrazia, 101 Padanaram Road, Danbury, identified himself next. I'm the last neighbor before you reach Padanaram Reservoir. He signed in at 7:50 pm. I have some photos that I took as well; I only had one to two rolls of film developed so far. But I have a letter here that I wrote, and I'd like to talk about the damage that was done when that was piped. He read his letter: lived at address since 1974, the last 7" rain fall, the piping installed in the mid to late seventies made out of steel. The pipe is all rotted, tremendous damage, rusting of metal, both have gotten damaged from storms and heavy water flow, his letter continued. The water is now flowing under the pipe for the 40 or 50 feet, and then look at the size of the pipes in the emergency stow away. I know Cotswold has used photos, however, this has been going on for years, and no one wants to show the true raging water flow. We all need to know the true scope of this project, DeGrazia said. The photos you can keep. They are numbered on the back if they get mixed up. I'm opposed to the project. The water that comes down from all these little tributaries, you could white water raft through. It's tremendous. It's all white water, that's what flowing through this property. Chairman Gallo said to keep in mind that the plans on the north side are not included tonight.

Gary Ackerly identified himself, from 65B Padanaram Road, Danbury. I want to let the builders know that I wish them all the luck, and Ackerly discussed the extinct and non-extinct animals that also have a right to live here. I do want to say that I'm very proud of my neighbors who have taken the time out of their evening. I'd like the builders to take their ideas. (Tape #1 flipped to side B).

Theresa Radachowsky, from 91 Padanaram Road, signed in. I'd like to read my letter into the record, then I will submit it. Mr. Mills requested the test borings. Mr. Canas said the northern site is not accessible without crossing the wetlands. Mills suggested using the roadbed for this, and Mr. Canas said there are no ecologically important plants there. Radachowsky read where Dr. Danzer contradicts this in his report. She discussed vernal pools noted by Danzer. Danzer also states that Dru minimized the values of the wetlands and watercourses, which Radachowsky expounded upon. There should be no temporary wetland crossing, per Dr. Danzer, Radachowsky said. I respect that the application for the wetland crossing be denied (EIC **749G**). Thank you.

At 8:01 pm, Suzanne Silverman at 29 East Gate Road, signed in stating I spoke at the last meetings. If anything, it's more clustered than it used to be; maybe they were only measuring very wide trees. If you're going to clear cut, basically right behind my house, which you would have to do, every tree that would be cut down, no matter what size, should be enumerated, and list every area that will be clean cut.

Tom Pura at 8:04 pm signed in, and identified himself, from 43 East Gate Road. Terry, you stole my thunder, Pura said. The Danzer report, I read it. It's the same as it was before us in 2005, that the developer did nothing about. You are the Environmental Impact Commission. This project is an environmental explosion. In 1978, I looked at those houses that were washed away. You need to look at the Danzer report when they come. If it doesn't, please reject this proposal. It's not right for this area. It's not right for Danbury.

Mark Chory at 14 Eastwood Road, signed in stating I e-mailed Mr. Gallo a report on

Friday night. Gallo said we should have it. Our own Plan of Development asks that we do not build on these types of areas. Chory discussed reasons for his opposition to this application. Gallo asked at 8:08 pm, is there any one else who wishes to speak at this time?

Paul Jaber returned to the microphone, saying in thinking about the two prior applications being added into this record, we object to you putting it in. If you feel you have the legal right to add them in, each member of this Commission should listen to all those tapes and review all of those documents. Gallo countered I checked with Corporation Council and we can put them in. Jaber said we object to that. I'm saying you all have to listen to those tapes. You were not a member, Mr. Gallo. Jaber said if Mr. Mills missed a meeting, which would be unusual, he must listen to those tapes. Jaber said the Plan of Development is not a regulation, it's a planned study. Jaber handed Secretary Lee his extension letter. Jaber said I want to read to you the CT General Statutes: in an area outside regulated area, shall not deny, and after reading the statute, handed Secretary Lee the statute page. Lees asked could you bring that to Corporation Council? Do we all have to listen to those tapes? Gallo replied, I will. Lees made a motion to **continue the Public Hearing** to 6/13/07. Soriano seconded the motion. The motion carried unanimously at 8:11 pm. Don Walsh said to Secretary Lee, please remind them that there is a voluminous index that we wrote the last time.

**OLD BUSINESS:**

**5 Sugar Hollow Road / Marcus Dairy Regulated Activity # 743**

**Sugar Hollow Associates, LLC** Assessor's Lot#G17002, G17019, CG-20 Zone.

Date of Receipt: 2/28/07. Parking lot expansion, improvements.

First 65 Days: 5/4/07. Second 65 Days: 7/8/07. Artel Engineering Group, LLC. Revision rec'd. 5/9/07. **Extension Itr.** rec'd 5/23/07. Recommendations from Danzer rec'd. 5/22/07. Continue to 6/13/07 per Marcus for revisions to crossing. Gallo introduced at 8:15 pm, asking is the petitioner here for Marcus Dairy? Mark Kornhaas replied did you get the letter asking to table this? Lees made a motion to **table**. Soriano seconded the motion. The motion carried unanimously at 8:16 pm.

**79 Federal Road**

**Regulated Activity # 744**

**E.W. Batista Family Ltd. Partnership** Assessor's Lot #L09019,L09029. CG-20 Zone.

Date of Receipt: 2/28/07. Dunkin Donuts, drive-thru / walk-in.

First 65 Days: 5/4/07. Second 65 Days: 7/8/07. Artel Engineering Group, LLC. Site visit 4/4/07 by Mills, Baroody. State DEP, D.Ifkovic 4/18/07, recommends more detailed site information be provided to Commission. Additional information rec'd. from Artel 5/8/07. Artel sent Itr., plans to DEP 5/15/07. **Extension letter** rec'd. 5/23/07. Impact report by Dan Baroody 5/23/07. Chairman Gallo introduced this application. Mark Kornhaas of Artel Engineering identified himself at the microphone speaking for Mr. Batista. We did add information to the plan that staff had

requested. I have no problem with the screening report, Kornhaas said. Dan Baroody identified himself, saying I'd like to add to the record my screening report, which he reviewed from his General Comments, to saying we're advising a summary ruling. Mills said I did listen to the tapes; when we did a site walk on that, there were no roof drains. Kornhaas said yes, the roof drains go to the infiltration trench. Lees made a motion to **grant a summary ruling with 5 conditions of approval**, as per Dan Baroody's report. Soriano seconded the motion. Gall asked any remarks? The motion carried unanimously at 8:17 pm.

### 15 Hillendale Road

### Regulated Activity # 748

Elio Ferreira

Assessor's Lot # F08097, RA-40 Zone.

Date of Receipt: 3/14/07.

SF residence, well, City septic, driveway.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. R.J. Gallagher, Jr., PE. DEIC wants site visit. Rec'd. letter 4/2/07 with concerns from Nancy & Robert Green. Rec'd. letter 4/23/07 with concerns from neighbor T. Culler. Additional information rec'd. 5/8/07. **Extension letter** received. Revisions rec'd. 5/18/07. Comments from Danzer rec'd. 5/22/07. Gallo introduced this activity # **748**, as Elio Ferreira set up his plan on the easel. Ferreira signed in and identified himself and gave a detailed history of his application for the drainage problem that exists on my lot. Ferreira described the water train, the pipe; the resulting stormwater has created a huge crater on my lot, has drastically damaged my property, the property to my left, and the road. The curbs that were built direct all water right into my lot. Besides the uncontrolled erosion of my lot, the lot next door and the lot behind me are damaged. This needs to be unequivocally repaired, Ferreira declared. The engineers have provided some recommendations in two letters, 3/13 and 5/16/07. The revised plan answers all of those comments and concerns; there's just a couple of things that I still need to discuss for this plan. And I hope before I leave, I would like to address a letter from Mr. Tom Culler, at lot # 17. I do understand the concerns in his letter. He is apprehensive, as with all changes, so I want to meet to have him understand all the changes that are being proposed. We will demonstrate that this proposal is the right one. I did spend some time with Mr. Culler, but I would like to go through his letter so he will know exactly what is going on. At 8:25 pm, Ferreira read and responded to each concern in Mr. Culler's letter. Now that I have the time, I see what is there, and it's ugly. This is a manmade condition. My plan will address several issues that he listed; my proposal will fix it. Secondly, Ferreira said, I've been informed that there is an easement (see Culler's letter). I have a couple of papers, that deed, legal document, from when Culler bought that house, lot 37, Golden Heights; the reason the house was built there, pending installation of sewers, and an easement for a 10-ft. drainage easement. You'll see that between Lot 37 and 38, there is that easement there. Ferreira submitted copy of the deed and old subdivision map to Secretary Lee. Ferreira continued describing the project, the pipe location; legally the location of this pipe should be right on the property line between Ferreira and Culler. Because this was never realized, we have what we have now. Mr. Gallagher will do a presentation. Mr. Culler mentions a large tree, Ferreira said. Its roots are already showing and the tree is leaning and will fall down. This plan has been done hundreds of time. They have exactly the same thing up on Clapboard Ridge, which he described. It's the same thing. Mr. Culler states that this lot was unbuildable. This lot is buildable. There is no documentation from anyone stating

that this lot is not buildable, Ferreira said. Next I will read from the soil scientist report. (Henry T. Moeller). This is already submitted, Ferreira said to Secretary Lee. So if this is repaired properly, it's a buildable lot. Ferreira discussed the square footage of his lot versus the square footage of Mr. Culler's lot, and it meets all the zoning requirements. Ferreira addressed Culler's concern about erosion, and I do agree with Mr. Culler; it will destroy his home. This is what I'm trying to prevent. The soil scientist says exactly the same thing, which Ferreira read into the record. So I think this is one of another problem that exists. Culler next mentions the potential for his house to fall, which Ferreira addressed: it certainly will, if nothing is done, Ferreira said. I believe that I would not buy his house. Culler said his lot has been used over the years as a dumping site: "It's a dump out there." He's got a statement over here, and I spoke to environmental people, and their opinion is that no house should be built on his (Culler's) lot. Gall interjected we have not heard from his neighbors, so those things are hearsay to us. Ferreira said I know you have his letter, and I think these things should be brought out. Ferreira said that pipe is ok, and he described how he monitored it. Ferreira said I have devoted a tremendous amount of time and money to bring a solution to this disastrous erosion: out of control, continuous enlargement and depth of the gully. Fourteen trees have been root-exposed. Mr. Green, my neighbor, notified me that one of my trees fell on to his property, and luckily fell upon another tree, and did not demolish his house. This neighborhood has lots of kids and they can easily get hurt there. Ferreira summarized the aspects of his proposed solution to this problem. For my neighbor, this makes clear his concerns. This is a win / win solution for me. I also talked to two other neighbors across the road, both of the same opinion: do something over there. All the dirt will be washed away. All the trees will be uprooted. I bought that property in 1984. I emphasize: it is a manmade gully there, artificial, not a wetland, purposely directed to my lot. I urge DEIC to review these plans and stop the problem I have there. Mr. Ralph Gallagher next identified himself and explained that here we have an old subdivision, and the erosion has created a monstrous gully; if you stepped off the road, you'd drop about 7 to 10 feet. And it has eroded a monstrous canyon beyond that. I've talked to the City engineers. They liked the plan. There's a 10 foot easement, and we've proposed to put the entire pipe on our property. The City engineer agrees with the easement and the catch basin we have, and the water will no longer erode hundreds of cubic yards of material. Gallagher said Danzer has some issues: there's a potential for biological goings-on, which Gallagher refuted. Danzer has issues with the piping detail. Lees asked could how you're putting the pipe in become a part of this record too? Gallagher said I'll get you them, that's fine. It's the way every drainage pipe is put in since I've been doing this. Gallagher addressed Dr. Danzer's concern about leaching. We cannot use the existing channel for the pipe because that's not where the easement is. If the pipe fails in the long-term future; I've been doing this for a long, long time. I don't understand the question. Leaving the watercourse where it is causes erosion and is unsafe. The supintendent of Public Works and the Highway Department agree it's got to be done. Whether the City does it or the applicant does it, it's got to be done. I don't know if any of you have been out there. Gallo said I've seen it. Gallagher continued discussing the neighbor's concerns, stating, "You can't make this stuff up". Neither of those things are true at end of Culler's letter, Gallagher concluded. Westney asked was there an updated plan submitted? Secretary Lee explained the most recent plan was received 5/6/07, just before the last meeting, to give staff time to review it. Westney located the plan received 5/18/07 (R2), the most recent revision. Westney and Gallagher discussed the design of the project, the riprap spreader, the velocity, a catch basin to run surface water into it; you could see that everything's fine all the time.

Ferreira said can I add something? The question about the pipe: as I said in my speech, I talked to people at Clapboard Ridge that run under there, for sure, nothing will ever happen to those pipes.

Baroody said we need more time to get the engineer's final review, David Null, and Dr. Danzer has not seen the most recent revised plan. Also, there's no mitigation offered, and they have to offer at least equal mitigation.

Gallagher said remember the history of this: it is a big created manmade gully, so some mitigation we think is unfair, but the final decision is up to the Commission.

Rose made a motion to **table** to 6/13/07. Lees seconded the motion. Gallo asked is there no further discussion on this? The motion carried unanimously at 8:57 pm.

## **28 Hillandale Road**

## **Regulated Activity # 754**

### **Safet Sadiku**

Assessor's Lot #F08088, RA-40 Zone.

Date of Receipt: 4/25/07. Construction of new single-family home, well, driveway. First 65 Days: 6/29/07. Second 65 Days: 9/2/07. Michael Mazzucco, PE. 5/23/07 The wetlands are flagged and the proposed house is staked. Michael Mazzucco placed his plan on the easel, #07008-28, an application for a single-family lot on Hillandale Road. This property was staked last week, and I believe a member of the Commission did a site walk. Mazzucco discussed the wetland system, the acreage, RA-40 Zone. We are impacting wetlands flagged by Gene McNamara of ESM Associates. Using the plan, Mazzucco showed where the property line looks like the neighbor to the north may have encroached. Maybe it was the time of the year that he flagged the property. The soils get to the point where they can't absorb any more water. When you go out there, and I did take look at it today myself, it's not like you're walking in skunk cabbage; it's sloped. I know at the last meeting, Dan suggested we get together, after the house was staked. I'll get in touch with Dan and set up a meeting. Mills said I have a couple questions. I noticed about a 15 foot setback from the creek to the edge of the intermittent watercourse coming down, and I noticed there are a couple of big trees that will have to be cut down. Is there any way that you can turn the house lengthwise; flip it? Mazzucco said I show a dimension here of 26 feet. Mills asked can you turn the house? Mazzucco said if I start turning the house, my rear setback line is right there; a 35 foot rear setback, so my building envelope is contained on three sides. Mills said I did a site walk today with Dan Baroody, and walking back there, it looked back there that maybe it was 15 feet to 20 feet to the edge. Take those out, get construction equipment in, and can you come in with an alternative? Mazzucco said maybe we could shorten the house in that direction. Maybe locate the trees. Mills said the trees would have to come down, and they were about 5 feet from the intermittent watercourse. If you could look at an alternative, please. Lees asked do you think these big trees will give stabilization? Mills said see what you can do; we'd appreciate it. Gallo asked is there anyone else who wants to do an on site visit? Mills said it's well marked, if you have chance to get up there. Lees made a motion to **table**. Soriano seconded the motion, and the motion carried unanimously at 9:06 pm. Gallo announced the motion carries.

## **Padanaram Road**

## **Regulated Activity # 749 G**

**Cotswold of Danbury, LLC**

Assessor's Lot# F07052, RA-20 Zone.

Date of Receipt: 5/9/07.

Geotechnic Permit, Tighe & Bond.

First 65 Days: 7/13/07. Second 65 Days: 9/16/07. Temporary wetlands crossings permit. Crossing methods were requested from the applicant 5/9/07. Gallo said it sounds as if we don't even need this. Baroody said at the last meeting we asked applicant to come up with more methods for crossing, and then tonight they said they weren't even going to consider that to be part of that site, and then we had some excellent testimony, so the applicant can withdraw it, or you can deny it. Mills said I'd like to have clarification: if they were to do a Geoprobe, any damage coming in and going out, they would have to replace e and replant anything that they damaged? Baroody said that's what they said, but we really don't have anything in writing saying they would replace what they damage. Rose, Gallo, Baroody, and Mills discussed getting a letter from them before next meeting. Lees made a motion to **table**. Soriano seconded the motion. The motion carried unanimously at 9:09 pm.

**20 Southern Boulevard & 6 Brushy Hill Road Regulated Activity # 755**

**GRC Property Investment & Development, LLC Assessor's** Lots#116238, 117021

Date of Receipt: 5/9/07.

5 proposed lots, 5.2 acres, RA-20, RA-80.

First 65 Days: 7/13/07. Second 65 Days: 9/16/07. B. Doto, PE. Written comments received from Mark Nolan. The applicant is not here, Gallo said. Dan Baroody took the mic, stating you want might to consider having a Public Hearing on this one. There is high public interest. Gallo read the letter with Mark Nolan's written comments received 5/22/07, with the requested stipulations, should City of Danbury determine not to purchase lot 2. Gallo said you heard from what Dan had said. Baroody said at last meeting we asked for cuts and fills, and we did not receive that yet. Secretary Lee gave a copy of Nolan's letter to Mills and Westney. Massoud said do we have a motion for a Public Hearing? Baroody reiterated for the public interest. Massoud made a motion to move this to Public Hearing. Rose seconded the motion. Gallo asked are there any remarks? The motion carried unanimously to **move EIC #755 to Public Hearing to open 6/27/07**.

**NEW BUSINESS:**

**Crosby Street at Padanaram Brook Regulated Activity # 760**

**City of Danbury**, Bridge Rehabilitation. Assessor's Lots#113042, 113045, C-CBD Zone.

Date of Receipt: 5/23/07.

Tectonic Engineering

First 65 Days: 7/27/07. Second 65 Days: 9/30/07. Bridge # 04125. Chairman Gallo introduced this petition. Dan Baroody identified himself, saying we just received this, and engineers are not here. It's quite a project, and should not be sent to Administrative Approval. Lees made a motion to move this to first on the agenda for the next meeting. Lees made a motion to **table**. Soriano seconded. The motion to table carried unanimously. Gallo said if, in fact, it's going to be outside engineering, we can put that at the **top of agenda**. I don't think we need a motion. Mills said this will delay the two ongoing Public Hearings, all of the people waiting to

be heard. Gallo clarified if this will be handled by our own staff, leave it in its regular order. When we find out, will set it on the agenda. Gallo asked are you sure they don't get comp time? Mills said we can leave it to the discretion of the Chairman.

**8 Casper Street**

**Regulated Activity # 658 R**

**Mannkind Corporation** Assessor's Lot s #J14272, J14271, IL-40 Zone.

Date of Receipt: 5/23/07.

Parking lot rehabilitation.

First 65 Days: 7/27/07. Second 65 Days: 9/30/07. Artel Engineering Group, LLC. Chairman Gallo introduced this application at 9:18 pm. Engineer Mark Kornhaas identified himself at the microphone, stating there are no wetlands on the property. This is on the south side of Casper Street, and will bring the parking lot up to code. Some remedial work was done on the site, and a building was removed. What we've also done with this is added some drainage to the parking lot, added a Vortech unit. I've submitted a report including the pollutant loading calculations. It's 60 to 100 ft. to the river, and a 200-foot upland review area. Within that area, we're doing very little work. It's very simple, straightforward. Gallo asked are there any questions? Mills asked are the Vortech unit and catch basins going to have a maintenance agreement? Kornhaas replied yes, it's in your package. Lees asked for proper labeling of the catch basins. Massoud asked the green on your plan represents what? Kornhaas said that's lawn area. It included the required landscaped islands. Massoud has a question for Kornhaas on the swirl concentrator manufactured by Vortech. Baroody said I have not had a chance to look at it, so I cannot say if it can go to Administrative Approval. Rose made a motion to **table**. Mills seconded the motion. The motion carried unanimously at 9:23 pm.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** N.A.

**ADMINISTRATIVE STAFF ACTIONS:**

Daniel Baroody briefly described the following four Administrative Approvals following the storm event of 4/15 and 4/16/07:

**41 New Street**

**Regulated Activity # 756**

**City of Danbury Public Works Dept.** Assessor's Lot # H14373, RH-3 Zone.

Date of Receipt: 5/9/07.

Blind Brook maintenance / cleaning.

Engineer Tom Hughes. Admin. Approval by D. Baroody 5/8/07.

**53 East Lake Road**

**Regulated Activity # 757**

**City of Danbury Public Works Dept.** Assessor's Lot #E05020, RA-80 Zone.

Emergency culvert repair to East Lake Brook below dam following 4/16/07 storm.

**Padanaram Road Bridge**

**Regulated Activity # 758**

**Over Margerie Brook**

City of Danbury Public Works Dept.

Emergency bridge repair over Margerie Brook following 4/16/07 storm event.

**Padanaram Road Bridge**

**Regulated Activity # 759**

**Over East Lake Brook**

City of Danbury Public Works Dept.

Emergency bridge repair over East Lake Brook following 4/16/07 storm event. Gallo read each Regulated Activity number and asked if there were questions on each. Mills said I have a question, but not on these. I'd like to ask Dan Baroody about a Notice of Violation on Mr. Miller on Benson Drive. Baroody replied I met with Mr. Miller and he used Clean Danbury Day to dispose of most of the debris. Some of the metal is still out there, but he is to call me when that is removed.

Baroody continued I contacted Mr. Coffey and advised him of the plantings he has to do, and he will contact me when they are done. (EIC #585)

**CORRESPONDENCE:** None.

**ACCEPTANCE OF MINUTES:** May 9, 2007 Meeting. Motion to accept these as presented by Soriano. Second by Westney. The motion carried unanimously.

**ADJOURNMENT:**

Motion to adjourn by Mills. Second by Lees. The motion carried unanimously at 9:26 pm.

The next regular meeting of the DEIC is scheduled for **6/13/07** at **7** pm in Common Council Chambers.