



**CITY OF DANBURY**  
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DANBURY, CONNECTICUT 06810

Environmental Impact Commission  
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**MINUTES**

**July 11, 2007**  
**Common Council Chambers 7:00 PM**

The meeting was called to order by Chairman Gallo at 7:10 pm. Present were Bernard Gallo, Jon Fagan, Matthew Rose, Bruce R. Lees, William Mills, Jessica Soriano (late), and new Alternate Brian Davis. Absent were Craig Westney, Alt. Kurt Webber, Alt. Mark Massoud.

**PLEDGE OF ALLEGIANCE:** The PLEDGE OF ALLEGIANCE was led by Jon Fagan at Gallo's request.

**WELCOME:** New EIC Alternate Member **Brian M. Davis** of Brushy Hill Road was sworn in pre-meeting by Robert Yamin, Attorney.

**CONTINUANCE OF PUBLIC HEARINGS:**

**Padanaram Road**

**Regulated Activity # 749**

**Cotswold of Danbury, LLC**

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

Date of Receipt: 3/14/07.

29 SF cluster residences, Tighe & Bond.

First 65 Days: 5/18/07. Public Hearing opened 5/9/07, and must close by 8/17/07. Surveying Associates, P.C. 74.15 acres. **Extension letter** rec'd. 5/23/07. Site walk on 6/7/07. Revisions rec'd. 6/18/07; sent to Danzer 6/20/07. Letters from S. Hayden rec'd. 6/25/07 & 7/9/07. Site staked & flagged 7/9/07. Danzer comments rec'd. 7/9/07. Details to Alt. D received 7/9/07 & sent to Danzer. Chairman Gallo introduced this item at 7:11 pm. Jon Fagan recused himself. Attorney Paul Jaber introduced himself as Bruce R. Lees reset the sound system. I represent the applicant Cotswold of Danbury, LLC, Jaber said, and this is in connection with an original application for 57 units. We've been working with Alt. D which deals with the southern portion of the site, 29 homes on those 54 acres. We have not chosen Alternates A, B, nor C, Jaber said. Jaber discussed the only permanent impact. We addressed the comments of Steve Danzer; we received it yesterday, and we will attempt to address those comments for Alt. D tonight. We have all our professionals  
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here tonight, but not everyone's going to speak, Jaber reported. Joe Canas will talk first as he has to leave here at 8 pm; please address those questions for Mr. Canas before 8 pm. Gallo said Steve Danzer could not make it this evening. Joe Canas identified himself & his firm, Tighe & Bond, of Shelton, CT, and discussed Alternate D, including two specific changes that we had made to the plan. We eliminated the curb, to promote infiltration, as suggested by Sean Hayden; an additional step we've taken. The second step we've taken, if you see the red on plan: those are pavers, which are more pervious. Canas distributed his 7/10/07 letter from Tighe & Bond which he discussed. We disagree with Danzer's comment about this steep slope. It's not that steep. We are providing stability to that slope. This pink line here represents 100 feet from the wetland, Canas said; units 27 and 28 are now inside the regulated area; in fact these units would be located closer to a flagged wetland area. When we met with the Engineering Department they had no problem with locating the units as we have. We can relocate them, but in our professional opinion, we would have to move them closer to a regulated area. Canas discussed unit 18, intercepting at the top of the proposed retaining wall, so therefore slowing down the water velocity, providing filter berms, as the stormwater proceeds toward the east. That will then be piped down to the wet meadow system. Leave unit 18 where it is preferable; it allows the sediment to be filtered out and reduces sediment transport down to the brook. Mills said previously, on access roads, you said there's going to be compacted fill and four inches of topsoil on top of that. Canas replied no, we're going to crown the roadway in one direction towards the brook. Mills discussed the impact of the two access ways, the sidewalks on one side, due to distance to Danbury High School. I disagree with Mr. Jaber, Mills said. I feel we should have maintenance agreements on the three wet meadows. Yes, Planning and maybe Engineering will look at them. I'd like to also compliment the applicant for coming up with a more prudent and feasible alternative, Mills said. Jaber said was there any questions about any drainage structures west of the swale? Mills said I just would like a maintenance agreement. Jaber said I did not mean to say you cannot have the maintenance agreement; there's no question about that. I did the last wildlife habitat corridor, Jaber said. Mills said I will read it, believe me (Canas' report). Jaber said I prepared a letter summarizing the issues raised before the last input by Dr. Danzer, I'm not going to read it, but I want to raise a couple of observations. We all agree that Padanaram Brook is a valuable natural resource; it is considered an impaired waterway by the EPA division, and the obvious cause for the impairment is 1. first, the past construction; Mr. Fagan did a beautiful map, and he's highlighted in red the existing foundations: you can see this is the past construction. That's one of the reasons. 2. The dumping and trespassing that's going on now. 3. The uncontrolled runoff that has gone on on this site for many, many years, from catch basins and structures above, causing soil to wash into Padanaram Brook, causing the impaired quality. Jaber continued, we will remedy this, and give better water quality. We don't agree with suggestions to leave it as is. All you have to look at is the EPA comments to see that it needs to be cleaned, Jaber said. Mr. Mills one-upped me on discussing the maintenance agreement for the homeowners' association, Jaber said. My firm represents over 100 homeowners associations currently in the area. We are very familiar with these agreements, Jaber said, and it gets recorded on the land records. All deeds must contain language to that effect. There would be nothing different in this situation, Jaber continued. We gave a number of 30 some odd large trees; it was questioned that it was a very small number. But this is because this has been excavated already, and that's why there are not of lot of large trees. Some have fallen due to erosion, Jaber said. I want Paul Fagan to compare the location of the existing foundations, and how they were placed in a manner that then had no plan. Paul Fagan will discuss that. Mr. Fagan will

discuss how the placement of those flags that Danzer mentioned were incorrect. Sean Hayden will briefly go over the questions about the wetland delineations that were raised by Mr. Mills; he'll go over it. He prepared a couple of reports early on, 2004, 2005 stormwater management; you have not seen the 2004 report. He will discuss this.

We asked Henry T. Moeller to prepare a report, which Jaber handed out. I will cut my remarks after that, Jaber said. Henry T. Moeller is the original soil scientist and we asked him to give us a letter supplementing his position on those watercourses, those 4 areas between units four and five, and units eighteen and twenty. He read Moeller's letter into the record. Moeller discussed his previous 6 full months out on the site, Jaber said. Jaber read from Moeller's letter: I did observe water in extremely disturbed areas. Moeller discussed it was not an organized flow with no hydrant soils, or man-made hydrant soils in the unfinished areas. There are very steep cuts into the hard pan. The property is on the slope of a large drumlin. Moeller's letter discussed the April '07 storms. The four alleged watercourses occur within highly disturbed areas, and they did not exist in 2005. Moeller's letter said please see the original report and the map from 2005. Jaber discussed areas A through D. It is possible that some erosion has occurred since I was last on the property. Moeller discussed the storm that approached the 100-year storm criteria. The four areas are, in fact, environmental liabilities; the problems were created over 30 years ago.

Paul Jaber next continued discussing the differences of opinion between Danzer and Moeller. So no expert hired by either side has indicated those three as watercourses. The only one by Danzer is the one by unit #18. Now we could eliminate 18 or move it right down in here. We could do that, but I don't understand why we'd want to. It's your decision if you want us to relocate some units. We don't think that it's feasible, Jaber said, but we would move them. To me it does not make any sense. You have to cleanse that water so that erosion does not continue to go into that brook. He discussed how the design was to cleanse the water. If you think it is the right plan, we would relocate it next to unit 25. I'm not a soil scientist, Jaber said. That's really all I want to say at this point. I'll let the other professionals speak. Matthew Popp next took mic at 7:45 pm; he identified himself, a landscape architect with Environmental Land Solutions, LLC in Norwalk, CT. About a month ago we were asked to estimate how many trees would be removed from the development, Popp said. I walked it. Counting the ones over 12 inches in diameter, there really weren't that many. So I went down to 9-inch and 10-inch diameter at chest height. Popp discussed species of trees and phragmites. Popp said the houses being proposed are located further away from the river; about 30 trees will be removed. Poplars are quick growing trees. Popp asked are there any questions.

Commissioner Lee asked when tree location plan was distributed. Popp handed it out at the last meeting in June. Popp answered Lees' questions about marking trees; some kind of manifest, if there were a large 30" diameter tree, but these trees are small, Popp said I don't think they need to be marked out in the field. Lees said I'm concerned with stabilization of the bank. Popp answered there are very, very few, but we could certainly do that.

Paul Fagan, LLS, at 7:49 pm identified himself and his firm at 432 Main Street, Danbury. Fagan discussed the Mylar overlay, and the A-2 survey: it shows accurately the wetlands we located in the field, and the original foundations. The original turnaround was out here; through an AutoCAD process, these were moved with it accidentally, and he stated the flag numbers and distance from the grading on the turnaround. Fagan discussed the construction in the 1970's, built without any grading plan, and no drainage in mind, and he just set them back, so his grading should have been far more extensive than the grading we are proposing. The way

foundations are now, you could not have a roadway that could meet the COD zoning regulations. So our plan involves regrading to accommodate the construction of these houses, Fagan said; I don't know what the intent of the developer was at that time. Paul Jaber said just show the Commission the most recently staked and flagged area, which Fagan did on his overlaid plan for Alternate D. dated 6/8/07. Next Sean Hayden of Northwest Conservation District took mic, identified himself, and gave a synopsis of the district's scope and mission. I want everyone to understand that my recommendations, Hayden said, do not change based on who asks me the questions, the applicant or the Commissioners. My answers do not change. I put together a letter that clarifies; it summarizes my involvement in the project and my opinions on the drainage channels.

Mills had questions on intermittent watercourses as described by Danzer, versus other opinions, (Tape 1 flipped to side B). Mills said it kinds of mystifies me, apparently on these drainage ways, A,B,C and D, I'm mixed up on "yes they are, no they are not". Hayden said I can really focus in on that question. And maybe address it at the next meeting. It may be a safety issue; a lot of jagged wall; I know that's not your purview, Hayden said. Mills said just as a suggestion, I'd appreciate it, and maybe get that clarified. Gallo asked are there any further questions for Mr. Hayden? Gallo said thank you, Sean. Mills had questions for Joe Canas at 8 pm regarding moving building #18: can you put it opposite building #20? Canas re-identified himself and took the mic. Unit #20 is over there; I'd have to look at that more carefully, but we'd have to possibly put in more fill. Mills and Canas discussed coming up with an alternative to relocating building #18.

Paul Jaber said Mr. Mills just summed it up: we've given you enough for tonight. We will put sidewalks on the plan.

Gallo asked is there any members of the public who wish to speak on this issue?

Ken Gucker, of 89 Padanaram Road, said, actually, I felt there was a couple of things I should address. I disagree with Mr. Jaber's EPA assessment, since I turned it in. I'm going by memory. Gucker said it speaks back to velocity and speed to the stream, causing channelization. No where in the EPA study does it say it is just in this area. As to the trees, the applicant makes it sound like the place is just all torn up. It was torn up in 1975. Gucker compared it to the size of trees he planted on his own property and their size now. A lot has grown since 1975, so I certainly question those comments. They have twisted the EPA report. I will dig up my photographs. Lees had questions for Ken Gucker: this process has a beginning and an end. What do you think of this application now? They are improving what they have now, what was actually disturbed in the '70's. What do you think? Gucker responded I find it suspect. Things that are there are trapping and absorbing water. I did quickly look at the new plans at town hall, but I got there late. That's just gathering the water and moving it. Nothing is absorbing it, as insignificant as it sounds; I could do calculations all day long too, Gucker said. I still have questions. On the curtain drains, retaining walls, the pressure behind those wall, the loss of absorption of water at each home site. I find a lot of their logic hard to understand. Lees said, so again, you're undecided. Gucker said it's getting to the better, but you are having the same mass that was at the top, put at the bottom. Ken cited when they plow the roads, where does all the salt and sand go. You may have a build up of water in those channels, but you also have sheeting area. That's where I still have questions.

Tom Pura signed in at 8:10 pm, from 43 East Gate Road. There's lots of information you guys have received. I'm opposed to this project. I disagree with Atty. Jaber's statement that the only way to look at this site is to let Cotswold develop it, Pura said. There was a code back in 1979, with three California ranch homes turned

sideways; we looked at it; the rains came. How are you going to capture all of the water that comes down? These photos were taken in sequence, in 2005, after the Damia project was cleared. We were given the same guarantees as with this application. These people had to repave their driveways. If you went there tonight or tomorrow morning, you'd see that water gushing. And they are proposing to manage that into swales. There's a lot of questions about whether they can do that or not. Another environmental impact here is all the animals. All the pictures were taken in 2005. He had to re-run them. I'd like to submit them all again, Pura said. Mr. Hayden also talks about wildlife in the 2005 report. Pura listed the animals and birds that Hayden saw evidence of in 2005, as casual observations during site visits. Pura reported the deer he's seen recently in his neighborhood. A big piece of environmental concern is wildlife. Many of the neighbors that are here, and that could not be here, have listed numerous environmental concerns, which Pura enumerated: water drainage, thousands of trees, I have to take thousands out, runoff from oil and paved surface runoff and fertilizer runoff, habitat; they do live there. I have three e-mails I'd like to read, Pura continued. One's a letter from Jeff Lyons to the Mayor. Pura read the paragraph addressing environmental impact: so little is left. We can make a killing by filling our pockets with money; the turkeys, deer, red and gray fox, raccoons, beautiful birds and wildlife; kill them for what? To put money in the pockets of builders and lawyers? Lyons cited the recent storms, the floodplains, damage, looking now to FEMA, had these projects been stopped in time, problems we receive after any storm with 1 inch or more of water. Enough. I rest my case, from the letter by Joseph Lyons of 15 Eastwood Road.

Pura next read a letter from Ann Blake who is now in California: I'm absolutely opposed to any development; "rape is rape", and strong language is appropriate; the air quality, sanctuary for many species, and all the other unfortunate side effects. This is by Steve and Ann Blake, of 10 Mountain Laurel Lane, Pura said. The last letter, Pura said, is from Ray McGarigle of East Gate Road, who could not be here: to voice my serious concerns: my opinion is that withdrawing the previous applications is a ploy by the applicant hoping that public opinion will wane, or the Commissioners will be changed. Is this tactic to get something from the Commission? The developer is not acting in good faith in my opinion. Many people are in opposition to this plan. Live up to your charter and reject this plan, McGarigle asked.

Chairman Gallo said I'll address all three of those. This commission does not look the other way, with regard to the first e-mail. The second e-mail said "rape"; we do not allow that. The third said we would overlook tactics of developers, and we do not do that.

Theresa Radachowsky next signed in, of 91 Padanaram Road, and cited Bill Moyer's Journal and those things going on with our planet. One of the things he said that by the end of this decade 50% of the species we now know will be gone, Radachowsky said, since we are taking away the environment they need to live in. Every decision that we make has impact now. Every question is so important now: that they be asked, and that they be answered. You don't get information. What happens? We go forward. They pull the petition. We and you ask the same questions. I fully expect them to withdraw again. They will hope that we will go away. I believe that you are decent people who care about Danbury. Please don't think that we don't think you are doing your job, because we think you do. Now, more practically, Radachowsky said, about a bridge near my home; some pressure was brought to bear to the Mayor; the City came out, they did some work, curbing, concrete, rocks. I thought it was pretty interesting. I shook my head. Well the last two big rain storms showed what they had done. It now transports the water across the bridge and dumps it all into my front yard; there were 7 inches of water in my front yard.

Radachowsky discussed the many crayfish in the area, and now the area is filled with silt, just from that little change by the City, caused by a little ill-advised construction. What about moving a whole hillside? What is that going to do? Please ask questions. Demand answers. Radachowsky said thank you at 8:32 pm.

Next Mr. Tom O'Brian, of 37 East Gate Road, came forward and he indicated where he resides on the Fagan plan. I want to get rid of the emotions and just talk facts, O'Brian said. He discussed the extensive drainage systems they had put in by a professional landscaper. We have the storm drains that Tom (Pura) referred to. There's a lot of water coming down those hills. We did not have any problem before April. We had water, some wetness, O'Brian said. But this April for the first time we had water in our basement and had damage. I went to Google Earth this morning and pulled out some pictures, which he held up, of East Gate. The extension of Eastwood is here; you can see a little of those foundations. As you can see in the area up in the new subdivision, just how much clearing was done. You cut out some trees, you lose some root systems; you destabilize, and will potentially cause those septic systems to flood. Last time their expert talked about the soil on the hard pan, where the access roads are on their drawings; they are going to have to get in there with some equipment to maintain those retaining walls. Does the fire department still require two access roads? A lot of trees are going to disappear. We're very concerned about the washout below us. O'Brian said thank you at 8:38 pm.

Joel Limoncelli from 25 East Gate Road, signed in and identified himself. I wanted to, first of all: let me make a personal comment about the Commission. I know you are all volunteers, and I personally appreciate it, and I know my neighbors do to. The letters probably reflect their passion. I really appreciate the job that you are doing. I want to thank Tom for addressing the immediate impact, but the long term impact on the septic systems of all the houses on East Gate Road. There was a lot of comments about drainage and I want to point out (went to easel), on Option D, there is a swale in here between my property and Lombardi's property that empties down here, and comes into this swale here, and it also collects from other directions here, and then it just disappears underground. How will they trace where this drainage exists; underground watercourses here, problems that are occurring here? Please give some attention to that aspect. That does concern me. There's a big hole there, and the water has got to go someplace downhill; it may be something that you may want to be concerned with, O'Brian said. All this land mass being adjusted; is there going to be some blasting? I think that with the amount of material being moved. I appreciate all your work on this project.

At 8:44 pm, Suzanne Silverman, of 29 East Gate Road, identified herself, stating I've come to all three of these meetings, and asked how many trees will be cut down. 29 trees? I object that there are a few trees. There are a lot of trees there. This to me could not possible happen. (Tape B, side 1 inserted). There's no way this is going to improve it. I'm not sold. Thank you, Ms. Silverman concluded.

Mark Nolan of 37 Brushy Hill Road next signed in, saying I want to address some of the comments made tonight. I echo the comments of the previous speakers. I appreciate the work of you Commissioners. Regarding Bruce's comments that it is getting better, Hatter's Yard was my development group that built that, and it suffered in the past with flooding there that had to be addressed. As a developer in the City of Danbury, Nolan said, we must review the impact when we increase impervious surfaces. If you look at this map I've brought, we have a lot of people and wildlife who value this watershed. We have to take a look at the impact that has happened in the past, and what we decide to do in the future, Nolan said. We have to look at the final impact, the residents on East Wood, the impact on septic systems, will we install sewer lines, these are all questions that come up that have to be answered; the environmental impact that these proposals will have. I think that

it's getting there, but it's not there yet, Nolan said. He discussed what he was asked to do in former projects. Nolan said I think it has to be reduced in volume, because it all flows south into our City. Thank you.

Commissioner Lees had questions for Dan Baroody regarding the extra runoff from other areas, the hillside above. Baroody said the applicant's engineer could answer that question. Lees had a question the blasting. Paul Jaber said that Joe Canas answered at the first meeting pretty clearly: the tests showed that there would be no blasting. Lees said, Mr. Jaber, that's all I wanted to know. Joe Canas went through the new State code at the last meeting, and he showed that these houses are quite a distance, Attorney Jaber said. Mr. Mills asked about mitigation, proposed mitigation, a clarification: does the applicant consider wet meadows as mitigation? Can the applicant come back with an answer about mitigation, Mills asked?

Lees made a motion to **continue this Public Hearing**. Mills seconded the motion. The motion carried unanimously at 8:54 pm.

Chairman Gallo announced we will take a 10 minute recess now. The tape was turned off.

**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. Written comments rec'd. from Mark Nolan. Copies sent to S. Danzer 6/12/07. Site walk 6/21/07. Public Hearing opened 6/27/07, continued 7/11/07. **Extension letter** received 7/11/07. Greenwald letter with concerns received 7/9/07. Danzer comments 7/9/07. Chairman Gallo reconvened the meeting at 9:06 pm. Commissioner Jon Fagan rejoined the panel. Benjamin V. Doto, III, P.E., introduced himself and signed in, saying I have Dr. Danzer's recent comments, and just received a copy of the letter from Diane Greenwald. Beginning with Danzer's letter dated 7/9, he makes four bullet points. This is to be purchased by the City of Danbury. Danzer questions whether it could be a vernal pool or not. Henry T. Moeller discusses that, and addresses it. Moeller was out there during a heavy rain, and he says that it's not a vernal pool. Item 2: proposed cuts in this area. Again, Doto continued, the excavation that we are going to be doing is down grade. It looks like Danzer is making that same suggestion. We could pull that back a little, while still trying to meet the City's requirements for driveways, setbacks, etc.; but we could take this, if given direction back by the Commission, we could probably pull that back maybe 20 feet. One of his questions is why are we doing grading on this area here. If you are doing grading, you have to daylight it, blend it, Doto said. Item 3: Danzer recommends that the land go to the City. Item 4: what happens if the City does not buy Lot 2; the Commission "should stipulate that any approval activity should be reviewed by" the EIC. As far as Ms. Greenwald's letter, she mentions creating a gouge in this area; we are lowering the grade. We have to lower the grade. If we make those changes I just discussed, we could minimize that. As far as the developer states, purchasing lot 5, I think that's a typo; she means lot 2. In doing this, this is an alternative that we are proposing, and it's our understanding that the City is going to buy it, Doto said. Doto discussed previous cluster housing proposal. We revised that proposal when we talked to some of the neighbors. Are there any questions, Doto asked at 9:14 pm. Would the Commission like me to make those changes?

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Mills said, yes, if you could pull that back. Do we have cross sections? Doto replied yes, they were submitted at the first meeting. Is blasting proposed? Doto said I prefer blasting as an engineer, quite honestly, because there's less disturbance to the neighbors long term. Mills asked for a blasting plan. What are you looking for, Mr. Mills? Mills explained what he saw at the site walk; I like you to address that issue, and if you do pull that back, we will need a new elevation. Of course, Doto replied. That's all we have today, Doto said.

Chairman Gallo asked is there any one in the public wishing to address this issue? Mary Reynolds of 15 Library Place, signed in at the mic and said it's freezing in here, so I'll make my comments and get out. I see a terrible impact on Tarrywile. When the City buys Lot 2, it should never be built on. But still it makes me feel that it will someday be built on. Reynolds cited the statements made by the Nolans at the previous meeting. That makes me fear that GRC will come back and want to build, or someone else will. I see the beginning of the end of Tarrywile. Reynolds discussed the blasting on this area right up against Tarrywile: the wild creatures suffer panic, confusion and hysteria. Many will rush into habitats already overcrowded. Others will end up being trapped and killed, Reynolds said. She enumerated the species that will suffer; if anyone has ever looked into their eyes. I'm frightened for Tarrywile. I realize that the property in question is his, but I'm afraid that this will begin the chipping away of Tarrywile. There's nothing wrong with leaving the land for open space. Excuse my voice. I've known this gentlemen (Chairman Gallo) for a long time. Mr. Gallo said thank you.

Chairman Gallo asked is there any one else from the public wishing to speak? Again, for the record, Mark Nolan, from 37 Brushy Hill, as he signed in at 9:21 pm. Nolan said he had a couple of comments: in the letter submitted by Ben Doto, Lot 5 was looked at by Ms. Greenwald, so that should be clarified that that is Lot 2, as Ben pointed out. I just received a copy of Mr. Danzer's comments and have not had time to review it with my consultants and the family, but he does talk about Lot 2, being potentially looked at by the City. I also received a copy of 5/17 submittal regarding Mr. Doto's comments about the amount of cuts and depth, and looked at the cut and fills that were submitted; I got it on the 29<sup>th</sup>, I think. From my understanding about the profile for section A.a, and Nolan discussed the cuts for the driveway, the front lawn and rear yard. I'm not sure which section A.a Lot is. We know that this is at the intersection of Brushy Hill and Southern Blvd. We know that there is going to be a significant visual impact to this intersection. You have approximately 200 lots of houses on Brushy Hill, and the houses on Deal Drive, approximately 30 or 40; you figure out the vehicle trips of people turning that corner; this is something we are all going to have to live with. My house is surrounded by rock ledge. At 8 Brushy Hill, there is a drainage system around that house that comes down from the castle, and there are two sump pumps in their basement to handle the water when we have a rain. My point is, we have rock ledge, a lot a water coming off of the castle elevation, and those ponds. Mr. Danzer did comment that you have a small surface of land to absorb runoff. Jim and I live and own properties in this area, and we know there is a lot of rock ledge and a lot of water. If we could minimize the visual impacts of those cuts also, it is something that has to be addressed. Fagan asked Nolan to point out on the plans where he's referring to. Although it's outside of the regulated activity area, but the water coming down there is all coming through rock ledge, Nolan concluded.

Gallo asked are there any further questions ?

Ben Doto, again at the mic, said that was a typo, and I apologize for that mistake. We have prepared a drainage analysis that is designed to catch the water, hold it, and put it back into the storm drain system, Doto said. I agree with Mr. Fagan here, if we pull some of this back, there will be less impact. All we can do about the water

coming off that hill, is to not make it worse; we can make it better, Doto said. And I am sure these topics will come up when we are before Planning and Zoning. As for aesthetics, that is not your purview.

Daniel Baroody, RS, MPH, identified himself next. I will try to get those Planning comments, and civil engineering comments on some of those issues. Doto said I actually have those comments right here. We just received these today. They want us to show where the roof drains will go, and how they are tied in. They ask for some standard conditions for structures to be up to City specs, and the Highway Department want us to determine if additional structures will be required at the end of the driveway, and tie it into the new driveway. They ask that the system be installed under the supervision of a professional engineer. They want a condition of approval be that a Homeowners' Association be formed; again that's a standard comment, Doto said. And there are a few grading comments, which Doto reviewed, regarding runoff, retaining walls over 3' high, where the ledge is to be left, the stability of it to be certified, and those will certainly be part of the approval. Fagan made a motion to **continue the Public Hearing**. Mills seconded the motion. The motion carried unanimously at 9:36 pm. Thank you, Mr. Doto said.

### **OLD BUSINESS:**

**28 Hillandale Road**

**Regulated Activity # 754**

**Safet Sadiku**

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

Date of Receipt: 4/25/07. Construction new SF home, well, driveway.  
First 65 Days: 6/29/07. Second 65 Days: 9/2/07. M. Mazzucco, PE. 5/23/07  
Wetlands flagged and proposed house is staked. Site walk 6/8/07 by Mills, Baroody.  
Revisions rec'd. 6/11/07. Impact report by D. Baroody 6/26/07. **Extension ltr.**  
rec'd. 6/27/07 with request to meet with staff. They want to table to 7/25/07 per  
Michael Mazzucco's request. Motion to **table** by Mills. Second by Rose. The motion  
carried unanimously.

**NEW BUSINESS:** None

### **EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Miller, 58 Benson Drive, is working on compliance with N.O.V.

Shurgard, 77-83 Mill Plain Road: Health Department and EIC: issued Notices of Violation (SP 03-21 and EIC # **537**). Baroody said there's a copy in your packet.

Chairman to appoint Committee for review of EIC regulations and fees. The Committee will be Jessica Soriano, Chairperson, with Jon Fagan and Bill Mills, Bernard Gallo said. Just a suggestion, Mills asked Secretary Lee, to request copies of the fees for surrounding towns. Secretary Lees said I did that; I will give you their phone numbers, and you can do that. Baroody said coordinate your meetings through Pat and I at City Hall. Lees suggested that the Committee e-mail any changes or proposals to the other EIC Commissioners. Baroody said you can e-mail or write down your input, even if you are not on this committee. We don't want a quorum at subcommittee meetings, Baroody said.

**ADMINISTRATIVE STAFF ACTIONS:** None

**CORRESPONDENCE:**

Letter from Town of Greenwich 6/18/07 re: concern with legislation SB 1341 and drinking source water protection. Fagan said that piece of legislation is now law. The governor still has to sign it, but it's a done deal, Jon Fagan said. Bill Buckley's comment was "Wow", according to Dan Baroody.

Letter from State DEP 7/2/07 re: tentative determination to approve application of WCI Communities for 2 stormwater detention basins, Phase 4A, The Reserve, Dam Appl. No. DS-200700052.

Request for Reauthorization for Diversion of Water for Consumptive Use from Lake Waubeeka Assoc., Inc. to CT DEP, Permit # DIV-200301847GP. Lees had questions for Baroody about this.

"The Habitat", Connecticut Assoc. of Conservation and Inland Wetlands Commissions, Inc. (CACIWAC) Spring 2007 newsletter.

**ACCEPTANCE OF MINUTES:** June 13 Meeting: Motion to approve these as presented by Lees. Second by Mills. The motion carried unanimously. June 27, 2007 Meeting: Motion to accept these minutes as presented by Mills. Second by Lees. The motion carried unanimously.

**ADJOURNMENT:** Motion to adjourn by Bruce Lees. Second by Jon Fagan. The motion carried unanimously at 9:44 pm.

The next regular meeting of the DEIC is scheduled for July 25, 2007.