



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

*Environmental Impact Commission*

*www.ci.danbury.ct.us*

*203-797-4525*

*203-797-4586 fax*

**MINUTES**

**July 25, 2007**

**Common Council Chambers 7:00 PM**

Next regularly scheduled meeting date **August 8, 2007**, at 7 pm.

**ROLL CALL:**

The meeting was called to order at 7:06 pm by Vice Chairman Bruce R. Lees. Present were Lees, William Mills, Craig Westney, Alternate Mark Massoud, and the Commissioners identified themselves from right to left.

Absent were Jon Fagan, Chairman Bernard Gallo, Matthew Rose, Jessica Soriano, Alternate Kurt Webber and Alternate Brian M. Davis.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mark Massoud.

**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. Letters from S. Hayden rec'd. 6/25/07 & 7/9/07. Site staked & flagged 7/9/07. Revised mitigation plans received 7/23/07. Clarifications rec'd. 7/24/07. Lees introduced this petition at 7:07 pm. Attorney Paul Jaber signed in first, identified himself and his firm at 148 Deer Hill Avenue, and said he represents the applicant. The proposal is to construct 29 dwelling units on approximately 54 acres of land. Jaber gave a brief history of the application. This is a continuance of the 7/11 meeting where you asked us for more information. First, we want to discuss the mitigation plan, but Matt Popp is not here yet; he's probably stuck in traffic. So Joe Canas will speak first about the swales, the drainage plan, roof gutters and footing drains, and the size of the watershed. You also asked us to consider two things with the location of unit 18, which Jaber described, and to relocate home site #18; so we've done that, and through Joe Canas and Sean Hayden, whether you find this area to be a watercourse or not. Hayden will talk to you about why afterward. Joe Canas will go over the engineering design.

Joe Canas, PE, of Tighe and Bond took the mic at 7:12 pm, and identified himself and his firm. First he discussed the sidewalk, 5' wide, on the west side of the roadway, with a two foot snow shelf. Canas described why it's located on the west side. Another issue came up at last meeting, about access to the upper swales, and how they will be maintained. I addressed in my 7/23 letter, Canas said, so let me pull that out. What we have are a series of retaining walls along the western side of the property. Canas described the swales and their purpose. Maintenance does not require heavy machinery, Canas stated, just a shovel, a wheelbarrow; no heavy equipment. Canas indicated where access could be made on the easel. We will provide a crushed stone access path about 2' wide. The offsite drainage area, upslope of us, that was part of our hydrographic calculations; it was accounted for, and we analyzed this for several different storm events. The swales have a capacity for a 100 year storm event. Another question came up about drains and roof leaders, which Canas addressed, on the eastern side and western side. There will be a perforated pipe surrounded by crushed stone, and we do have an overflow. This will tie into the nearest drainage structures. Next Canas discussed the relocation of unit 18, and the impact of the remaining gap between 17 and 19. He described how he evaluated the retaining wall required, the amount of fill, eating up a lot of real estate, so we looked at this area down here. In the gap between units, we put 18 next to 25, just north of it. All impervious surfaces are outside the regulated area. I discussed this with Sean Hayden. We looked at alternatives, which Canas described. Our concern was that this leaves a hump between 17 and 19. Sean Hayden recommended, like in Prince George's County in Maryland, a stormwater plan. Canas described a multi-tiered system of walls, each no higher than 3 feet in height. So what happens is; and Canas described the depression, leaking through, progressing down to the next tier, ultimately into a wet meadow system that will receive additional treatment. I do have an 11" by 17" drawing, Canas said: "Stabilized Drainage Channel", dated 7/25/07, which Secretary Lee distributed. Canas also distributed copies of the "Weep Wall Garden Section" dated 7/23/07. Canas asked are there any questions?

Bill Mills replied yes. I'm interested where the intermittent watercourses, the erosion channels, exist on your plan. Canas said they are not called out except for in Mr. Hayden's document. Mills said then maybe I should save this for Mr. Hayden. Mark Massoud asked, in relocating unit 18 to lower side of the street, does that push things any closer to the 100 foot boundary of regulated area. Canas responded yes, but we're still outside of the limit. Massoud asked will the relocation be shown in the alternative plans? Canas said that's addressed in my 7/23 letter attachments. Massoud and Canas discussed this transporting of sediment down to the brook. Massoud said, in reading the minutes, he questioned Canas' rationale and what Canas was trying to accomplish. Canas explained about the slower velocity and to capture sediment along the way. Massoud asked is that the general scheme for the other channels as well? Hayden will answer that one, Canas and Hayden agreed. Mills asked can we shorten that access road? Canas explained we have to have the length to meet the grade requirement, but it will be grassed, so water will seep into the soil. We did look at that, but it didn't work out. Paul Jaber next asked Mr. Hayden to speak. Jaber added, I forgot to mention that the reports were all previously handed in to you this and last week.

Sean Hayden, Certified Soil Scientist and Wetlands Soil Delineator, of the Northwest Conservation District identified himself at 7:30 pm, and said I'm just going to read my letter. It's short, and it addresses your concerns expressed at the last meeting and the relocation of Unit 18. His letter, dated 7/24/07, discussed the drainage channel adjacent to Unit 18, which Hayden did not think fit the definition of an intermittent watercourse. The letter discussed the severe head cut erosion, the

impending damage to 29 and 31 East Gate Road, and the mitigation/ stabilization alternative, "Weep Wall Garden Layout", which will require the relocation of Unit 18. Hayden letter said the NCD "appreciates this opportunity to work in a cooperative effort with the Commission and the applicant's project design staff to make this cluster subdivision more protective of surrounding wetland and water resources". I would love to take the Commission out for a walk to show you guys these drainage channels, Hayden stated; an open invitation. I will continue to describe this drainage channel as best I can. I was also taking soil samples while out there. With the whole disturbed nature of that area, I was unable to find any wetland soil features. In discussing alternatives with Joe Canas, there would be no way to plant your way out of this problem. Massoud asked so how do we stabilize it? Hayden said it's going to take rock, maybe grouted rock. I looked at those other drainage channels, Hayden said to Massoud; this one is fed by the most impervious surface, between 29 and 31, a big area collecting runoff, and it immediately fills up and starts gushing. It's been disturbed for almost its entire length, Hayden said. On the others, the disturbance did not get as high. There's no where near the erosion on the others as on the one we are focusing on here, Hayden said. Massoud asked another question, which Hayden answered saying I did not walk on private property; I could not see an outlet pipe. Hayden said, as a soil scientist, I'm constantly in the field, and he discussed the weep walls; old NE farmers walls, are really good at mitigating stormwater runoff. It is also called a weeping rain garden. Lees asked is there a website? Hayden referred to the Bioretention Manual of Prince George's County, Maryland, and you can download the whole thing. It's a great resource, Hayden said. Lees said I think you were reading from your letter (paragraph 5) about working directly with the applicant's design team. Hayden said I reviewed the sedimentation and erosion control plan and the stormwater management plan, and relocating Unit 18 fits in; it does not change anything.

Mills asked Hayden, referring to your July 9<sup>th</sup> letter, you recommended it be designed as sheets. Mills asked, give us an illustration of these swales. On watercourse B, Dr. Danzer's findings were an intermittent watercourse, and your findings is that it is not. Hayden responded why he thinks it is not an intermittent watercourse. Hayden said I've seen head cuts stabilized that way. Mills asked, Units 29 and 31 are faced with this now? Hayden replied yes; some construction will have to occur a little off the property. Massoud asked Mr. Mills about the channels not being located on the plan at this point. Mills said not to my knowledge; A B and C channels are not on the plan. Hayden said I can work with Joe (Canas) to get those things shown on the plan. Massoud said it needs to be shown. Lees said that sounds like a request. Lees asked are there any other questions for Mr. Hayden? Lees said, as a point of information, we must close the Public Hearing at next meeting. We have to get all the information in by that next meeting. Jaber said Mr. Popp is here, and he was on the site walk this week with Mr. Hayden. He'll hand this out and go over it with you. If you feel A, B and C are necessary to be shown, Jaber said we will put it there. Massoud had questions on some stabilization of those channels. Jaber replied we will design that as well. Mills added, I'm just basing it on Mr. Hayden 7/9/07 saying so, so we can line them up to see.

Matthew Popp, Landscape Architect, identified himself and his firm, Environmental Land Solutions, LLC. Popp said I met out on the site with Sean Hayden last week. We planned it a couple days in advance, and it was raining. Popp distributed the Dry Stream Channel and Stabilized Drainage Channel illustrations, and said I have a photograph of what it might look like. This is just for graphic purposes; it would not be as wide as this. At your last meeting, it was asked for a number of mitigation measures; we had those for 57 units, and some of those are no longer necessary. Pat, did they get those letters? Yes, tonight, Secretary Lee replied. Popp went

through his revised mitigation plan (refer to ELS letter dated 7/23/07). For 1 through 7 of the measures, Popp enumerated what could be changed. Then to confirm my findings, from the site visit last week, Popp said there are no significant trees in that area.

Mills said it's my interpretation that wet meadows are not really mitigation. I don't think they should be included as mitigation. Popp countered, I consider wet meadows to be mitigation. When something is not needed, and you are providing it, it is mitigation. We are happy not to put it in. Mills said we will continue to disagree. Massoud asked what do you mean that it's not needed. Joe Canas took the mic again and explained the ESS removal calculations. Massoud said I agree with you that vegetation is an important to pollutant removal, so I consider it to be fairly important to the overall scheme. Can you quickly review the water quality standards for those? Joe Canas explained, referring to the 2004 manual (Tape A flipped to side B). Canas described each cell in the discharge train. Massoud had a question on what the cells can hold, and what the overall cumulative design can hold? Canas responded don't forget, we also have controls upstream in the treatment train. Massoud said there's nothing to say that you can't over-design. Canas quipped, and we have. By providing the wet meadow, we've gone above and beyond the 2004 manual requirements. Canas and Massoud continued discussing the drainage, a valve for the underdrain, and the timeframe for the drainage. We could provide a schematic, Canas said. Matt Popp again took the mic, and responded to Massoud's question.

Lees asked are there any other questions about this? Matt Popp said that was it; thanks. Jaber asked about one clarification: Mr. Mills indicated that the wet meadow should be excluded from our mitigation, but we should leave them on the plan, right? Mills answered I want them to stay there. I just want more mitigation.

Massoud asked what happens with the balance of the site which was once part of the development plan? Is that included in open space? Jaber said it's really two parcels. The north portion has been removed from the site, so we don't know what will happen to it in the future. Jaber said this is about Alternate D, which is I assume what you're going to act on. We need your permission to remove those two foundations built in the brook. Matt Popp explained it is in the wetland area adjacent to the brook. Massoud asked what mitigation measures are proposed, outside of Conservation Easements and wet meadows. Paul Jaber said Mr. Popp submitted a letter on 7/23/07 with those issues. If you recall, initially The Danbury Land Trust wanted us to deed that Conservation Restriction to them, subject to your and Planning's approval. You have a standard form that's approved by Mr. Baroody and Corporation Council. Any disturbance beyond that has to come back before you, Jaber said. Massoud asked is that something that could be shown on the plan also? Jaber confirmed we'll show that on the plan.

Mills said I'd like to ask Dr. Danzer to clarify intermittent watercourse B.

Steven Danzer, Ph.D., took the mic at 8:04 pm. What did you mean? Mills said I still have an unclear interpretation. Danzer said I just saw these plans a few hours ago. My position? I don't really have a position. I heartily endorse the relocation of that unit; and then the weep wall solution by Mr. Hayden. Overall, I think they are on the right track, Danzer said. I went out there in 2004. I saw a flow after a day or two or three of a rain event. That's just where our positions (with Mr. Hayden) differ. At this point, Danzer said, it's kind of a mute point, because the applicant is offering stabilization of those channels. In terms of mitigation, we need to quantify the impact to those, Danzer continued, and it seems the applicant is proposing mitigation. I think we are on the right track. Mills said thank you. I wanted to afford you an opportunity; I just wanted to hear from you. Danzer sat down at 8:09.

Massoud said I have a general question for the consultants: are there any degraded

wetlands that are in need of cleaning and restoration? It would be nice to identify them, and I see that the proposed roadway does disturb the wetland. Matt Popp again took the mic, stating the only other area that needs to be stabilized is some steep banks, and that could be done by the same measures that I detailed to you tonight. Popp said we can stabilize that wetland finger that extends up the slope. Massoud asked would there be an invasive species removal plan? Popp replied yes, and listed what species to target. Massoud asked about the overall tree canopy and the opportunity for placement of trees for future growth. Popp responded above that area, disturbed areas could be reforested and restored; upland restoration. Massoud asked could you draft out that, indicate some areas on the plan? Popp said yes.

Lees asked Daniel Baroody, RS, MPH, for his comments.

Dan Baroody identified himself at 8:12 pm at the microphone, stating I agree with Mr. Danzer that they are on the right track; we need more details before making a decision. Massoud wanted to know what kind of details, and Baroody explained what details he's referring to. And also the mitigation is appropriate, Baroody said, but we need more details on that. Lees asked is there a list you could put together for the applicant? Baroody said sure; I could work with Matt Popp, and to come up with the equation: what the impacts are? And what mitigation is propose; for a proper mitigation ratio. Baroody said there will be a report from me as soon as I get the details.

Lees said I will open it up to the Public, and I see a lot of new faces here tonight, so we want to give those people an opportunity to voice their opinions. Is there any one who wishes to speak for or in opposition to this application tonight?

Tom O'Brien of 37 East Gate Road, signed in saying I spoke to you last time, and I wanted to zoom in a little bit, having visited Google Earth. O'Brien described where his house is. This is the overview of the site itself (He held up Sconset Park and Stetson Place and this site picture). If I cut this site out, you can see how large an area will be clear cut. O'Brien said there is a lot of area being cleared out there. If you look at and count down, between 31 and 29, and you can actually see the runoff area, right up against the potentially new area. There's a brand new house where I have my finger; that is the low point on that street, East Gate. I wanted to pass these on, O'Brien said. It's a lot of clear cutting that's going to happen. O'Brien held up another photo, indicating that there are some huge trees that will be removed. Lees said these are Exhibits # 1, #2, and #3.

Karolyn Filenzo from 87 Padanaram signed in saying I have not spoken this year. I have a big concern about the clear cutting of trees. Filenzo referred to Stetson place, the CVS, the two new houses; I notice that the animals do not have a place to live. Five deer were actually sleeping in the corner of my yard, Filenzo said. Where will these animals live? They will be in our back yards. Nature is a very important part of our lives. I've found many other animals sleeping in the rock walls there that were never there before. Trees and plants produce oxygen, and will we start to have a poor Environmental here? I'm sure we don't want an area where people don't want to live. What happens when we start clear cutting so many trees in this area? I can see their next request: let's look at the other part of the site. Thank you, Filenzo said.

Lynn Waller of 83 Highland Avenue signed in at 8:24 pm. It raises concerns for me: is there anything there that a child could drown in? Is there any thing there that's going to be dangerous for children, Waller asked. I just thought I'd ask.

Next Kenneth Gucker of 89 Padanaram Road came forward saying at 8:25 pm, it

would be like a day without sunshine if I did not speak. The 29 trees, Gucker said, have been sticking in the back of my mind. I went back as promised into my old photographs. The applicant's basic argument is that all that is there are very small trees. Gucker said it has been massively grown up. I have 24 pictures; I see at least 5 very large trees in the first photo, which contradicts that it's only small trees. There is erosion under foundation shown on the second photo, and the wall is now cantilevering out of the hillside. Here is a picture showing a very large beech tree; this tree is at least 12" to 16" across. This is a photo of some pipes from the previous construction, and there are extremely large trees all around it. You can see curbing in the road again, Gucker said, and I see at least a dozen trees greater than 8" along the side of this road. And I won't bore you with the rest: these are all pictures of trees on this side of the site. The tree count is inaccurate (Exhibit # 4). Gucker continued, the other thing I've been trying to explain was why I have such a problem with this project. The applicant is intercepting water at the top of the hill. They did finally say what is happening with the roof and footing drains. Gucker referred to the Laws of Matter, and he made an analogy to the same amount of water at the top as at the bottom of the site. Gucker discussed 700 gallons of water per house per month, and not percolating it into the soil; taking it and piping it, adding the water from the surface, and removing the absorption of these trees. What we most probably have with the trees' absorption, and the trees diffuse the water too. We are adding more mass to the stream and velocity to the stream, which is why this stream is probably not meeting the EPA standards. Even though we are moving the same velocity of water in theory, we have no absorption. One further question: there are two Vortechnic units, Gucker said, and one seems to be out on its own, and my fear is that this other one will be for the future expansion of the other part of the site. Gucker said thank you at 8:25 pm.

Massoud asked Gucker what are your recommendations for this site?

Gucker replied I'd rather see nothing at this site. It is very steep drainage; it is very rough terrain. We are cutting and chiseling and defying nature to put this in. No wonder why we have the flooding problems that we have. I watch this at every storm, Gucker said.

Massoud said, short of no-build, would you consider half of this project an acceptable level of development? Gucker said less is always better; if they are not talking about the massive disturbance. I've been looking at this area for 16 years. My concern is it is a massive impact; what do we have when they clear cut it. Smaller would be better, Gucker said. The applicant has the right to develop his property. Gucker continued discussing what could possibly happen in the future to the homeowners. We need to look beyond the mathematics. Mr. Walsh said that he was not the first person to tackle this. Gucker said even the first person knew that this was a very challenging area. We don't want to see a disaster down the road. How many retaining walls that were engineered do we now see falling down? Is that eventually going to be a problem? I've seen it at Stetson Place, Gucker said, the wetness. I see failures with their stormwater mitigation, and Gucker described the failures he's seen there.

Tom Pura of 43 East Gate Road took the podium at 8:41 pm. That tape is going to run out, Pat, Pura said. Thank you for allowing me to speak. Yours is an excellent question, Mr. Massoud. We don't want anything built on it. Why don't they build single-family houses? (Tape 1 replaced by side A, Tape 2). Massoud and Tom Pura discussed single-family houses versus cluster houses. The developer this evening addressed a lot of recommendations by Mr. Hayden, and I want to direct your attention to the 7/9/07 letter from Danzer to Dan Baroody. There's an administrative addendum there, and I'm going to read it, which Tom Pura did.

Danzer is addressing a comment from 6/17/07 by Sean Hayden, Pura said. His report cannot be considered as an independent review. Pura read, "cannot be considered truly neutral". Pura said my next question is, in the 7/9/07 Danzer report, are there are a lot of issues not addressed yet? Pura enumerated those unaddressed areas. Pura read next from the conclusion section of Danzer's letter. The applicant's materials are incomplete in their present form, Pura read. Pura read about the issues that have not been addressed from Danzer's report, asking that they give more information on six units, then two more; now eight units. The applicant has addressed one. You really have to read these reports, talk to Dr. Danzer, and walk the site. I ask you not to approve this application, Pura concluded.

At 8:49 pm, Ray McGarrigal, of 41 East Gate Road, identified himself and said he lives directly in front of the property in question. I apologize for reading some comments. I would rather speak. I went back and looked at my notes. I drove over 100 miles tonight to be here at this meeting for this is a critical thing. Thank you, Commissioners, McGarrigal said. How impressed I am for all your deliberations. At the first session, we handed in over 200 signatures, and it's summer time, and some people cannot be here. It was our understanding that if an application is changed, then it is not a complete application. Why can you then review just a portion of the application? McGarrigal reviewed some points he had made at the previous application. Non-point source pollution is pollution runoff. Regarding the health and quality of Connecticut's waterways, McGarrigal cited an employee of True Green Chemlawn's statement that 70 % of the population fertilize their lawns, and he noted the recommendations of Scott's fertilizers. McGarrigal discussed the impact over a 30 year period: 30,000 lbs. of nitrogen are going into the soil. That will impact the waterway. You're much more intelligent than I am, McGarrigal said, but I ask you to think of that additional impact. Some construction sites are less than pristine when they go home for the night. I know you've all walked the property. Again, I thank you for risking life and limb in walking the property. McGarrigal discussed the unplanned impacts such as blasting, and the quality of life as it applies to blasting. In summary, there were 200 people who signed those petitions. This project will change the environment, McGarrigal said. The potentially ruined wetland and the land will remain. McGarrigal discussed the EIC's mission, which he read; you're there because you love this community. The primary mission of the Commission is to prevent impacts to water quality. Please, vote no. McGarrigal said thank you at 8:56 pm.

Lees asked are there any questions for Mr. McGarrigal? Is there any one else who wants to speak for or against this application?

Mark Choury, of 14 Eastwood Road, signed in stating I have not had a chance to review all the plans. I wish I had more time to review them. My house is approximately  $\frac{3}{4}$  acre. With all of the water problems that we have in our neighborhood now, I'm not an expert obviously, and Choury discussed the 23 houses with a retaining wall running the length of the road. I can't imagine the maintenance required. Maybe the planned wall will last for 1000 years, I don't know. You just need to drive around town, Khoury said. He cited the project site at Coalpit Hill Road by Lion's Way. If you walk behind bleachers behind Danbury High School, that whole wall is collapsing; it has no retaining walls. A lady mentioned about the deer. I was walking my 10 month old daughter Sunday afternoon, and three deer came out of the woods; I didn't know what they were going to do, so I went back into the house. I have some real concerns about doubling the number of homes near my street., Khoury said. Lastly, could the developer get the plans in early so that the public has a chance to review them, if possible? Thank you, Khoury said.

Lees asked is there anyone else who wants to speak at this time?

Theresa Radachowsky from 91 Padanaram Road signed in and said I have a few comments. There is a system of rocks in the channels to slow down this water; if you look, nature has already put rocks in those channels. Radachowsky discussed where a tree has fallen, and she discussed boulders that nature has provided; it's just the way nature does it; except for someplace like the Grand Canyon. I don't understand taking away what is already there, and putting something else in. Where is all that water coming from initially? It seems like that's a very important question, Radachowsky said. Is the developer responsible for correcting that? No one is talking about that. The next thing is the weep walls. I was a landscape designer for 20 years, Radachowsky said. Those walls run vertically along those hills. Radachowsky discussed why the weep walls work, the fertile soil, and the duration needed for a tree to grow to 8" diameter. That's why the farmers never built them that way; never in the middle. Those weep walls will not work. Thank you, Radachowsky said.

Next, Mary Pura from 43 East Gate Road, came forward saying I just had a couple of questions. I was a little confused hearing the presentation. There's going to be a lever that can be opened up? Also, the only one shoveling anything on East Gate Road is my husband. You can't get a wheelbarrow and shovel up there, Mary Pura said.

Lees said this Public Hearing will continue to the next meeting. You will have plenty of time. To work backwards here, I know we want a maintenance plan, and who's going to control that valve? Joe Canas replied there will be a master homeowners' association and they will be responsible to oversee maintenance, to clean up the forebay, and to operate those valves. Those valves will remain in the closed position. These again are not detention basins, Canas said, so they don't hold water above the 6"; but the maintenance would be done by the environmental firm that is employed by the homeowners' association. Lees asked how deep would that get, in regard to Ms. Waller's concerns? Canas explained the only place where it will overflow. Massoud said to expand on that, is this going to be a public road, a private community? Canas said a private community. Canas discussed the sidewalks, the roadway width, the rain garden. Public Works during the last application said they do not want to maintain a rain garden at the end of a cul-de-sac. Paul Jaber said they make you build the road to town specifications, even if it is a private road. Mills asked why are there two Vortechnic units? Joe Canas explained the purpose of two Vortechnic units. Lees asked why did we section off this portion of the site? This is an alternative, Jaber said. We got the applicant to cut his project down. It is two parcels. Lees said this is just a normal thing that we do. We want to get all the information in so we can make a decision, and allow the Public to view it. Mills made a motion to **continue the Public Hearing** to 8/8/07. Westney seconded the motion. The motion carried unanimously at 9:15 pm.

Mills made a motion to take a ten minute recess. Massoud seconded the motion, and the motion carried unanimously.

**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 rec'd. from M. Nolan. Copies sent to S. Danzer 6/12/07. Site walk 6/21/07. Public Hearing opened 6/27/07, continued 7/11/07, 7/25/07. **Extension letter** rec'd. 7/11/07. Revisions, responses rec'd. 7/20/07. Lees reconvened meeting at 9:27 pm. Ben Doto, PE, identified himself and his firm, saying he is representing the applicant. This project has been before you for a couple of meetings. I would go into more detail about the subdivision proposal, but I'd just like to highlight some comments were made at the last meeting; could we pull this away from this area? We submitted that to you last week. And you can see the difference, Drawing No. PRE-01, and Doto discussed the before and after limit of disturbance. We also in response revised the cross section of the lots, and we provided that as an attachment as well. Probably about a 30% reduction; we made those changes. We are currently in front of Planning now, and getting their comments regarding the grading. A lot of their comments have to do with traffic, congestion. Mr. Mills asked that we prepare an outline of a controlled blasting plan, which Secretary Lee distributed. The only change to the plan that would have any visual impact, Doto said, the Planning commission was concerned about these driveways, and I'm going to pass these out, is just put a little turn out area in the front of the driveway. They really do not impact; they are out of the regulated area; it's more of a safety issue from the Planning Commission. I think that based on all the requests that Commission has asked, that's all we have, Doto concluded. Massoud had a concern about what if the City does not purchase the lot. Were that ever to be developed, they would have to come back to the EIC, Doto said. Jennifer L. Emminger, Associate Planner, said in her letter, any significant grading changes would have to come back to Planning as well, Doto explained. Not just to The Permit Center, but for a revision to the subdivision. Mills said, in back of the house on lot 3 and 4, he had a question on grading which Doto explained to him, to vary from 3' to 12' back there. Lees opened the discussion to the Public at 9:36 pm.

Mary Reynolds, came forward, saying I live at 15 Library Place in Danbury. I've spoken before, and I'm happy to hear from Mr. Doto that the wetlands will not be disturbed. I'm here again to state that I'm against this development. I believe the people that lived in those 2 houses would not want blasting in the wildlife area. For creatures, scale it back to save it. It would be an excellent example of responsible development. The creatures' habitat, no matter how large or small; the creatures will suffer confusion and hysteria and those that can run fast enough will move into neighboring yards as nuisance wildlife. All open space in Danbury is disappearing. I could go on and on, and I hope that what I've said will be considered by your Commission. Use wisdom and compassion in the decision, Reynolds said. If it is approved, what is your name, Reynolds asked Ben Doto I would ask that you not call pest control people, but call *Wildlife in Crisis* in Weston instead. Thank you very much, Reynolds said at 9:40 pm. Massoud said to her I always appreciate it.

(Tape 2 flipped to side B) Lees asked is there any one else wishing to speak? The Public Hearing will be continued to the next meeting.

Lees said, if I remember, this was mostly towards the front of the property. Ben Doto said I can address that for Ms. Reynolds. Using the plan, Doto showed the limit of disturbance. Yes, there are trees there that will be removed. Squirrels, birds, they can get out of the way pretty quickly. If this goes as planned, Doto said, Tarrywile will get more acreage. There are currently hiking trails. Mrs. Zancan spoke from the audience, those are deer trails. Ben Doto said I did see people walking back there.

That portion will not be developed at part of this proposal, Doto said. Lees said to Dan Baroody do you have anything further to add? Massoud said I have a question on my original question. The City is having it appraised, Doto said. I don't know the steps the City has to go through to purchase this property, Doto said. It's very unusual for a subdivision to have a lot with no development proposed on it. Westney said to get back to the retaining walls, which way they are retaining? Doto said I will turn the map towards you, and he explained the drop, driveway, tall houses, tucking the houses as best we can into the hillside. Those current driveways don't meet any standard. If you look at the contours here, it's probably 12 ft. there. In these houses, the basement is going to be basically the garage, Doto said, so you can walk out into the back yard. Doto discussed the two existing houses. Lees asked for an appropriate motion. Mill made a motion to **continue the Public Hearing** to 8/8/07.. Westney seconded the motion. The motion carried unanimously at 9:48 pm.

**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. **Extension letter** rec'd. Lees introduced this item and Mike Mazzucco set up his plans. Michael Mazzucco, PE, identified himself saying he is representing Safet Sadiku on this application. We were attempting to meet with staff. It is wetland on a fairly steep slope, Mazzucco said. We did meet with Dan more than a week ago, so we're getting some mitigation on there, and Scott LeRoy was quasi-involved with that, and he mentioned the City Homeless Shelter on New Street, at Blind Brook, as offsite mitigation. The trees are causing the walls to deteriorate and cave in, so we propose cutting trees and cleaning up that general area. Dan and I went out to the site to look at it. I then met with the applicant, and there was some further discussion to clarify the scope of the work, Mazzucco said. Mazzucco discussed the scope of cutting and cleaning. My client today did agree to do that work. I'm not sure of putting all of that together for the City. Mazzucco read his e-mail from Baroody about creating a small garden wall. My client said he would take care of it. Baroody took the mic and said we ask that this be tabled to work out the details of the mitigation plan. The applicant will propose a formal mitigation plan for us to review. Mazzucco said I might have mentioned that I will not be here for your next meeting. I will be on vacation in Niagara Falls. Mills made a motion to **table** this. Westney seconded the motion. The motion carried unanimously at 9:54 pm.

**NEW BUSINESS:**

**110 Long Ridge Road**

**Regulated Activity # 761**

**Alice J. Barnes**

Assessor's Lot # J22016, RA-80 Zone.

Date of Receipt: 7/25/07. Parcel B. New single-family residence, well, septic, driveway.

First 65 Days: 9/28/07. Second 65 Days: 12/2/07. Michael Mazzucco, PE. 2.4 acres. Michael Mazzucco took the microphone again, saying he is representing the applicant Alice Barnes at 110-A Long Ridge Road. She actually owns the adjacent property. Mazzucco said we notified the water company, Aquarion Water Company. There really is a feasible and prudent alternative up on top of the hill. Mazzucco discussed the house placement, and what the client wanted to do. He kind of bailed out of it, Mazzucco said, and Alice kind of took over. There's nothing staked yet, but we can have it staked. Secretary Lee asked are the wetlands flagged? Yes, Mazzucco said; I'll get it staked and notify Pat when it's done. Lees said I'll do a site walk when it's staked; go out and take a look. Lees asked are there any other questions? Mills made a motion to **table** this. Westney seconded. The motion carried unanimously at 9:56 pm.

### **3-5 Sugar Hollow Road**

### **Regulated Activity # 762**

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

Date of Receipt: 7/25/07. The Shops at Marcus Dairy, 10.0094 acres.

First 65 Days: 9/28/07. Second 65 Days: 12/2/07. Artel Engineering Group, LLC. BL introduced this petition at 9:59 pm and Dainius Virbickas, PE, from Artel Engineering Group, LLC, in Brookfield CT took the mic. We propose a new shopping development at the intersection of Backus and Sugar Hollow Road. Acting Chairman Lees said the hour is late and there are only four Commissioners here, so do a 5 minute presentation, and do the big presentation at the next meeting. Virbickas replied not a problem. Most of you remember this as the crossing project, and you asked us to develop a plan to show you our larger plan. This is the Marcus Dairy site. It's covered with numerous buildings. The part that crossed Kissen Brook is a vacant area. We are not looking to put our footings or culverts into the wetlands. We will span the watercourse with a bridge. Westney clarified the bridge span. Virbickas said this is what we're proposing: some retail and restaurant use basically. We will level what's on the property, reuse some of the sanitary sewer easement stuff, all City owned, and we are hoping to reuse some of the laterals for our uses on the site, Virbickas said. Massoud asked you'll remove all impervious surface too? Virbickas said yes. Ten to twenty feet was tossed out at one of the meetings so we stuck to twenty. We will increase impervious surface by about 2700 sq.ft., so we are proposing to put in some underground detention systems, detaining it, and then discharging it out into the Brook. We have to compensate for floodplain storage. We will be lowering the grade a little, in the event of a 100 year storm, and to compensate for the filling there, we will bring back the flood storage. Virbickas discussed the drainage everywhere we are proposing asphalt, to reduce the rate of runoff; and of course before discharge, we'll pipe the water through some rather large Vortechnic units. The water will discharge into the Kissen Brook treated. The storm drainage system was next discussed. We can certainly offer the stenciling, Virbickas said Planning and Zoning will require trees, street trees, standard hay bales, filter fabric, and I have a couple of sheets of details to show you too. Baroody said the wetlands were flagged before. Lees asked can you stake the west side of the property and then set up a site walk through Dan and Secretary Lee? Virbickas said certainly; the weather's nicer now. Mills said I have a couple questions; really only one: I think it's called a Tech Two. You are going to be filling, I believe the proposal was for 4', so how much of a reduction of flood storage would result, and

how will you make up for that? You're reducing water storage because you're filling in that area. Virbickas said I will get you those numbers. I realize it's late. Westney said one of the things we discussed before was the inability to have access from Backus Avenue, and you do have that now. I'd like to get some more information as what changed there so you can now get access from Backus. Virbickas explained they really said let's try it, and we will have traffic reports that we will submit to Planning. We are making an application shortly to Planning. Westney observed you have a building (bank) proposed where you formerly proposed parking. Virbickas said I'm not sure which bank. Dan Baroody identified himself at the mic, regarding the staff recommendation, we've learned a lot about this site. Staff recommends that a Public Hearing be held. You should consider holding a Public Hearing for the reason of significant impact; just a staff recommendation, Baroody said. Mills made a motion that this be **moved to Public Hearing**. Westney seconded the motion. Baroody suggested you might look at the 22<sup>nd</sup>; it is well within our 65 days. Lees said 8/22/07. The motion carried unanimously at 10:16. Virbickas said there will be a minor impact, I should also mention. We could have the walk through before the Public Hearing, Baroody said.

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

7/16/07 Received **Appeal** of decision to deny 5 Sugar Hollow Road, Sugar Hollow Associates, LLC, EIC **743**, Marcus Dairy parking expansion. Mills said we have two other issues: Shurgard and Miller. Dan explained the status of both. The contractor was fired, and a new contractor was hired, and they will come back with a new plan. Massoud and Lees had a question on the site location, which Dan explained. The fences fell in; the mitigation area became silted in, the erosion controls failed. The building inspector in a sense shut them down. They have only the foundation permit. They are basically shut down, Baroody said. Massoud said this site has been excavated for years.

**ADMINISTRATIVE STAFF ACTIONS:** None.

**CORRESPONDENCE:** None.

**ACCEPTANCE OF MINUTES:** July 11, 2007

Motion to accept the minutes as presented by Mills. Second by Westney, and he added include me as absent at that 7/11/07 meeting. The motion carried unanimously.

#### **ADJOURNMENT:**

Motion to adjourn by Mills. Second by Westney. The motion carried unanimously at 10:20 pm.

The next regular meeting of the DEIC is scheduled for **August 8, 2007**. Baroody said to Mills, thanks for mentioning Mr. Miller again.

Respectfully submitted,

Patricia M. Lee, Secretary