



**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**

**December 12, 2007 – 7:00 pm**

**Common Council Chambers**

***Next regularly scheduled meeting: January 9, 2008.***

The meeting was called to order by Chairman Gallo at 7:03 pm, and he asked for a roll call. The meeting opened with four Commissioners present.

Present were Chairman Bernard Gallo, Vice Chairman Bruce R. Lees, William Mills, Jon Fagan, Secretary Jessica Soriano, Alt. Mark Massoud,

Absent were Matthew Rose, Craig Westney, Alt. Kurt Webber,

The PLEDGE OF ALLEGIANCE was led by Chairman Gallo.

**PUBLIC HEARING:**

**65-67 Bear Mountain Road**

**Regulated Activity # 768**

**Candlewood Pines Cluster Subdivision** Assessor's Lot # H03069, RA-80 Zone.

Date of Receipt: 8/8/07. 14 lot residential cluster subdivision, 119± acres.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. CCA, LLC. 9/12/07 Received cut & fill map and wildlife report. Rec'd. 9/20/07 S. Trinkaus, PE, report & CV. Public Hearing opened 9/26/07, cont'd. 10/10/07, 10/24/07, 11/14/07, 11/28/07, 12/12/07. Geotechnical & rock removal review rec'd. 9/24/07. Site walk 10/9/07. Danzer's report received 10/10/07. Extension letters received 10/16/07 & 11/14/07. Site development plans, response letters, reports, conceptual driveway plan rec'd. 10/31/07. Candlewood Lake Authority (CLA) and Northwest Conservation District reports rec'd. 11/13/07. 2<sup>nd</sup> Danzer report rec'd. 11/14/07. Revised plans, engineering report, drainage maps rec'd. 11/15/07. Ltrs. from EPA rec'd. 11/26/07 re: salamanders, turtles, eagles, trees. Revised site development plans & letters rec'd. 11/28/07 from CCA & EPS. Maintenance plan rec'd. 12/3/07. Plenary report 12/12/07 by D. Barody. Gallo introduced this item, and Paul N. Jaber, Attorney, took the mic and introduced himself. Jaber reviewed what was requested at the previous meeting, the Northwest Conservation District (NCD) letter dated 12/11/07, which Steve Sullivan distributed to the Commissioners. Steve Sullivan, PE, from CCA, LLC,

identified himself and said I just got this letter from Northwest Conservation District (dated 12/11/07) from Larry Marsicano at the Candlewood Lake Authority, and Sullivan read the letter into the record at the mic: "As I stated in my November Letter, 'this project will disturb an upland area greater than five acres and the applicant will need to comply with the conditions of the General Stormwater Permit administered by the CT DEP. Verifying compliance with the stringent requirements of this permit will further protect the quality of water leaving the project site.'" Sullivan continued reading, "A plan can look good on paper. However, if it is not implemented as proposed the wetlands and water resources surrounding the project can be negatively impacted", Sean Hayden wrote. (see NCD letter from S. Hayden dated 12/11/07). Commissioner Mark Massoud arrived at 7:05 pm. Sullivan said I'd just like to follow up. We already agreed to do inspection reports as required by the DEP, and we'll send copies of those to the Health Department also. Jaber said to the Commissioners if you have any questions for Jim Cowen, he's here tonight. Gallo asked if anyone had questions. Gallo asked if any members of the Public wished to speak.

Helena Abrantes of Fanton Road, took the mic at 7:13 pm, saying I travel down this road every day, and more and more often I see dead deer. I have to stop to let the wild turkeys cross the road. A young patron at my restaurant wrote this poem and asked me to read it, and Abrantes read the child's poem about saving the wildlife into the record.

Gerhard Brunner from 63 Bear Mountain Road signed in, saying this is the fifth meeting. I had an issue which I brought up at the last meeting regarding Area 1, if that is not taken care of properly; abolish that area, or combine it with Number 2. I'm going to have nothing but a mud pile like in California, Brunner said. I would appreciate it if something could be done about Area 1. Other than that, whatever happens to this proposal, Brunner asked will we, the neighbors, be notified of the decision?

Gallo said we will be voting on it January 9<sup>th</sup>.

Let the record show that Jessica Soriano is here at 7:11 pm, Gallo announced.

Henry Erickson, of 51 Bear Mountain Road, signed in and identified himself saying I am strongly opposed to this proposal as it will have a bad effect on Candlewood Lake. Candlewood Lake is bad enough already.

A man and woman came to the podium and signed in at 7:13 pm. Kirk and Mindy Van Nostrand of 75 Bear Mountain Road identified themselves. Kirk asked pardon my late arrival. I'm joining my wife tonight to express my reluctance about this project. I'm concerned about the wellbeing of our well: it going dry or becoming contaminated; the foundation of our house. Our house has never been flooded, but what if it's cracked by blasting? Van Nostrand expressed concern about the limiting of wildlife. That's it. Mindy Van Nostrand said I want to add that we're also concerned about the amount of flooding, and we already have water that just gushes down our driveway, and we are concerned about that water ending up directly in our house. There's a lot of really precious wildlife, and we'd really like to preserve that. Kirk Van Nostrand said it was told to me before that this is not a zoning meeting, not about traffic flow; but there is of course an impact by that which will affect this area as well.

Erol Gund, of 47 Lake Drive South identified himself and signed in. From the meetings I've attended, Gund said, we have to stack the negative and the positive. Other than people having water side homes, it's all negative. It's an important vote on January 9<sup>th</sup>. Let's do the right thing for Candlewood Lake. Let's do the right thing for Danbury. The Lake is deteriorating, and Gund listed all the groups that already know that. Let's stop the insanity, Gund said. Thank you.

Victor Westland, 52 Bear Mountain Road, I would just like to voice my opposition to this whole thing, to see the environments destroyed in this area, and I've been up there for 75 years, and it's all been deterioration from one day to the next, and it all seems to go through the zoning, and nobody knows how it got through. The couple that was just up here talking about Neversink Mountain, but that mountain is very ecologically fragile, and it

gonna be an eyesore, and it's going to be very detrimental to the environment; also the fact that it's all ledge up there and there will have to be a lot a blasting. It will not be a pleasant experience to look up. It will be good for the contractor, but to think that that mountaintop up there. Also, Area 1 should be left alone. If anything, they could fill in that burrow, when John put that road in in 1948; it's not really a wetland, more of a puddle. I think the houses in there, if they are going to build houses in there, in that area beyond Lot #1. Most of this property is steep. It's gorgeous property; steep side hills. The best thing would be to preserve it, but money talks. But if it's going to be done, it should be done right, and we've got to slow down destruction, Westland concluded.

Gallo asked is there anyone else wishing to speak on this item.

Dan, do you have a Staff report, Gallo asked?

Dan Baroody identified himself and took the mic at 7:19 pm, stating I'd like to submit my assessment. Our charge here is protecting the wetlands and watercourses. They are only asking to fill the one burrow pit wetland that the gentleman before me described. Another positive feature of the project is the acres dedicated to open space. Stormwater impacts have been mitigated if the plan is carried out. The alternative was a standard subdivision, and a cluster plan protects more land.

Mark Massoud asked Dan, with reference to feasible and prudent alternatives, I just want to clarify the last sentence of the last paragraph on page 1; can you explain that?

Baroody said meaning that a feasible and prudent does not exist, or we'd have to deny the application.

Massoud responded okay; I did not quite understand that wording.

Gallo asked are there any questions for Mr. Baroody?

Massoud said I have a question for the applicant mostly. The role of the Northwest Conservation District is somewhat fluid, so I want to clarify what was their role in this application.

Attorney Paul Jaber replied they were hired exclusively by Candlewood Lake Authority. I'm sure you have had more experience with the Northwest Conservation District than I have. I asked Sean Hayden, and he said that their role exclusively, 99% of the time, virtually 100% of the time, they represent municipalities, Jaber stated.

Massoud said there was actually an application before us where the applicant hired them.

Jaber said, without any dispute, in that case the applicant was asked to hire them.

Massoud asked has the Candlewood Lake Authority, have they on their own had any comments not through an additional consultant, such as Steve Trinkaus. Are there any follow up comments from either CLA or from Mr. Trinkaus?

Jaber responded at the last meeting we submitted an e-mail from the Candlewood Lake Authority, indicating that the designs were acceptable. Then Mr. Mills asked that we contact the Northwest Conservation District again.

Massoud had a question on how the open space will be held.

Jaber said, after meeting with several departments, and the mayor's office, the initial vote of that group was to convey the property to the Danbury Land Trust, which was fine by us. Then we looked at the regulations, and the regulations don't permit that, so we decided we would create a Conservation Easement for that property, and convey that Easement to the City of Danbury.

Massoud said in the beginning, there was some talk of donating that to the Bear Mountain Reservation.

Gallo asked is there anyone else? If not, I'll entertain motion to close the Public Hearing.

Fagan motioned to **close the Public Hearing**.

Mills seconded the motion.

Gallo asked are there any remarks?

The motion carried unanimously at 7:32 pm. The Public Hearing is closed, Chairman Gallo said. There will be a vote on it January 9<sup>th</sup>.

**OLD BUSINESS:**

**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. Photos, reports from Dr. Steven Danzer rec'd. 8/21/07. Public Hearing opened 8/22/07, continued 9/26, 10/10, 10/24/07, 11/14/07, & closed 11/28/07. Extension letter received 9/26/07. Revised maps & plans rec'd. 9/21/07 & 9/26/07. Danzer update rec'd. 10/23/07. Laux update received 10/24/07. Phase I ESA report received 1/6/07. Revised plans, engineering report, drainage maps received 11/15/07. Assessment Report by Daniel Baroody 11/28/07. Gallo introduced this item at 7:33 pm. You have in your packets material supplied by Staff and approved by Corporation Council. Gallo continued, your charge here tonight is to approve or disapprove this. Dan, did you want to say something?

Baroody said as with other large applications, we have *draft motions to approve* and *draft motion to deny*.

Lees said I know that this is a new format we are adopting, but I just want to clarify how to motion to adopt either. I'd like to keep the discussion open.

Commissioner Fagan said I don't have any questions, Mr. Chairman. I just want to say I commend Mr. Baroody; both these drafts are intensely thorough. This application has produced much discussion about qualifications of applicants, history of the site; I visited the site for the 4<sup>th</sup> time today, so I feel it would be unjust to the applicant to deny this fully, and unjust to the people of Danbury to fully approve this. Fagan continued I'd love to see, if we may, with Dan's guidance, to find some sort of compromise. We approve the improvements on Parcel A, and we deny the proposal on Parcel B. We spent a lot of time on this: a lot of questions, a lot of concerns; and I have had some problems with the process. Get the HEC 2 study done, Fagan said. I think that this needs to come back before this Commission. We are having a discussion here between the professionals hired by the City and the many professionals hired by the applicant. I'd like to hear my follow Commissioners' comments.

Gallo said I don't see why we couldn't do what you are requesting, and have Parcel B come back before us.

Massoud said I agree. An agency can approve part of a Parcel, so I understand your concerns. So I'll support that the agency can take that tact.

Mills said so there would be no need to further discuss A. It would be a new application for Parcel B.

Fagan agreed: I like to see a new application for Parcel B come before this Commission.

Baroody said, just a point: condition #2, if you read down, and Baroody read from his report about a permit modification. It's not going to be a Staff approval. There's going to be monitoring. If it is bigger, than he has to come back in. That's how we covered that in the draft motions, Baroody said.

Massoud said I heard Jon Fagan not say a permit modification. I heard him say outright deny that part of the application.

Fagan said, thank you, Commissioner Massoud. The way I had read this is that this would go; any changes in monitoring or anything along those areas, would go with the Health Department. We're going back to state that what Mr. Danzer said was correct. I don't know; you could ask through the Chair. He would rather take the conditions of approval as they are written or as I've suggested, Fagan said. Massoud, Gallo and Mills discussed with Fagan the process, the bridge, as Attorney Marcus asked Secretary Lee for a copy of the drafts. Fagan said we discussed the HEC 2; not an unreasonable request. And the applicant had

some testimony that was hear-say; but make that part of the record, and we might feel differently about it.

Gallo asked why don't we just amend these to approve it with a condition.

Massoud said if we take condition two. Baroody said to Massoud your mic is off.

Massoud continued if we take condition two and modify the last sentence to say that Parcel B, I guess I would let #1 stand; then the Parcel B would be subject to an additional permit, or subject to a permit.

Fagan said I would not be apposed to that; then I would let the first condition stand, and Fagan discussed amending condition 2.

Gallo asked does everyone understand where we are right now?

Baroody explained that the reason why we went to this detail was to give the applicant or the builder some direction. Everything we talked about here we talked about on the record: how to install these things. And as I said, we have it in the record; even the 3<sup>rd</sup> party soil scientist who came up with the idea to do the Geoprobe; that came from the applicant. To represent that they are going about it in a proper protocol; this is a very complicated proposal, and it's very difficult for a soil scientist to call it out.

Massoud said I have suggestion: he suggested language to give the applicant guidance, and also give him an equivalent.

Fagan (Tape 1 flipped to side B) suggested that, prior to any Regulated Activity. We're stating, if it's a suggestion, prior to any Regulated Activity this will be what they have to do. Why don't we write that the EIC suggests that, and so on and so forth, and continue to add to it, if you so choose.

Baroody said I have a comment, through the Chair. These are conditions of approval, and I think we have to be definite. We can't suggest things. This tells the applicant what he must do to comply with the wetland permit. With all due respect, it cannot be wishy-washy. Fagan said if that's the case, I'd feel more comfortable with what Mr. Massoud was saying or striking everything that comes afterwards, because this was part of an argument between the professionals hired by the applicant and those hired by the City.

Baroody said through the Chair, Mark Massoud's suggestion kind of covers that. We can decide; we can bring it here, or have Staff decide.

Fagan interjected I'd rather it come back here for approval, in response to Gallo.

Gallo said because if you look at number 3, the plan shall be reviewed and approved by Staff; the second sentence from the bottom. I recommend changing it.

Mills said Page 9.

Gallo said the plan should be reviewed by Staff and approved by the EIC.

Fagan said, again, it goes to the monitoring program, and he offered language to address that monitoring.

Massoud, Fagan Mills, Gallo, and Baroody discussed doing it as a modification or a separate permit, a permit holder, changes that may come about through monitoring; in effect he's asking for a new permit or a modification, and for the permit there's no extra fee, no Public Hearing; no long review process, so we try to be fair, Baroody said. It's not a Staff decision.

Gallo asked what did you say you liked, Mr. Fagan? Let's get through this.

The Commissioners discussed the language further, monitoring, item 2, item 3, permit modification that will have to come before the Commission again as a permit modification. Massoud said and then item 3, nonetheless; it would still come to this agency as a permit modification.

Fagan agreed, and he discussed the language or the equivalent. I have one final thing, and I don't know if it pertains to the conditions of approval, Fagan said, but item 2 on page 2: the first complete sentence on page 2, the Commission finds the testimony of Dr. Steven Danzer more credible. I'm not comfortable with that, Fagan said at 7:59 pm.

Gallo said we really need a motion.

Mills said just a clarification about a permit modification; what's the time frame?

Massoud replied five years.

Secretary Lee said a permit's good for five years.

Fagan said any comments on that, or simply replace that; but I think when you have a complicated long application like this, I'm uncomfortable with that Danzer statement.

Massoud asked how about "in direct opposition to the testimony" of the other soil scientist.

Baroody asked could Mr. Massoud repeat that? Okay. That works for me.

Fagan said one other thing: Dr. Danzer, the soil scientist, found on Parcel B, substitute the words "has stated that".

Gallo reiterated we need a motion.

Fagan made a **motion to approve** Regulated Activity #**762** based on the *draft decision to approve* from the Health Department dated 12/12/07, with the conditions, the changes made and discussed by this Commission tonight.

Gallo asked are there any further remarks on this?

Baroody said I just want to get the language on that second sentence.

Fagan, Gallo, and Baroody discussed the language, "evidence provided to the Commission by Staff", that it's the opinion of Dr. Danzer, soil scientist, that Parcel B is a regulated floodplain area.

Baroody said take out "is in fact".

Gallo said all in favor.

Lees seconded Fagan's motion.

The motion carried unanimously at 8:05 pm.

Baroody said, as a point of order, the vote was to accept the motion? To approve it. Okay.

#### **40A Payne Road**

#### **Regulated Activity # 767**

#### **MRF LLC**

Assessor's Lots #M13001, M13002, IG-80 Zone.

Date of Receipt: 8/8/07. Driveway, storage construction equipment & materials.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. David Tinker. ConnSoil report rec'd. 9/26/07. Extension letter received 10/15/07. Survey rec'd. 10/23/07. Cease & Desist Order, Violation of Zoning Regulations mailed 10/24/07 by ZEO, Timothy Rosati. DEIC **Notice of Violation** mailed 11/2/07 to Tinker.

For the record, Neil Marcus, Attorney, introduced himself saying we are engaging Artel to do the work, so quite honestly they need about 30 days. Put it on to the 1/9/08 meeting.

Baroody identified himself saying, in response to Mr. Lee's question, what this is, a review from the Zoning Enforcement Officer done today. Marcus just got a copy now.

Marcus said okay; I know Tim (Rosati) was out there today, but my client was not there, and he is making a concerted issue to improve this.

Marcus said the zoning issues you must resolve with Tim. Dainius Virbickas said he will get on it.

Mills said I see where the Notice of Violation came back to City Hall.

Marcus said I received it, so he had no reason to refuse it.

Lees made a motion to table; second by Fagan.

The motion carried unanimously.

Mills later asked a question through the Chair: when does time run out on #**767**?

Gallo replied 12/16/07.

Mills said then we have to deny that one too.

Baroody said he's got his Notice of Violation.

Mills said I say we back up and revisit this; take it off the table and deny it as incomplete.

Lees said I make a motion to reverse my tabling of EIC #**767**.

Massoud seconded the motion.  
Gallo asked for a motion to reopen # **767** as we're out of time.  
Lees made a motion to **deny** # **767** as incomplete.  
Mills seconded the motion.  
The motion carried unanimously at 8:19 pm.

**Winnebago Trail, Candlewood Pines Regulated Activity # 769**

**Pamela Equities Corp.** Assessor's Lot # H03069, RA-80 Zone.

Date of Receipt: 8/8/07. Parking, storage building, docks.

First 65 Days: 10/12/07. Second 65 Days: 12/16/07. Lots # 1-5. CCA, LLC.  
Staking to be done 8/25/07. Geotech. Engineering review received 9/24/07.  
Recommendations from Danzer rec'd. 9/25/07. Comments from Candlewood Lake Authority  
Larry Marsicano 9/26/07. Site plan & response from CCA rec'd. 10/5/07. Site walk 10/9/07.  
Revised site plan received 10/16/07. First Light consent letter received 10/31/07. Extension  
letters rec'd. 10/16/07, 11/15/07. Gallo introduce this item. Do you have anything? I know  
Dan does.

Dan Baroody said I want to submit our screening report, EIC #**769**, which is the dockage,  
separate from the previous application #**768**, recommending a summary approval, and  
Baroody read from his report about the trees and buffer vegetation, the Conservation  
Easement with a no tree clearing no grading stipulation, and that this be recorded on the  
deed; a proper maintenance and erosion control plan, as stated in the application. Through  
the Chair, I just have a question for the applicant on the easement, whether he agrees, or if  
they have already put that on the application.

Jaber said let me just read that, and Sullivan and Jaber looked it over in their chairs.

Baroody said I was not sure if the applicant had directly approved that language.

Mills said one question: where's this First Light? Did they approve the slips?

Steve Sullivan explained the process we are going to take, First Light, then FERC; that's  
going to take awhile. We'll do local first, Sullivan said.

Jaber said a number of years from now we'll probably be back; it's just that the trail goes  
through there.

Baroody said the point is to avoid the big trees.

Jaber said we'll prepare an easement and present it to you and to Corporation Council.

Fagan made a motion to **approve** on summary ruling basis **with seven conditions** of  
approval.

Mills seconded the motion.

The motion carried unanimously at 8:14 pm.

Gallo announced motion carried.

Jaber said we don't record things; it's done by Corporation Council. We don't just run down  
and record documents.

**Pembroke Road Regulated Activity # 770**

**Roger L. Crossland** Assessor's Lot # G07044, RA-40 Zone.

Date of Receipt: 8/22/07. Pembroke Day Care Center, 2.5 acres.

First 65 Days: 10/26/07. Second 65 Days: 12/30/07. CCA, LLC. R. Cameron. Site

flagged and staked. Site walk by Baroody and Mills. Extension letter received 11/14/07. 12/10/07 Dan Baroody requests additional flagging. Gallo said no one is here; Dan, did you want to say anything?

Baroody said I contacted the applicant's consultant, and he agreed to do more flagging of the watercourse we found on our site walk. He'll be here January 9<sup>th</sup>.

Mark Massoud said he's out of time. Gallo, Secretary Lee and Jessica Soriano agreed.

Massoud made a motion to **deny** as incomplete.

Lees seconded the motion.

The motion carried unanimously at 8:16 pm.

Gallo reiterated denied.

**5 Old Post Road, Parcel B**

**Regulated Activity # 783**

**Keith Monroe**

Assessor's Lot # I20022, RA-80 Zone.

Date of Receipt: 11/14/07.

Temporary crossing for septic & main construction.

First 65 Days: 1/18/08. Second 65 Days: 3/23/08. 2.465± acres. A-2 Survey requested. Chairman Gallo asked is there anybody here?

Dan Baroody said I contact the applicant and he has gone ahead and done a new wetland delineation, but it has not been put on the site plan yet. He'll have his plans for the next meeting. The second 65 days ends March 2008, Baroody concluded.

Mills made a motion to **table**.

Fagan seconded the motion.

The motion carried unanimously at 8:20 pm.

**46 Beaver Brook Road**

**Regulated Activity # 785**

**Pandolfi Brothers, LLC**

Assessor's Lot # K12176, IG-80 Zone.

Date of Receipt: 11/28/07.

Contractor's building, parking, ±2 acres.

First 65 Days: 2/1/08. Second 65 Days: 4/6/08. B. Doto, III, P.E. Gallo asked is there anyone here on that?

Baroody said Staff wants more time to review that.

Lees made a motion to **table** this.

Mills seconded the motion.

The motion carried unanimously.

**NEW BUSINESS:**

**Tarrywile Lake Road, Lot #2**

**Regulated Activity # 786**

**Richard J. Kopf**

Assessor's Lot # I18012, RA-80 Zone.

Date of Receipt: 12/12/07.

SF residence, driveway on 3.41 acres.

First 65 Days: 2/15/08. Second 65 Days: 4/20/08. R. Gallagher, PE. This New Business was introduced by Chairman Gallo. Note the letter from Sandy Moy at Tarrywile Park regarding the City of Danbury's interest in the property. Mark Massoud said I'll recuse myself as my wife is involved in the real estate transaction.

Baroody discussed the pre-application discussion that took place.

Richard Kopf introduced himself and said I am here tonight with Paul Jaehnig, soil scientist, and Ralph Gallagher did the plan.

Kopf discussed the vicinity and the good plan to construct a single-family house on the lot, although a piece of it is in the regulated area. It will not have an impact on Tarrywile Lake. One thing I want to submit is sort of a footnote to Gallagher's report. I think he meant that no alternate proposal was engineered. The rest of the lot is extremely steep. There are two areas of relatively flat terrain on the site. We did look at other spots on the site, and I have a report "Analysis of Alternatives" which Kopf reviewed at the mic, and why they steered away from that, that is, the steep driveway grade. The other side of the lot the slope extends for quite of distance and there exists a shallow depth of bedrock in that area. An additional factor to that is the City owned land and trail system abuts that end of the lot, and that would create a visual buffer for Tarrywile Park. Paul Jaehnig will discuss the plans. I wish Ralph (Gallagher) were here. It's pretty ugly looking on paper. Kopf continued to discuss the slopes and stabilization, everything below the driveway; the maps don't really reflect what's on the site. I asked Mr. Baroody to take a walk out on the site. Kopf discussed the lack of underbrush, the leaves covering the site.

Gallo said you know nothing will happen tonight.

Kopf said yes, and he discussed what Paul Jaehnig will explain.

Dan Baroody identified himself saying, through the Chair, did the applicant contact the neighborhood task force?

Kopf replied yes, I did. He had indicated a single-family house, not a developer, would be welcomed by the neighborhood, and there would be no opposition.

Kopf said we are unsure of where the property boundary was as to the Lake, so this is the first time I've see this comment by the Tarrywile Lake Authority.

Gallo said me too.

Kopf said Mr. Osborne indicated we do not own into the Lake.

Paul Jaehnig said I am representing Dr. Kopf, and I was asked to look at the site and create some mitigation. It's sloping towards the Lake; pretty rocky, little to no shrubs, understory. With that in mind, we felt that we certainly want to minimize any disturbances to the Lake. You're best to keep something like that to keep the site wooded, and we thought we'd beef up the understory, and so the bulk of what's proposed on our plan, to add some shrubs and some ferns, so it looks like a natural landscape with a minimum type of invasive work.

Jaehnig discussed the topography; little pockets that are somewhat level. I did some detail location of trees and physiographic features, and there's a trail that goes by the western property line, and that's not picked up in the topography; a very old trail, Jaehnig said. It slopes rather steeply right down to the shoreline. It's a hodge podge of boulders. What I have shown on here is an inventory of trees, and go to the key, showing the size, spacing of the trees, in yellow the rock outcropping. Jaehnig continued to discuss the contours, vicinity, when the lake elevation is lowered, some placed boulders, but that would be off of our property. The proposed mitigation plan is down here: "The Kopf Site", dated 12/4/07, and it will help stabilize the slope. To get back to the proposed plan here, you'll note that the engineer has shown some features that are a form of mitigation. Jaehnig discussed the infiltration structures; keeping everything on this part of the site. The runoff will be infiltrated into the ground. The feature is a one on one proposed rock slope. Some slopes that have to be dealt with can be stabilized in many ways, but once you get to one on one you have to go with this. More refinement may be down the road; this might be replaced by small retaining walls, and on the uphill side, and we may hit some rock slopes, so what's shown here may or may not be what is finally proposed. Retaining walls are a possibility. Water and sewer are public. No wells will be drilled, Jaehnig said.

Kopf took the mic to make two other points. There are fairly steep slopes accessing the property. The driveway path hits a ridge leading to the house site. Paul Jaehnig joined in, saying there is a ridge there that actually lends itself to a driveway with not a whole lot of cutting and filling. Another thing that we thought would be appropriate, it would be best at

a site like this, to put this on foundation slabs, and make it two tiered to conform with the land.

Gallo said we have not reviewed the plans. And I'll get in touch with Sandy Moy about their involvement.

Kopf said which is fine with me. I want to live on this Lake, not trash it. Obviously, one of the biggest issues is the topography. I have an option on this land. I have until March to close on this. It is contingent on me getting approvals. What I'm asking is a consideration of a permit, and the site being planned that we're proposing, be approved with the stipulation that anything I will have to do, that, if at least preliminarily approved, I will then do the full topography map. I'd like to have it stipulated that the final construction be approved by Staff, and any significant alterations.

Gallo said that's pretty much how we do things. How quickly these things move depends on how you comply with the requests of Staff.

Kopf said we'll put that together for you.

Mills asked can you stake the corners of the house? I'd like to go to the site. I'll probably go with Staff.

Baroody said call me when it's staked.

Lees said stake the driveway too.

Baroody said to Kopf anything you plan in that regulated area, you cannot say it might be a wall; it might be riprap. It's got to be stated and the distances noted.

Gallo said to Kopf you have to meet with Dan.

Fagan asked this came from the City of Danbury topo?

Kopf agreed. Fagan said then someone from the City can confirm the slopes. Fagan also suggested that this sketch really needs to be located on an A-2 survey; an A-2 survey should be a part of this application. I'm pretty familiar with this piece of property, and there's quite a bit of ledge in there, and you are going to have to grade for the driveway, Fagan continued. You have to do four feet for the water; three feet for the sewer, and how that will impact the Lake.

Lees made a motion to **table**.

Mills seconded the motion.

The motion carried unanimously with Massoud recused at 8:50 pm. Gallo asked call Mark Massoud back, please.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** None

**ADMINISTRATIVE STAFF ACTIONS:** None

**ACCEPTANCE OF MINUTES:** 11/28/07 Meeting. Motion to accept the minutes as presented by Lees. Second by Soriano. The motion carried unanimously.

**CORRESPONDENCE:**

State DEP 6/07 Diversion of Water for Consumptive Use Permit to Lake Waubeeka Association, Inc. Gallo said okay, everybody has a copy of it.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

Annual Election of Officers: Chairman, Vice-Chairman, Secretary, as mandated by DEIC By-laws. Nominating Committee: Fagan, Rose and Mills:

Mills said our recommendation is we just keep the current officers we have as they are doing a good job. Gallo asked Lees to make a motion, which he did, for Gallo for Chairman. Gallo asked Soriano to cast one ballot for Bruce R. Lees as Vice-chairman. Lees cast one vote in support of Soriano to remain as EIC Secretary. Soriano said I'm the secretary; you're such a nutty bunch. Gallo said the elections are closed.

Mills said I'd just like to thank my Nominating Committee.

**ADJOURNMENT:**

Motion to adjourn by Lees. Second by Soriano. Motion carried unanimously at 8:55 pm.

The next regular EIC meeting will be held on January 9, 2008.

*Happy Holidays to all!*