



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

Environmental Impact Commission
www.ci.danbury.ct.us
203-797-4525
203-797-4586 FAX

DRAFT MINUTES

April 28, 2010
Common Council Chambers 7:00 PM

Next regularly scheduled meeting date **May 12, 2010**, at 7 pm.

Chairman Bernard Gallo called the meeting to order at 7:03 pm. Present were Gallo, William Mills, Matthew N. Rose, Alt. Derek Roy, Mark Massoud. Absent were Jon Fagan, Bruce R. Lees, Craig D. Westney, Alt. D. Josh Reilly. Staff present were Daniel Baroody, MPH, RS, and Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Matt Rose at Chairman Gallo's request.

PUBLIC HEARING: NA

SHOW CAUSE HEARING: NA

OLD BUSINESS:

22 Shelter Rock Lane

Regulated Activity # 856

Shelter Rock Business Center, LLC

Assessor's Lot #L15006, IL-40 Zone.

Date of Receipt: 4/14/10.

Office/warehouse building & parking.

First 65 Days: 6/18/10. Second 65 Days: 8/22/10. B. Doto, PE. Danzer recommendations rec'd. 4/20/10. Chairman Gallo introduced this item at 7:04 pm, and Benjamin Doto, III, PE, signed in and identified himself. This was introduced at the last meeting. There were some things to do, and some questions. Some things have been done. I will notify Pat when the staking is done. A landscape architect has been hired. Danzer was probably not aware that we have hired a landscape architect. Doto described the chain link fence proposed. Lees was concerned about the driveway. I know he's not here. The driveway is warranted for several reasons. We did meet with the fire marshal; he agrees with us that it should be here. In the event of an emergency, it might be a problem. I have a letter here from Fire

Marshal Osborne. To paraphrase him, we would like to see a separate and distinct driveway into this property to allow the unrestricted passage of emergency vehicles to access the new building and as a backup to access the existing buildings. We've looped our system into Putnam Self Storage, Doto continued; we have a new hydrant right there. Possibly the fire marshal will ask us to loop it into 22 Shelter Rock Lane; the driveway serves as a corridor for the public utilities, as we discussed at the last meeting. We will keep the driveway. Comment 1 from S. Danzer: in my opinion, the last proposal just does matter, and I will mail Steve the site and the grading plan, Doto said. Comment 2 discusses our mitigation plan. Our landscape architect will address this with some assistance from our soil scientist. Henry Moeller is our real soil scientist, and we got a second opinion from (Roy) Shook. We don't have a level of detail there, but during the last application, wetland flags 39 through 42, and we will give more detail on that. Danzer questions our mitigation ratio. He's right; perhaps I should break it into two tables. 1.5 to one is the actual ratio, but it is a restoration and removal of the garbage and junk in there. His other question is about a conservation easement on this area. The eastern area is where we have proposed the septic system, and Doto described what will be done to that. It could be possibly on the western side, so it could just be a typo. Daniel Baroody identified himself and said we could go over some of his comments and suggestions. Doto said this area does not make any sense for a conservation easement. 30 years from now when somebody else owns the property the new owner does not come back and incrementally get approvals. We can basically address all those comments. The stakes will be out there in a few days, definitely before the next meeting. Bruce was specifically asking about the driveway, and he wanted us to make the building smaller. My client does not want to do that. The last application has a smaller building and a much larger parking area. We do go through the alternatives analysis to show things we have considered. Matt (Rose) and Mark (Massoud) weren't here so I'll just go over this: the applicant owns this property too. So we are proposing to move the property line, allowing us to shift the building that way. It is an equal transfer, and a prudent alternative. We don't need to ask for a variance. (see ZBA # 08-20). Doto said I'd be happy to answer any questions. Mark Massoud asked did we approve that last application? That was approved, Gallo answered. Baroody added, and it's not going forward. Mills made a motion to **table**. Roy seconded the motion, and the motion carried unanimously.

90 Shelter Rock Road

Regulated Activity # 857

SRR Development, LLC

Assessor's Lot #L14233, IL-40 Zone.

Date of Receipt: 4/14/10.

Office/warehouse building & parking.

First 65 Days: 6/18/10. Second 65 Days: 8/22/10. B. Doto, PE. Ben Doto remained at the mic and re-identified himself. I have nothing to add. I am still waiting for the building to be staked. I can go over it if you want. Rose made a motion to **table**. Roy seconded the motion. The motion carried unanimously at 7:16 pm.

NEW BUSINESS:

7 Backus Avenue

Regulated Activity # 816 R

Danbury Mall, LLC/ Douglas H. Morrow, VP Assessor's Lot # F17002, CG-20 Zone.

Date of Receipt: 4/28/10.

Stantec Consulting Services, Inc.

First 65 Days: 7/2/10. Second 65 Days: 9/5/10. Drainage channel maintenance. Motion to table by Mills. Second by Rose. The motion carried unanimously at 7:17 pm to **table** to 5/12/10 meeting.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

1 Lake Avenue Extension

Regulated Activity # 606R

Cumberland Farms, Inc.

Assessor's Lot # G15006, CA-80 Zone

Date of Receipt: 4/14/10. Modifications to remediation system. Leggette, Brashears & Graham, Inc. Administrative Approval by D. Baroody 4/21/10. Bernie Gallo read this into the record. Mills asked what was the modification? Is that the Gulf Station? Dan Baroody explained they are under orders from the DEP and they are doing remediation, gas extraction equipment, so we had them come in for a permit modification. Thank you, Mills concluded.

VIOLATIONS:

55 Rowan Street, Imelda Tenesaca, Notice of Violation sent 4/15/10.

57 Rowan Street, Beatriz M. Illescas, Notice of Violation sent 4/15/10.

Germantown Road (J11327), Judicial Property, LLC, Notice of Violation sent 3/16/10. Ed Nacinovic was to submit an EIC application for regulated activity in April. We are just looking for a bit of guidance, his friend Liam Fuller said at the microphone. Chairman Gallo said he needs to meet with staff. Staff will guide him through the process. He did the flag delineation, and he needs to submit a restoration plan according to Dan Baroody, Gallo said. Baroody stood up and said, through the Chair, his instructions are on the order. We have copies of the order. He obviously has copies; I don't know what his question is, Baroody concluded.

Granchelli, 42 Middle River Road, planting plan mentioned January, 2010, received today 4/28/10. Bill Mills said to Dan Baroody you said you were satisfied with some of the clean-up, but not the whole area. He submitted a planting plan, we just got it today, Baroody replied. So you don't have a problem with the brush piles, Mills asked. He could chip them and use for mulch, Baroody said.

The Rowan Street violations (55 and 57 Rowan Street), NOV's sent 4/15/10, are both cleaned up and stabilized per Bernie Gallo and Dan Baroody.

ADMINISTRATIVE STAFF ACTIONS:

Regulated Activity # **858**, 29 Cedar Dr., Thomas & Julia Tunderman (K04149), RA-20 Zone. Administrative Approval by Dan Baroody 4/15/10. Baroody explained that this was a bump out on an existing house.

ACCEPTANCE OF MINUTES: Matt Rose made a motion to accept the 4/14/10 meeting minutes as presented. Mills seconded the motion. The motion carried unanimously at 7:23 pm.

CORRESPONDENCE: None.

EIC ADMINISTRATION & FUTURE AGENDA ITEMS: Mills said I have a question on the 11 Raven Quest Drive property. Secretary Lee clarified that the property location for this Notice of Violation is really Germantown Road in Danbury, Assessor's Lot # J11327.

ADJOURNMENT:

Motion to adjourn by Roy. Second by Mills. Motion carried unanimously at 7:25 pm.

The next regular EIC meeting is scheduled for May 12, 2010.