

City of Danbury
Department of Health & Housing
155 Deer Hill Ave., Danbury, CT 06810

DRAFT MINUTES

Environmental Impact Commission
May 25, 2011

Common Council Chambers 7:00 PM

Chairman Gallo called the meeting to order at 7:15 pm. Present were Gallo, Alt. Michael Esposito, Bruce R. Lees, Matthew Rose (arrived at 7:16 pm), Mark Massoud. Absent were William J. Mills, Craig D. Westney, Alt. Derek Roy, Alt. Josh Reilly. Staff present were Daniel Barody, MPH, RS, Paul Estefan, Airport Administrator, Secretary Patricia Lee.

PLEDGE OF ALLEGIANCE was led by Barnard Gallo.

EXECUTIVE SESSION AND POTENTIAL ACTION: N.A.

SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS: N.A.

OLD BUSINESS:

72-80 Payne Road

Regulated Activity # 501R

LoStocco Development, LLC

Assessor's Lot # M12011, IG-80 Zone.

Date of Receipt: 1/26/11.

Truck garage & office.

First 65 Days: 4/1/11. Second 65 Days: 6/5/11. Bethel reviewed file 3/29/11. Plans to Steve Danzer, Ph.D. on 2/23/11. Danzer comments rec'd. 3/7/11. Second extension to 7/27/11 letter rec'd. 5/24/11. Comments from Town of Bethel rec'd. 4/12/11. Delineation & Environmental report from CCA rec'd. 5/24/11. Gallo introduced this item and Michael Lillis, PE, of CCA, LLC, in Brookfield, took the mic on behalf of LoStocco Development, LLC. We submitted a report to address the first three bullet points on Dr. Danzer's report. I will quickly synopsise, Lillis said. Lillis described the wetlands delineation. Chairman Gallo said, you know, this just came in yesterday; even Staff has not reviewed this yet. Lillis said on paragraph 2 they note the wetland delineation; the prior delineation as shown on the easel (see Wetland Delineation & Environmental Report prepared by Michael S. Klein, soil and wetland scientist). They suggest that the northern-most wetland is not a wetland nor a watercourse. Lot 2 is exhibiting some wetland characteristics, which is not surprising, per our application in 1996, Lillis continued. In section 4 on page 4, suitable bog turtle habitat does not occur on this site. Section 6, Impacts, the first paragraph of that section says the impacts are confined to areas of the site that have already been extensively altered. Further, in the last paragraph of section 6 (page 9), the report says no wetland habitat will be lost. In conclusion, it seems to be the same application that the EIC reviewed in 1996 and in 2002 (EIC 501). Gallo asked are there any questions? Lees made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 7:21 pm.

BY: *MMS*

5 Sugar Hollow Road & Backus Avenue Regulated Activity # 762R

The Shops at Marcus Dairy

Assessor's Lots # G17002,G17019, CG-20 Zone.

Date of Receipt: 3/9/11.

Revised site plan, single-story building.

First 65 Days: 5/13/11. Second 65 Days: 7/17/11. Artel Engineering Group, LLC. Danzer report rec'd. 3/31/11. Landscape plan rec'd. 4/20/11. Bridge cross section rec'd. 4/27/11. Engineer requests to **table** 5/25/11. Gallo announced we will table this evening. Dan Baroody said, through the chair, I'd like to put into the record, a letter to (Planning Director) Dennis Elpern from Dave Null the City Engineer, requesting a third party review the flood calculations and plans and submit their review to us. Baroody said that's all I have. Lees asked will there be time for that to be done? It takes a week or a month to do? Baroody said I can't really answer that. Secretary Lee said the second 65 days is July 17. Lees made a motion to table. Massoud seconded the motion. The motion carried unanimously at 7:24 pm.

40A Payne Road

Regulated Activity # 885

MRF, LLC (David Tinker)

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

Date of Receipt: 3/23/11.

Storage equipment, construction materials.

First 65 Days: 5/27/11. Second 65 Days: 7/31/11. R. J. Gallagher, Jr. & Associates. Bethel reviewed file 3/29/11. Comments from Bethel Inland-Wetlands Commission rec'd. 4/13/11. Extension letter rec'd. 4/18/11. Site visit 4/26/11. S. Danzer visit 5/24/11. Mr. David Tinker took the mic. I just received Danzer's report. Mr. Danzer failed to see that we submitted a new site plan. He's still referring to the old site plan. Tinker continued I went to court with the City of Danbury; I've adhered to all the court's stipulations, and Tinker reviewed some of Danzer's comments. We are trying to take care of that in this plan. The roadway, we all agreed, was wetlands. Therefore, we are going to mitigate and enhance that whole area. Mr. Danzer, here, wants to keep beating this to death. I really don't understand. I skimmed through it, Tinker said. It's actually going to make me really angry. Tinker asked why couldn't Danzer have come out to the site a month ago? I have no time to react to this, Tinker continued. Chairman Gallo said we just received this ourselves. I feel like this guy now is trying to stop it, Tinker said. Gallo recommended Tinker contact Dan. Tinker suggested a meeting between Mr. Danzer, Horticulturalist Lee, and Tinker. I know it's beyond your control. I don't know who he works for, Tinker said. Gallo said you're right; unfortunately, we will have to table this again tonight. Rose said to Tinker we do appreciate what you are doing. Tinker said Danzer is trying to NOT work with me. Gallo and Tinker discussed what's still needed, and Tinker said to Dan we'll talk tomorrow and set up a meeting and go point by point. Tinker said stay in 2011. Baroody said to Tinker you're here because the court ordered you here. Tinker said we'll meet and go point by point. Tinker said thank you. Lees made a motion to **table**. Rose seconded the motion. The motion carried unanimously at 7:31 pm.

50 Beaver Brook Road

Regulated Activity # 601 R

JBD Properties, LLC

Assessor's Lot # K12274, IG-80 Zone.

Date of Receipt: 5/11/11.

Equipment storage garage, 2.94± acres.

First 65 Days: 7/15/11. Second 65 Days: 9/18/11. B. V. Doto, III, PE. Revised plans, project report rec'd. 5/5/11. **Table** request rec'd. 5/24/11 till site walk. Motion to table by Rose. Lees seconded the motion. The motion carried unanimously. Gallo joked I might have cancelled the meeting.

NEW BUSINESS: N.A.

ADMINISTRATIVE STAFF ACTIONS: N.A.

Bruce Lees made a motion to accept the minutes from the 5/11/11 meeting. Massoud seconded the motion. The motion to accept the minutes carried unanimously.

Gallo said there is no correspondence.

Lees made a motion to adjourn. Rose seconded the motion. The motion carried unanimously at 7:40 pm. That's the quickest meeting we ever had, Rose said.

The next regular EIC meeting is scheduled for **June 8, 2011.**