



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

Environmental Impact Commission  
[www.ci.danbury.ct.us](http://www.ci.danbury.ct.us)  
203-797-4525  
203-797-4586 FAX

**DRAFT MINUTES**

**June 22, 2011**  
**Common Council Chambers 7:00 PM**

Next regularly scheduled meeting date **July 13, 2011**, at 7 pm.  
Chairman Gallo called the meeting to order at 7:05 pm. Present were Gallo, Bruce R. Lees, Mark Massoud, William Mills, Matthew Rose, Alt. Josh Reilly, Alt. Michael Esposito. Absent was Alt. Derek Roy.  
Staff present were Ryan Boggan, Public Health Inspector, Secretary Patricia Lee.

The Pledge of Allegiance was led by Bruce R. Lees.

**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 S. Danzer 2/23/11. Danzer comments rec'd. 3/7/11. Tabled to 4/13/11 pending revisions. 2<sup>ND</sup> 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. Screen report by D. Barody 6/7/11. Motion to **approve** with conditions by Lees. Second by Massoud. Motion carried unanimously.

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

**The Shops at Marcus Dairy**

Assessor's Lots # G17002, G17019, G17020 Zone.

Date of Receipt: 3/9/11.

Revised site plan, single-story building.

RECEIVED EDC RECORDS  
DANBURY TOWN CLERK  
2011 JUL 28 P 1:11

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. Review rec'd. 6/7/11 from R. Haestad, Inc. Screen report by D. Baroody 6/7/11. Extension letter requested 6/9/11. Revised plans rec'd. 6/16/11. Motion to **approve** with conditions by Lees. Second by Mills. Motion carried unanimously.

**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. Ltr. from N. Marcus rec'd. 6/8/11. Second extension letter received 6/9/11. Waiting 6/22/11 for response from Corporation Counsel regarding Marcus' letter. Property Owner David Tinker took the microphone and said I did some research on the internet and there are several types of wetlands. The tree suggested is the red maple. We are planting the red maple. Tinker discussed the wet meadow and wetland sites recommended plantings. I can provide a breakdown of that seed mix if Mr. Danzer wants that. Tinker said this is clearly a stormwater management site. Tinker discussed the linden tree, and read its characteristics and where it will be the perfect tree. I asked Dan Baroody; actually my attorney, Neil Marcus, asked Baroody if there are more plantings that would please Mr. Baroody, and I would be happy to provide more. Chairman Gallo said a letter went out today from Corporation Counsel to Neil Marcus explaining some of this. Read that letter then prepare your questions. Mr. Tinker will meet with Dan, and I want to be in on that meeting myself, Gallo said. Gallo said that's all in Neil Marcus' letter. Tinker said he wants to make sure there are no more questions. The 2009 plan was abandoned by the new plan, Gallo said. Tinker said I have to get that letter from Corporation Counsel. If you don't get it, call Pat, Gallo said. Any questions, Gallo asked. Motion to **table** by William Mills. Second by Massoud. The motion carried unanimously at 7:18 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. Benjamin V. Doto, III, PE. Revised plans, project report rec'd. 5/5/11. Site visit 6/7/11. Report by Dan Baroody 6/16/11. Gallo introduced this application and said we have another summary ruling which Gallo summarized. Under remarks, the applicant has worked with the Health Department to reduce impacts, and a summary ruling with nine conditions is recommended. Ben Doto, PE, took the mic. We had a site walk a couple of weeks ago, and a lot of the questions were answered during that site walk. Massoud asked did anything change as result of that site walk? Doto replied no, it

didn't. We walked the site. To answer Massoud's question, how close were we, the building, to the conservation area. Doto outlined the conservation area on the plan with his finger on the colored plan CO1. It is a contractors' yard. Doto presented his photographs: what you see, the stone boundary, the signage, the proposed garage is not going to touch that area, will not impact the drainage in any way; he summarized the drainage system with a Vortech unit. (Jim D'Entremont is here in the front row). Doto showed photo 2, photo 3, photo 4, standing on the entrance drive looking towards the back, where the building is to be. Bruce Lees asked could the building be pushed over, and the answer is no, due to zoning setbacks, Doto continued. It further creates a buffer to back up that line, in my opinion. The site is neat for a residence, and for an industrial site, it's pristine, Doto said. About the concern of adding or reducing sunlight to a wetland, we are to the north of it, Doto said, so we really don't do that. We feel that this application is consistent with the original approval. All we're doing is putting a garage there, Doto said. Massoud asked about trees being removed. Doto said no. There is already a conservation easement in place that has been filed, Doto said. If anything it creates a wall; an additional block. Massoud asked about the marker for the conservation easement. It's centered on the stones, Doto said. Massoud said I'm all set. Motion to **approve** with a summary ruling with nine conditions by Mark Massoud. Alt. Josh Reilly left the chambers. Second by Westney. Motion carried unanimously. Baroody recommended Secretary Lee taking the photos for the file.

#### **NEW BUSINESS:**

**21 Cedar Drive**

**Regulated Activity # 890**

**Hatcher Family Ltd. Partnership**

Assessor's Lot # K04145, RA-20 Zone.

Date of Receipt: 6/22/11.

Residential rebuild, new septic.

First 65 Days: 8/26/11. Second 65 Days: 10/30/11. M. Mazzucco, PE. Michael Hatcher, the applicant, representing the Hatcher Family Partnership, took the microphone. Mazzucco had a prior commitment, Hatcher said. We are tearing down a house, and putting up a new house. It's on Candlewood Lake; we've already gotten our variances. The house is pretty much in the same footprint, and we'll replace the septic system. There is a community well with a Bethel company. The house covers a little bit more, and we will let the driveway stop in front of the garage. The garage will be in front of the house, and there will be a lot less blacktop. Westney asked Hatcher about the existing conditions, the one-galley system which will be removed. Our neighbor just had a pit. Lees asked that Hatcher forward plans to Larry Marsicano at the Candlewood Lake Authority. Secretary Lee said I'll give you his number, and he may do a site visit. Hatcher said the Health Department is happy; then we went for the variances. One has been filed, and one is in the process of being filed. Lees made a motion to **table** this issue until the 7/13/11 meeting. Mills seconded the motion. Motion carried unanimously at 7:32 pm. Hatcher asked will you vote on this at the next meeting? Gallo replied that depends on what you provide to us.

**ADMINISTRATIVE STAFF ACTIONS:** Gallo read these into the minutes:

**23 Indian Avenue**, Regulated Activity # **551R**, Cedars Property Owners, Inc., Lot # K04183, RA-20 Zone, Community dock maintenance.

**4 Old Newtown Road**, Regulated Activity # **888**, CR USA, Inc., Lot # L12001, IG-80 Zone, Woodard & Curran, monitoring wells.

By Daniel Baroody, RS, MPH, on 6/1/11.

**VIOLATIONS:** N.A.

**ACCEPTANCE OF MINUTES:** 5/25/11 Meeting. (The 6/8/11 meeting was cancelled.) Lees motioned to accept the minutes as complete. Westney seconded the motion. The motion carried unanimously at 7:35 pm.

**CORRESPONDENCE:** N.A.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:** N.A.

**ADJOURNMENT:** Motion to adjourn by Mills. Second by Esposito. Motion carried unanimously at 7:36 pm.

The next regular meeting of the DEIC is scheduled for July 13, 2011.