



**CITY OF DANBURY**

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**DRAFT MINUTES**

**August 25, 2010**  
**Conference Room 3 C - 7:00 PM**

Present were Chairman Bernard Gallo, Alt. Josh Reilly, Mark Massoud, William Mills,  
Absent were Bruce R. Lees, Matt Rose, Alt. Derek Roy, Craig D. Westney.  
Staff present were Daniel Baroody, MPH, RS, Patricia Lee, Secretary.

Chairman Gallo called the meeting to order at 7:10 pm, stating we have a quorum. Four commissioners were present.

**PUBLIC HEARING:** NA

**SHOW CAUSE HEARING FOR CEASE & DESIST ORDERS:** NA

**OLD BUSINESS:**

**94-102 Newtown Road**

**Regulated Activity # 745 R**

**Danbury-Newtown, LLC**

Assessor's Lot # M11002, CL-10 Zone.

Date of Receipt: 7/28/10.

Sonic Restaurant, 9.46 acres.

First 65 Days: 10/1/10. Second 65 Days: 12/5/10. Starbucks previously approved 6/5/07. Revisions rec'd. 8/24/10. Site visit 8/24/10. Staff report by D. Baroody 8/25/10. This item was heard first at Ben Doto's request. Thank you for moving me to the beginning, Doto said. I submitted a response to your comments and requests, dated 8/20/10, Doto began. We added an oil water separator, a Vortechs Model 4000, to replace storm manhole #3. It's stable. For the area erosion problems, we are calling for six-foot wide by 25-foot long rip rap apron. That coupled with the drainage and storm water management system, collecting the water, will have a double benefit. We also have added a note, to have a lot of the debris removed: cans, shopping carts, tires, pallets, soda bottles. The fence there is relatively new, and I think it was put there to prevent dumping. We've added catch basin stenciling as Bruce R. Lees requested. I know Dan has a staff report. If there are questions I would be happy to answer them, Doto said. Mark Massoud asked about the DOT drainage. Doto indicated the dashed line here, and it discharges at that sand berm. That's where we will install the plunge pool. We should not have much sand, but the DOT is going to be what it is, Doto said. That depicts the area, Doto said in answer to Mark Massoud, on the post development drainage map; now pretty much the whole site runs down, and runs to that

point there. There is the building, the paved area with minimal islands. A quarter of that area, roughly, will still go to that point there, Mark. There's too much water going down there, and Doto described the slope and the debris; whatever washes off that parking lot. We are reducing the amount of sheet flow, Doto said. Massoud had another question. Ben Doto replied at the easel where the whole parking lot goes to that point. Massoud asked is that on the property, or off the property? Massoud asked about the flood plain and the Still River. Doto said it is part of our property. Some of those shopping carts were buried. All that stuff looked old, Doto said. You know how frequently this area floods and debris gets trapped in there, mostly coming from downtown Danbury. There really is not a ton of trash there. Doto said it's significant that a chain link fence is there now too. Massoud suggested that the property owners ought to be following more of a clean-up protocol. The plunge pool needs to be cleaned on a regular basis, Doto said. Right now nothing gets done, Doto continued. Massoud asked Sonic is the applicant or owner? Sonic will be leasing. Doto continued I'm representing the property owner. That is going to be the property owner's responsibility, from what I understand, for cleaning the site. Sonic will be responsible for their footprint. Massoud said maybe add a condition to the property owner that they develop and submit a routine maintenance plan. Doto replied I don't think that's unreasonable. Gallo asked are there any further questions? Dan Baroody took the mic and said staff is recommending a summary ruling. This complies with the City and DEP stormwater quality requirements. Baroody explained part of their approval is the grading permit application. Massoud asked Dan Baroody is that when they would file a maintenance plan? Baroody replied yes. Mills made a motion for summary ruling to **approve** this with 6 conditions of approval as Baroody has proposed. Gallo summarized the motion, with the sixth condition that the property owner be responsible for maintenance. Josh Reilly seconded the motion. The motion carried unanimously by four aye's at 7:21 pm.

**Ironwood Drive**

**Regulated Activity # 869**

**Alison Benincasa**

Assessor's Lot # C11002, RA-40 Zone.

Date of Receipt: 7/14/10.

SF dwelling & septic.

First 65 Days: 9/17/10. Second 65 Days: 11/21/10. Michael Mazzucco, PE. Site staked 7/23/10. Engineer away tonight; table to next meeting 9/22/10. Site visit 8/24/10. This item was heard second on the agenda. They requested we table this, Gallo said. We did an on site visit yesterday. Mills made a motion to **table**. Reilly seconded the motion. The motion carried unanimously at 7:22 pm.

**81-83 Driftway Road**

**Regulated Activity # 860**

**Rose M. Schirmer, Sr.**

Assessor's Lots#D13042,D13041, RA-40 Zone.

Date of Receipt: 5/12/10.

Site restoration following NOV 4/6/09.

First 65 Days: 7/16/10. Second 65 Days: 9/19/10. Eugene McNamara, Ph.D. Site walk done 6/22/10. Requested table / extension letter on 7/28/10. Site visit done 8/24/10. Gallo announced we did an on site yesterday. It appears there are no wetlands on the property itself. But they did put the woodchips on City property. Mills made a motion to **rescind the Notice of Violation** of April, 2009, and have them deal with staff in the water department. Massoud seconded the motion. There were no further remarks. The motion carried unanimously at 7:24 pm. Staff will deal with the water department. Baroody said he may have to remove his EIC application. I'll have to get in touch with him, to withdraw this in writing.

**63 Spruce Mountain Road**

**Regulated Activity # 842 R**

**Mario Luis**

Assessor's Lot # G21006, RA-80 Zone.

Date of Receipt: 7/14/10.

Relocated SF dwelling, well, septic.

First 65 Days: 9/17/10. Second 65 Days: 11/21/10. Artel Engineering Group, LLC. Septic review by Peter Dunn on 8/24/10. Staff report 8/25/10 by Dan Baroody. Chairman Gallo introduced this item. Mark Kornhaas introduced himself at the easel, from Artel Engineering Group, LLC, here on behalf of Mr. Luis. This is a revised application, by the way. We had the septic system located in a different spot, down here, Kornhaas explained. We were going to do some further testing and move the septic closer to the house. We tested down here, and moved the septic further away from the original application. The closest point will be 75 feet away now. Are there any questions, Kornhaas asked. Gallo asked are there no questions. Massoud asked that's the extent of the changes? Kornhaas replied the house was tweaked slightly. The debris will be all cleaned up and graded. It saves us from coming back multiple times, Kornhaas said. Josh Reilly asked why was it not put there in the first place. Kornhaas explained that the owner said let's try to get it closer to the house. It was just a logical progression. Baroody identified himself at the mic, saying we are recommending a summary ruling, and the **approval** should carry the 8 original conditions of approval. That's part of my report. Bill Mills made a motion to approve with a summary ruling with 8 conditions of approval. Reilly seconded the motion and the motion carried unanimously with four positive votes at 7:29 pm. There were no further remarks.

**9 Zinn Road**

**Regulated Activity # 870**

**Kathleen Felix**

Assessor's Lot # F09020, RA-40 Zone.

Date of Receipt: 7/28/10.

Residential additions.

First 65 Days: 10/1/10. Second 65 Days: 12/5/10. Artel Engineering Group, LLC. We did not have time to do site walk yesterday, Gallo said. That's the one that is on stilts. Mark Kornhaas from Artel Engineering Group, LLC, said we will just ask you to table it then. Mills made a motion to **table** to 9/22/10. Reilly seconded the motion. The motion carried unanimously with four positive votes at 7:30 pm.

**NEW BUSINESS:** NA

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** NA

**VIOLATIONS:** NA

**ADMINISTRATIVE STAFF ACTIONS:** NA

**ACCEPTANCE OF MINUTES:** Motion to accept the minutes of the 8/11/10 meeting as presented by Josh Reilly. Second by Mark Massoud. The motion carried unanimously.

**CORRESPONDENCE:** NA

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

**ADJOURNMENT:** Chairman Gallo discussed canceling the first meeting in September due to the Jewish holy day, Rosh Hashanah. Next regularly scheduled meeting date **September 22, 2010**, at 7 pm.

Motion to adjourn by Massoud. Second by Reilly. The motion carried unanimously at 7:32 pm.