



**CITY OF DANBURY**  
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DANBURY, CONNECTICUT 06810

**ZONING COMMISSION**  
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**MINUTES**  
**APRIL 23, 2019**

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The meeting was called to order by Chairman Robert Melillo at 7:35 PM.

Present were Milan David, Andrea Gartner, Rick P. Jowdy, Angela Hylenski, Robert Melillo and Alternates Sidney Almeida and Michael Masi. Also present was Planning Director Sharon Calitro.

Absent were Luis Bautista, Sally Estefan, James Kelly and Alternate Thomas Nejame.

Chairman Melillo asked Mr. Almeida to take Mr. Kelly's place and Mr. Masi to take Mrs. Estefan's place for the items on tonight's agenda.

Mr. David led the Commission in the Pledge of Allegiance.

Mrs. Fay made a motion to accept the March 26, 2019 minutes. Mr. Masi seconded the motion and it was passed unanimously. Ms. Gartner and Mr. David abstained from the vote as they were not present at that meeting.

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**PUBLIC HEARING:**

Petition of the City of Danbury by Sharon B. Calitro, Director of Planning, to Amend Secs. 8.A.3.b., 8.A.9. & 10.D.9. of the Zoning Regulations. (Add Requirements to meet DEEP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems [City of Danbury MS4 Permit].)

Ms. Hylenski read the legal notice. Chairman Melillo read the Planning Commission recommendation dated March 25, 2019 which was positive. He also read the Planning Department staff report dated March 14, 2019. Chairman Melillo then said that WestCOG had been notified and had responded that this was of no concern to them. Additionally all of the abutting towns, the City Water Department and Aquarion had also been notified by Certified Mail of this petition and there was no response from any of them.

Planning Director Sharon Calitro spoke in favor of these amendments. She explained that the Federal Clean Water Act (CWA) establishes the structure for regulating discharges of pollutants into US waters and regulating quality standards for surface waters. Under this act, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry and developing national water quality criteria recommendations for pollutants in surface waters. CWA also made it unlawful to discharge any pollutant from a point source into

navigable waters unless a permit was obtained. The CT Department of Energy and Environmental Protection (DEEP) administers the requirements of the Federal Clean Water Act at the state level. In Danbury, we have separate storm sewer and sanitary sewer systems. While we have been implementing a stormwater program in accordance with our 2004 MS4 General Permit and reissuances of that permit since then, the new MS4 Permit, issued in 2016 and effective in 2017, provides significantly more detail on the requirements and implementation of what they have deemed six Minimum Control Measures. MS4 is the acronym for “Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” (4-S’s = MS4). Our current stormwater management plan was developed for the purpose of implementing and enforcing a stormwater management program to reduce the discharge of pollutants from the municipal storm sewer system, to protect water quality, and to address the requirements of the 2017 MS4 General Permit. The City’s MS4 consultant (Fuss & O’Neill) reviewed the existing land use regulations to ensure they meet the new construction and post-construction regulatory requirements. While they determined that our existing regulations did meet many of the requirements, some amendments were found to be necessary to clarify procedures and standards for applicants to follow during the land use approval process and to ensure we remain compliant with our Permit. The City’s permit has timeframes for when certain requirements must be met, and these land use regulation amendments must be enacted by July 1, 2019.

She continued saying that these amendments are intended to (1) provide additional clarification of sources that must be followed in the preparation of erosion and sedimentation control plans (Sec. 8.A.3.b.1), (2) incorporate language relative to the provision of an operation and maintenance plan for inspections and monitoring of privately-owned stormwater basins (Secs. 8.A.3.b.2 and 8.A.9), and (3) add reference to CTDEEP’s 2004 Stormwater Quality Manual for preparation and compliance with stormwater management plans (Sec. 10.D.9). This Manual provides guidance on measures necessary to protect the waters of the State from the adverse impacts of post-construction runoff. Its recommendations are applicable to new development, redevelopment, and upgrades to existing development and focus on site planning, source control, pollution prevention, and stormwater treatment practices. Most engineers utilize this Manual as guidance in any case, but now stormwater management plans will be formally required to be prepared in accordance with the Manual. The Manual was issued when DEEP was still identified as the Department of Environmental Protection (or DEP), so our reference in the text is listed as DEP, rather than the current agency name of DEEP. The Manual addresses, among other things, erosion and sediment control, stormwater drainage design and flood control, and watershed management. Last summer, also in compliance with the City’s MS4 permit, many of the City’s land use applications were updated to add a required notification to applicants/developers/contractors of their obligation to obtain a General Permit if their projects disturb one or more acres of land, either individually or collectively, as part of a larger common plan, and result in a point source discharge to the surface waters of the State directly or through Danbury’s system. She added that there also were amendments to the Aquifer Protection Regulations and the Subdivision Regulations approved in March of this year and there will be more amendments necessary so she expects to be back before them once those are drafted. Lastly, she asked that these amendments be approved tonight because they are necessary to maintain compliance with the City’s 2017 MS4 permit.

Ms. Gartner asked if the Health Dept. issues all permits. Mrs. Calitro said no, the Health Dept. is only responsible for issuing the grading permits. Mrs. Hylenski asked how the enforcement of this would affect individual homeowners. Mrs. Calitro said any disturbance to the ground or drainage has always required a sign-off from the Health Dept., this new language would allow monitoring of a site as well as inspection and investigation. Mr. Jowdy asked what the fees are for grading permits. Mrs. Calitro said she believes the cost is tied to the value of the work being done.

Chairman Melillo asked if there was anyone to speak in opposition to this amendment and one person came forward.

Duane Perkins, 22 Main St., said he is not in opposition but has some comments. He said the City Council had an ad hoc meeting but they were not allowed to make any changes. Shortly after he began speaking, it became evident that he was talking about the proposed changes to the City ordinances regarding the City's MS4 permit. Mrs. Calitro explained to him that what they are discussing this evening is amendments to the City's Zoning Regulations, which are different than the language being proposed for the City ordinances. Chairman Melillo asked if there was anyone else to speak in opposition and there was no one.

Chairman Melillo asked Mrs. Calitro if she had any additional comments and there were none. He then asked her how these changes would affect a pre-existing non-conforming property. Mrs. Calitro said these new requirements would only affect a site if there were changes proposed to the lot itself. There was no further discussion.

Ms. Gartner made a motion to close the public hearing. Mr. Masi seconded the motion and it was passed unanimously. Mrs. Fay then made a motion to move this to Old Business. Mr. Masi seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

Petition of the City of Danbury by Sharon B. Calitro, Director of Planning, to Amend Secs. 8.A.3.b., 8.A.9. & 10.D.9. of the Zoning Regulations. (Add Requirements to meet DEEP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems [City of Danbury MS4 Permit].)

Mrs. Hylenski made a motion to approve this petition for the following reasons: These amendments will add a reference to CT 2004 Stormwater Quality Manual as source for compliance in the preparation and monitoring of erosion control permits and stormwater management plans and will provide the necessary language to implement a plan for inspections and monitoring of privately owned stormwater basins. And these amendments are necessary to maintain compliance with the City's 2017 MS4 permit. Mrs. Fay seconded the motion. Chairman Melillo took a roll call vote and the motion was passed by an 8-0 vote, with one member not voting.

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NEW BUSINESS:

Petition of Paul Valeri, 10 & 12 Downs St. (H12166 & H12155), for Change of Zone from CG-20 to R-3 Zone.

Chairman Melillo said the public hearing date has not yet been set for this petition. He then said we need a motion to accept this petition, schedule the public hearing, refer to the Planning Commission for a report and put on file in the Town Clerk's office and any other agencies as required by State Statute. Several of the Commission members pointed out that the Tax Assessor's records list these properties as being zoned R-3 already. Mrs. Calitro explained that there was a previous zone change granted in 2014 and now the applicant would like to reverse it.

Mr. Almeida made a motion to accept this petition, refer it to the Planning Commission for a recommendation, and put on file in the Town Clerk's office. Mrs. Fay seconded the motion and it was passed unanimously.

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Chairman Melillo said there was nothing listed under Correspondence and under For Reference Only there was a public hearing scheduled May 14, 2019. He then asked if anyone has anything to discuss under Other Matters and there was nothing.

At 8:10 PM with no further business to discuss, Mr. Almeida made a motion to adjourn. Mr. Masi seconded the motion and it was passed unanimously.