



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

**ENVIRONMENTAL IMPACT COMMISSION**  
www.danbury-ct.gov

RECEIVED FOR RECORD  
DANBURY TOWN CLERK  
2022 MAR -8 A 10:31  
(203) 797-4525  
(203) 797-4586 (FAX)

BY: 

**ENVIRONMENTAL IMPACT COMMISSION**  
**MINUTES - Revised**  
**January 12, 2022**  
7:00 p.m.

**ROLL CALL:**

Chairman Bernard Gallo called the meeting to order at 7:00 p.m. This meeting is held via ZOOM. Present by roll call: Bernard Gallo, Dr. Mary Cronin, Geoff Herald, Mark Massoud, and Matt Rose. Absent: Alex Wolk. Staff present were Environmental Compliance Officer Richard Janey and Secretary Mary Larkin.

**ACCEPTANCE OF MINUTES:** December 8, 2021

Motion to accept the Minutes of December 8, 2021 as presented was made by Geoff Herald, seconded by Matt Rose. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

**OLD BUSINESS:**

#1139: SC Ridge Owner, LLC c/o Summit Development, LLC, 100 Reserve Road, (C16022) PND Zone, proposed warehouse construction

Prior to the meeting tonight a continuance was discussed in anticipation of the wetlands report.

Motion to table until the next regularly scheduled meeting on January 26, 2022 was made by Matt Rose; seconded by Geoff Herald. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo

---

#1140: Castro, Braulio, Ralph Gallagher, Jr., agent, 197 Southern Boulevard, (H17132), RA-20 Zone, remove fill as required.

Ralph Gallagher, P.E., said he received the Project Impact Report prepared by Richard Janey, and if the Commissioners do not have any questions, he defers to Mr. Janey's his report. Mr. Janey pointed out

that the use of the bio stimulant is one of the conditions and that the fill within a 12' radius of the trees must be removed by hand.

Motion to approve with ten conditions was made by Geoff Herald; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

#1143: Stiel, Roberta; Abigail Adams, Agent, 18 Marion Street, (H22118), RA-20 Zone for proposed deck extension.

Abigail Adams, Registered Landscape Architect, received the Project Impact Report and has no issues or questions. Richard Janey said there are seven conditions and mentioned that no construction materials should be stored onsite.

Motion to approve with seven conditions was made by Matt Rose; seconded by Geoff Herald. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

#1145: Murray, Ken; Dainius Virbickas, Agent, 6 Shore Rd., (K02094), RA-20 Zone for proposed single-family dwelling.

Dainius Virbickas, P.E., Artel Engineering, 304 Federal Road, Brookfield, CT, said he reviewed the Project Impact Report and agreed with the recommendations made. Richard Janey had no further comments.

Motion to approve with eight conditions was made by Geoff Herald; seconded by Matt Rose. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

**NEW BUSINESS:**

#1146: Monroe, Keith, Ralph Gallagher, Agent, 5 Old Post Road (Parcel B), (I20022) RA-80 Zone to extend previous approvals

Ralph Gallagher, P. E. representing the applicant, Keith Monroe. Mr. Gallagher explained that this parcel was approved years ago for *exactly* the same thing. The house was designed to match exactly the footprint that was approved. Mr. Gallagher further explained: There is a wetland running through the middle, and they were allowed a temporary access way to the rear to install the septic system. It exists, it was inspected, and approved as an "as built". There is a culvert going across the driveway and a temporary construction driveway. Then the house was out front and a little bit of it goes into the wetland. The swap was to take that area to the south of the dwelling that was filling in the wetlands and to remove that was the mitigation for building the house. They have a variance for the front. The economy and interest forced the applicant to hold off. The owner chose not to continue and the application expired, and we are now before you for a reapproval.

Mr. Gallagher offered as an additional recommendation that the temporary access should remain and not disturb the roadway at this time.

Richard Janey has not had a chance to review the project.

Motion to table until the next regularly scheduled meeting on January 26, 2022 for additional information was made by Geoff Herald; seconded by Matt Rose. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

#1147: Vega, Juan, 14B TaAgan Point Road, (I07098), RA-20 Zone for an addition

Mr. Juan Vega was present to explain his application. Richard Janey explained that about seven months ago he reviewed the site and spoke with Mr. Vega. The entirety of the work will occur in the upland review area about 55' from the bank of the stream. Mr. Gallo asked Mr. Janey if this could be handled administratively.

Motion to move to Administrative Approval was made by Matt Rose; seconded by Geoff Herald. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

#1148: Fish, Larry; Dainius Virbickas, Agent, Artel Engineering Group, 67 Old Boston Post Road, (H22059) for septic tank replacement and deck expansion.

Dainius Virbickas, P.E. with Artel Engineering, explained they prepared a map with everything their client wishes to do beginning with taking the 11' wide deck from the home and extend it another 4'. This is a modest-sized, rectangular-shaped home with an existing deck from the rear of the home towards the backyard. They wish to extend another 4' and run that across rear face of the home and add on and screen it in. They will need to replace existing septic. They are proposing a new septic in a new location which is greater than 75' from the banks of Lake Waubeeka. Nearest corner of septic to wetlands is 75'. The leaching area, in the event the current septic needs to be replaced, are indicated a place where that can happen. Everything will be quite distant from Lake Waubeeka. Soil movement would be for placing footings for the deck and crushing of the existing septic system, and filling fill with clean soil.

Geoff Herald asked if the 1,250-gallon tank is the same size as the tank they are removing? Mr. Virbickas said a 1,000-gallon tank is to be removed. Their thoughts for the future may include an addition going up, rather than out, which would require a 1,250-gallon tank. Richard Janey asked what erosion controls are being recommended. Mr. Virbickas said that there is little earth work recommended; however, silt fencing and erosion controls across the entire back of the property. They are 50+ feet from the edge of the delineated wetlands.

Motion to table until the next regularly scheduled meeting on January 26, 2022 was made by Geoff Herald; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

#1149: Great American Insurance Co., Woodard & Curran, Inc., Agent, 44-46 & 48 Shelter Rock Road, (K15108 & K15007) for remediation.

Jared Port, Project Engineer, and Dan Wolfram, Project Manager, with Woodard & Curran, are on the call to present this application. This is the former Sperry Rail site, near the Danbury Sports Dome, and this is a remediation project of a former test track, consisting of 1,700 linear feet within the 100' review

area. The two main parcels, 44-46 Shelter Rock Road are operational and contain buildings. No. 48 Shelter Rock Road is bordered by wetlands.

The area consists of approximately 2,900 linear feet of former testing rail, used by the former tenants to test calibrate rail equipment, operating since the late 40's and early 50's. The underlying soil is contaminated from petroleum-related compounds. Although there are 2,900 linear feet, only 1,700 linear feet are affected. The rail bed is approximately 30' wide, which is approximately 3' above the adjacent wetland area. The proposed remediation consists of excavation and offsite disposal.

The perimeter will be lined with erosion controls consisting of silt fencing and straw wattles. There will be limited clearing and grubbing to install the erosion controls and to access the site. Material will be trucked out to a materials management area, a decontamination pad, and a construction entrance to prevent off-site tracking of any soil. Mr. Port continued his explanation stating the excavation will be performed to about a foot deep and will be limited to the area within the current rail ties. Two conduits run below, referred to as the North and South drainage ditch, which will be protected during this remediation. Disturbance area is a total of 17,000 sq. ft. They will collect confirmation samples to verify their completeness.

Anticipated site preparation schedule will be from February 2022 to March 2022. The backfill, grading, and seeding to complete the remediation will be from March 2022 to May 2022. Remediation is being conducted to achieve compliance with State and Federal requirements.

Commissioner Geoff Herald asked the standard depth for PCPs. Mr. Port explained there are no standard depths. It is based on their analytical testing and a conceptual site model of how the contaminate might have got there. The wetlands track will be only select metals and petroleum related compounds. If there is a larger amount of contaminates, the depth will be more. Currently 0' to 1' deep.

Richard Janey had no questions at this time and mentioned he had visited a previous project near this site where work was conducted and all precautions were taken by Woodard & Curran.

Commissioner Mark Massoud asked if there is any potential use of the area such as a recreational trail? Walking trail? Mr. Port said his client is the owner and operator and he is unaware of any future reuse. Geoff Herald asked what it is being used for now? Mr. Port said there are several vacant buildings and one is office building with several tenants and a manufacturing operation. Mr. Massoud suggested there may be an opportunity if it leads to a viewing/walking area with a nice view to enjoy. Jared Port said yes, there is certainly an opportunity.

Motion to table until the next regularly scheduled meeting on January 26, 2022 was made by Geoff Herald; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

#1150: Pioneer Realty, LLC, Carmody Law, Agent, Parcel 1: 7,9,13 & 15 Miry Brook Road a/k/a Sugar Hollow Road and Parcel 2: 15 Miry Brook Road, (G18007 & G18008) to construct retaining wall and fill for grading for automobile dealership with repair shop and associated parking lot.

Jay Klein, Esq., of Carmody Law, Mike Lambert, P.E., Civil I, and Bob Carinci on behalf of the applicant, were present on the Zoom meeting. Attorney Jay Klein shared his screen and explained the applicant is Curry Auto and shared photographs. They recently purchased the property and they believe they have a proposal to enhance the location. A Mercedes dealership is proposed. Attorney Klein

explained that the Zoning Board of Appeals granted variance(s), and they hope the City will welcome this project. Zoning Commission recently amended the zoning regulations to allow for this use. The corner of the property is within an upland review area of an off-site wetlands. Thirty-five to forty jobs are expected to accompany this project.

Michael Lambert, P.E., with Civil 1, 43 Sherman Hill Road, Woodbury, CT, explained this is a 2.5-acre parcel surrounded by Miry Brook, Sugar Hollow Road, Wallingford Road, and Danbury Airport. To the north Kissen Brook runs through the airport with an open channel in the northeast corner of the property. From the 100' upland review area, there is only a small area from Kissen Brook that goes onto their property. There is only 6,250 sq. ft. of upland review area on their property, and they are disturbing 4,000 sq. ft. of upland review area; however, the whole area is actually going to get drained and contained on-site and will not be allowed to discharge across the property onto the airport property and eventually into Kissen Brook. They do have a retaining wall on the north side. The back corner that is in the upland review area will get self-contained into a catch basin and be directed through the collection system and eventually go through a water quality structure and then into an underground detention system. Throughout the entire site, there will be 13 catch basins, three water quality structures and a two-foot tall underground detention system that will have 135 chambers. Through this storm drainage, they are decreasing the peak flow of the 25-year storm. Mr. Lambert continued stating the entire site will be wrapped so that the retaining walls will act as sediment control.

Richard Janey asked the height of the retaining walls. Mr. Lambert responded they would be a maximum of 6'. Mr. Massoud asked if a soil scientist looked at the site and the soil delineation? He recalled that the previous owner had running disagreements with the City regarding filling of watercourses. Mr. Lambert said they had a soil scientist on the site who said there were no wetlands on the property.

Michael Lambert said they had a soil scientist who said there were no wetlands on the property. Soil scientists do not really have the option to go on someone's property to delineate where those wetlands exist. Ian Cole, Soil Scientist, did the report, and Mr. Lambert will make sure the EIC receives a copy.

Motion to table until the next regularly scheduled meeting on January 26, 2022 was made by Mark Massoud; seconded by Geoff Herald. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

#1151: Vogel, Michael, Ralph Gallagher, Agent, 18-20 Lakeview Drive, AKA Lots 24 & 25 Musnug Road, (J05004 & I05157), RA-20 Zone

Ralph Gallagher, P.E., representing the applicant. This is a half-acre lakefront lot. The existing dwelling and a cottage very close to the western property line and the 440. Proposal is to demolish them and build a new house farther away from the lake tucked into the hillside. A shared well exists, and the owner owns both properties. An existing septic was put in around 1989, which is still code compliant and they've done another B100 for a future compliant system should the other fail. The only construction that is needed at this time is to install the tank, a pump station, do the driveway and the erosion sediment controls, and whatever planting they're going to do. Mr. Gallagher said that have either received or expect to receive the FirstLight permit information. They are keeping it simple and moving away from the lake for the new house.

Richard Janey does not have anything at this time as he is still reviewing the file.

Motion to table until the next regularly scheduled meeting on January 26, 2022 was made by Mark Massoud; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

---

#1152: Pamela Equities Corp., Steven Sullivan P.E., Agent, Candlewood Pines, Lots 1-5, (H03069), RA-80 Zone (Former EIC 769 approval)

Nicholas Yuschak, Registered Landscape Architect, with CCA, 40 Old New Milford Road, Brookfield, CT. Seeking to reapprove development of this property (former EIC #769 approval) which expired December of 2021. There are no changes in circumstance at the site. The owner has not started construction due to their financial planning consideration. The site has frontage on Winnebago trail and on Candlewood Lake 1.29 acres with approximately 300' of waterfront. The parcel is gently to steeply sloped Upland review area is 200' from Candlewood Lake consisting of .74 acres for kayak and canoe storage building, approximately 1,100 sq. ft. crushed stone driveway, and parking for 15 cars off Winnebago trail. Trail goes to down to the proposed dock, and there is a floating wood boat slip for 10 boats.

Mitigation plantings per the planning schedule to the east of the storage building and the lake. A 3' high(maximum) boulder wall on east and south side of storage building. No proposed bathrooms, therefore, no proposed septic. Erosion and sedimentation details are on the detail sheet. This is a community area for residential dwellings at Candlewood Pines.

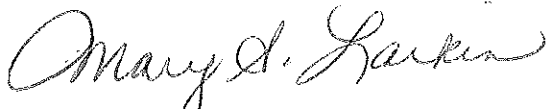
Richard Janey asked if the proposed dock has FirstLight approval. Mr. Yuschak said it already has an LOFC (Letter of Filing Consent) from 2007 and same in 2010.

Motion to table until the next regularly scheduled meeting on January 26, 2022 was made by Mark Massoud; seconded by Matt Rose. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo.

**ADJOURNMENT:**

Motion to adjourn was made by Mark Massoud; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, Matt Rose, and Bernard Gallo. Meeting adjourned at 7:59 p.m.

Respectfully submitted,



Mary S. Lafkin  
Recording Secretary