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ENVIRONMENTAL IMPACT COMMISSION
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BY: 

**SPECIAL MEETING
ENVIRONMENTAL IMPACT COMMISSION
MINUTES**

Web-Based Meeting Hosted on ZOOM
Wednesday, February 2, 2022
7:00 p.m.

ROLL CALL:

Chairman Bernard Gallo called the Special Meeting of the Environmental Impact Commission meeting to order at 7:00 p.m. Present by roll call: Mary Cronin, Matt Rose, and Alex Wolk.

ACCEPTANCE OF MINUTES:

Motion to accept the revised minutes of January 12, 2022 was made by Matt Rose; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

The next regular meeting is scheduled for **February 9, 2022**.

OLD BUSINESS:

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

Attorney Thomas Beecher, representing SC Ridge Owner, LLC, along with Paul Szymanski, Project Engineer, Abigail Adams, Landscape Architect, John Clancy, owner of Clancy Moving systems and prospective purchaser of the property, and Michal Basile for SC Ridge were present on the Zoom meeting.

Attorney Beecher explained the project sits on a 29-acre site which is part of a 99.5-acre site, which is zoned PND. The parcel has a 1.2 million square foot building on it known as the Summit. The entire property, at one time, was the world headquarters for Union Carbide. Back in 1982, the Zoning Commission approved this property to be in the PND Zone, and they approved a master plan for the entire 99-acre site. Also approved was a warehouse building and a smaller maintenance building on the 29-acre site. The Zoning Commission, at the time, appreciated the fact that the property is directly accessed from Saw Mill Road, and this would be more of an IL-40 type use which would be consistent with IL-40 zoned properties running south from this piece. In addition to the warehouse, Mr. Clancy intends to move his

corporate offices to the site. If it moves forward, the offices will occupy the second story of the main warehouse building. The proposed access driveway comes in from Saw Mill Road, and it's at the southern end of the site where there is an existing access road. This makes sense because of its location between Woodlands Road, bypassing the wetlands between Woodlands Road and this access road. There are steep grades further north on Saw Mill Road into this property.

Mr. Beecher introduced Paul Szymanski, P.E., Arthur Howland and Associates, to explain some specific revisions they are making in response to Mr. James McManus's report. Regarding the wetlands flagging, they have acknowledged the revised wetlands flagging and have revised the plans accordingly. The width of the driveway was reduced from 45' to 28', leading to a reduction in the overall direct wetlands disturbance from 4,700 sq. ft. to 3,149 sq. ft., representing a 33% reduction in direct wetlands impact. The storm water management includes modification of the dry detention ponds to be a "storm water pond". A minimum of 100% of the Water Quality Volume will now be retained within each basin. Previously, the basins would have drained with 24 hours. They have incorporated sediment fore bays at the entrance to each of the basins. Mr. McManus had requested they provide 10% of the water quality volume in them. They will provide a minimum of 20% in them. Based on their revised design, 92% to 93% of all storm events will be contained fully in each of the basins even with the large, high-intensity, short-duration storm events experienced in the last several years. A written response and revised plans will follow.

Mr. Beecher wanted to address the Mr. McManus's comment about securing a more recent survey of vernal pool habitats. In his report, dated October 15, 2019, Matthew Popp, a professional wetland scientist, states that he analyzed the vernal pools on the entire 99-acre site, and the only definitive vernal pool found was located in the northeastern segment of the entire 99-acre site, which is completely on the other side of the Summit building and far away from the proposed area.

Abigail Adams, Registered Landscape Architect, A2-Land Consulting, New Fairfield, Connecticut, presented her plans, stating there are three different enlargement areas as you move through the site. Starting at the north end, Ms. Adams stated they will use predominately native plant material, placing canopy trees in the end islands then using ornamental shrubs, flowering, & evergreens, ornamental grasses and perennials in areas that require additional enhancement, such as near the building entrance. They will use native shrubs and other plant material to create buffers between the developed area and the drainage features that are on site. Ms. Adams said that she will make revisions to her plan based on the site plan revisions. Buffers will be created where steep slopes exist with a few different seed mixes, such as: erosion control mix and roadside matrix mix, which consists of shrub seeds, ornamental grasses, and perennials, which acts as a naturalizing system. Some evergreen trees around the pond area will be introduced to create a little buffer. They will also create a habitat for wildlife, birds, etc. Ornamental trees will enhance the driveway.

Chairman Gallo asked Richard Janey if he was in receipt of the corrections mentioned this evening. He has not received copies yet. Mr. Gallo said that if we receive the information, a report would be ready next week. Mr. Janey concurred.

Motion to table until the next regular meeting on February 9, 2022 was made by Matt Rose; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

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

Ralph Gallagher, Jr. P.E. representing Keith Monroe, agreed with the Project Impact Report; however, he asks that the access way across the wetlands remain as it is now. Richard Janey said he had spoken with Mr. Gallagher and the access way to remain as it has for some years.

Motion to accept with a summary ruling with the eight conditions of approval was made by Matt Rose; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie 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., Artel Engineering, on behalf of the applicant, has received the staff report and concurs with the findings and the conditions as stated.

Motion to accept with a summary ruling with six conditions of approval was made by Alex Wolk seconded by Matt Rose. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

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

Jared Port and Daniel Wolfram, of Woodard and Curran, Inc. are present on behalf of the applicant, Great American Insurance Co. Mr. Port said that at the last meeting, two weeks ago, the project is essentially remediation of shallow impacted soil with various contaminants to a depth of one foot within the upland review area of a former rail bed on the site. They have received the Project Impact Report and have no comments. They accept all conditions of the report.

Motion to accept with a summary ruling with six conditions of approval was made by Matt Rose; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie 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., Carmody Law, agent for Pioneer Realty, LLC along with Mike Lambert, Civil One, and Bob Carinci were present for the Zoom meeting. Attorney Klein thanked Mike Lambert for quickly providing the Commission with the soils report. Mr. Lambert presented the findings to the Commission. Mr. Richard Janey said that with the information provided by Civil One, he could proceed with his report. It will be ready for the next meeting.

Motion to table until the next regular meeting on February 9, 2022 was made by Matt Rose; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

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

Ralph Gallagher, Jr., P. E. representing the applicant. Mr. Gallagher said they have reviewed the Project Impact Report and we agree with all of the conditions.

Motion to accept with a summary ruling with seven conditions of approval was made by Alex Wolk; seconded by Matt Rose. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

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

Mr. Nick Yuschak, Landscape Architect with CCA, LLC, Brookfield, CT, appeared on behalf of Pamela Equities Corp. Mr. Yuschak represented the application is for an extension of time as there is no change of circumstance at the site or to the plans or application. Chairman Bernard Gallo asked what are you really going to do and when and stated that the soil report is from 1989. He further stated there had been two approvals already. Mr. Yuschak offered the details again of the site stating plans for a boat ramp, kayak/canoe storage, car parking area, etc. Discussion continued reacquainting the Commission with the site and interaction with FirstLight.

Motion to table until the next regular meeting on February 9, 2022 was made by Matt Rose; seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

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

Mr. Janey described this site, having completed a field visit earlier in the year and indicated the disturbance would be minimal.

Motion to accept Administrative Approval was made by Matt Rose; seconded by Alex Wolk. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

#1153: Vintimilla, Luis, 2 Ole Musket Lane, (F19069), RA-40 Zone for proposed shed and pool.

Mr. Janey said this is a proposed pool and shed that would abut what appears to be a man-made drainage swale or a little stream, and the stream cuts directly through two or three properties. When he did a site walk, there is a retaining wall that has been built by Mr. Vintimilla that is between the stream and where the proposed pool would be located. The shed is under 200 sq. ft. and it is used to store his yard equipment. The impact would appear to be minimal.

Motion to accept Administrative Approval was made by Alex Wolk, seconded by Mary Cronin. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

VIOLATIONS: 21A Virginia Avenue, Danbury, CT

Attorney Thomas Beecher appeared on behalf of the homeowner, Laurence Cote, who is also present on the Zoom meeting. Mr. Beecher said they do not intend to contest that a substantial amount of fill was deposited on Mr. Cote's property without proper permits and within the 2004 conservation restricted area. He is willing to cooperate do what's necessary to try to remedy the situation. No further prohibited activity has occurred on the property since the order was issued. The next step for us is to hire a professional to assess this situation and help with a remediation plan. Mr. Beecher and Mr. Cote met with a professional last week on his property, and they are hopeful that the professional will be on board very soon. It is their intention to formulate a reasonable plan to remedy the situation and do everything they can to adhere to the deadlines outlined in the Cease & Desist order.

Once the professional is hired, they will have a delineation performed as called for in the order and try to adhere to the other deadlines in the order. We will keep the Board and Mr. Janey informed as to the next deadlines and a realistic date for the submission. Mr. Beecher said this is not a simple matter, so if the Commission wants to uphold the order, that's fine; however, he asked the commission to be reasonably flexible on the date in the order if we keep you informed. Mr. Beecher is trying to keep everyone informed including Sean Hearty, Zoning Enforcement Officer and the City attorney.

Mr. Cote bought this property approximately 10 years ago, but he did not buy it from the original developer and there were other owners in between. Mr. Beecher said that Mr. Cote acknowledges this is a huge mistake. Mr. Gallo asked if one of the experts will be Soil Scientist. Mr. Beecher said they spoke with an Engineer who has a soil scientist in his firm. Mr. Gallo encouraged the Commission members to visit the site, and Mr. Beecher asked that if the Commissioners do visit the site that staff inform Mr. Beecher of the date of any visits.

When asked, Mr. Janey gave a ballpark estimate of the amount of land the fill covers as approximately a football field in length and half a football field in width and anywhere from 30' to 50' in height.

Motion to table this violation until February 23, 2022 by Mary Cronin; seconded by Alex Wolk. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo.

ADJOURNMENT:

Motion to adjourn by Alex Wolk; seconded by Matt Rose. All in favor with AYES from Mary Cronin, Matt Rose, Alex Wolk, and Bernie Gallo. Meeting adjourned at 7:58 p.m.

Respectfully submitted,



Mary S. Larkin
Recording Secretary