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ENVIRONMENTAL IMPACT COMMISSION
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**ENVIRONMENTAL IMPACT COMMISSION
MINUTES**

Web-Based Meeting Hosted on ZOOM

Wednesday, April 13, 2022

7:00 p.m.

ROLL CALL:

Chairman Bernard Gallo called the web-based meeting via Zoom to order at 7:00 p.m. Present by roll call were Geoff Herald, Tom Giegler, and Alex Wolk. Commissioner Matt Rose joined the meeting at 7:10 p.m. Staff present were Public Health Inspector Abby Lewis and Secretary Mary Larkin. Mr. Gallo introduced Tom Giegler as a newly appointed Commissioner to EIC and newly assigned staff member, Abby Lewis.

ACCEPTANCE OF MINUTES: Minutes of March 23, 2022

Motion to approve the Minutes of March 23, 2022 was made by Geoff Herald; seconded by Alex Wolk. All in favor by those eligible to vote: Alex Wolk, Geoff Herald, and Bernard Gallo.

The next regular meeting is scheduled for **April 27, 2022**

OLD BUSINESS:

#1157 Benincasa, Scott, 121 Aunt Hack Rd., Ralph Gallagher, Jr., Agent (C10012) RA-80 Zone, for proposed single-family dwelling

Mr. Gallagher had not joined the ZOOM meeting when this application was called. Motion to move this application to end of the meeting, awaiting representation, was made by Geoff Herald; seconded by Alex Wolk. All in favor with Ayes from Geoff Herald, Alex Wolk, and Tom Giegler.

Ralph Gallagher, P.E. joined the meeting around 7:10 p.m.; however, the connection was lost prior to Mr. Gallagher making any public comment. Public Health Inspector Abby Lewis said she received a message from Mr. Gallagher stating that he had to leave the meeting; however, he agreed with the Project Impact Report as presented. There were no questions from the Board.

Motion to approve a summary ruling with six conditions made by Geoff Herald; seconded by Alex Wolk. Motion passed with Ayes from Geoff Herald, Matt Rose, Alex Wolk, and Bernard Gallo. Vote by Mr. Giegler was inaudible.

#1159 Santomero, Greg, O'Brien Kevin, Agent, 12 Sunset Drive, (I05007), RA-20 Zone

Michael Smith, of Michael Smith Architects, appeared on behalf of the client. He has seen the Project Impact Report and has no comments.

Motion to approve a summary ruling with seven conditions was made by Alex Wolk; seconded by Geoff Herald. All in favor with Ayes from Geoff Herald, Tom Giegler, Alex Wolk, and Bernard Gallo.

NEW BUSINESS:

#1161 95 Mill Plain Road LLC, Diamond Point Development, Doto, Ben, Agent, 95 Mill Plain Road, (C14003) CA-80 Zone

Ben Doto, P.E., 248 Main St., Danbury, represented the contract purchaser, Diamond Point Development of 95 Mill Plain Road. Mr. Doto explained this land has been disturbed but not developed. It is a 3.4-acre site at the intersection of Mill Plain Road and Aunt Hack Road, which does not contain wetlands. This lot is characterized by a hillside with a level gravel area that has been used as overflow parking and most recently as staging for the gas line. It is adjacent to the Panda West restaurant. There is a ditch that runs across the property, which would be classified as an intermittent watercourse, and they are within 100' of that ditch, which is why they are before the EIC this evening. Mr. Doto further explained they are concurrently submitting to Planning & Zoning because self storage is a Special Exception that will be on the agenda soon for a public hearing. It is served by City water and sewer.

This property is located in the Lake Kenosia watershed and is considered an environmentally sensitive area. There are storm water quality issues that have to be taken into account. The zoning allows a 30 % building coverage and the impervious area normally would normally be unlimited but it is 50% impervious coverage at this site, which is more stringent than a normal CA-80 zone. They are already at 23% building coverage and 44% impervious coverage.

Let the record reflect that Matt Rose joined the meeting at 7:10 p.m.

The storm water management design includes standard piping and a ditch above the building and a swale system and oil water separator unit that catches the water before the detention system. Any spill would be caught. There is a limited amount of parking. The facility will be used for interior storage only without exterior doors, climate controlled, and entry is by key fob only. Wetlands are on the neighbor's property. Mr. Doto described locations and conditions on the map he shared on-screen. Mr. Doto did soil testing and basically the whole front yard has a sand layer about 4' deep, and they are able to increase their ground water infiltration. The landscape plan is extensive – Abigail Adams is the Landscape Architect, and when all is said is done, it will be a vast improvement to the site. He showed the architectural rendering, which he said, "is similar to Westies but nicer." There is first level access in the front with second level ground access in the back, and third floor access via stairs and/or elevator. Commissioner Geoff Herald asked if all inclusive – climate control, no outdoor storage for trailers or boats, etc. Mr. Doto responded, "that is correct." No further questions.

Motion to table Application No. 1161, 95 Mill Plain Road, LLC, until the next regularly scheduled meeting on April 27, 2022 was made by Alex Wolk; seconded by Geoff Herald. All in favor with Ayes from Geoff Herald, Tom Giegler, Alex Wolk, and Bernard Gallo.

#1141R 12 Great Pasture Road, Draper, Laurel, Michael Mazzucco, Agent, (L16010), IL-40
Zone

Mike Mazzucco, P.E., appeared on behalf of Laurel Draper on this application for a revised site plan of a previously approved site plan for a self-storage facility last year. Since that time there were questions about activities in the back of the property and filling. Mr. Mazzucco shared his screen and explained that they were originally working with wetland delineation flagged by Henry Moeller many years ago. They were using that delineation for the revisions years ago when it was going to be a contractor's yard, and plans varied along the way. Soils Scientist Jim McManus flagged a new line which was similar and pretty close to the original line. They readjusted the detention basin, and there was a guy with a trailer who was burning wood and dumping the ashes and according to his client, the pile of ashes has been removed. They adjusted the detention basin and there were questions about whether there were three or four basins. There was a fore bay area and then it went to the detention basin, but the design of that detention system pretty much stayed the same and it really didn't change over time until this new wetland line came into play. Because there is less concern for the quality of the runoff is because a self-storage facility is mostly building, and there's very little traffic in and out and mostly with smaller vehicles. Intermediate berms were eliminated and they were in the flood plan so they were able to pull them out. They are reclaiming a lot of floodplain storage, but they are still trying to go back to the original. There was a small encroachment of the original plan into the wetland for the outlet, just for the riprap and outlet protection and that sort of remains the same. In terms of the net effect there is not really any increase into the wetlands under the previous plan even though the wetlands were further back.

When they went through Planning, they wanted an access route to maintain the basin so the only joining property they were given an easement and he, Mike Mazzucco, thinks that was not on the EIC plan last fall. Everything else pretty much remains the same with some modifications to the loading areas. to maintain something. The footprint of the building is the same, retaining wall is the same . . .

Commissioner Geoff Herald asked what kind of loading would there be? Packages? Box truck, personal loading, pick-up truck? Mr. Mazzucco said it is typically personal storage – even files. No commercial storage. Commissioner Tom Giegler asked if there was underground retention for the water? Except for the storage for the runoff in the basin area? Mr. Mazzucco responded, "None is correct." How much fill coming out so that everything pitches into the basin. Mr. Mazzucco said there is enough pitch and the grade drops off. The profile shows two levels below ground in the front.

Mr. Gallo mentioned that a couple of people want to do an on-site visit. Mr. Mazzucco acknowledged same.

Motion to table Application No. 1141R, 12 Great Pasture Road until the next regularly scheduled meeting on April 27, 2022 was made by Matt Rose; seconded by Alex Wolk. Geoff Herald, Tom Giegler, Alex Wolk, and Bernard Gallo.

#1162 132 & 136 Padanaram Road, Otto, Hans, Ben Doto, Agent, (E06047 & E06048), RA-80 Zone

Ben Doto, P.E., represented the applicants, Hans & Pina Otto. Mr. Doto explained this is a four-acre property with two, residential, single-family building lots. In 2008, Hans' parents hired Mr. Doto and received subdivision approval and EIC approval. Project was started and given a five-year extension and nothing happened. Both Mr. and Mrs. Otto passed away, and now Hans is the owner of the property. This is almost same proposal as before. The site has wetlands, the Padanaram Brook. Lots are on the other side of the brook and they are not proposing a brook crossing. Storm drainage system from Clapboard Ridge is a pretty good sized pipe with easement and culvert. Mr. Doto shared his screen and indicated the direction of the stream and the existing culvert enabling one driveway to both proposed homes instead of separate driveways. About 800 sq. ft. were being mitigated. EIC required a line of boulders to stay away from the wetlands and out of the regulated area. Previous approval called for the mitigated area was built but not rest of the site. Only activities in the regulated area for Lot 2 is a small portion of driveway which was shifted further away from wetland. Lot 1 is virtually unchanged. Lot 1 has a larger regulated area. Septic system (Lot 2) is far from the regulated area. Lot 1 has pump-up system where they found better soils and keep it as far away as possible from the regulated area.

Mitigation plan (shows 2008 approval) and compared with proposed new house footprint overlaps previously proposed footprint. Mr. Doto displayed alternatives – 2 traditional lots with 2 driveways. That was not ideal so they went to the Alt. B.: Reuse the culvert for Lot 2 and do a new crossing for Lot 1. Final proposal: Alt. C: Use existing culvert and existing driveway, where there is a driveway apron and use a shared driveway. Main differences: Type of house designs have changed.

This is a new application because the time has expired.

Geoff Herald has a questions and is trying to place the properties. Mr. Doto explained and Mr. Herald recalled the properties. Mr. Doto offered that there is a wooded lot with chain across the driveway in order to identify the property. Herald asked if originally a 10-acre place? Mr. Doto explained it was the family property. Geoff Herald thinks it is strangely designed. Mr. Doto reminded him there is a 24" that becomes a 36" culvert that discharges to the brook with drainage from Clapboard Ridge which is surrounded by a drainage easement putting driveway directly over it. Then there is a handle shaped area where there is really good soil for a septic. There were also decent soils on Lot 1 but interfered with placement of the house. There is well water, not city water.

Motion to table Application No. 1162, 132 & 136 Padanaram Road, until the next regularly scheduled meeting on April 27, 2022 was made by Geoff Herald; seconded by Matt Rose. Motion passed with Ayes from Geoff Herald, Alex Wolk, Matt Rose, and Bernard Gallo. Audio for Tom Giegler appeared interrupted.

1163 42 Kenosia Avenue, DC-7 Properties, LLC dba Superior Products Distributors, Inc., Michael Mazzucco, Agent, (E17086), IL-40 Zone

Mike Mazzucco P.E. representing applicant. This project was approved many years ago for a heavy equipment dealer who had vacated the building. The property was recently sold to the current owner. They have to apply for Site Plan-Special Exception approval for sale and storage of building materials in addition to the existing special exception for heavy equipment sales and service. Superior Products deals mainly with construction supplies. There was storage right behind the building and then

they had a lower level that was storage for their equipment and they want that area to remain as gravel because a smooth layer would be torn up by the heavy equipment. Superior would like to pave the back area, where they use a forklift, due to the nature of their business.

Wetlands are adjacent to the rear area. Soils are excellent: sand and gravel, which work very well. Extensive work was done there with regard to compensation for flood plain storage in addition to the existing storm water management system. Current owners will clean all the basins this week. Ehrbar opened up the area – current owners want to keep using it and pave the back area. System can handle manholes to be converted to grates. Easier for grading and pitching of the water under a paved impervious condition as opposed to the gravel. Most of the grading remains the same. They want pavement to be appropriate for what they want to put down. Mr. Mazzucco thinks this is a minor impact in change. No questions.

Motion to table Application No. 1163, 42 Kenosia Avenue, until the next regularly scheduled meeting on April 27, 2022 was made by Geoff Herald; seconded by Matt Rose. All in favor with Ayes from Geoff Herald, Matt Rose, Alex Wolk, Tom Giegler, and Bernard Gallo.

PUBLIC HEARINGS: None

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: 21A Virginia Avenue, Danbury, CT
Click here for: [Cease & Desist Order & Response](#)
Click here for: [Photographs](#)

Motion to table until the next regularly scheduled meeting on April 27, 2022 was made by Geoff Herald; seconded by Matt Rose. All in favor with Ayes from Geoff Herald, Matt Rose, Alex Wolk, and Bernard Gallo. Tom Giegler inaudible.

Chairman Bernard Gallo addressed a concern from Commissioner Matt Rose about 52 Pembroke Road. Mr. Gallo said they are working on it even though it is not a formal violation at this time.

OTHER MATTERS:

Request for transfer of Permit 1101 from JBD Properties, LLC to Stone Ridge Development, LLC
Permit No. 1101 issued May 22, 2019.
22 Michaud Road

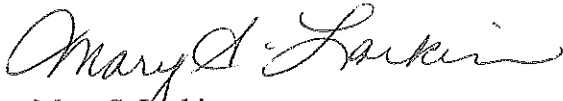
Mr. Gallo indicated this permit is still active and he approved the transfer.

CORRESPONDENCE: None

ADJOURNMENT:

Motion to adjourn was made by Geoff Herald; seconded by Alex Wolk. All in favor with Ayes from Geoff Herald, Matt Rose, Alex Wolk, Tom Giegler, and Bernard Gallo. Meeting adjourned at 7:57 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary S. Larkin". The signature is written in black ink and is positioned above the printed name and title.

Mary S. Larkin
Recording Secretary to Environmental Impact Commission