



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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**ENVIRONMENTAL IMPACT COMMISSION
MINUTES
City Council Chambers - 155 Deer Hill Avenue
August 24, 2022**

ROLL CALL:

Chairman Bernard Gallo called the meeting to order at 7:09 p.m. Present by roll call were Elizabeth Falk, Tom Giegler, and Matt Rose. Mr. Gallo seated Elizabeth Falk as a regular member. Absent were Mary Cronin, Geoff Herald, Mark Massoud, and Alex Wolk.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mr. Gallo.

ACCEPTANCE OF MINUTES: None

The next regular meeting is scheduled for September 14, 2022

NEW BUSINESS:

#1174 5 Sugar Hollow Road, Sugar Hollow Associates, LLC, Artel Engineering Group, LLC, Agent, (G17002), CG-20 Zone, construction of new, stand-alone Panera Café building with drive-thru

Neil R. Marcus, Esq., Cohen & Wolf, 158 Deer Hill Avenue, was present on behalf of this application. Michele Micoli, Artel Engineering, Brookfield, CT was also present. Attorney Marcus explained this application is to amend permit that was previously approved when the Shops at Marcus Dairy were established. Mr. Marcus explained Panera's concept building is being presented for consideration and any implications this might have with respect to the previous application/permit and the work that has been done.

Michele Micoli said they are proposing a stand-alone building with a drive-thru in the rear. They are extending slightly beyond the existing parking lot and reducing the impervious surface by 3,000 sq. ft., reducing parking slightly, and no proposed disturbance within the wetland. They have disturbance in the upland review area--about .35 acres of disturbance. To treat storm water runoff and to provide mitigation

for filling in the area, they are treating the roof with two subsurface infiltration units connecting with existing storm water system and will continue to discharge to a riprap (inaudible).

Attorney Marcus said when they met with Artel, their goal was in satisfying the request from Panera—size, shape, and design of the building. Next with Artel they wanted to avoid any issues with the existing inland wetland permits they already have and avoid any issues with the floodplain. He believes they have met their goal. For the purposes of this Commission they are not changing a thing. Now they have the ability to look back and say their concerns with flooding and the height of the Kissen Brook during major storm events, everything people worried about has proven to have resolved itself as originally proposed. No flooding, no erosion of banks of Kissen Brook from major storms over the last 10 years, and the site has worked out very well.

Mr. Marcus said that the site is currently occupied by Panera, will in all likelihood be an expansion by Petco. He offered to answer questions and asked that the commission consider an administrative sign off of this application. Tom Giegler asked if the drainage from the parking lot and the roof will be underground retention? Michele Micole answered, “yes” and explained the process.

Motion to table until the next regular meeting on September 14, 2022 to give staff a chance to review was made by Matt Rose; seconded by Elizabeth Falk. All in favor with Ayes from Tom Giegler, Elizabeth Falk, Matt Rose, and Bernie Gallo.

OLD BUSINESS:

#1172 53 Newtown Road, City of Danbury Water Pollution Control Plant, (L12014), IG-80 Zone, improvements to the Water Pollution Control Plant

Abby Lewis, Public Health Inspector, submitted a Project Impact Report to the Commission.

Motion to approve as a summary ruling with five conditions of approval was made by Matt Rose; seconded by Elizabeth Falk. All in favor with Ayes from Tom Giegler, Elizabeth Falk, Matt Rose, and Bernie Gallo.

PUBLIC HEARINGS: None

APPLICATION FOR ADMINISTRATIVE APPROVAL:

#1036 51 Old Forty Acre Mountain Road, K04224, RA-80 Zone, request for extension of approval.

Abby Lewis, Public Health Inspector, said this application was previously approved and the permit expired last September (2021). Ms. Lewis reviewed this application and has received verification that brush, trees, and stumps are to be removed and the rest will be used as sedimentation control.

Motion for administrative approval with five-year extension retroactive from September 2021 was made by Matt Rose; seconded by Tom Giegler. All in favor with Ayes from Tom Giegler, Elizabeth Falk, Matt Rose, and Bernie Gallo.

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: 21A Virginia Avenue, Danbury, CT

Thomas Beecher, Esq. appeared on behalf of Mr. Larry Cote. Paul Szymanski, P.E., Arthur Howland and Associates, is ill and quarantining. Attorney Beecher referred to test boring site and passed out the chart to the commissioners that was previously provided. Mr. Cote would like to do everything he can to take care of this and is not looking for sympathy; however, Mr. Beecher said the cost to Mr. Cote for the borings, testing, and report has cost approximately \$30,000. Attorney Beecher explained the “hot spots” and what they contained. Testing was overseen by Michael O’Connor, a Manager of Environmental Projects at Unicorn Management Consultants, LLC, and testing was done by York Analytical Labs Inc. Attorney Beecher explained the “hot spots” and what they contained. Michael O’Connor’s findings revealed traces of lead, arsenic, and petroleum hydrocarbons. According to Mr. O’Connor, the petroleum hydrocarbons are related to the pieces or chunks of asphalt that were mixed in with the fill and deposited on the site. There were five hot spots out of the 14 test locations. The recommendation is to remove the soil from the hot spots and pull soil away from the top bank that leads to the watercourse by 25’.

Attorney Beecher said that Paul Szymanski suggested he meet on site with Mr. Gallo and Ms. Lewis to go through the presentation and discuss remediation prior to actually finalizing a remediation plan. Mr. Beecher informed the Board that Mr. Cote did have soil erosion control fencing installed along the perimeter of property along the bank and made sure other recommended fixes had been done. Mr. Cote is currently looking for a contractor to perform the soil removal and hopes he can move on from this situation.

Matt Rose asked about the depth of the borings and hot spots where the permitted levels exceeded acceptable levels. Mr. Beecher referred him to the chart. Depths of borings were in the 4’-5’ range and up to 8’ to 10’.

Continued to September 14, 2022,

ADJOURNMENT:

Motion to adjourn was made by Matt Rose; seconded by Elizabeth Falk. All in favor with Ayes from Tom Giegler, Elizabeth Falk, Matt Rose, and Bernie Gallo. Meeting adjourned at 7:31 p.m.

Respectfully submitted,

Mary S. Larkin
Recording Secretary