



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

**ENVIRONMENTAL IMPACT COMMISSION
MINUTES
CITY HALL – 155 DEER HILL AVENUE
City Council Chambers
Wednesday, October 12, 2022
7:00 p.m.**

ROLL CALL:

Chairman Bernard Gallo called the meeting to order at 7:04 p.m. Present were Elizabeth Falk, Tom Giegler, and Mark Massoud. Absent were: Mary Cronin, Geoff Herald, Matt Rose, and Alex Wolk. Mr. Gallo seated Alternate Elizabeth Falk for Commissioner Geoff Herald for voting purposes.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited by all.

ACCEPTANCE OF MINUTES:

Motion to accept the Minutes of July 27, 2022 was made by Mark Massoud; seconded by Elizabeth Falk. All in favor.

Motion to accept the Minutes of August 24, 2022 was made by Elizabeth Falk; seconded by Tom Giegler. All in favor by those eligible to vote: Bernard Gallo, Elizabeth Falk, and Tom Giegler.

Minutes for September 28, 2022 could not be accepted at this meeting.

The next regular meeting is scheduled for **October 26, 2022**

NEW BUSINESS:

No. 1070 MotoFit II, 36 Lake Ave. Ext., (F16003) , CA-80 Zone,
Request for extension.

This is a request to extend their approval for five years. The original approval was granted November 8, 2019 with five conditions of approval.

Motion to move to Administrative Approval was made by Mark Massoud; seconded by Tom Giegler. All in favor.

No. 1175 7 Blackstone Court, (H11283-7), RA-20 Zone, pool construction

Thomas Nejame, Nejame Pools, presented this application. Mr. Nejame explained this dwelling is at the end of the cul de sac, abutting the pond (Lake Wackawana) to the east of the property. A swimming pool, 16' x 36', is proposed. The area is bordered on the north and south sides with Norways and organic plantings for privacy. Mr. Nejame answered Mr. Gallo's question about the distance from the lake – 135' from the lake. Association (Blackstone) approved the pool. Commissioner Mark Massoud asked the nature of the lot between the pool and the lake. Tom Nejame replied it's very organic based on the current landscaping, approximately 4/1 slope from pool area to lake/pond. Mr. Massoud asked about the nature of the lot itself. Is it cleared and grassed or shrubbery? Mr. Nejame said it is shrubs. Mr. Massoud also asked if a soil scientist did any flagging on the property? Mr. Nejame said they did not and also there are no wetlands on the lot itself. This is a newer development and thinks the builder, Tony Lucera, went through that. Mr. Massoud asked if he had access to any of that information, and wondered if there were any wetlands? Mr. Nejame said he did not.

Commissioner Tom Giegler asked about the slope after building the pool. Mr. Nejame said it would probably be about a 3/1 slope; they are not doing a patio. Mark Massoud said that as a new application, we would not have a staff report yet. Mr. Massoud further asked the applicant if he would look into the original plans and asked Public Health Inspector to see if there was a need for a soil scientist. If there is, then the applicant should look into that and see if any flagging was done.

Motion to table until the next regular meeting on October 26, 2022 was made by Mark Massoud; seconded by Elizabeth Falk. All in favor.

APPLICATION FOR ADMINISTRATIVE APPROVAL: None

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: 21A Virginia Avenue, Danbury, CT

Paul Szymansky P.E., Arthur H. Howland & Associates, was present to explain the latest updates and displayed a plan for the commission. Mr. Szymansky described the violation and explained how they developed a plan using overlays to remove the direct disturbances to the wetlands. They are proposing to decrease the steepness of the slope in close proximity to the wetlands, and in the solid green hatch they are proposing a reverse bench slope and a large berm within the conservation easement area to discourage any activities in that area. They have a proposed New England wetlands seeding mix and stabilization mix for the slopes. Environmental testing took place per the request of the Commission and staff. They found areas of elevated total petroleum hydrocarbons due to the presence of asphalt chunks. According to Attorney Beecher at the 8/24/22 meeting, the material will be removed and those occurred in the borings at Nos. 5, 7, 10, 11, & 14. They are open to monitoring while the site is being disturbed, including after storm events. Mr. Szymanski said they are willing to put up a physical barrier, such as a split rail fence, so there is no question as to the boundary of the conservation easement when the work is being done.

Abby Lewis, Public Health Inspector, assigned to the Environmental Impact Commission, after walking the property she agrees with Mr. Szymanski. She will require a grading permit due to the severity of the slopes, and she will monitor the work so that it matches the plan, and she will require as well as a final as built. Mr. Gallo said they will be taking out an (EIC) application.

Commissioner Tom Giegler said he would like to monitor this weekly and would like to see it partially torn up, so in quadrants. Mr. Szymanski said that is a reasonable request and referred to the marked area and thought it could be done in the three areas marked off so the whole site isn't torn up at once. Mr. Szymanski said he can notify Abby Lewis or Mary Larkin and they can forward information as needed. Commissioner Elizabeth Falk asked what the time frame will be to complete the remediation, especially regarding the germination of the wetlands and seed mix. Paul Szymanski said it would take a number of months. If grading activities are finished during the winter months, then they can blow mulch hay to provide stabilization until the winter is over and they can seed. Mark Massoud asked the proposed commencement and end dates. Mr. Szymanski said they would commence in November if all permits are in place and complete in February or March. A temporary diversion swale on the up gradient side will be maintained during construction. Elizabeth Falk asked if that can be maintained while the seed is getting established. Yes, per Mr. Szymanski.

Motion to table to November 9, 2022 was made by Mark Massoud; seconded by Tom Giegler. All in favor.

ADJOURNMENT:

Motion to adjourn was made by Mark Massoud; seconded by Elizabeth Falk. All in favor.
Meeting adjourned at 7:25 p.m.

Respectfully submitted,

Mary S. Larkin
Recording Secretary