



**CITY OF DANBURY**  
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**ENVIRONMENTAL IMPACT COMMISSION**  
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**ENVIRONMENTAL IMPACT COMMISSION**  
**MINUTES**

***Web-Based Meeting Hosted on ZOOM***

Wednesday, December 9, 2020

7:00 p.m.

ROLL CALL:

Chairman Bernard Gallo called the meeting to order at 7:00 p.m. Present by roll call: Bernard Gallo, Geoff Herald, Mark Massoud, and Matt Rose. Mr. Gallo explained this meeting is being held via Zoom a web-based meeting. All votes will be by roll call.

Absent: Mary Cronin and Alex Wolk

ACCEPTANCE OF MINUTES:

Acceptance of the minutes from November 19, 2020 was postponed to the next regular meeting. The next regular meeting is scheduled for **January 13, 2021**.

OLD BUSINESS:

#1128 75 Kenosia Avenue Ext., City of Danbury, Engine #26, (G18001), IL-40 Zone

Mr. Gallo said that he and Environmental Compliance Officer Richard Janey did an on-site visit on Monday, and Mr. Janey reported that the applicant considered two options, and the selection they made will have the least impact on the wetlands. They are proposing 6,000 sq. ft. of mitigation across the street.

Ben Doto, Professional Engineer, offered to answer any questions if there are any. Mr. Doto reported that no additional issues came up during site visit, and he is satisfied with Mr. Janey's report.

Motion to accept the report of approval with six conditions as presented was made by Geoff Herald; Mark Massoud seconded. Mr. Massoud, through the Chairman, had a question, asking if a time frame for implementation of the mitigation plan should be considered sooner than the five-year expiration date of the permit? Mr. Doto answered by saying that part of the mitigation is flood plain mitigation. Mr. Doto further explained that if EIC approves the application, then they need to obtain an approval from Planning. If Planning approves, a flood plain permit will need to be issued. They cannot obtain a CO unless the

conditions of the flood plain permit are met. The intent is to do everything, mitigation and construction, concurrently.

Fire Chief Mark Omasta said they have funding now through SNAP (inaudible), and if they get approvals they hope to bid in January for spring construction.

Mr. Massoud reviewed that the mitigation will be part of flood plain permit, and the flood plain permit is tied to the site plan. Mr. Doto concurred and explained in more detail about the process.

*There being no other questions, a roll call vote was taken. Ayes from Bernard Gallo, Geoff Herald, Mark Massoud, and Matt Rose to approve the application. Motion passed unanimously.*

#### NEW BUSINESS:

##### #1129 Encompass Health, Chipman Mazzucco Emerson LLC, Agent, Reserve Road & Corporate Center Drive (B15005) for In-patient, Physical Medical Facility

Ward Mazzucco, Esq. appeared on behalf of his client, Encompass Health, formerly Health South. This is a company which maintains rehabilitation hospital facilities throughout the country. Their proposal is to establish a facility at The Reserve. Mr. Mazzucco shared his screen and showed an aerial view of the Reserve to familiarize everyone with the location. He reviewed the project narrative, which was part of the application. The current owner of the property is Berkeley Insurance. Berkeley Insurance previously received partial approvals for a 100,000 sq. ft. office building, but the current proposal is to build a rehabilitation hospital, which will be up to 100,000 sq. ft. The background of the company is to offer post-acute care to patients who have suffered an acute event such as a stroke, heart attack, or neurological event etc. – patients who would have been discharged from an acute-care hospital, such as Danbury Hospital. He further stated they offer occupational, physical, speech therapy – not a place that would offer drug, alcohol, or mental health rehabilitation. Mr. Mazzucco explained the PND zone is broad but with guidance from the Planning Director they sought specific approval from the Zoning Commission to add the use within the PND for physical medical facility, in-patient. He further explained they would need approval from the Department of Public Health, which is underway.

Mr. Mazzucco explained they are here because of wetlands implications, emphasizing they are only conducting activity in the upland review area. It is the Commission's analysis whether they are likely to impact the wetlands or watercourses. Site work plan will consist of drainage, retention, walls -- the infrastructure will be built all at one time to minimize impact on the wetlands.

Mr. Massoud asked Mr. Mazzucco if an original permit issued by EIC had expired? Mr. Mazzucco didn't think they had a previous approval, or if they did obtain one, it probably would have expired.

Eric Lindquist, Sr. Project Manager with Tighe & Bond and Licensed Engineer in the state of Connecticut appeared before the Commission. Mr. Lindquist introduced the following experts: Matt Popp, Landscape Architect, and Rick Canavan with Tighe & Bond, who is an Environmental Scientist, responsible for the wetlands flagging. Mr. Lindquist showed his screen with the project survey. He explained that everything between them and Phase 4C gathers through this area and goes under the culvert. They will impact the regulated area. He went on to explain the site. Most importantly is the wall which is the limit of their disturbance. During construction, disturbance will go beyond the "limit" shown on the map to accommodate trucks. But then the wall will create a buffer for vegetation and wildlife. He said the

wall will be significant in places, up to 14' tall. He further explained the drainage will be collected on both sides and funnelled around to a large underground filtration system and should perk very well. A smaller watershed area will take water from parking lot and driveway entrance and wetlands will be fed by runoff from the site. They have insured that the culvert under roadway will have no increase in peak flows, addressed by the storm drainage system for the project. Utilities are fed off of Reserve Road. Erosion control plans – two-phase plan to clear site and allow for land disturbance to facilitate construction and then fill out on sides where the wall will go. There will be protective barriers along the wetlands and controls for the water quality sumps. A planting plan is included in the set of plans.

Mr. Massoud, through the Chair, asked first, to hear about the functions and values that were found in the wetland. Second, he asked if the drainage to the front near Reserve Road, will that be a point discharge in the upland review area? Third, he would like to hear more about the drainage on permanent basis, and for the sediment and erosion controls, is there a sediment basin with a an overflow drain in that same area?

Erik Lindquist answered the second and third questions, referencing the maps. Driveway and parking area will drain to an inlet structure and to catch basin. System is designed larger on the eastern side of the site. Mr. Lindquist continued his answer with many references to the maps shared during his presentation. Mr. Massoud said, first, he was more concerned about long term in vegetative or infiltration means that would provide additional stormwater renovation qualities in addition to the hard structures proposed and secondly, Mr. Massoud suggested a back-up plan stating the basins can be high maintenance during construction in handling sediment runoff when it does occur. Mr. Lindquist said the area is a decent-size area, and there will be constant construction and moving up of the grade. Mr. Massoud asked total site disturbance at any one time. Mr. Lindquist said about seven acres. Mr. Massoud said he would be happy to have Mr. Lindquist explore options between now and the next meeting.

Mr. Lindquist suggested that Rick Canavan, Registered Soil Scientist, Professional Wetlands Scientist could address Mr. Massoud's questions pertaining to functions and values. Mr. Canavan stated there are 13 different functions and values that are reviewed based on conditions at the site. He said the wetland is important hydrologically in the area, both groundwater recharge and discharge, there is a stream through the wetland, groundwater coming out from adjacent upland area, similarly a wider and flatter area that the wetland is adjacent to, a stream channel, allows for flood-flow alteration if the stream overflows its bank, if a peak storm event, allows for storage and peak reduction.

Mr. Canavan continued with addressing wildlife habitat, the area is forested, there is herbaceous cover, it is also in a development with invasive species, and it connects to wetlands to the south. This not an endangered species habitat. It is not notably visually esthetically unique. Mark Massoud asked him to characterize the upstream hydrologic connection with adjacent wetlands, is there a roadway dissecting the two. Mr. Canavan said there is the gasoline right of way, so if wetlands flow under Reserve Road it continues through gasoline offsite to the south. Mr. Canavan further stated that the wetland continues to the south, off the parcel and to the north through the culvert (Reserve Road). There appears to be Waters of the US, so there is hydrologic connection both up and down watershed. Mark Massoud asked the characteristics of the upland soils. Mr. Canavan said they are mapped as Charleton Chatfield and transitions from Woodbridge to dominant upland soils of Charleton Chatfield. Borings were done to look at ground water level for the development. Consistent with the soil survey.

No other questions.

*Motion to table to the next meeting on January 13, 2021 was made by Matt Rose; seconded by Geoff Herald. Roll call vote with Ayes from Bernard Gallo, Geoff Herald, Mark Massoud, and Matt Rose. Mr. Gallo said they might like to do an on-site visit. Mr. Gallo will let Mr. Mazzucco know.*

PUBLIC HEARINGS: None

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: None

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: None

OTHER MATTERS:

Motion to accept the 2021 meeting calendar was made by Geoff Herald; seconded by Matt Rose. All in favor by roll call vote: Bernard Gallo, Geoff Herald, Mark Massoud, and Matt Rose. Motion passed unanimously.

Nominations & Elections: Matt Rose nominated Bernard Gallo for Chairman; nomination seconded by Mark Massoud. Mr. Rose asked all in favor to respond. Ayes from Geoff Herald, Mark Massoud, and Matt Rose. Mr. Gallo accepted. Motion passed.

Mark Massoud nominated Matt Rose as Vice Chairman; seconded by Geoff Herald. All in favor by roll call vote: Bernard Gallo, Geoff Herald, Mark Massoud, and Matt Rose. Mr. Rose accepted. Motion passed.

Matt Rose nominated Mark Massoud as Secretary; seconded by Geoff Herald. All in favor by roll call vote: Bernard Gallo, Geoff Herald, Mark Massoud, and Matt Rose. Mr. Massoud accepted. Motion passed.

CORRESPONDENCE: None

ADJOURNMENT:

*Motion to adjourn by Matt Rose; seconded by Geoff Herald. All in favor by roll call vote: Bernard Gallo, Geoff Herald, Mark Massoud, and Matt Rose. Meeting adjourned at 7:46 p.m.*

Respectfully submitted,

Mary S. Larkin  
Recording Secretary