

Posted in City of Danbury Town Clerk's office on January 25, 2024 at 10:50 a.m.



CITY OF DANBURY
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ENVIRONMENTAL IMPACT COMMISSION
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REGULAR MEETING
ENVIRONMENTAL IMPACT COMMISSION
MINUTES
CITY HALL – 155 DEER HILL AVENUE
City Council Chambers
Wednesday, January 10, 2024
7:00 p.m.

ROLL CALL:

Chairman Bernard Gallo called the meeting to order at 7:04 p.m.. Present by roll call: Elizabeth Falk, Geoff Herald, and Matthew Rose. Staff present was Melissa Llera, Secretary, and Larry Liebman, Environmental Compliance Inspector. Absent were Mary Cronin, Mark Massoud, and Alex Wolk Jr.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Matthew Rose

ACCEPTANCE OF MINUTES: December 13, 2023

Motion to accept the minutes of December 13, 2023 as presented was made by Geoff Herald; seconded by Elizabeth Falk. No remarks. All in favor with Ayes of those eligible to vote: Elizabeth Falk, Geoff Herald, and Bernard Gallo.

Next regular meeting is scheduled for **January 24, 2024.**

NEW BUSINESS:

#1209 11 Shoreview Ln., Grossi Sr., Angelo W.; (H08118), RA-80 Zone, Construction of a detached pole barn

Attorney Neil Marcus was present to represent the applicant. The application is for the construction of a storage barn. It does not involve regulated activity, but is in the upland review area which is evident on the site plan. The building design is to construct a barn to used for storage. The foundation walls will be 3.8' inside the upland review area. There is ledge on the property or they would have moved the construction outside of the upland review area. Since they do not want to blast the ledge, they are also being required to request a variance from the ZBA for this construction. All the analysis shows a minimal impact since the area is only 3.8'. No questions from the Board were present.

Motion to table No. 1209 pending staff report until the next regularly scheduled meeting was made by Matthew Rose; seconded by Elizabeth Falk. All in favor with Ayes from Elizabeth Falk, Geoff Herald, Matthew Rose and Bernard Gallo.

#1210 23-27 & 33-27 Rose St, 25 Rose, LLC & 33 Rose Street Corporation, Artel Engineering, Agent; (H13273 & H13272), C-CBD Zone, Second floor additions and renovations of existing buildings and minor regrading

Dainius Virbickas, professional engineer from Artel Engineering, was present to represent the applicant. The application involved two properties that are about 1 acre in size and fully developed. There is close to 100% impervious surface on the site currently. There are no wetlands on the site, but just off the property is the Still River so EIC review is required. The 200 ft. offset for the Still River review area is shown on the site plan and encompasses almost the whole property. The Still River is on the extreme right side just off the boundary, and is separated by a concrete retaining wall.

Mr. Gallo asks what the current uses on the parcels are. Mr. Virbickas states the left building is used for auto repair. The right side was lumber storage and sales, but is currently used for retail and storage of building equipment and materials. Mr. Virbickas then reviewed the proposed plan for the parcels. The property owner is looking to construct second story additions. The second story on the left building would be used for better office space for the auto repair business which would allow more storage for parts in the old office space. The right building would also get a second story addition, and would then be split down the middle. The right side of the building will remain as retail/ storage of building goods. The left side of the building will become a car club where people could gather and show off their "fancy" cars. Because of these adjustments, modifications to the site plan are required including ensuring the correct amount of parking is available. To maximize on parking, they will be adding a landscape buffer on the front and right edge of the property. Adding a landscape buffer on the front allows then to bypass the landscape islands in the parking area per the zoning regulations. They will also be reducing the impervious surface by 870 sq. ft. Another adjustment they are required to do is provide handicap access to the building. This requires them to raise elevations on the front of the building which affects the floodplain storage. Due to this, they will be adding back in 6 cubic yards of floodplain storage in their design.

Mr. Gallo asked if the adjustments to parking was to prevent parking on the street. Mr. Virbickas says they will not be parking on the street. In fact, the property owners are currently working with the police to clean that up because many tractor trailers and trucks associated with area properties currently park on the street. Mr. Herald asks if the current building construction are wood framed and concrete block. Mr. Virbickas responds that two buildings are concrete block and the third is metal frame. Mr. Herald asks what kind of trees will be planted. Mr. Virbickas states Maple and Oak trees he believes. Ms. Falk asks about ground cover where the concrete is removed and there is not a tree or bush. Mr. Virbickas said it will be grass or a wetland meadow mix if it could be supported. Ms. Falk requested that when the concrete is removed, the soil in the area be worked with to help ensure the trees and plants will survive; Mr. Virbickas agrees. Mr. Herald asks if they would be redoing all the blacktop eventually or just pave over the existing. Mr. Virbickas responds that there is some gravel and stone on the edge which would remain. They would do as minimal as possible in terms of repaving; just what is required for reshaping access would be done.

Motion to table No. 1210 pending staff report until the next regularly scheduled meeting was made by Geoff Herald; seconded by Matthew Rose. All in favor with Ayes from Elizabeth Falk, Geoff Herald, Matthew Rose and Bernard Gallo.

OLD BUSINESS:

#1207 39-41 Old Boston Post Rd, Lake Waubeeka Association; (H23056), RA-80 Zone, Relocation of retaining wall and gates, demolition of gatehouse, and reconfiguration of driveway and turn around

Tessa Jucaite, professional engineer, was present to represent the applicant, Lake Waubeeka. This is a project to reconfigure the security gate and parking area. The proposal is to demo the security gate house and install entrance and exit security gates further up. Currently larger trucks who come in to serve the 262 residential homes have a hard time turning around. Sometimes turning around is not possible, and they have to back down to the main road which is a safety concern.

Ms. Jucaite then stated that she does not agree with the previous mapping which indicated the area as wetlands. She personally examined the area after the recent storm. The area is a storm water detention pond, along with a 15” culvert which is currently drainage. She feels this is more of a drainage ditch and not wetlands. She then referenced a report of soil testing by Conservation Service. Ms. Jucaite stated the report showed hybrid soils in the area which are not wetland soils. She also stated wetlands are not indicated on the City of Danbury GIS mapping for this area.

Ms. Jucaite said they are proposing to fill this wet area to make a turn around for larger trucks. She then modeled a 40 ft. fire truck. With the current situation the truck would not be able to turn around easily. If they expanded the area, the truck could easily turn around. Mr. Herald asked if there would be something to enforce no parking in the expanded area because that would negate the ability for trucks to turn around. Ms. Jucaite said that would be the understanding, and there is currently a sign limiting the length of time one could have a car in the area. Mr. Herald then asked for confirmation that Ms. Jucaite is claiming the area is a drainage ditch and not wetlands; Ms. Jucaite confirmed.

Mr. Gallo asked Mr. Liebman if they had been sent the request for alternatives. Mr. Liebman states that they were. Mr. Liebman then expresses that in his professional opinion this area does contain wetlands, whether natural or man made. He suggests the need for a soil scientist to confirm whether it is wetlands or not. This area is the head for any water that travels down the hill. He and Mr. Gallo had thought they could move the proposed project to the north which then wouldn't impact this area. Mr. Liebman also recommends that the commission do a walk thru of the area to see the standing water that is there. Mr. Gallo recommends moving the project up and using the driveway for the maintenance area as a turn around. Ms. Jucaite responds that she had mentioned this to the association, but they didn't want people to have access to the maintenance area. Mr. Gallo requests a site walk to discuss alternatives, and states they will inform Ms. Jucaite when they will be on site if she would like to join.

Motion to table No. 1207 until the next regularly scheduled meeting was made by Geoff Herald; seconded by Matthew Rose. All in favor with Ayes from Elizabeth Falk, Geoff Herald, Matthew Rose and Bernard Gallo.

#1208 7A Brighton St, Katz, Jeffrey, Ralph Gallagher Jr., Agent; (I06077), RA-20 Zone, Construction of single-family dwelling, driveway, well and septic system

Mr. Gallo informed the commission that Ralph Gallagher stated the surveyor did not have time to stake out the requested areas on the property prior to the meeting. He will contact the commission once it is completed to allow for the requested walk thru.

Motion to table No. 1208 for more information until the next regularly scheduled meeting was made by Matthew Rose; seconded by Geoff Herald. All in favor with Ayes from Elizabeth Falk, Geoff Herald, Matthew Rose and Bernard Gallo.

#1052R 5 Great Pasture Rd., 5 Great Pasture, LLC, Artel Engineering, Agent; (L15002), IL-40 Zone, Installation of sewer line on underside of bridge

Dainius Virbickas, professional engineer from Artel Engineering, was present to represent the applicant. The application is for reapproval of the installation of a sanitary sewer forced main on the frontage of the property, up and over the Sympaug Brook to the tie in on the opposite side. He did receive the staff report, reviewed it, and accepts the conditions as presented. No further questions or comments from the Board were made.

Motion to approve No. 1052R with a summary ruling and five conditions was made by Geoff Herald; seconded by Elizabeth Falk. All in favor with Ayes from Elizabeth Falk, Geoff Herald, Matthew Rose and Bernard Gallo.

VIOLATIONS

1. Halas, Barnum Road, Danbury, CT- Cease & Desist

Chairman Gallo informed the board that there have been no updates since last meeting. Attorneys are negotiating and there is not a time table currently. It will be tabled until next meeting.

2. 24 Barnum Road Violation

Dainius Virbickas, professional engineer from Artel Engineering, was present. He was brought in to assist with the regulatory process and corrections of the violations on the property. The soil scientist has visited the property to locate the edge of the wetlands. He had requested a small excavator to assist in digging through the soils placed during the filling process to better identify the wetlands. The soil scientist and excavator will be onsite Friday, January 12th to begin exploring and finding the edge prior to the filling. The property owner is looking to make the necessary corrections on the property.

Mr. Gallo asks what the time table for identification would be. Mr. Virbickas said they would be out Friday to achieve this. He will also have Mr. McManus, the soil scientist, flag/mark the wetlands. Mr. Liebman asks if the property will be surveyed after the flagging, and a survey showing the wetlands presented to the commission; Mr. Virbickas agrees. Mr. Herald requests that someone be onsite during the excavation and marking to photograph the flags with landmarks to prevent any question on the flags moving. Mr. Virbickas states he can have someone from his office or the soil scientist present to do this. Mr. Liebman then requests a remediation plan once the wetlands have been flagged. Mr. Virbickas states that once the wetlands have been delineated, they will then be better able to provide plans for corrective actions and remediation.

Motion to table 24 Barnum Road pending information from soil scientist and survey until next regularly scheduled meeting was made by Geoff Herald; seconded by Matthew Rose. All in favor with Ayes from Elizabeth Falk, Geoff Herald, Matthew Rose and Bernard Gallo.

OTHER MATTERS: None

CORRESPONDENCE: None

ADJOURNMENT:

Motion to adjourn was made by Geoff Herald; seconded by Elizabeth Falk. All in favor with Ayes from Elizabeth Falk, Geoff Herald, Matthew Rose and Bernard Gallo.

Meeting adjourned at 7:44 p.m.

Respectfully submitted,

Melissa Llera
Recording Secretary