



TOWN OF MIDDLEBURY

*Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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REGULAR MEETING MINUTES June 30, 2015

Members Present:

Vincent LoRusso, Chairman
James G. Crocicchia, Vice Chairman
George Tzepos (arrived @ 7:35 p.m.)
Thomas Proulx
Terry Manning

Members Absent:

Mary Barton
Justin Stanziale

Also Present:

John Calabrese, P.E.
Deborah Seavey, W.E.O.

I. CALL TO ORDER:

The Meeting was called to order at 7:30 P.M. by Chairman Vincent LoRusso.

II. ACTION ON MINUTES OF THE MAY 26, 2015 REGULAR MEETING

Motion: to accept the Minutes of the May 26, 2015 Regular Meeting. Made by Terry Manning, seconded by James Crocicchia. Unanimous Approval.

III. OLD BUSINESS

1. Application #357 – Benson Road/Rte 188

George Logan of Rema Ecological Services LLC, 164 East Center Street, Suite 8, Manchester, CT spoke on behalf of the applicant. He submitted and reviewed revised plans reflecting comments made by Ed Pawlak, Soil Scientist with Connecticut Ecosystems, LLC (Town Consultant). The wetland disturbance has been reduced to 673 square feet. The size of the building has also been reduced from 9,600 square feet to 8,400 square feet but remains at the same location. He discussed wetland disturbances focusing on the relocation of the detention pond outlet/level spreader basin which is oversized for water quality. A filter bag has also been added at the discharge of the basin. In order to treat roof run-off a rain garden will be created which Mr. Logan described the design of said garden which includes a level spreader. He also submitted soil testing in the area of the proposed rain garden. Test pits revealed compact

till which will not be functional for infiltration. Mr. Logan added that the comments of John Calabrese, P.E. have also been incorporated into the revised plans with the exception of the sequence for the detention basin having soil specs.

George Tzepos questioned if 673 square feet of wetlands could be created.

George Logan's reply was no but that they have included a New England wetland plant seed mix for the detention basin. He also discussed the steps for the buffer enhancements which include the removal of invasive species to be replaced with native species which will include approximately 100 shrubs. They are also proposing to remove any invasive species within 20 feet of the disturbance envelope.

Terry Manning questioned if infiltration rates were listed on the test pit results.

George Logan stated that they were not listed but discussed various soil types and the infiltration rates associated with them. He also indicated that he feels the soils are adequate for infiltration.

Ed Pawlak, Soil Scientist with Connecticut Ecosystems, LLC (Town Consultant) stated that the applicant has explored alternatives and acknowledged the following revisions that were made:

- Reduction in building size;
- Reduction in parking spaces (48 or 32 - plans show 45 which should be clarified);
- Addition of level spreader to basin thus allowing sheet flow to occur.

Ed Pawlak also commented that the erosion control products are environmentally friendly. He stressed the importance of a standalone Soil & Erosion Sediment Plan and that it should include temporary swales to the sediment basin. He also suggested the utilization of silt sox as opposed to hay bales as well as an increase in distance between activities and the wetlands. The closest point of the level spreader to the wetland is 18 feet and he has requested 20 feet. He feels that it is important to know the mesh size of the silt bags and the soil particle size as well as how the bag will be maintained. He also added that the type of soil to be removed should be clarified and that no under-drain be proposed within the rain garden. He emphasized that the rain garden soils should not be compacted and should be monitored by a soil scientist. With respect to the mitigation plan, he indicated that there should be no net loss of wetlands following the proposed wetland creation. He recommends that a soil scientist or qualified Erosion & Sediment Inspector be hired to monitor the proposed construction.

Terry Manning questioned the flow connections.

Mr. Pawlak confirmed that the flow connection will be enhanced and that the surface flow will be maintained.

George Logan indicated that he didn't realize that a Soil & Erosion Sediment Plan was required. However, he stated that the silt bag will be 12'X15' in size which will be maintained. The creation he will leave up to the Commission but indicated that they will include temporary swales and floc logs.

George Tzezos questioned adding 700 square feet of wetlands to which Chairman LoRusso and James Crocicchia both indicated that they did not feel it was necessary.

Chairman LoRusso read the conditions of the draft resolution into the record.

Motion: to approve the application per the Draft Resolution. Made by James Crocicchia, seconded by George Tzezos. Unanimous Approval.

1. Application #360 – 1383 West Street

John Calabrese, P.E. updated the Commission with respect to the emergency repairs performed on the above referenced property due to sink holes in the parking lot and the collapsed pipe. He confirmed that rip rap was installed only but no further piping.

Motion: to approve Application #360 – 1383 West Street per the Draft Resolution. Made by George Tzezos, seconded by Terry Manning. Unanimous Approval.

IV. NEW BUSINESS

Motion: to add Application #362 – 53 White Deer Rock Road to the Agenda. Made by Terry Manning, seconded by James Crocicchia. George Tzezos abstained from voting. Motion carried.

1. Application #362 – 53 White Deer Rock Road

Garrett Moore spoke on behalf of his daughter. The proposed activity consists of a 30' X 24' barn/garage that is within the upland review area. The structure will be on a slab. Mr. Moore displayed photos of the location and confirmed that there will be very minimal if any tree removal.

Motion: to accept application #362 – 53 White Deer Rock Road. Made by Terry Manning, seconded by James Crocicchia. George Tzezos abstained from voting. Motion passed.

Motion: to add Application #363 – 389 White Deer Rock Road to the Agenda. Made by Terry Manning, seconded by James Crocicchia. George Tzezos abstained from voting. Motion carried.

Garrett Moore stated that he has many hemlock trees that are diseased and that he has spent much money trying to save them. Despite his efforts, he has not been successful. For safety reasons, he is requesting permission to remove approximately 20 diseased hemlock trees.

Motion: to accept application #363 – 389 White Deer Rock Road. Made by Terry Manning, seconded by Thomas Proulx. George Tzezos abstained from voting. Motion passed.

Chairman LoRusso questioned the availability of the Commission Members for the July 28, 2015 Regular Meeting. It was decided to wait until the July meeting is closer to make a determination.

V. PUBLIC COMMENT

None

VI. ADJOURNMENT

Motion: to adjourn the meeting at 9:15 P.M. Made by James Crocicchia, seconded by George Tzezos. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Recording Clerk

Original to Edith Salisbury, Town Clerk
cc: Conservation Commission Members
Debbie Seavey, W.E.O.
Ollie LeDuc, Building Official
John Calabrese, P.E.
Terry Smith, P&Z Chairman
Curtis Bosco, Z.E.O.
Attorney Robert Smith, WPCA
Larry S. Hutvagner, C.F.O.

RESOLUTION/REPORT

Application#357 – Benson Rd/Route 188

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on February 24, 2015 from David R. Theroux map entitled "Benson Road & Route 188, Middlebury, Conn." dated February 19, 2014 with revision date of June 16, 2015;

WHEREAS: The Commission has considered the proposed activity, application and all documents and reports submitted by or on behalf of the applicant.

WHEREAS: The application was referred to Edward Pawlak of Connecticut Ecosystems, LLC whose comments have been considered by the Commission;

WHEREAS: Field inspections were conducted by Commission members;

WHEREAS: The Commission finds based on evidence received that the proposed activity does conform to the purposes and requirements of the Inland Wetlands Commission;

WHEREAS: The Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the commission considered factors and circumstances as set forth in Section 10.2;

NOW THEREFORE, BE IT RESOLVED That the Middlebury Conservation Commission approves the above application with the following conditions:

- (1) The proposed activity that consists of building, parking/drainage facilities construction within the wetland upland review area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall be submitted to include the following and said plans shall be acceptable with Town staff:
 - Detailed soil erosion control narrative
 - Detailed soil erosion control maintenance schedule
 - Permanent drainage maintenance plan
 - Detailed sequence of construction
 - Detailed detention basin sequence that includes all comments in John Calabrese's April 20, 2015 report and June 29, 2015 report
 - Roof drains shall be connected to the proposed drainage system
 - Plans shall be signed and sealed
 - Plans shall incorporate comments submitted by Ed Pawlak dated June 26, 2015 as outlined under item 4. Said comments shall be acceptable with Mr. Pawlak
- (3) An Environmental Consultant shall submit a report certifying all plantings have been completed in accordance with the approved plans
- (4) The engineer shall conduct weekly site inspection reports-said reports shall be provided to the commission.

- (5) As-builts of the basins shall be provided.
- (6) The engineer shall certify the basins/drainage system has been constructed in accordance with the approved plans.
- (7) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (8) Timely implementation and maintenance of sediment and erosion control measures are a condition of this approval. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized.
- (9) No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this approval.
- (10) All work and all regulated activities conducted pursuant to this approval shall be consistent with the terms and conditions of the wetland permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized shall constitute a violation of this approval and may result in its modification, suspension, or revocation.
- (11) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

June 30, 2015

RESOLUTION/REPORT

Application #360 1383 West Street

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 26, 2015 from Baylis Properties, LLC; map dated received 5-22-15;

WHEREAS: The Commission has considered the proposed activity, application and all documents and reports submitted by or on behalf of the applicant.

WHEREAS: The Commission finds based on evidence received that the proposed activity does conform to the purposes and requirements of the Inland Wetlands Commission;

WHEREAS: The Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the commission considered factors and circumstances as set forth in Section 10.2;

NOW THEREFORE, BE IT RESOLVED That the Middlebury Conservation Commission approves the above application with the following conditions:

- (1) The proposed activity that consists of existing drainage emergency repair will not have a substantial impact on the regulated area.
 - (2) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
 - (3) Timely implementation and maintenance of sediment and erosion control measures are a condition of this approval. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized.
 - (4) No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this approval.
 - (5) All work and all regulated activities conducted pursuant to this approval shall be consistent with the terms and conditions of the wetland permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized shall constitute a violation of this approval and may result in its modification, suspension, or revocation.
 - (6) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.
- June 30, 2015
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