



TOWN OF MIDDLEBURY

Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
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REGULAR MEETING MINUTES September 29, 2015

Members Present:

Vincent LoRusso, Chairman
James G. Crocicchia, Vice Chairman
George Tzepos
Justin Stanziale
Mary Barton (arrived @ 7:58 p.m.)
Curtis Bosco

Members Absent:

Terry Manning

Also Present:

John Calabrese, P.E.

I. CALL TO ORDER

The Meeting was called to order at 7:28 P.M. by Chairman Vincent LoRusso. He announced the recent resignation of member Thomas Proulx and acknowledged his many years of service on the Commission. He also announced Curtis Bosco as the new member taking the place of Thomas Proulx.

II. ACTION ON MINUTES OF THE AUGUST 25, 2015 REGULAR MEETING

Motion: to accept the Minutes of the August 25, 2015 Regular Meeting with the following corrections:

1. **Application #364 – 120 Tranquility Road**

“They are not before this Commission” corrected to “They are now before this Commission”;

2. **PUBLIC COMMENT**

“Chairman LoRusso stated the an as-built” corrected to “Chairman LoRusso stated that an as-built”.

Made by George Tzepos, seconded by James Crocicchia. Members Stanziale and LoRusso motioned to approve. Curtis Bosco abstained from voting.

III. OLD BUSINESS

1. Application #364 – 120 Tranquility Road

Motion: to add Application #364 – 120 Tranquility Road to the agenda. Made by George Tzepos, seconded by James Crocicchia. Curtis Bosco announced that he would abstain from voting and stated that the applicant is his first cousin and was therefore recusing himself from any discussion.

Chairman LoRusso requested to delay any further discussion as a quorum was not available but was expecting another member to arrive in the near future.

IV. NEW BUSINESS

1. Garrett Moore, 891 Straits Turnpike, LLC

George Tzepos recused himself.

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. The applicant is seeking a modification to an approval that was granted in June of last year. The patio that was built on site is larger than what was approved. The approved patio was to be 20'X20' and estimated that the patio that was constructed is approximately 20'X40'. He reviewed the map with the Commission specifically noting the setback at the request of Chairman LoRusso.

Chairman LoRusso questioned if the applicant would be proposing a planting plan.

Attorney McVerry stated that if the Commission requested additional plantings, the applicant would be willing to do so.

Motion: to accept the application for Garrett Moore, 891 Straits Turnpike, LLC. Made by James Crocicchia, seconded by Justin Stanziale. Members LoRusso and Bosco motioned to approve. George Tzepos recused himself.

2. Southford Road, LLC, - 1000 Southford Road

Justin Stanziale recused himself.

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. He stated that Southford Road, LLC is owned by Joseph DeSantis and Richard Brown and that the application includes approximately 1 acre of land of the adjacent

parcel owned by Southford Park, LLC. He added that approximately 5 years ago, Southford Road, LLC received approval for the site of approximately 2.5 acres at 1000 Southford Road for the construction of a gasoline station, car wash, and convenience store. Last month, the Planning & Zoning Commission granted an extension for said approval to preserve the rights of the development. The applicant is now planning to take the existing 2.5 acres and combine it with an acre of the Southford Park adjacent parcel to construct a 14,000 square foot commercial building/retail space on site. The total of 3.5 acres contains approximately 1.5 acres of wetlands.

Paul Szymanski, P.E. of Arthur H. Howland & Associates, P.C. reviewed the plans with the Commission. He stated that the property drains from the south and travels in a northerly direction downhill. The State of Connecticut has a drainage outfall on the southeast corner of the property at which there is a wetland finger that runs along the easterly portion of the land to be obtained from Southford Park, LLC. To the rear of the property is an existing wetland system. The proposal calls for the construction of the building in the centrally located portion of the property. There will be a walkout situation in the back which will have loading docks, compactor and dumpster. Parking will be provided around the perimeter of the building. They are proposing to take the State of CT drainage discharge along the easterly side of the building which will then be discharged to an infiltration trench up-gradient of the existing wetland system. Therefore, it will be filtered prior to discharge to the wetlands. Storm water management on the site will be handled in 2 directions. The front parking lot and the easterly portion of the building will drain via a series of catch basins to a sedimentation pond which will overflow into a water quality pond which will then overflow to a basin which will then overflow via a level spreader into the wetlands. This pond has been designed in accordance with the 2004 Connecticut Storm Water Quality Manual providing the water quality volume that's required. It is also providing a zero (0) increase in runoff for the 2, 5, 10, 25, 50, and 100 year storm events. On the west side of the site, they plan to capture the runoff from the proposed building, infiltrating the first flush of that into a series of rechargers behind the building which will have a high level overflow where the parking lot on the west side of the building is. The back of the building will then discharge to a pond with a similar configuration that was part of the car wash and gas station approval.

George Logan of REMA Ecological Services stated that in April and May, they delineated the wetlands on the property. Previously, a portion was delineated as part of the previous application which they have since extended and reflagged all the way up to the road. The drainage from the State has created a wetter condition on the hillside. The impacted wetlands is a transitional Japanese Barberry infested hillside. Where the wetlands flattens, there is more seepage. There is approximately 12,000 square feet of wetland disturbance of the transitional area. Due to the fact that the impact is greater than the threshold, the applicant will be seeking approval from the Army Corps of

Engineers. Per their criteria, he has had to delineate the wetlands. Therefore, making it a 30% larger wetlands than the one under CT State Statute. The primary objective is to make sure that said portions of the wetlands will continually function as they do today and maintain a balance. They are proposing to create a lesser amount of wetlands in the field. Although the mitigation is not as robust as they would like it to be because of the constraints of the site, they are proposing a wetland upland restoration and enhancement. The major objective is to remove the barberry understory which is approximately 80%-90% of what exists. A more detailed report will be available prior to the next meeting.

George Tzezos stated that he did not feel that a Public Hearing was necessary as this Commission hired an expert for a similar application in the past

Chairman LoRusso indicated that the Commission would most likely seek the expertise of an outside source for this application as well.

Motion: to accept the application for Southford Road, LLC, - 1000 Southford Road. Made by George Tzezos, seconded by James Crocicchia. Members LoRusso and Bosco motioned to approve. Justin Stanziale recused himself.

3. Winthrop Commons - 625 Straits Turnpike

Motion: to add the application for Winthrop Commons - 625 Straits Turnpike to the agenda. Made by George Tzezos, seconded by James Crocicchia. Unanimous Approval.

John Calabrese, P.E. stated that said application was originally approved on October 24, 2006. The 23,500 square foot building with associated parking, detention pond, and retaining wall is up for renewal and the applicant is asking for a 5 year extension. The reason for the request for this renewal is due to the fact that the potential buyer backed out.

Motion: to approve the application to renew the extension for Winthrop Commons - 625 Straits Turnpike for an additional five (5) years. Made by George Tzezos, seconded by Curtis Bosco. Unanimous Approval.

Mary Barton arrived at 7:58 p.m.

III. OLD BUSINESS

1. Application #364 – 120 Tranquility Road

Motion: to add Application #364 – 120 Tranquility Road to the agenda. Made by Mary Barton, seconded by George Tzezos. Members Stanziale, Crocicchia, and LoRusso motioned to approve. Curtis Bosco recused himself.

Attorney Anne Peters of Carmody, Torrence, Sandak & Hennessy, LLP spoke on behalf of the applicant. The two elements to this application consist of an after the fact approval for a dam that had been constructed in place of an earthen berm that had been originally approved as well as a planting plan that was intended to satisfy the US Army Corps of Engineers which they have since approved. The proposed native plants will protect the wetlands. She added that her client has met with Deborah Seavey, WEO on two occasions to ensure that all the concerns of the Commission have been met.

Mary Barton & George Tzezos expressed their concerns with respect to the large number of plantings.

Mr. Bosco confirmed that the plan was developed by Cynthia Rabinowitz, Soil Scientist.

Chairman LoRusso stated that several members of the Commission have visited the site.

Attorney Anne Peters clarified that the berm had been constructed according to the approved plan but began to fail and show signs of erosion. Therefore, Mr. Bosco installed a concrete reinforced dam of comparable size.

Mr. Bosco reviewed how the dam was constructed as well as numerous photos with the Commission.

Motion: to approve Application #364 – 120 Tranquility Road to the agenda. Made by Mary Barton, seconded by George Tzezos. Members Stanziale, Crocicchia, and LoRusso motioned to approve. Curtis Bosco recused himself.

IV. NEW BUSINESS

4. Garrett Moore – 11 Tyler Cove

Motion: to add the application for Garrett Moore – 11 Tyler Cove to the agenda. Made by Mary Barton, seconded by Justin Stanziale. Members Crocicchia, LoRusso, and Bosco motioned to approve. George Tzezos recused himself.

John Calabrese, P.E. stated that a letter was sent by D.E.E.P. indicating their approval for an additional 1,000 gallon holding tank.

Michael McVerry of 35 Porter Avenue, Naugatuck stated that he plans to submit a formal application on behalf of his client in the near future.

V. PUBLIC COMMENT

None

VI. ADJOURNMENT

Motion: to adjourn the meeting at 8:19 P.M. Made by Mary Barton, seconded by George Tzepos. 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.