



# TOWN OF MIDDLEBURY

*Conservation Commission  
1212 Whittemore Road  
Middlebury, Connecticut 06762  
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## **REGULAR MEETING MINUTES October 27, 2015**

### **Members Present:**

Vincent LoRusso, Chairman  
James G. Crocicchia, Vice Chairman  
George Tzepos  
Justin Stanziale  
Mary Barton (arrived @ 7:45 p.m.)  
Terry Manning  
Curtis Bosco

### **Members Absent:**

### **Also Present:**

John Calabrese, P.E.

## **I. CALL TO ORDER**

The Meeting was called to order at 7:32 P.M. by Chairman Vincent LoRusso.

## **II. ACTION ON MINUTES OF THE SEPTEMBER 29, 2015 REGULAR MEETING**

**Motion:** to accept the Minutes of the September 29, 2015 Regular Meeting. Made by Curtis Bosco, seconded by George Tzepos. Unanimous Approval.

## **III. OLD BUSINESS**

### **1. Permit Modification #351-B – 891 Straits Turnpike**

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 the property is larger than what was shown on the original plans. Therefore, Deb Seavey, W.E.O. requested that the applicant file a modification. She also met with Mr. Moore on site and per her request, he agreed to add additional plantings in various areas designated by Mrs. Seavey. Attorney McVerry

submitted a letter dated 10-27-15 stating said facts which Chairman LoRusso read for the record.

James Crocicchia confirmed that he did visit the site on this day and stated that the plantings are adequate.

Chairman LoRusso stated that Mrs. Seavey's intentions were some additional wetlands plants to enhance the functioning of the wetlands. He also added that Mr. Moore does not own the property where the wetlands are located and that said property falls within the 100 foot setback.

Attorney McVerry confirmed that it is not an issue as Pomeroy Enterprises is not concerned as the land is unusable and have conceded his client's use of it. He also stated that Mr. Moore has agreed to the plantings being requested by Mrs. Seavey.

Terry Manning questioned how the revision took place without first being reviewed.

Attorney McVerry stated that although the plans showed a patio, they did not pay attention to it and concentrated more on the building and when they started working on the patio, it just evolved.

Curtis Bosco stated that he has seen the plans through his zoning review and questioned if there are holding tanks under the patio.

Attorney McVerry stated that there might be.

John Calabrese, P.E. stated that he is not sure of the exact location but believes that there are some in the front area. He also added that he does not have any objection to the modification.

**Motion:** to approve Permit Modification #351-B – 891 Straits Turnpike. Made by Terry Manning, seconded by James Crocicchia. George Tzepos recused himself. Unanimous Approval.

Terry Manning requested to amend/add to his statement “per the Draft Resolution”. James Crocicchia seconded. Unanimous approval.

#### **IV. NEW BUSINESS**

Chairman LoRusso requested to move ahead to “New Business”.

##### **1. Application #366 – 11 Tyler Cove**

George Tzezos recused himself.

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. Antoinette Moore, a condominium owner on Tyler Cove, is seeking to put an additional 1,000 gallon holding tank adjacent to an existing tank for the septic system within the lakeside setback area. This has been approved by D.E.E.P. and a copy of said approval, dated 9-9-15, is attached to the application. He confirmed that the Commission does have permission to walk the site. He also added that there will be very little excavation work done, digging down approximately 6 ½ feet below level.

**Motion:** to accept application #366 – 11 Tyler Cove. Made by Terry Manning, seconded by Curtis Bosco. George Tzezos recused himself. Unanimous Approval.

Mary Barton arrived at 7:45 p.m.

#### **III. OLD BUSINESS**

Chairman LoRusso requested to return to “Old Business”

##### **2. Application #365 – 984/1000 Southford Road**

Justin Stanziale recused himself.

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. The proposal is to construct a commercial building on site between to the two adjacent parcels. There are wetlands in the interior of the property. He made mention of the report from George Logan of REMA Ecological Services.

Mary Barton questioned if the applicant received Deb Seavey’s letter dated 10-19-15 which references some deficiencies in the original application.

Mr. Logan did confirm receipt of said letter but Attorney McVerry stated that he did not.

John Calabrese, P.E. stated that a meeting occurred last week focusing on stuff that was missing but has yet to review the revised plans.

Mr. Logan stated that there is a detailed mitigation plan including detailed notes concerning the two areas of concern (wetland creation & wetland restoration). He reviewed the revisions dated 10-26-15 with the Commission. The grading of the wetland creation area has been slightly revised to be a gentler grade. In doing so, this will allow for water infiltration and provide a polishing function of the wetland mitigation for storm water. A properly sized water quality basin will be provided, referred to as the western basin. Its function will be attenuation of sediment and other runoff constituents.

Chairman LoRusso questioned the type of retaining wall being proposed.

Mr. Logan, while not certain, indicated that he believes it will be block and approximately 7-10 feet. He also provided more detail about the potential use of chemical use to remove the barberry. He also confirmed that one of his associates is certified and that it is a recognized technique. In addition, if his estimation of 5 years to prevent any further growth is incorrect, they would continue their efforts.

Mary Barton questioned if an alternative plan was submitted.

Mr. Logan stated that since he delineated the property correctly, the Army Corps of Engineers has granted their approval and that approximately 25% of disturbance is not regulated wetland by this Commission.

Terry Manning questioned a better alternative to the use of hay bales.

Mr. Logan confirmed that he made an additional recommendation in his report to utilize silt sock although said recommendation is not noted on the plan.

Jeremy Oskandy of Arthur H. Howland & Associates, P.C. confirmed that Mr. Logan's recommendation will be honored.

Mr. Logan indicated the locations to be clear cut. He also stated that depending on the season it will be done, it might allow for a small machine but he would rather the use of laborers.

Chairman LoRusso stated that the application will be tabled until next month.

Mary Baron questioned if the Town of Southbury had been notified given the fact that they are within 500 feet of the location.

Attorney McVerry was not certain but stated that said notification would be done by Deb Seavey W.E.O.

Several members of the Commission requested that the property be staked indicating the placement of the building, parking and retaining wall.

Mr. Logan requested to have adequate time to examine the independent review which is to be submitted by Milone & MacBroom on this Commission's behalf in the near future.

#### **V. PUBLIC COMMENT**

None

#### **VI. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:15 P.M. Made by Terry Manning, seconded by James Crocicchia. 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**

Permit Modification #351-B 891 Straits Turnpike

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application for permit modification on September 29, 2015 from Garrett Moore map entitled "Final As-Built Zoning Location Survey" dated February 17, 2015 with latest revision date August 11, 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 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 modification consists of patio expansion and retaining walls.
- (2) All original conditions still apply
  
- (3) The engineer shall submit in writing a certification of the drainage system stating that the system conforms to the approved plan.
- (4) Prior to permit issuance, revised plans shall be submitted to include John Calabrese's comments.
- (5) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

October 27, 2015