



# TOWN OF MIDDLEBURY

*Conservation Commission  
1212 Whittemore Road  
Middlebury, Connecticut 06762  
(203) 577-4162 ph  
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## **SPECIAL MEETING MINUTES December 29, 2015**

### **Members Present:**

Vincent LoRusso, Chairman  
James G. Crocicchia, Vice Chairman  
George Tzepos  
Justin Stanziale  
Mary Barton  
Curtis Bosco

### **Members Absent:**

Terry Manning

### **Also Present:**

John Calabrese, P.E.

## **I. CALL TO ORDER**

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

## **II. DISCUSSION-550 Middlebury Road**

Chairman LoRusso read the Memorandum, dated 12-23-15 from Deborah Seavey, WEO for the record. He stated that the question is if a permit is required for the old Ford Gas Station.

Scott Meyers, P.E., L.S. of Meyers Associates P.C. reviewed the new site plan dated 12-18-15 with the Commission. His client is seeking to move right in and convert the gas/service station into a convenience store including additional parking in the rear where cars were being stored. Said parking was not approved on the previous plan. He also stated that there will be a slight increase in net impervious area and that there will be no change in the drainage. In addition, they will be 220 feet from the brook.

All present agreed that this is an administrative issue and that the interested party must consult with Deborah Seavey, WEO and John Calabrese, P.E. as the project proceeds.

### **III. APPLICATION #367 Benson Road Lot 8**

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. The property consists of 33.18 acres of land of which 20.75 acres are wetlands. This proposal is to build a driveway parking area, funeral home, crematory, and cremation garden basically all within the upland review area. There will be approximately 5,200 cubic yard of fill within the regulated area. He confirmed that they are in receipt of the reports from Deborah Seavey, WEO dated 12-14-15 and John Calabrese, P.E. dated 12-21-15. He also confirmed that Deborah Seavey, does have the corrected application as well as a copy of the contract that the Albinis have with the Town of Middlebury to purchase said property.

Curt Jones P.E. of Civil One briefly reviewed the revised plans with the Commission dated 12-23-15 Rev. 2. There will be 116 parking spaces and a 10,000 square foot crematory with a cremation garden off to the side of the building along with a one-way driveway for traffic. In addition, there will be 4 raingardens on site.

Attorney Michael McVerry confirmed that the one change since last month was that the cremation garden was moved a bit in order to preserve some trees and that the property was staked at the request of the Commission.

George Logan of REMA Ecological Services reviewed his Wetlands Assessment & impact Analysis and his Mitigation Implementation Notes both dated 12-23-15 with the Commission. He focused on the mitigation plan and stated that they plan to enhance and restoring the wetland buffer by removing invasive species as well as selective planting (schedule included in the report). A planting scheme for the rain gardens has also been included in the report per the request of Deborah Seavey, WEO.

John Calabrese, P.E. confirmed that he spoke with Brian Baker last week and that Brian confirmed the John's requested changes be made. He also stated that if the Commission decides to approve the application, they could do so on the condition that the suggested bond amount be approved by himself and Deborah Seavey, WEO.

**Motion:** to approve application #367 Benson Road Lot 8 per the Draft Resolution/Report and per the conditions contained within the report dated 12-23-15 by George Logan of REMA Ecological Services; bond be set by staff; and the Mitigation Implementation Notes dated 12-23-15, comments of John Calabrese, P.E. dated 12-21-15 and comments from Deborah Seavey, WEO be included (*see Resolution/Report attached*). Made by Mary Barton, seconded by Justin Stanziale. Unanimous Approval.

**IV. ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:57 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.

## **RESOLUTION/REPORT**

Application #367 Benson Road Lot 8

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on November 24, 2015 from map entitled "Benson Road Assessors Map 7 Block 2 Lot 8" dated November 18, 2015 with revision date of December 23, 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 Town consultants, Milone and MacBroom 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 wetland setback encroachments for the construction of drainage and parking facilities, building and cremation garden will not have a substantial impact on the regulated area.
- (2) REMA's mitigation plan shall be part of the approved plans.
- (3) Prior to permit issuance, revised plans shall be submitted with the following:
  - All required soil erosion control plan requirements as outlined in December 14, 2015 staff comments
  - Planting plan for the rain gardens and invasive removal/restoration plan
  - A note shall be added stating weekly inspection reports for s&e and site conditions will be conducted with said reports being submitted to the commission.
  - All comments from town consultant, John Calabrese shall be addressed
- (4) Prior to permit issuance, a bond shall be in place for soil erosion control and the wetland activity.

- (5) Prior to final sign off for a certificate of occupancy, permanent wetland markers shall be installed every 100 feet along the wetland setback/limits of disturbance. These locations shall be determined by town staff.
- (6) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

December 29, 2015