



# TOWN OF MIDDLEBURY

*Conservation Commission  
1212 Whittemore Road  
Middlebury, Connecticut 06762  
(203) 577-4162 ph  
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## **REGUALR MEETING MINUTES May 31, 2016**

### **Members Present:**

Vincent LoRusso, Chairman  
James G. Crocicchia, Vice Chairman  
George Tzezos-arrived @ 7:32 p.m.  
Curtis Bosco  
Justin Stanziale-departed @ 7:36 p.m.  
Terry Manning-arrived @ 6:47 p.m.

### **Members Absent:**

Mary Barton

### **Also Present:**

Attorney Gail McTaggart

## **I. CALL TO ORDER**

The Meeting was called to order at 6:39 p.m. by Chairman Vincent LoRusso.

## **II. WETLAND WORKSHOP-Attorney Gail McTaggart**

Attorney Gail McTaggart provided the Commission with a printout and discussed the following topics with the Commission:

- Ex parte communications;
- Conflicts of interest;
- Factors for consideration in wetlands applications;
- When should a public hearing be held;

She also provided the Commission with a copy of a Memorandum of Decision from the Superior Court J.D. of New Haven, Docket No CV-13-6040474-S, Alberto Dichello V Inland Wetland Commission for the Town of Hamden dated October 16, 2015. In addition, she welcomed the Commission members to contact her at any time should they ever have any questions.

George Tzezos arrived at 7:32 p.m.

Chairman LoRusso thanked Attorney McTaggart for her time.

Justin Stanzile excused himself from the remainder of the meeting at 7:36 p.m.

### **III. ACTION ON MINUTES OF APRIL 26, 2016 REGULAR MEETING**

**Motion:** to approve the Minutes of the April 26, 2016 Regular Meeting. Made by George Tzepos, seconded by Curtis Bosco. Unanimous Approval.

### **IV. OLD BUSINESS**

#### **Application #369 – Turnpike Drive Lot 3**

Chairman LoRusso stated that the application was withdrawn per the request of the applicant.

### **V. NEW BUSINESS**

#### **1. Application #370 – Benson Woods**

Attorney Jennifer Yoxall of Carmody, Torrance, Sandak, Hennessey, LLP of Waterbury, CT spoke on behalf of the applicant. She stated that they in the regulated activities that they are seeking approval for are in connection with the final development plan for the Benson Woods project as well as the sub-division which created a portion of the Benson Woods property. It is the same project that was reviewed by this Commission in 2002 which was approved as well as the renewal applications in 2007 and 2012. The plans being submitted are the same. The project is underway but not completed due to the economy being difficult. All permits are due this year. Therefore, they plan on going before Planning & Zoning to get a new Final Development Plan and a new Sub-division Plan. The project consists of 79 units with a community building with 3 phases. Phase I and III are the west side of North Benson Road while Phase II is on the east side. Phase I is substantially completed with all of the regulated activities being complete. As a result, this application does not include anything from Phase I, only activities in Phases II & III. The Sub-division plan, which is also expiring, is a 2 lot sub-division which created the piece of property that Timex Corporate Headquarters (completed) is on and then the second is a piece of the Benson Woods project property on the east side. Everything in the sub-division is in the Final Development Plan. For the record, she submitted the Sub-

division, landscape, and unit design plans as well as the receipts from the certified letters that were sent to Woodbury & Southbury as they are within 500 feet of the property.

Curt Smith of Smith & Co. briefly reviewed the plans with the Commission. The plan has been designed so that only 0.08 acres of the 17.36 acres of wetlands is being disturbed. A number of alternatives were considered but after discussions with the Fire Marshal and the Selectmen's office, the plan being presented is the best option.

**Motion:** to accept application #370 – Benson Woods. Made by George Tzepos, seconded by Terry Manning. Unanimous Approval.

## **2. Application #371 – 390 Washington Drive**

James Harlamon who is the new owner of the property, is again seeking the approval for that same application that was previously approved by this Commission but expired in 2014. He granted permission for the members to walk the property and agreed to stake the driveway crossing.

**Motion:** to accept Application #371 – 390 Washington Drive. Made by George Tzepos, seconded by James Crocicchia. Unanimous Approval.

## **3. Application #372 – 1237 Whittemore Road/Westover School**

**Motion:** to add Application #372 – 1237 Whittemore Road (Westover School) to the agenda. Made by George Tzepos, seconded by Terry Manning. Unanimous Approval.

Jeff Galusha of Westover School stated that part of the renovation plans at the School consists of moving some classrooms to the current maintenance building. Therefore, they are seeking approval to relocate their maintenance building to the yellow barn which currently exists on the property. As a result, the use of the barn needs to be changed from storage to a shop type use and construct an addition of 26 x 30 feet which would house the school's dump truck, other maintenance vehicles and tools protecting them from the elements. For safety reasons, he feels that number of trees should be taken down. Water, sewer and electrical sources will be extended to the barn. He granted the members permission to walk the property.

**Motion:** to accept Application #372 –1237 Whittemore Road (Westover School). Made by George Tzepos, seconded by Terry Manning. Unanimous Approval.

**Discussion:**

**Ridgewood at Middlebury Residential Development**

Chairman LoRusso read a letter from Toll Brothers dated 5-26-16 for the record. Said letter requests authorization to obtain material from Phase III A for the completion of Phase II B.

All members of the Commission agreed to authorize their request.

**VI. PUBLIC COMMENT**

None

**VII. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:16 P.M. Made by George Tzepos, seconded by Terry Manning. 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.