



TOWN OF MIDDLEBURY

Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
(203) 598-7640 fx

REGULAR MEETING MINUTES June 28, 2016

Members Present:

Vincent LoRusso, Chairman
George Tzezos-arrived @ 7:32 p.m.
Curtis Bosco
Terry Manning-arrived @ 6:47 p.m.

Members Absent:

James G. Crocicchia, Vice Chairman
Mary Barton
Justin Stanziale

Also Present:

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

I. CALL TO ORDER

The Meeting was called to order at 7:31 p.m. by Chairman Vincent LoRusso.

II. ACTION ON MINUTES OF MAY 31, 2016 REGULAR MEETING

Motion: to approve the Minutes of the May 31, 2016 Regular Meeting. Made by Terry Manning, seconded by Curtis Bosco. Unanimous Approval.

III. OLD 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 made their presentation last month but recapped that all of their permits are due to expire this year. The three (3) phase project is ongoing with phase I being complete and phases II & III are remaining. The economy has been slow therefore they are having trouble selling the units. The plans being presented are exactly the same as the ones that were submitted in 2002 which were again renewed.

Curt Smith of Smith & Co. stated that there will be 3,606 square feet of wetland disturbance on the 94 acres.

Deborah Seavey, W.E.O. stated that she and Mr. Smith both discussed the one area between units 5 & 7.

Curt Smith of Smith & Co. confirmed that there is a small pocket of wetlands which was preserved between units 5 & 7 in Phase I.

Deborah Seavey, W.E.O. informed the Commission that within the 2002 original approval, a small wetland creation was proposed and since the unit activity has been complete and due to the fact that so much time has lapsed, disturbing said area would do more harm than good. She recommends that the wetland creation be eliminated and that the \$10,000.00 bond that was initially received for this activity be released.

Curt Smith of Smith & Co. indicated his agreement with Deborah Seavey, W.E.O. As a result, he submitted a memo to her, dated June 21, 2016, requesting that the condition of approval be removed.

Motion: to approve application #370 – Benson Woods per the Draft Resolution. Made by Curtis Bosco, seconded by Terry Manning. Unanimous Approval.

Motion: to recommend to the Board of Selectmen that the \$10,000.00 wetland bond be released. Made by George Tzezos, 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.

Deborah Seavey, W.E.O. asked that the details for the roof and footing drain be included as it was a requirement throughout the whole sub-division and should be referenced on the plans.

Motion: to approve Application #371 – 390 Washington Drive per the Draft Resolution and with the condition that the Recharge Area be detailed on the plan. Made by Curtis Bosco, seconded by Terry Manning. 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 Tzezos, seconded by Terry Manning. Unanimous Approval.

Jeff Galusha of Westover School stated that part of the renovation plans he has been tasked with finding a new home for the maintenance department as the one that exists is being replaced for academic purposes. Therefore, they are seeking to relocate their maintenance building to the existing barn which is near the wetlands. They would like to add a 26' X 31' garage to house the 2 main construction vehicles (dump truck and pickup truck). The barn will be utilized for storage and to perform repair work. A mafia block storage bin will be on a concrete pad which will be covered. They are also proposing to remove the large group of white pines and a few maples that are close to the building as they are creating a safety hazard. He also confirmed that he is open to all suggestions for re-plantings in said location to ensure it maintains its natural appearance. They would also like to put a bathroom in which will be serviced by existing water and sewer.

Chairman LoRusso voiced his concerns with respect to the location to be utilized when cleaning the salt spreaders and hopper and asked for assurance that said activity would not be done within any regulated area.

Jeff Galusha confirmed that no such activity would occur within the regulated area and that he has no plans to put an outside spigot on the building for that very reason.

Motion: to approve Application #372 – 1237 Whittemore Road (Westover School) per the Draft Resolution and with the conditions that they refrain from cleaning the salt hopper within the regulated area and coordinate a planting scheme with the W.E.O. Made by Curtis Bosco, seconded by Terry Manning. Unanimous Approval.

IV. NEW BUSINESS

1. Application #373 – County Line Carwash/2160 Straits Turnpike

Motion: to add Application #373 – County Line Carwash/2160 Straits Turnpike to the agenda. Made by Terry Manning, seconded by George Tzezos. Unanimous Approval.

Deborah Seavey, W.E.O. stated that there are no plans available but only an application, fee and a note saying that plans would be submitted on July 6, 2016 to the Zoning Commission for their July 7, 2016 meeting.

Chairman LoRusso stated that the application is therefore incomplete as this point.

Motion: to table Application #373 – County Line Carwash/2160 Straits Turnpike. Made by Curtis Bosco, seconded by George Tzepos.

Discussion:

Members of the Commission questioned the location of the property and the proposed carwash.

Deborah Seavey, W.E.O. reminded the members of the Commission that the application was incomplete due to the fact that plans were never submitted. Only the application and filing fee were received from the applicant.

George Tzepos voiced his concerns with respect to the fact that plans would be needed to determine whether or not a Public Hearing would be required.

Vote: Motion to table Application #373 – County Line Carwash/2160 Straits Turnpike. Curtis Bosco voted “Aye”. George Tzepos and Terry Manning both voted “Nay”.
Motion to table the application failed. Vote: 1:2

Motion: to deny Application #373 – County Line Carwash/2160 Straits Turnpike due to the application being incomplete. Made by George Tzepos, seconded by Terry Manning. George Tzepos and Terry Manning both voted “Aye”. Curtis Bosco voted “Nay”.
Motion to deny the application passed. Vote: 2:1

V. PUBLIC COMMENT

None

VI. 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.

RESOLUTION/REPORT

Application #370 Benson Woods

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 31, 2016 from Middlebury Land Development, LLC map entitled "Site Development Plan" dated April 4, 2007;

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

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 road crossings, upland review area encroachments, water quality basins and discharge of storm drainage will not have a substantial impact on the regulated area.
- (2) The previous proposed wetland creation between units 5 & 7 is not required and therefore is eliminated from the proposal.
- (3) Prior to permit issuance, all plan sheets shall be signed and sealed.
- (4) No new phase shall commence until the present phase is substantially stabilized to satisfaction of the WEO.
- (5) Water quality basins shall function as temporary sed basins during construction.
- (6) Weekly site inspections shall be conducted by the site engineer regarding soil erosion control measures and site conditions. Said reports shall be provided to the commission.
- (7) Upon completion of the project, the engineer shall submit as-builts of all water quality basins and certify said basins have been constructed as approved.
- (8) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (9) 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.
- (10) 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.

- (11) 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.
- (12) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

June 28, 2016

RESOLUTION/REPORT

Application #371 390 Washington Drive

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 31, 2016 from James Harlamon map entitled "Plot Plan –Lot#3 The Estates at Long Meadow" dated May 4, 2016;

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

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 a driveway crossing will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, details of the recharge area shall be provided.
- (3) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

June 28, 2016

RESOLUTION/REPORT

Application #372 – 1237 Whittemore Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 31, 2016 from Westover School, Inc. map entitled "Site Development – Grading Sediment & Erosion Control Plan Proposed Renovations to Barn" dated May 10, 2016;

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

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 a barn addition and associated activities within the upland review area will not have a substantial impact on the regulated area.
- (2) There shall be no washing out of the salt hopper within any regulated area.
- (3) The applicant shall work with the wetlands officer regarding shrub re-planting within the upland review area.
- (4) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

June 28, 2016