



TOWN OF MIDDLEBURY

*Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
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REGULAR MEETING MINUTES August 30, 2016

Members Present:

Mary Barton – Acting Chairman
George Tzepos
Justin Stanziale
Curtis Bosco

Members Absent:

Terry Manning
Keli-Ann Bollard

Also Present:

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

I. CALL TO ORDER

The Meeting was called to order at 7:30 p.m. by Acting Chairman Mary Barton.

II. ACTION ON MINUTES OF JULY 26, 2016 REGULAR MEETING

Motion: to accept the Minutes of the July 26, 2016 Regular Meeting as presented. Made by Curtis Bosco, seconded by Justin Stanziale. Unanimous Approval.

III. OLD BUSINESS

1. Application #375 – 387/389 White Deer Rock Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. Mrs. Moore owns 389 White Deer Rock Road and the Pelletiers own 387 White Deer Rock Road. The request is to extend the stone wall along the lake approximately 70 feet on the Moore's property and 15 feet on the Pelletier's property. They plan to clear off the bank behind it and do some replanting. A map and photos were submitted at last month's meeting.

Motion: to approve application #375 – 387/389 White Deer Rock Road per the Draft Resolution. Made by Curtis Bosco, seconded by Justin Stanziale. George Tzepos abstained from voting. Motion Passed.

IV. NEW BUSINESS

1. Permit Renewal #302 – Quinnipiac Game Association

Paul Lucina spoke on behalf of Quinnipiac Game Association and stated that they are requesting to renew the permit as more work is needed. The project, which got off to a slow start, is approximately $\frac{3}{4}$ of the way through with the excavation. He anticipates that the entire project will be completed in two (2) years.

Motion: to approve Permit Renewal #302 – Quinnipiac Game Association (see attached Resolution). Made by George Tzezos, seconded by Justin Stanziale. Unanimous Approval.

2. Application #377 – County Line Car Wash -2160 Straits Turnpike

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. Subsequent to the original application, which was withdrawn last month, it was determined that it would be best to construct the building in front of the existing building which brings it within the setback of the wetlands across the street; south of the County Line Motors which is owned by the Middlebury Land Trust. The comments received from Mr. Calabrese, have all been addressed.

Scott Lukowski, P.E. of Dymar reviewed the revised plans and his letter, both dated 8-30-16, which are in response to a letter from Cynthia Rabinowitz, Professional Soil Scientist and Landscape Designer, dated 8-17-16. Among other changes, drainage has been enhanced, a bioretention/rain garden has been added, and curbing has been reduced.

Attorney McVerry stated that the initial proposal that was submitted had the car wash building farther north. In response to D.O.T. concerns as well as comments from Planning & Zoning, and Zoning Board of Appeals regarding the necessity in the future coming in, they moved the building down to give a longer exit from the building and a longer driveway.

Acting Chairman, Mary Barton questioned who would be doing the monthly inspections.

Scott Lukowski, P.E. of Dymar was unsure whether it would be town staff or the responsibility of the owner.

Acting Chairman, Mary Barton stated that it is not the responsibility of town staff.

Scott Lukowski, P.E. of Dymar acknowledged that the owner would then need to hire a consultant to do so.

Acting Chairman, Mary Barton then stated that the hired consultant would then need to provide those reports to the Wetland Officer to which Mr. Lukowski, P.E. of Dymar agreed to.

John Calabrese, P.E. confirmed that he did not have the opportunity to review the revised plans.

Scott Lukowski, P.E. of Dymar stated that the paved area has been reduced by 174 square feet.

Motion: to accept Application #377 - County Line Car Wash - 2160 Straits Turnpike. Made by George Tzepos, seconded by Justin Stanziale. Unanimous Approval.

Dr. Peterson attempted to submit photos of Sperry Pond which was he did not mention in his letter previously submitted for the file.

Attorney McVerry stated that the Sperry Pond is not part of the plans and believes that all members of the Commission are aware of the existence of Sperry Pond although it is much farther down Route 63.

Acting Chairman, Mary Barton requested that Dr. Peterson drop it off at the Land Use Office. She also requested that the rain garden be marked somehow so that members of the Commission could do a site visit.

3. Application #378-2036 Middlebury Road

Ron Wolff, P.E. spoke on behalf of the applicant, Dr. Gilbert and reviewed the plans with the Commission. The property consists of 5.6 acres and is south of Lake Quassapaug. They are proposing to demolish an existing house and construct a new home to be positioned further away from the lake. They are also proposing to remove the septic and construct a new one with a pump system in the front of the house and outside of the regulated area associated with the lake. The existing driveway will also be removed and seeded to lawn. The proposed pool and pool deck is essentially in the location of the existing house. All filtration equipment and chemicals will be located in the basement of the new house. The timber deck and boathouse will be reconstructed and details will be provided at a later time.

Motion: to accept Application #378-2036 Middlebury Road. Made by George Tzepos, seconded by Justin Stanziale. Unanimous Approval.

Acting Chairman, Mary Barton asked that the property be marked so that members of the Commission could do a site visit.

4. Application #379 – Fenn’s Pond

Motion: to add Application #379 – Fenn’s Pond to the agenda. Made by Curtis Bosco, seconded by Justin Stanziale. Unanimous Approval.

Curt Smith of Smith & Co. spoke on behalf of the applicant, Middlebury Land Trust. He reviewed an aerial photo with the Commission. The purpose of the application is to clean out the sediment basin and to rectify a situation that has been created by beavers by damming up the stream. The beavers have since left but that would like to reroute the flow by adding a two foot berm with riprap.

Motion: to accept Application #379 – Fenn’s Pond. Made by George Tzepos, seconded by Justin Stanziale. Unanimous Approval.

Motion: to waive the application fee for Application #379 – Fenn’s Pond. Made by George Tzepos, seconded by Justin Stanziale. Unanimous Approval.

V. PUBLIC COMMENT

Deborah Seavey, WEO announced the Vincent LoRusso resigned as Chairman of the Conservation Commission. Therefore, a new Chairman will need to be elected.

VI. ADJOURNMENT

Motion: to adjourn the meeting at 8:05 P.M. Made by Curtis Bosco, seconded by Justin Stanziale. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Recording Clerk

Original to Edith Salisbury, Town Clerk
cc: Deborah Seavey, WEO

RESOLUTION/REPORT

Application #375 387/389 White Deer Rock Rd

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on July 26, 2016 from Antoinette A Moore & Judy Ann Pelletier

map dated received July 20, 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 extension (approx 85') of existing stone wall along the lake will not have a substantial impact on the regulated area.
- (2) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

August 30, 2016

RESOLUTION

Permit Renewal # 302 Quinnipiac Game Association-Mirey Dam Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 30, 2016 to renew permit #302;

WHEREAS: The applicant has stated there are no changes to the original approval date of August 30, 2011;

NOW THEREFORE, BE IT RESOLVED That the Middlebury Conservation Commission approves the above application with the following conditions:

- (1) Permit #302 is renewed for another five years, which will expire on August 30, 2021. Activities include pond dredging.
- (2) All conditions in the original August 30, 2011 approval still apply.

August 30, 2016