



TOWN OF MIDDLEBURY

*Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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REGULAR MEETING MINUTES September 27, 2016

Members Present:

Mary Barton, Chairman
Terry Manning
George Tzepos
Curtis Bosco

Members Absent:

Justin Stanziale
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 7:35 p.m. by Mary Barton.

ADDITION TO THE AGENDA

Motion: to add Election of a Chairperson to the agenda. Made by Curtis Bosco, seconded by George Tzepos. Unanimous Approval.

Motion: to nominate Mary Barton to be the permanent Chairman. Made by Curtis Bosco, seconded by George Tzepos. There were no other nominations. Nominations were closed. Unanimous Approval.

II. ACTION ON MINUTES OF AUGUST 30, 2016 REGULAR MEETING

Motion: to approve the Minutes of the August 30, 2016 Regular Meeting as presented. Made by George Tzepos, seconded by Curtis Bosco. Unanimous Approval.

III. OLD BUSINESS

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

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant, Maxxwell Sunshine, LLC (owner of the property) and Patrick Bayliss, Principal of County Line Carriage (owner of County Line Motors) which is across the street. The proposed carwash to be located at 2160 Straits Turnpike is the former residence of County Line Nissan Suzuki dealership which is now County Line Wholesale. The property is in a CA40 Zone and consists of approximately 5.25 acres of land. The addition on the existing building is now further south which allows for a longer que of cars to enter and exit. The 95' X 21' addition would be at a lower grade than the existing building. In May of 2016 the Planning & Zoning Commission amended the Zoning Regulations to allow a commercial carwash as an accessory use to automobile dealerships. He reminded this Commission that said location is the only place in Middlebury where car dealerships are allowed. There will be an oil/well separator which is recyclable and the tank will be pumped out twice a year. They have responded to the Engineering Review submitted by John Calabrese, P.E. dated 4-22-16. The comments from Cynthia Rabinowitz, Professional Soil Scientist and Landscape Designer, dated 8-17-16 on behalf of the Middlebury Land Trust have also been responded to. The Engineering Review submitted by John Calabrese, P.E. dated 9-26-16 was received by Attorney McVerry today.

Mark Lancor, P.E. of Dymar reviewed the revised plans with the Commission which include a bio-swale, raingarden, elimination of curbing and increased vegetation with the exception of vegetation along the edge. There will be a slight reduction of stormwater due to the removal of impervious area

Attorney McVerry stated that the proposal also includes connecting into the Watertown water and sewer systems.

Mark Lancor, P.E. of Dymar clarified that the existing well will be abandoned but the existing septic will continue to be utilized as it is a brand new system and only services 2 employees and is not a public restroom. He also confirmed that they do plan to tie into the Watertown Sewer System is the car wash itself.

Attorney McVerry added that the car wash will be manned by an employee at each end of the tunnel and would operate during the hours of operation County Line.

Chairwoman Barton stated that the detail sheet must reference that the property owner is responsible for inspections, routine maintenance and to provide annual reports to the Wetlands Enforcement Officer concerning the bio-swale and raingarden.

John Calabrese, P.E. confirmed the need for item A) of his Engineering Review dated 8-26-16 to be added to sheet C-3 of the plans.

Mark Lancor, P.E. of Dymar added that generally plantings would be planted well before June 1st wait until October and they will be looking for at least 80% capture.

Motion: to approve application #377 – County Line Car Wash - 2160 Straits Turnpike per the Draft Resolution and per item A) on the 9-26-16 Engineering Review submitted by John Calabrese, P.E. Made by Curtis Bosco, seconded by George Tzepos.
Unanimous Approval.

2. Application #378-2036 Middlebury Road

Ron Wolff, P.E. spoke on behalf of the applicant, Dr. Gilbert and reviewed the plans with the Commission. Per the request of the Commission, the house was staked but the proposed location was revised in between meetings and was previously further up the hill. It was determined that the existing house could not remain while the new house was constructed. The pool has also been relocated and rotated leaving approximately 60' between the edge of the water and the pool. The existing well will be abandoned since it will essentially be under the middle of the proposed house so a new well will be drilled upland of the house and driveway. They are in receipt of approval from the Torrington Health District for the septic system and the applicant will submit the revised plan to T.H.D. showing the new location of the proposed house.

Chairwoman Barton requested details of the stormwater chamber.

Ron Wolff, P.E. stated that he did not have them with him but he offered to submit them. He also confirmed that a narrative was submitted for the dock.

John Piper, Landscape Architect, briefly reviewed the narrative, received 9-21-16, regarding the dock/deck area and boathouse. The applicant has opted for the second option (3rd paragraph).

Deborah Seavey, W.E.O. stated that due to the fact that the applicant is opting for the second option, more details would be required.

Chairwoman Barton confirmed that this proposal for the dock/deck and boathouse is much more involved compared to what was proposed last month. However she did indicate that she had no issue with the location of the house to which the members of the Commission agreed.

Deborah Seavey, W.E.O. suggested that the Commission take action on the house and everything but the boathouse and have the applicant return and modify for the boathouse and the dock/deck.

John Piper, Landscape Architect, agreed to do so.

Motion: to approve Application #378-2036 Middlebury Road with the exception of the Boathouse and Dock; all future plans for the dock/deck and boathouse need to come back to the Commission for a Permit Modification and per the Draft Resolution Made by Curtis Bosco, seconded by George Tzezos. Unanimous Approval.

3. Application #379 – Fenn’s Pond

Curt Smith of Smith & Co. spoke on behalf of the applicant, Middlebury Land Trust. He confirmed that nothing has changed with the application since last month. The purpose of the application is to clean out the sediment basin and realign the stream and to put a berm on the side so that the beavers will not be able to penetrate through. .

Motion: to approve Application #379 – Fenn’s Pond per the Draft Resolution. Made by Curtis Bosco, seconded by George Tzezos. Unanimous Approval.

IV. NEW BUSINESS

None

V. PUBLIC COMMENT

None

VI. ADJOURNMENT

Motion: to adjourn the meeting at 7:59 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 #377 2160 Straits Turnpike

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 30, 2016 from Patrick Bayliss. Map entitled "Site Utility and Grading Plan" dated July 6, 2016 with revision date of August 30, 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 construction of car wash building and associated drainage activities will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall be submitted to reflect John Calabrese's September 26, 2016 comments.
- (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.
September 27, 2016

RESOLUTION/REPORT

Application #378 2036 Middlebury Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 30, 2016 from Richard Gilbert map entitled "Site Plan" dated August 24, 2016 with latest revision date September 19, 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:

- (8) The proposed activity that consists of construction of dwelling, patio, pool, retaining wall and associated grading will not have a substantial impact on the regulated area.
 - (9) Prior to permit issuance, details of the underground stormwater chamber shall be submitted.
 - (10) All future plan activities for the dock and boathouse will require a permit modification prior to commencement of said activities.
 - (11) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
 - (12) 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.
 - (13) 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.
 - (14) 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.
 - (15) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.
- September 27, 2016

RESOLUTION/REPORT

Application #379 Fenn Pond/Goat Brook

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 30, 2016 from Middlebury Land Trust map entitled "Fenn's Pond Proposed Maintenance and Improvements for sediment Forebay No. 1 & Goat Brook Artillery Road and Charcoal Ave Middlebury, CT" dated August 15, 2016 with revision date of August 29, 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:

- (16) The proposed activity that consists of routine maintenance of forebay area, relocating and riprapping 100' of Goat Brook and will not have a substantial impact on the regulated area.
 - (17) Said activities shall be conducted during low flow periods.
 - (18) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
 - (19) 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.
 - (20) 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.
 - (21) 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.
 - (22) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.
- September 27, 2016