



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES June 24, 2014

Members Present:

Thomas Proulx, Chairman
Justin Stanziale
George Tzepos
Terry Manning
James G. Crocicchia

Members Absent:

Mary Barton
Vincent LoRusso

Also Present:

Deborah Seavey, WEO
John Calabrese, P.E.

I. CALL TO ORDER:

The Meeting was called to order at 7:28 P.M. by Chairman Thomas Proulx. He thanked all present for assisting him during his time as Chairman. He also stated that Vincent LoRusso will be taking over as Chairman at the next meeting.

II. ACTION ON MINUTES OF THE MAY 27, 2014 PUBLIC HEARING & REGULAR MEETING

Motion: to accept the Minutes of the May 27, 2014 Public Hearing and Regular Meeting. Made by George Tzepos, seconded by James Crocicchia. Unanimous Approval.

III. OLD BUSINESS

1. Application #348 Regan Road Lot 119

George Tzepos recused himself from this item.

Deborah Seavey, WEO stated that the Commission was waiting for additional information from Mr. Bernardi which he has yet to provide nor was he present. She also reminded the Commission that the Cease and Desist Order was still in effect.

Motion: to approve Application #348 Regan Road Lot 119. Made by Terry Manning, seconded by James Crocicchia. George Tzezos recused himself. Motion failed with 0:4 vote. Application was denied based on incompleteness for lack of the following required details:

- Location of additional trees/vegetation removal
- Location of grading activities with woodchips
- Location of removal of silt from existing brook
- Location of gutter drains to discharge into existing brook
- Location of temporary trail bridges
- Location and type of new plantings

Chairman Proulx stated that Mr. Bernardi failed to attend any of the meetings pertaining to this application or supply the required information. Therefore, the application is denied.

Motion: to refer Application #348 Regan Road Lot 119 to Legal Counsel and that the Cease and Desist Order dated January 24, 2014 still remain in effect. Made by Terry Manning, seconded by James Crocicchia. Unanimous Approval.

2. Permit Modification #189-C – Ridgewood

Carlos Ruiz of Milone & MacBroom spoke on behalf of the applicant and reviewed the plans with the Commission. The modifications include the relocation of gravel parking towards the upland review area. Rain gardens (depressions) are also being proposed which are referenced on the updated planting legend and are also similar to the wetland plantings that currently exist.

Deborah Seavey, WEO referenced the necessity of a long term turf maintenance plan and a narrative of the work to be done in the “green area” to ensure the protection of the regulated area.

Carlos Ruiz agreed to her requirements as conditions of approval should the Commission choose to do so. He also stated that fertilizer only be utilized in the initial seed mixture and that future fertilization will not be required.

Deborah Seavey, WEO stated that it would be required in writing.

Motion: to approve Permit Modification #189-C – Ridgewood per the resolution. Made by George Tzezos, seconded by James Crocicchia. Unanimous Approval.

3. Application #351 – 891 Straits Turnpike

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant, Attorney Garrett Moore. The application consists of a 1.173 acre lot and his client is proposing to construct a 7,500 square foot office building on site. He is in receipt of the letter from John Calabrese, P.E. dated 6-20-14. Attorney McVerry has spoke to the seller's (Pomeroy Enterprises, LLC) attorney and confirms that an easement will be required.

Brian Baker of Civil One reviewed the plans with the Commission and stated that they propose to infiltrate roof leader drainage in the front of the lot. Per the request of Mr. Calabrese, they will perform DEEP tests. He did submit the NRCS web soil mapping for the record.

Motion: to approve Application #351 – 891 Straits Turnpike per the resolution and letter dated June 20, 2014 submitted by John Calabrese, P.E. Made by Terry Manning, seconded by Justin Stanziale. George Tzezos recused himself. Unanimous Approval.

IV. NEW BUSINESS

Motion: to cancel the July 29, 2014 Regular Meeting. Made by George Tzezos, seconded by James Crocicchia. Unanimous Approval.

V. PUBLIC COMMENT

None

VI. ADJOURNMENT

Motion: to adjourn the meeting at 8:48 P.M. Made by Terry Manning, seconded by George Tzezos. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Recording Clerk

Original to Edith Salisbury, Town Clerk

cc: Conservation Commission Members
Debbie Seavey, WEO
Ollie LeDuc, Building Official
John Calabrese, P.E.
Terry Smith, P&Z
Curtis Bosco, ZEO
Attorney Robert Smith, WPCA
Larry S. Hutvagner, CFO

RESOLUTION/REPORT

Permit Modification #189-C Ridgewood at Middlebury

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received a permit modification on May 27, 2014 from Toll Brothers, Inc. map entitled "Ridgewood at Middlebury" dated June 27, 2011 with revision date of May 21, 2014;

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

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 revisions to the "green area" which includes, rain gardens, parking area revisions and plantings will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall be submitted to include the following:
 - long term turf maintenance plan which includes use of fertilizer
 - construction sequence narrative
 - Note to include a wetland consultant shall be on site during wetland plantings and submit a report to the commission on its completion. Said consultant shall also submit a final report to the commission after two growing seasons.
- (3) All conditions in the original approval and previous permit modifications still apply.
- (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 24, 2014

RESOLUTION/REPORT

Application #351 891 Straits Turnpike

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 27, 2014 from Garrett Moore map entitled "891 Straits Turnpike" dated May 20, 2014;

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

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 constructions of a commercial building and discharge of storm drainage will not have a substantial impact on the regulated area.
- (2) The engineer shall submit in writing a certification of the drainage system stating that the system conforms to the approved plan.
- (3) Prior to permit issuance, revised plans shall be submitted to include John Calabrese's comments.
- (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 24, 2014