



# TOWN OF MIDDLEBURY

*Conservation Commission*  
*1212 Whittemore Road*  
*Middlebury, Connecticut 06762*  
*(203) 577-4162 ph*  
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## REGULAR MEETING MINUTES September 30, 2014

### **Members Present:**

Thomas Proulx (Acting Chairman)  
Terry Manning  
James G. Crocicchia, Vice Chairman  
George Tzepos (arrived @ 7:38 P.M.)  
Justin Stanziale

### **Members Absent:**

Vincent LoRusso, Chairman  
Mary Barton

### **Also Present:**

John Calabrese, P.E.

## **I. CALL TO ORDER:**

The Meeting was called to order at 7:27 P.M. by Acting Chairman Thomas Proulx.

## **II. ACTION ON MINUTES OF THE AUGUST 26, 2014 REGULAR MEETING**

**Motion:** to accept the Minutes of the August 26, 2014 Regular Meeting. Made by Terry Manning, seconded by James Crocicchia. Unanimous Approval.

## **III. OLD BUSINESS**

### **1. Application #352 – 2 West Lake Road – Unit 26**

Acting Chairman Thomas Proulx confirmed that all members received a letter from John Calabrese, P.E. dated 9-29-14 indicating his recommendations and a Memorandum dated 9-24-14 from WEO Deborah Seavey stating her concerns for said application. He also stated that he was unfamiliar with the application due to his absence of the August 26, 2014 meeting and was uncertain if those present had the opportunity to view the revised plans.

Mark Lancore, P.E. of Dymar, 325 Main Street South, Southbury, CT spoke on behalf of Mr. Largay, the proposed buyer of the property. He stated that the site was staked per the request of the Commission and that the proposed application involves minimal activity. He reviewed the plans with the Commission. He indicated that the proposed addition is within the existing framework of what currently exists in terms of disturbance. The grade will not be changed or cut any trees. In response to the recommendations submitted by John Calabrese, P.E., the footing drain will not be interrupted but the roof drainage will go into a new storm water infiltration system. The addition for the bedroom will be a dug foundation and the porch and garage will have shallow footing. All excess material will be hauled off site. He welcomed any conditions by the Commission.

Acting Chairman Thomas Proulx recommended that the driveway be gravel.

John Calabrese, P.E. confirmed that his recommendations were reflected in the revised plans which are dated 9-25-14.

Mark Lancore, P.E. stated that the concerns of Deborah Seavey, WEO have also been addressed.

**Motion:** to approve Application #352 – 2 West Lake Road – Unit 26 per the conditions that the driveway be gravel and that all stipulations made by Deborah Seavey, WEO be fulfilled. Made by George Tzezos, seconded by Terry Manning. Thomas Proulx recused himself. Unanimous Approval.

## **2. Application #353 – Regan Road Lot 119**

George Tzezos recused himself.

Acting Chairman Thomas Proulx indicated that per the Memorandum dated 9-24-14 from WEO Deborah Seavey, her only concern with the application is that the non native species should be replaced with all native species.

Joe Bernardi stated that he would be willing to replace the non native species with native species.

**Motion:** to approve Application #353 – Regan Road Lot 119 per the draft resolution and with the condition that the non native species be replaced by native species. Made by James Crocicchia, seconded by Justin Stanziale. George Tzezos recused himself. Unanimous Approval.

**IV. NEW BUSINESS**

**3. Application #354 – 2132 Middlebury Road**

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT spoke on behalf of the applicant. The proposal is to add a maintenance building (which is outside the wetlands purview), two new water slides, a snack bar with a 32' X 18' deck, and replace the redemption center with a candy store. Both Attorney McVerry and Eric Anderson reviewed the proposed plans with the Commission.

**Motion:** to accept Application #354 – 2132 Middlebury Road. Made by Terry Manning, seconded by George Tzepos. Unanimous Approval.

**Motion:** to schedule an on-site Special Meeting. Made by George Tzepos. After some discussion in trying to schedule a date, it was determined by the members of the Commission that it would be best that they each do a site walk at a time of their convenience. Motion was withdrawn by George Tzepos.

Attorney McVerry questioned if the Commission would oppose the removal of the large rock on the lake and all those present voiced their disapproval in doing so.

**V. PUBLIC COMMENT**

None

**VI. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:03 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, WEO  
Ollie LeDuc, Building Official  
John Calabrese, P.E.  
Terry Smith, P&Z  
Curtis Bosco, ZEO  
Attorney Robert Smith, WPCA  
Larry S. Hutvagner, CFO

**DRAFT**  
**RESOLUTION/REPORT**

Application #353 Regan Road Lot 119

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 26, 2014 from Joseph Bernardi;

**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 (not) 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 denies the above application based on the following:

- (1)
- (2)
- (3)

\* \* \* \*

**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 brush/tree removal, silt removal, trail bridges, curtain/gutter drain and vegetation planting within the brook setback will not have a substantial impact on the regulated area.
- (2) The January 24, 2014 Cease and Desist Order is rescinded.
- (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 30, 2014