



TOWN OF MIDDLEBURY

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

PUBLIC HEARING & REGULAR MEETING MINUTES May 27, 2014

Members Present:

Thomas Proulx, Chairman
George Tzezos
Terry Manning
James G. Crocicchia

Members Absent:

Justin Stanziale
Vincent LoRusso
Mary Barton

Also Present:

Deborah Seavey, WEO

I. CALL TO ORDER:

The Meeting was called to order at 7:28 P.M. by Chairman Thomas Proulx.

II. PUBLIC HEARING REGARDING THE PROPOSED AMENDMENTS TO THE INLAND WETLANDS & WATERCOURSES REGULATIONS

The Public Hearing was called to order at 7:29 P.M. by Chairman Thomas Proulx.

Deborah Seavey, WEO reviewed the proposed changes to Section 8.6 deleting the portion “provided such meeting is no earlier than three business days after receipt.” and a duplicate Section of 11.3.

Motion: to close the Public Hearing regarding the Proposed Amendments to the Inland Wetlands & Watercourses Regulations at 7:30 P.M. Made by George Tzezos, seconded by James Crocicchia. Unanimous Approval.

III. ACTION ON MINUTES OF APRIL 29, 2014

Motion: to accept the Minutes of the April 29, 2014 Regular Meeting. Made by George Tzezos, seconded by James Crocicchia. Unanimous Approval.

IV. OLD BUSINESS

1. Application #348 Regan Road Lot 119

Mr. Bernardi was not present. Therefore, there was no discussion.

2. Permit Modification #337-A Christian Road Lot 54

Mr. Theroux stated that this pertains to a simple modification.

Chairman Proulx informed the Commission that he does not see a major issue with the request.

Mr. Theroux confirmed that the activity will not change.

Deborah Seavey, WEO commented that the Commission might want to request a permanent planting plan of some sort.

Mr. Theroux agreed to include a shrub wall.

Motion: to approve Permit Modification #337- A - Christian Road Lot 54 per the draft resolution. Made by James Crocicchia, seconded by George Tzezos. Unanimous Approval.

3. Application #349 Town of Middlebury-Hop Brook Maintenance

Ken Long spoke on behalf of the Town of Middlebury Water Pollution Control Authority. He stated that they are seeking approval to correct the washing out of the bank encroaching on the sewer line.

Chairman Proulx commented that the erosion is horrendous and that something needs to be done.

Motion: to approve Application #349 – Town of Middlebury – Hop Brook Maintenance per the draft resolution and that all activities to occur during low flow. Made by Terry Manning, seconded by George Tzezos. Unanimous Approval.

4. Application #350 297/317 Tranquility Road

Chairman Proulx commented that the soil scientist report is at least 10 years old and requested that in the future, it be the Commission's practice that anything over 10 years old be reviewed again. He also stated that the proposal is straight forward and that there will be no major development.

Motion: to approve Application #350 – 297/317 Tranquility Road per the draft resolution. Made by George Tzezos, seconded by Terry Manning. Unanimous Approval.

5. Amendments to Regulations

Motion: to approve the draft resolution regarding the Amendments to the Inland Wetlands and Watercourses Regulations for the Town of Middlebury. Made by George Tzezos, seconded by Terry Manning. Unanimous Approval.

V. NEW BUSINESS

1. Permit Modification #189-C – Ridgewood

Carols Ruiz of Milone & MacBroom spoke on behalf of the applicant and reviewed the plans with the Commission. The proposed modification pertains to a previously approved construction drive. They are seeking to relocate the parking off to the where the gazebo was formerly shown in order for the rear yards of 2 town homes to be utilized. They are also proposing to switch the playscape and gazebo locations, cut the access drive short and change the surface to gravel, with the exception of the handicap access, which will decrease the amount of impervious area. High grass seeding will be utilized.

The Commission requested that fertilizer only be utilized in the initial seed mixture and that a long term maintenance narrative be referenced on the plan and that the rain garden also be staked.

Motion: to accept Permit Modification #189-C – Ridgewood. Made by George Tzezos, seconded by Terry Manning. Unanimous Approval.

2. Application #351 – 891 Straits Turnpike

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant, Attorney Garrett Moore. Attorney Moore plans to purchase the property from Pomeroy Enterprises, LLC and he is proposing to demolish the existing structure and construct a 7,500 square foot office building for his firm at said location. Some activity will take place within the upland review area and they do plan to go before the Planning & Zoning Commission for site plan approval and a special exception for excavation and grading. Approximately 9,600 square feet of excavation will impact the regulated area.

Brian Baker of Civil One reviewed the plans with the Commission. He stated that they are also proposing to widen the existing 12 foot driveway to 20 feet.

Motion: to accept Application #351 – 891 Straits Turnpike. Made by Terry Manning, seconded by James Crocicchia. George Tzezos abstained from voting. Unanimous Approval.

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

Motion: to adjourn the meeting at 8:00 P.M. Made by Terry Manning, seconded by James Crocicchia. 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 #337A Christian Road lot 54

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received a permit modification on April; 29, 2014 from David Theroux map entitled "Site Plan-Property of Route 188 LLC" dated April 24, 2013 with revision date of April 30, 2013

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 revising the dwelling location will not have a substantial impact on the regulated area.
 - (2) Prior to issuance of permit, revised plans shall be submitted to include permanent plantings and wetland markers along the southerly limits of disturbance.
 - (3) All original conditions 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.
- May 27, 2014
-

RESOLUTION/REPORT

Application #349 Town of Middlebury – Hop Brook Improvements

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on April 29, 2014 from the Town of Middlebury.

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 stabilizing eroded brook banks with large boulders and removing the existing sediment island will not have a substantial impact on the regulated area.
- (2) All activity shall only be completed during low flow periods.
- (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.

May 27, 2014

RESOLUTION/REPORT

Application #350 297/317 Tranquillity Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on April 29, 2014 from Jean M. Peterson map entitled "Proposed Drainage Improvements & Shed" dated April 16, 2014;

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 a farm shed within the lake setback and drainage improvements and installation of a rain garden within the wetland setback 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.
- May 27, 2014

RESOLUTION

Amendments to the Inland Wetlands and Watercourses Regulations for the Town of Middlebury.

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has considered amendments to Sections 8.6, 11.3 of Middlebury Inland Wetlands and Watercourses Regulations.

WHEREAS: As required by Connecticut General Statute, the proposed amendments have been sent to the Department of Energy and Environmental Protection.

WHEREAS: The Middlebury Conservation Commission has taken into consideration the Legislation and Regulations Advisory notices received from DEEP.

WHEREAS: The Middlebury Conservation Commission has conducted a public hearing to receive comments from the public on May 27, 2014.

8.6 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to the Agency, or thirty-five days after such submission, whichever is sooner.

11.3 Has Been Deleted Due to Duplication.

May 27, 2014
