



TOWN OF MIDDLEBURY

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

MINUTES
January 28, 2014

Members Present:

Thomas Proulx
Terry Manning
James G. Crocicchia
George Tzepos (arrived @ 7:32 P.M.)
Vincent LoRusso

Members Absent:

Mary Barton

Also Present:

John Calabrese, P.E.
Deborah Seavey, WEO

I. CALL TO ORDER:

The Meeting was called to order at 7:30 P.M. by Chairman Thomas Proulx.

III. ACTION ON MINUTES OF NOVEMBER 26, 2013 REGULAR MEETING:

Motion: to accept the Minutes of the November 26, 2013 Regular Meeting. Made by Terry Manning, seconded by Vincent LoRusso. Unanimous Approval.

II. SHOW CAUSE HEARING

1. Regan Road Lot 119

The Show Cause Hearing for Regan Road Lot 119 was called to order at 7:31 P.M.

Deborah Seavey, WEO stated that a Cease and Desist Order regarding tree and brush removal within Hop Brook's upland review area dated January 20, 2014 was sent to the property owners. Said Order also referenced this evening's Show Cause Hearing. Violation letters dated August 21, 2013 and August 28, 2013 were previously sent to the property owners informing them that a formal application is necessary. There has been no contact by the property owners.

Motion: to close the Show Cause Hearing at 7:34 P.M. Made by Terry Manning, seconded by James Crocicchia. George Tzezos recused himself from this agenda item. Unanimous Approval.

IV. OLD BUSINESS

Motion: to stay the Cease and Desist Order for Regan Road-Lot 119 dated January 20, 2014 and refer the matter to Town Counsel. Made by Terry Manning, seconded by Vincent LoRusso. George Tzezos recused himself from this agenda item. Unanimous Approval.

V. NEW BUSINESS

1. Permit Renewal @189A/B-Ridgewood at Middlebury

Keith Diorio spoke on behalf of Toll Brothers. He stated that they are seeking a 5 year renewal of the Wetlands Permit.

Deborah Seavey, WEO stated that the renewal includes the original approval along with permit modifications of the decrease of units, elimination of the golf course and the temporary crossing. She also stated that this is the last renewal and that mitigation to date has been complied with along with weekly inspection reports from the engineering firm.

Motion: to approve the renewal of Wetlands Permit #189A/B-Ridgewood at Middlebury per the Resolution (see attached). Made by George Tzezos, seconded by Terry Manning. Unanimous Approval.

2. Application #346 – 28 Tyler’s Cove

Paige Kenausis spoke on behalf of both her and her brother Jeff. They are in the process of building a composting outhouse. It is 75 feet away from the water’s edge. It is entirely self contained and is an improvement of what currently exists. She provided photos for the Commission to review.

Motion: to accept Application #346 – 28 Tyler’s Cove. Made by Terry Manning, seconded by George Tzezos. Unanimous Approval.

3. Application #347 – South Street – Larkin Timber Harvesting

Motion: to add Application #347 – South Street – Larkin Timber Harvesting to the Agenda. Made by Terry Manning, seconded by George Tzezos. Unanimous Approval.

Eric Hansen, Consulting Forester of Ferrucci & Walicki, LLC Forest Management spoke on behalf of the applicant. He reviewed his Narrative with the Commission. The applicant will be conducting a timber sale on a portion of the properties which will require two temporary stream crossings for extraction of the harvested timber. They are proposing to begin the project in frozen winter, dry summer and early fall conditions or in the event there is a dry spring. They plan to remove mature and poor quality individual trees.

Deborah Seavey, WEO asked the Commission their opinion on how to calculate the filing fee seeing as though not the entire 51 acres are going to be touched.

Eric Hansen stated that he would provide accurate acreage in order for a more accurate filing fee to be determined. He also provided a signed application per Deborah's Seavey's request. He also stated that the property has been marked and that he will email Deborah Seavey, WEO a more detailed map in order for her to forward to the Commission members.

Motion: to accept Application #347 – South Street – Larkin Timber Harvesting. Made by James Crocicchia, seconded by Terry Manning. Unanimous Approval.

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

Motion: to adjourn the meeting at 8:00 P.M. Made by Terry Manning, seconded by Vincent LoRusso. 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
Olie LeDuc, Building Official
John Calabrese, P.E.
Terry Smith, P&Z
Curtis Bosco, ZEO
Attorney Robert Smith, WPCA
Larry S. Hutvagner, CFO

RESOLUTION

Permit Renewal # 189/189A/189B Ridgewood at Middlebury

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on January 28, 2014 to renew permit #189/189A/189B;

WHEREAS: The applicant has stated there are no changes from the original approval date of January 25, 2005 that have not been previously modified by the Commission;

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

- (1) Permit #189/A/B is renewed for another five years, with a final expiration date of January 25, 2019. Activities include, setback encroachments, discharge of storm drainage and road crossings.
- (2) All conditions in the original January 25, 2005 approval and permit modifications of: October 25, 2005(decrease of units), August 8, 2011(decrease of units, elimination of golf course) and November 26, 2013(temporary crossing) still apply.

January 28, 2014