



# TOWN OF MIDDLEBURY

*Conservation Commission*  
*1212 Whittemore Road*  
*Middlebury, Connecticut 06762*  
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## REGULAR MEETING MINUTES April 28, 2015

### **Members Present:**

Vincent LoRusso, Chairman  
James G. Crocicchia, Vice Chairman  
George Tzepos  
Thomas Proulx  
Mary Barton  
Terry Manning

### **Members Absent:**

Justin Stanziale

### **Also Present:**

Deborah Seavey, WEO  
John Calabrese, P.E.

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

The Meeting was called to order at 7:31 P.M. by Chairman Vincent LoRusso.

### **II. ACTION ON MINUTES OF THE MARCH 31, 2015 REGULAR MEETING**

**Motion:** to accept the Minutes of the March 31, 2015 Regular Meeting. Made by James Crocicchia, seconded by George Tzepos. Mary Barton abstained from voting.  
Unanimous Approval.

### **III. OLD BUSINESS**

#### **1. Application #357 – Benson Road/Rte 188**

Chairman LoRusso stated that there was no one present for said application and that an extension would be required. He also informed the Commission that the consultant is still in the process of preparing his report and will be available for the May 26, 2015 regular meeting.

Deborah Seavey, WEO stated that the applicant has yet to respond to the comments that were previously made by the Commission and that the deadline for the extension is April 29, 2015.

#### **IV. NEW BUSINESS**

##### **1. Application #359 - 2 Sandy Beach Road**

Jack Starr of 2 Sandy Beach Road reviewed a cutaway of an A2 Survey with the Commission which shows the 2 sections of wall that he is looking to improve that are each approximately 85 feet long . The omega shaped beach area is a semidry stone wall that extends out into the water. Photos which were submitted with the application show the impact that the past 2 winters have had on the wall. He is proposing to leave the omega shaped beach wall and install a reventenance system. A cross sectional diagram was reviewed with the Commission. Boulders will be removed, brought on top of the shoreline then grade the embankment to a slope not to exceed 1-1 ½ foot pitch. A geotextile filer fabric will then be installed on top and be pinned at the top of the wall and anchored at the bottom in the toe section of the new wall with riprap. It will then be covered with layers of fractured boulders. The design will allow movement due to frost and ice and as much as 10% of the area will be disturbed with no damage to the fabric at all. He also mentioned that he is on the Board of The Lake Quassapaug Association and that they are very anxious that hopefully the West Shore will lower the water level (3-4 feet) this year.

**Motion:** to accept Application #359 – 2 Sandy Beach Road. Made by Terry Manning, seconded by George Tzepos. Unanimous Approval.

#### **V. DISCUSSION**

##### **1. 120 Tranquility Road**

Attorney Anne Peters of Carmody, Torrence, Sandak & Hennessy, LLP spoke on behalf of Robert & Florence Bosco Trust. She stated that since the February meeting, the dam has been registered by Mr. Bosco and is called the Layla Dam, but that they are still waiting for the corrected letter from DEEP. She also informed the Commission that the Army Corps of Engineers (ACOE) did arrange for someone to go out and inspect. They did not send their own representative but did arrange for a DEEP representative from the Fisheries Program do the inspection. Said representative reported back to the ACOE on his findings. While there is no written report from the ACOE, they have said that in order for the violation to be closed, they either will accept a penalty fee plus an after the fact permit fee for the armory or preferably a mitigation plan that would consist of native plantings along the stream margin which must be designed by a qualified soil scientist.

Mr. Bosco does have a list of wetland scientist plans to proceed with that process. To follow, Mr. Bosco plans to submit an application to this Commission for an after the fact permit for the dam. She also indicated that by inference, the inspection covered the entire project. While she does not expect a formal written decision from the ACOE, she offered to contact them and ask. Alternatively, she offered their contact information and past correspondence.

Deborah Seavey, WEO reminded the Commission that any plan the ACOE approves does guarantee approval from this Commission.

Chairman LoRusso respectfully requested that this Commission continue to be informed to which Attorney Peters agreed to do so.

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Chairman LoRusso notified the Commission of an emergency repair at Juniper's Restaurant.

John Calabrese, P.E. stated that approximately 1 week ago after a large rainstorm, a large sinkhole (4'x8'x2') developed at Juniper's parking lot. It was discovered that there is a 15" corrugated metal pipe that had collapsed and blocking the brook. They are looking to replace the section of pipe with and 18" reinforced concrete pipe before more sinkholes are created.

Deborah Seavey, WEO confirmed that she gave a verbal approval due to the emergency but that an application after the fact is still needed.

All members of the Commission agreed.

#### **VI. PUBLIC COMMENT**

None

#### **VII. ADJOURNMENT**

#### **ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:58 P.M. Made by George Tzepos, seconded by Mary Barton. 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