



TOWN OF MIDDLEBURY

Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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REGULAR MEETING MINUTES May 26, 2015

Members Present:

Vincent LoRusso, Chairman
James G. Crocicchia, Vice Chairman
George Tzepos (arrived @ 7:32 p.m.)
Thomas Proulx
Justin Stanziale
Terry Manning

Members Absent:

Mary Barton

Also Present:

John Calabrese, P.E.

I. CALL TO ORDER:

The Meeting was called to order at 7:30 P.M. by Chairman Vincent LoRusso.

II. ACTION ON MINUTES OF THE APRIL 28, 2015 REGULAR MEETING

Motion: to accept the Minutes of the April 28, 2015 Regular Meeting. Made by Thomas Proulx, seconded by Terry Manning. Unanimous Approval.

III. OLD BUSINESS

1. Application #357 – Benson Road/Rte 188

George Logan of Rema Ecological Services LLC, 164 East Center Street, Suite 8, Manchester, CT spoke on behalf of the applicant. He stated that there has been much activity since the February 24, 2015 meeting. They have met with Deborah Seavey, WEO, John Calabrese, P.E. and Ed Pawlak, Soil Scientist with Connecticut Ecosystems, LLC to discuss issues and concerns. Since then, preliminary revisions have been made to the plans which he reviewed with the Commission. Some of the revisions include: a more detailed construction narrative, standalone erosion and sedimentation control plan, and a construction sequence for the detention basins. The reduction of wetland impacts is of the utmost importance. Previously there were approximately 3,300 square feet of wetland impacts and it has since been revised to 1,538 square feet of impact. In order to achieve this, 4 parking spaces initially in the front of the building have been moved to the

rear. A 2 foot high retaining wall is also being proposed. The applicant was encouraged to provide as much infiltration as possible for storm water. The runoff from the roof of the 9,600± square foot office building has been isolated and will be put into an infiltration trench. There will be an overflow for the larger storms to go into the detention basin. Therefore, instead of two basins, there will be one. He submitted various photos for the record. They are also proposing to utilize a level spreader to allow water to enter an existing small cove as opposed to the marsh as there is currently evidence of peat disintegration most likely due to sediment from the neighboring highway. He referenced the various amphibians/wildlife noticed during site visits. He also stated that additional suggestions are being considered for their final revision and confirmed that the calculations reflect 1 ½ inches of rainfall infiltration into the ground per hour.

John Calabrese, P.E. confirmed that the roof and parking area cover .728 acres of the property.

Ed Pawlak, Soil Scientist with Connecticut Ecosystems, LLC (Town Consultant) stated for the record that he and Mr. Logan were colleges back in the 1990's with the Soil Scientist Department Services in Cheshire and remain colleges to this day. However, said fact does not affect his point of view. He visited the site on 3 occasions and found the wetland delineation to be substantially accurate. He has yet to complete his written report due to the fact that the revised site plan has yet to be finalized. He has however, given Mr. Logan some of his recommendations which include but are not limited to the use of a separate and more detailed Sediment and Erosion Control Plan, the use of swales floc logs and a skimmer, and a Construction Sequence. He also recommends that a ground water recharge volume analysis be conducted along with a feasible improvement alternatives analysis. He complimented the mitigation plan and its thoroughness. In his final report, he plans to include a publication from EPA.

Chairman LoRusso confirmed that the applicant did request an extension and the finalized plans must be submitted soon to allow all ample opportunity to review said plans prior to the June 30th Regular Meeting.

George Logan of Rema Ecological Services LLC confirmed that they will give much thought to Mr. Pawlak's additional recommendations but believes that the feasible prudent alternative is being proposed based on what interested parties are interested in.

Chairman LoRusso stated that the Commission was informed that the proposed building was a spec building yet they now are being told that there are potential tenants for said building.

Mr. Theroux stated that it never was a spec building but rather a proposed building for the activity he receives as a commercial/industrial developer and that the size of the proposed building that meets the footprint of what people are looking for.

Motion: to continue Application #357 – Benson Road/Route 188 to June 30, 2015. Made by George Tzepos, seconded by James Crocicchia. Unanimous Approval.

1. Application #359 - 2 Sandy Beach Road

Jack Starr of 2 Sandy Beach Road reviewed photos his plans to repair two 85 foot sections of wall to the right and left of the omega shaped beach area with the Commission.

Thomas Proulx stated that he did visit the site and agrees that it is in much need of repair.

James Crocicchia confirmed that he visited the site as well and acknowledged the need of repair but questioned the property line.

Jack Starr stated that the property line would be extended by 3-4 feet at the most once the project is complete. By doing so, it will ensure the protection of the existing trees. The new fractured boulders will be recessed 2 feet into the base of the waterline. His goal is to reconstruct it so it is safe and durable.

Motion: to approve Application #359 – 2 Sandy Beach Road per the draft resolution. Made by George Tzepos, seconded by Terry Manning. Unanimous Approval.

IV. NEW BUSINESS

1. Application #360 – 1383 West Street

John Calabrese, P.E. updated the Commission with respect to the emergency repairs performed on the above referenced property due to sink holes in the parking lot and the collapsed pipe. The sketch submitted shows the work that was completed to date. During the performance of the repairs, numerous sizes and types of compromised piping were discovered.

Dr. Yimoyines, the adjoining property owner, reminded the Commission that approval was granted approximately 2 years ago to redo the entire pipe but did not occur due to the

fact the owners of the property did not want to perform the repairs. The existing culvert by the old Perrotti house does not collect silt and he believes that the combination of the curve and vegetation led to the issue with which they were faced with. He asked the Commission for guidance as to whether it should be dug out and rip rapped or if they should just continue the 18 inch pipe to where he received permission to cross.

Chairman LoRusso informed Dr. Yimoyines a second application would need to be submitted from the property owner (Juniper's Restaurant) to perform additional work that is deemed necessary to perform additional repairs. However, he did confirm that said area could be rip rapped as part of the existing application and mitigation measures.

John Calabrese, P.E. confirmed that at this point, should the remainder be piped, a separate application must be submitted.

Motion: to accept Application #360 – 1383 West Street. Made by George Tzepos, seconded by Terry Manning. Unanimous Approval.

2. Application #362 – Town of Middlebury-Greenway (Lake Elise)

John Calabrese, P.E. stated that there is no application at the present time but informed the Commission that there are 3 poles in the area of Lake Elise. For approximately 2 years, the Town has been in talks with the Land Trust to acquire a small parcel in order to shift the Greenway over. The transfer is not yet official but he anticipates an application to be submitted next month.

V. PUBLIC COMMENT

None

VI. ADJOURNMENT

Motion: to adjourn the meeting at 8:58 P.M. Made by James Crocicchia, seconded by Thomas Proulx. 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

Application #359 2 Sandy Beach Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on April 28, 2015 from Jack Starr map dated received April 22, 2015;

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 repair of stone walls along the lake 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 26, 2015