



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES May 31, 2022

Members Present:

Paul Bowler, Chairman
Mary Barton
Curtis Bosco
Joseph Martino
Peggy Gibbons
Brian Stroby
George Tzepos (arrived @ 7:31pm)

Members Absent:

Members Present:

John Calabrese, P.E.
Deborah Seavey, W.E.O.

I. CALL TO ORDER

Chairman Paul Bowler called the Regular Meeting to order at 7:30 p.m.

II. ACTION ON MINUTES

April 26, 2022 Regular Meeting

Motion: to approve the Minutes of the April 26, 2022 Regular Meeting. Made by Curtis Bosco, seconded by Joseph Martino. Unanimous Approval.

III. OLD BUSINESS

1. Application #479 – 1625 Straits Turnpike

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant, Robert LaFlamme of Middlebury Edge, LLC. She submitted and reviewed revised plans. The revisions were mostly regarding wetland mitigation, impact reduction and protection. She confirmed that she did research the historical use of the property at the request of the Commission. She reviewed a 1990 aerial shot depicting baseball fields and she suspects that the wetland has been enlarging over the years from the drainage coming from Route 63. She went on to highlight the following revisions:

- Addition of an oil grit separators into the stormwater chambers for water quality prior to discharge into the wetlands, use of retaining walls to minimize the impact of the grading, temporary and permanent sediment erosion control plan, detailed construction sequence and inspection schedule, engineering outlet protection throughout the site to ensure that the stormwater that enters the wetlands is slow and has the highest water quality available
- 3.56 acre Conservation Easement
- Planting Plan prepared by William (Bill) Kenny, PWS, SS, RLA of William Kenny Associates, 1899 Bronson Drive, Fairfield, CT 06824
- Expansion (2,300 square feet) of existing detention basin as well as a riprap filter berm

Emily Jones, P.E. thanked Mr. LaFlamme for his willingness to agree to the revisions. She added that in order to wrap the parking behind the building, it would require a permit from the Army Corps. Of Engineers. She was informed that they would require a feasible and prudent alternative analysis

John Calabrese, P.E. and Deborah Seavey, W.E.O. stated that they have yet to review the new plans.

Deborah Seavey, W.E.O. confirmed that an extension is required.

Emily Jones, P.E. submitted said request.

IV. NEW BUSINESS

1. Permit Modification #474-A – 211 Tranquillity Road

Dean Yimoyines is seeking a modification of the approval. He is proposing to add a solar powered boat lift, which will not be a permanent structure. It will be rolled out at the

beginning of the season and in at the end of the season.

Motion: to approve Permit Modification #474-A – 211 Tranquillity Road per the Draft Resolution. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

2. Application #480 – 257 Christian Road

Chairman Bowler tabled the application until later in the meeting as there was no one present.

3. Application #481 – 39 Sandy Beach Road

Scott Meyers, P.E. & L.S. with Meyers Associates P.C. spoke on behalf of the applicant and reviewed the plans with the Commission. The old cottage has been demolished and they are proposing to construct a new cottage which will be slightly further away from the lake. The well will be on Mr. Moore's unit in order to obtain a permit for a holding tank. However, they are still working with the Health Department for other code compliance issues. The cottage will be roughly the same elevation as the previous one (12' above the lake). There will not be any more disturbance near the lake and all of the trees will remain intact. A newer concrete patio and stairs that were installed will remain. The cottage will be for seasonal use only. He agreed to stake out the property.

Motion: to accept application #481 – 39 Sandy Beach Road. Made by George Tzepos, seconded by Brian Strobby. Unanimous Approval.

4. Application #482 – Town of Middlebury-99 Burr Hall Road

George Tzepos recused himself.

John Calabrese, P.E. stated that the Department of Public Works is planning on performing some drainage work on Burr Hall Road, which will include said specific location. He reviewed photos with the Commission. The proposal is to install catch basins for drainage improvements. DPW may start the Burr Hall Road project prior to the next meeting, although his is not certain if they will reach said address by next month's meeting.

Motion: to accept application #482 – Town of Middlebury-Burr Hall Road. Made by Chairman Bowler, seconded by Joseph Martino. George Tzepos recused himself. Unanimous Approval.

2. Application #480 – 257 Christian Road

Deborah Seavey, W.E.O. stated that although the applicant was not present, the application could be accepted.

Curtis Bosco stated that the applicant is looking to construct a barn on the property and added that there is a lot of wetlands behind the property.

Motion: to accept application #480 – 257 Christian Road. Made by Mary Barton, seconded by George Tzepos. Unanimous Approval.

V. ADJOURNMENT

Motion: to adjourn the meeting at 8:00 p.m. Made by George Tzepos, seconded by Brian Stroby. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Brigitte Bessette, Town Clerk
cc: Conservation Commission Members
Debbie Seavey, W.E.O.
Mark Lubus, Building Official
John Calabrese, P.E.
Terry Smith, P&Z Chairman
Curtis Bosco, Z.E.O.
Attorney Robert Smith, WPCA

RESOLUTION/REPORT

Permit Modification #474-A 211 Tranquillity Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received a permit modification on May 31, 2022 from Tranquillity Estate, LLC;

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 modification activity that consists installation of a mobile(removal) boat lift will not have a substantial impact on the regulated area.
 - (2) All original conditions still apply.
 - (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 31, 2022