



# TOWN OF MIDDLEBURY

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

## REGULAR MEETING MINUTES June 28, 2022

### **Members Present:**

Paul Bowler, Chairman  
Mary Barton  
Peggy Gibbons  
Curtis Bosco (via cell phone)

### **Members Absent:**

Joseph Martino  
Brian Stroby  
George Tzepos

### **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 7:37 p.m.

Curtis Bosco announced himself as he joined the meeting via cell phone call.

## **II. ACTION ON MINUTES**

### **May 31, 2022 Regular Meeting**

**Motion:** to approve the Minutes of the May 31, 2022 Regular Meeting. Made by Peggy Gibbons, seconded by Mary Barton. 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. As of this meeting, there are no engineering changes to the plans since last month. She confirmed receipt of the review letter from John Calabrese with the recommendation that this Commission request a planting bond, which they are agreeable to. The mitigation plan is in place and a report since last month's meeting has been submitted from Mr. Kenny.

William (Bill) Kenny, PWS, SS, RLA of William Kenny Associates, 1899 Bronson Drive, Fairfield, CT 06824 reviewed the mitigation plan with the Commission and highlighted the following:

- The existing triangle of wetland would not exist if it were not for the stormwater runoff from Route 63
- The old stormwater basin for the development will be expanded, which will promote a longer cleaning process prior to discharge. A sediment sump is also being added, which will help track sediment coming in at the discharge, as well as a riprap filter berm.
- The invasive plants will be removed.
- A new wetland will be created in place of the one being eliminated.
- A Conservation Easement is being proposed (approximately 3.5 acres).
- Existence of a Soil Erosion and Sediment Control Plan for during and after construction.
- The addition of the hydrodynamic separator will enhance water quality prior to discharge.

He went on to add that it is his professional opinion that this development in whole will not adversely impact on the wetlands and result in a benefit.

**Motion:** to approve application #479 – 1625 Straits Turnpike per the Draft Resolution. Made by Mary Barton, seconded by Peggy Gibbons. Unanimous Approval.

#### **2. Application #480 – 257 Christian Road**

Joseph Morningstar stated that he is seeking approval to construct a 24' X 36' barn. They will construct a new gravel driveway, with a 10' paved apron, which will go into the 21 foot high barn consisting of 2 car bays. It will have a partial upper level that will be utilized for storage. A new septic system was recently put in, but there will be no water fixtures, sink or occupancy.

**Motion:** to approve application #480 – 257 Christian Road per the Draft Resolution. Made by Mary Barton, seconded by Peggy Gibbons. Unanimous Approval.

**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 revised plans with the Commission. The building was staked per the request of the Commission. Since they will not be able to have sewage storage or water, they will not need a holding tank or a well. The uninhabitable storage building (oversized shed) will be used as a cottage for lake usage. Due to health code requirements at this time, the applicant is unable to connect utilities. The structure will be slightly further from the lake than the original one was and there is no change to the grade. The disturbance area was reduced by not constructing the holding tank or the well.

**Motion:** to approve application #481 – 39 Sandy Beach Road per the Draft Resolution and provided the applicant return to this commission in the event they want to put in septic or water. Made by Mary Barton, seconded by Curtis Bosco. Unanimous Approval.

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

John Calabrese, P.E. stated that the Department of Public Works has yet to commence the drainage work, including the installation of a catch basin at said location, but he expects them start in the near future.

**Motion:** to approve application #482 – Town of Middlebury-Burr Hall Road per the Draft Resolution. Made by Curtis Bosco, seconded by Mary Barton. Unanimous Approval.

**IV. NEW BUSINESS**

**JULY 26, 2022 REGULAR MEETING**

**Motion:** to add discussion of the July 26, 2022 Regular Meeting to the agenda. Made by Mary Barton, seconded by Chairman Bowler. Unanimous Approval.

**Motion:** to cancel the July 26, 2022 Regular Meeting. Made by Mary Barton, seconded by Chairman Bowler. Unanimous Approval.

**V. ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:53 p.m. Made by Mary Barton, seconded by Chairman Bowler. 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**

Application #479 1625 Straits Turnpike

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on March 29, 2022 From Middlebury Edge, LLC map entitled "Middlebury Edge, LLC 1625 Straits Turnpike Middlebury, CT 06762" dated March 25, 2022 with revision date of May 27, 2022;

**WHEREAS:** The Commission has considered the proposed activity, application and all documents and reports submitted by or on behalf of the applicant.

**WHEREAS:** The application was referred to Town Engineer, John Calabrese whose comments have been considered by the Commission;

**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 commercial building, parking/drainage facilities and wetland mitigation activities will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance the applicant shall provide the following:
  - conservation easement which shall be acceptable with town staff and town counsel
  - permanent wetland markers be installed along the limits of disturbance
  - a cash bond in the \$25,000.00 shall be submitted for the completion and plantings of the wetland mitigation. Said bond shall remain in place for two growing seasons and after a final report is received from an environmental consultant.
- (3) An environmental consultant shall be present during all wetland mitigation activities.
- (4) Weekly site inspections shall be submitted to the commission
- (5) Letter from the engineer certifying that all drainage and site work has been completed as approved.
- (6) A narrative shall be provided to included the removal of invasive species.
- (7) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (8) 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.

- (9) 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.
- (10) 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.
- (11) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

June 28, 2022

## **RESOLUTION/REPORT**

Application #480 257 Christian Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 31, 2022 From Joe Morningstar map entitled "257 Christian Road dated May 5, 2022 with latest revision date of June 23, 2022;

**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;

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**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 barn within the upland review area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall be submitted to include, proposed grading, soil erosion control plan with details, signature and seal and limits of disturbance. Said revisions shall be acceptable with Town Staff.
- (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.  
June 28, 2022

## **RESOLUTION/REPORT**

Application #481 39 Sandy Beach Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 31, 2022, from James Mele map entitled "Plot Plan Unit #14" dated May 25, 2022;

**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 cottage construction within the lake upland review area will not have a substantial impact on the regulated area.
  - (2) In the future, if the property has the ability of on-site septic and well, the applicant must apply for a wetlands permit.
  - (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.
- June 28, 2022

## **RESOLUTION/REPORT**

Application #482 Town of Middlebury – 99 Burr Hall Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 31, 2020 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 drainage improvements with activity within the upland review area 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.
- June 28, 2020