



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES November 29, 2022

Members Present:

Paul Bowler, Chairman
George Tzepos
Peggy Gibbons
Curtis Bosco

Members Absent:

Mary Barton, Vice Chairwoman
Brian Stroby
Joseph Martino

Also Present:

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

I. CALL TO ORDER

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

II. ACTION ON MINUTES

October 25, 2022 Regular Meeting

Motion: to approve the Minutes of the October 25, 2022 Regular Meeting. Made by George Tzepos, seconded by Peggy Gibbons. Unanimous Approval.

III. OLD BUSINESS

1. Application #486 – 316 Charcoal Ave

Brain McNally stated that he is seeking approval to put a 20' X 40' pool in his rear yard 40' off of the property. The septic tanks will be in front and there is a secondary septic in the back if needed. He added that it is a safe enough distance from any intermittent waterway that has been dry since he moved in.

Chairman Bowler shared that he performed a site visit this past Sunday and has no issue with the proposal.

Deborah Seavey, W.E.O. stated that there are a few things on the revised plans that need to be addressed but are mentioned in the Draft Resolution.

Motion: to approve application #486 – 316 Charcoal Ave per the Draft Resolution. Made by George Tzepos, seconded by Peggy Gibbons. Unanimous Approval.

2. Permit Modification #481 – 39 Sandy Beach Road

There was no one present. See discussion below that occurred later in the meeting.

Although there was no one present, Deborah Seavey, W.E.O. stated that the application would be considered denied after December 28, 2022 if action is not taken. She went on to state that the prior application was approved without water or septic.

3. Application #487 – 75 Gleneagle Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant Scott Tedesco of Heritage Builders of Waterbury, LLC and reviewed the plans with the Commission. He stated that this application is in reference to Lot 9 in the Three Mile Hill Estates which consists of 4.67 acres of which 3+ acres are wetlands. They are proposing to construct a house and perform grading. There is a conservation easement which contains a detention basin. He stated that by looking at the title search on the property, he believes that the lot owner bears the responsibility of maintaining the detention basin.

George Logan, Soil Scientist with REMA Ecological Services, LLC submitted for the record and reviewed his revised Proposed Mitigation Plan package (see attached) which includes photos, a Mitigation Plan for Replication & Restoration of Wetland Habitats dated 11-29-2022 as well as a Mitigation Plan for Restoration/Enhancement of Upland & Wetland Habitats in Two Areas Infested by Multiflora Rose dated 11-28-2022.

Motion: to approve application #487 – 75 Gleneagle Road per the Draft Resolution. Made by Curtis Bosco, seconded by George Tzezos. Unanimous Approval.

4. Application #488 – Hunting Ridge

There was no one present. See discussion below that occurred later in the meeting.

Deborah Seavey, W.E.O. confirmed that the applicant did submit most of what was requested, however the outstanding required items are outlined in the Draft Resolution.

Motion: to approve application # 488 Hunting Ridge per the Draft Resolution. Made by Curtis Bosco, seconded by George Tzezos. Unanimous Approval.

5. Application #489 – 75 Lake Shore Drive

Eliseos Barbagiannis is seeking approval for an extension on the first floor and a second floor addition of an existing home which is currently 1 story. He plans to remove part of the existing house on the first floor and the entire footprint of the first floor is approximately 900 square feet. He plans to ultimately add 480 square feet.

Deborah Seavey, W.E.O. confirmed that there are wetlands in the rear, the application form is incomplete, other issues outlined in the Draft Resolution and that full scale plans also need to be submitted.

Motion: to approve application #489 – 75 Lake Shore Drive per the Draft Resolution and the full scale plans be submitted. Made by Curtis Bosco, seconded by George Tzezos. Unanimous Approval.

IV. NEW BUSINESS

1. Application #490 – 555 Christian Road/764 Southford Road

Ryan McEvoy, P.E. with SLR, Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06410 spoke on behalf of the applicant and reviewed the plans with the Commission as

well as an aerial view of the property. He pointed out that 555 Christian Road property is known as the Timex Headquarters property while 764 South Road consists of approximately 20 acres with a single family residential home. The two properties total approximately 112 acres with 7.5 acres consisting of wetlands. They are proposing to construct 2 buildings. The larger of the two (540,000 square foot warehouse) will be in the vicinity of the existing Timex building, and the smaller (180,000 square feet) will be located on the Southford Road piece. Access to both buildings will be taken off of Southford Road exclusively. Timex Road will be limited to emergency access only. They also propose 90 trailer storage spaces and 450 parking spaces for employees. Each building will have 360° access. They plan to utilize the two stormwater existing basins and add four stormwater management ponds which are designed so that there is no increases in runoff for all major storm events including the 100-year storm. Both buildings will be served by sanitary sewer and public water which is provide by Benson Road.

Matt Sanford, Professional Soil Scientist and Wetland Scientist with SLR, Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06410 reviewed an aerial view of the property. They reviewed the 1996 maps of the site prior the Timex building was constructed and the wetlands had been flagged. They performed a reverification of the existing wetland lines that were done in 1996 and they also reflagged areas adjacent to potential developed areas. They discovered new wetlands that were not identified in 1996 and developed as result of the construction for the Timex building. They divided the wetlands into two categories. Federal (core) Wetlands that must contain hydrology soils and vegetation and State Wetlands which do not have a significant connection to a federally regulated wetland. The State Wetlands were the ones created as a result of the development in the late 1990s. He went on to review each of the three Federal Wetlands as well as the four State Wetlands with the Commission. They are proposing no direct wetland impacts to the Federal Wetlands, filling an estimated 15,608 square feet of State Wetlands and a wetland creation approximately 32,000 square feet in size. This will be a 2:1 mitigation ratio, ultimately gaining more wetlands on site. The existing homeowner is a salvage collector and they also plan to remove the debris from the upland review area and reseed/restore it.

The members of the Commission agreed that a Public Hearing was not required.

Motion: to accept application #490 – 555 Christian Road/764 Southford Road. Made by George Tzepos, seconded by Peggy Gibbons. Unanimous Approval.

2. Application #491 – 80 Turnpike Drive

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant, Ed Godin of GB Middlebury, LLC and reviewed the plans with the Commission. The project site is located on the south side of Turnpike Drive and is the last property before the City of Waterbury. The eastern property line is also the town boundary. The watercourse runs along the eastern side of the property. There is a building on the site which is approximately 20,000 square feet in size in the LI-80 Zone. The entire property is 10.5 acres. The current building contains individual office industrial trade suites. Each suite has its own pedestrian entrance and overhead door. Her client is looking to do something similar in the rear of the property with a smaller footprint. They plan to utilize the two existing curb cuts on Turnpike Drive and expand the parking area back toward the south to go around a new 13,900 square foot building with similar parking, overhead doors and man doors for each of the suites. There are two wetland areas on the site to the west and east. All that flows to the west goes into the Turnpike Drive drainage and out to Route 63 while all that drains towards the east drains towards Wooster Brook. Currently the building goes out to the street through a series of catch basins without treatment. Most of the new area will drain towards the east into a new stormwater renovation area before discharging to the wetland. They are proposing to replace the catch basin with a hydrodynamic separator for the remainder to enable treatment in both discharge points from the site. There will be an estimated ½ acre of disturbance in the upland review area but there will be no wetland impact. She confirmed that the City of Waterbury will be notified and that they also submitted an application with Middlebury Planning & Zoning.

Motion: to accept application #491 – 80 Turnpike Drive. Made by Curtis Bosco, seconded by George Tzepos. Unanimous Approval.

V. DISCUSSION

1. 2023 Meeting Dates

Motion: to approve the 2023 Conservation Commission Regular Meeting Schedule. Made by George Tzepos, seconded by Paul Bowler. Unanimous Approval.

2. FY 2023-24 Budget

Motion: to recommend a 9% increase in staff's salary due to the increased cost of living. Made by George Tzepos, seconded by Paul Bowler. Unanimous Approval.

20 Juniper Road

Motion: to add 20 Juniper Road to the agenda. Made by Paul Bowler, seconded by George Tzepos. Unanimous Approval.

Deborah Seavey, W.E.O. stated that she recently signed off for a pool but the property owner went on to do clear cutting and continues to ignore her violations.

Motion: to issue a Cease and Desist Order and hold a Show Cause Hearing regarding 20 Juniper Road on December 13, 2022 at 5:30 p.m. Made by George Tzepos, seconded by Paul Bowler. Unanimous Approval.

V. ADJOURNMENT

Motion: to adjourn the meeting at 8:39 p.m. Made by Curtis Bosco, seconded by Peggy Gibbons. 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

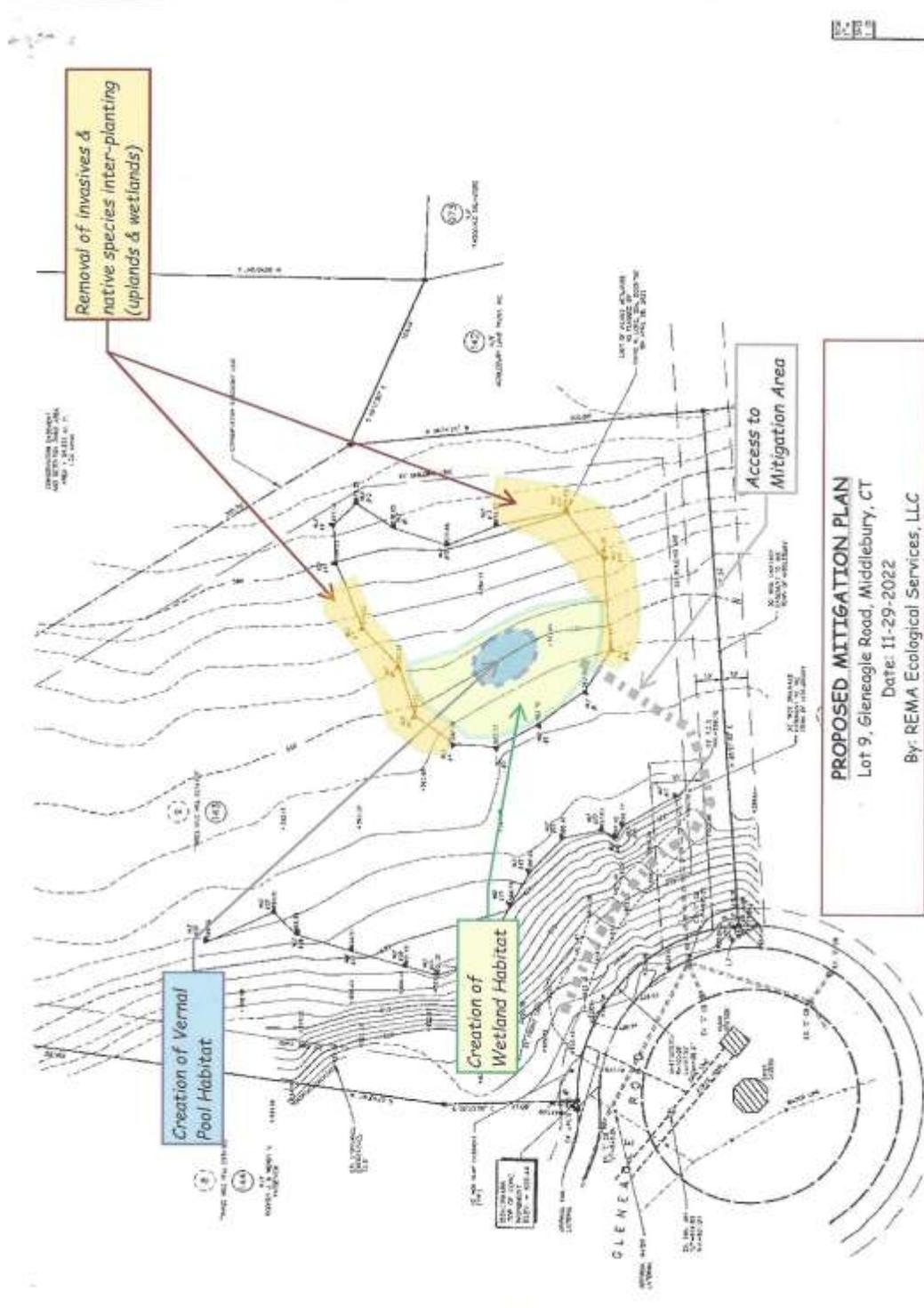




FIGURE B:

Area of Proposed Wetland Mitigation
Lot 9, Gleneagle Road, Middlebury, CT
(as seen on a 4/22/2018 aerial photograph)

Approximate Location
of Upland Island
(with hand-held GPS, +/- 10')

WF#1

WF#1b

200 ft

Google Earth

Lot 9, Gleneagle Road, Middlebury, CT
Photos taken November 26, 2022



Photo 5: View of Wetland Creation Area; larger trees would be avoided; facing southwesterly



Photo 6: Northerly portion of Wetland Creation Area; WF#1 in view, as well as area of multiflora rose infestation to be eradicated/controlled; facing northwesterly

Photos by: REMA Ecological Services, LLC

Lot 9, Gleneagle Road, Middlebury, CT
Photos taken November 26, 2022



Photo 7: Northern Invasives Removal Area (wetlands & uplands); facing northeasterly



Photo 8: Easterly end of Southern Invasives Removal Area; facing southeasterly

Photos by: REMA Ecological Services, LLC

Lot 9, Gleneagle Road, Middlebury, CT
Photos taken November 25, 2022



Photo 9: Northern Wet Detention Pond; facing northerly



Photo 10: Wet Detention Pond outlet

Photos by: REMA Ecological Services, LLC

**MITIGATION PLAN FOR
REPLICATION & RESTORATION OF WETLAND HABITATS**

IMPLEMENTATION NOTES

1.0 INTRODUCTION

EMERGENT WETLAND (I.E., WET MEADOW/MARSH AND SCRUB SHRUB SWAMP) CREATION BY EXCAVATION, AND HERBACEOUS AND WOODY PLANTINGS, WILL TAKE PLACE AT ONE LOCATION ON THE SUBJECT PROPERTY, SPECIFICALLY WITHIN AN UPLAND WOODED ISLAND. SOILS AT THE WETLAND CREATION SITE ARE MODERATELY WELL DRAINED, FINE SANDY LOAMS.

THOUGH GOOD-QUALITY NATIVE VEGETATION OF FORESTED UPLAND HABITATS DOMINATE A SIGNIFICANT PORTION OF THE UPLAND ISLAND, THE EASTERN (UPPER) PORTION ALSO INCLUDES AREAS INFESTED WITH INVASIVE SHRUBS, PARTICULARLY MULTIFLORA ROSE. THIS UPPER AREA, WHICH ALSO HAS GENTLER GRADES IS SELECTED FOR THE WETLAND CREATION.

IN-KIND MITIGATION IS PROPOSED TO OFF-SET LOST FUNCTIONS & VALUES FROM THE CURRENTLY PROPOSED PERMANENT WETLAND IMPACT). THE GOAL IS TO CREATE ECOLOGICAL COMMUNITIES WITH AT LEAST COMPARABLE, AND PREFERABLY HIGHER, FUNCTIONS AND COMPLIMENTARY WETLAND COVER TYPES TO THE WETLANDS THAT WOULD BE IMPACTED. THE INITIAL TARGET COVER TYPE RATIO FOR THE WETLAND REPLICATION SHALL BE ½ WET MEADOW AND ½ SCRUB SHRUB HABITATS. ALSO, A ROUGHLY 800 SQAURE FOOT PORTION OF THE WETLAND CREATION AREA, WILL BE SEASONALLY FLOODED, IN ORDER TO ATTRACT OBLIGATE AMPHIBIANS OF VERNAL POOL BREEDING HABITATS. ABOUT **5,650 SQUARE FEET** OF PRODUCTIVE WETLAND CAN BE CREATED. ADDITIONALLY, ENHANCEMENT AND RESTORATION OF UPLANDS AND WETLANDS ADJACENT TO THE WETLAND CREATION AREA SHALL BE CLEARED OF INVASIVE MULTIFLORA ROSE AND JAPANESE BARBERRY AND BE PLANTED WITH NATIVE SHRUBS (SEE TABLES 1 AND 2). THIS WILL INCREASE THE FUNCTIONALITY OF WETLAND HABITATS, BOTH CREATED AND EXISTING. APPROXIMATELY **6,750 SQUARE FEET** OF UPLAND AND WETLAND HABITATS WILL BE ENANCED AND RESTORED TO THE NORTH AND TO THE SOUTH OF THE PROPOSED WETLAND CREATION AREA.

THE WETLAND CREATION GOAL IS 100% COVER, AND 95% COVER BY NATIVE SPECIES, BY THE END OF THE THREE-YEAR MONITORING PERIOD. PLANT SPECIES WERE SELECTED TO ENCOMPASS THE FOLLOWING CRITERIA: FOOD PLANTS FOR CATEPILLARS, BEETLES, AND OTHER INSECTS; FRUIT, SEED, AND NUT PRODUCTION IN DIFFERENT SEASONS, INCLUDING PERSISTENT WINTER FRUIT AND SPRING SEEDS; FORAGE FOR VERTEBRATE HERBIVORES; SUITABLE MICRO-HABITATS FOR OVERWINTERING INSECTS; AND NECTAR AND POLLEN

THROUGHOUT THE GROWING SEASON (SEE TABLE 3). NATIVE SPECIES ALREADY PRESENT IN NEARBY WETLAND HABITATS, ESPECIALLY WOODY SPECIES, WERE SELECTED FIRST, AS THEY ARE ALREADY USED BY THE LOCAL FAUNAL ASSEMBLAGE.

NOTE: ALL WETLAND REPLICATION WORK, SHALL BE SUPERVISED BY AN ECOLOGIST (OR WETLAND SCIENTIST), INCLUDING INITIAL GRADING, PLANTING, MARKING INVASIVES. A PRE-IMPLEMENTATION MEETING SHALL TAKE PLACE AT LEAST ONE MONTH PRIOR TO PLAN IMPLEMENTATION, BETWEEN THE WETLAND SCIENTIST, THE SITE CONTRACTOR, AND THE LANDSCAPER, AND THE TOWN'S WETLAND AGENT, AT THE TOWN'S DISCRETION.

2.0 WETLAND CREATION

PREPARATION

1. ORDER THE TRAYS OF HERBACEOUS PLUGS AND THE SEED MIX, FOR DELIVERY RIGHT AFTER COMPLETION OF GRADING. STORE IN SHADE WHEN THEY ARRIVE.
2. EARTHWORK FOR THE WETLAND REPLICATION WILL TAKE PLACE IN APRIL / MAY, OR IN AUGUST, SO THAT PLANTINGS CAN BE INSTALLED IMMEDIATELY AFTERWARDS, EITHER IN LATE SPRING OR VERY EARLY FALL SEASONS.
3. THE TOPSOIL LAYER TO BE USED AT THIS WETLAND CREATION AREA WILL TOPSOIL SALVAGED FROM THE PORTION OF THE UPLAND THAT IS DEVOID OF INVASIVE SPECIES. ADDITIONAL TOPSOIL MAY HAVE TO BE BROUGHT TO THE SITE, AS SPECIFIED BY THE WETLANDS PROFESSIONAL.
4. IF NECESSARY, WELL-ROTTED LEAF COMPOST (I.E., TWO YEAR MINIMUM) WILL BE ADDED TO BRING THE PERCENT ORGANIC MATTER TO A DESIRED SPECIFICATION OF AT LEAST 7 PERCENT.
5. A ONE TO TWO INCH THICK TOP-DRESSING SHALL BE APPLIED TO THE FINAL GRADE, CONSISTING OF LEAF COMPOST (2-YEAR OLD, MINIMUM).
6. ADD ORGANIC, SLOW-RELEASE FERTILIZER OR OTHER AMENDMENT ONLY AS INDICATED BY THE SOIL TEST RESULTS. NOTE THAT NUTRIENT LEVELS SHOULD BE LOWER FOR NATURAL HABITATS THAN FOR AGRICULTURAL OR HORTICULTURAL SITES, TO PREVENT EXCESSIVE COMPETITION BY RANK WEEDS.
7. INSTALL PERIMETER EROSION CONTROLS AROUND AND DOWNGRADIENT OF THE MITIGATION AREA AS SHOWN ON PLAN: CORRECTLY TRENCHED AND STAKED SILT FENCE PER THE 2002 CONNECTICUT EROSION & SEDIMENTATION CONTROL GUIDELINES (2002 GUIDELINES).

EARTHWORK

8. CLEAR AND GRUB THE WETLAND MITIGATION AREA.

9. **EXCAVATION, GRADING, AND TRANSPLANTING** WILL TAKE PLACE UNDER THE DIRECTION OF THE WETLAND SCIENTIST. GRADING WILL BE BASED ON CONDITIONS OBSERVED AT THE FIELD BY THE WETLAND SCIENTIST WHO MAY MAKE SMALL IN-FIELD ADJUSTMENTS.
10. OVEREXCAVATE BY 8-10 INCHES TO ACCOMMODATE TOPSOIL, AFTER SETTLING, AND TO BRING THE REPLICATION AREA TO THE DESIRED ELEVATIONS.
11. **NO MACHINERY WILL BE ALLOWED** WITHIN THE AREAS WHERE TOPSOIL HAS BEEN PLACED. FINAL TOPSOIL PLACEMENT SHALL PROCEED FROM SOUTH TO NORTH TO THE PROPOSED ACCESSWAY.

PLANTINGS

12. **ORDER THE WOODY PLANTING MATERIALS** FOR DELIVERY DURING THE PLANTING WINDOWS LISTED ABOVE (MID TO LATE SPRING OR EARLY FALL). STORE IN SHADE WHEN THEY ARRIVE AND INSTALL WITHIN THREE DAYS OF DELIVERY.
13. **A WETLAND PROFESSIONAL OR ECOLOGIST** SHALL SPECIFY PLANTING AND SEEDING LOCATIONS, AND MARK ANY SHRUBS AND PERENNIAL WILDFLOWERS TO BE TRANSPLANTED. THE PROFESSIONAL WILL DIRECT THE INSTALLATION, EITHER BY STAKING PLANTING LOCATIONS WITH A WIRE FLAG OR BAMBOO STAKE LABELED WITH THE SPECIES NAME OR CODE; OR POTTED STOCK MAY ALSO BE DIRECTLY PLACED AT PLANTING LOCATION.
14. **INSTALL THE PURCHASED WOODY MATERIALS FIRST, THEN THE HERBACEOUS PLUGS.**
15. **WOODY PLANTINGS AND LARGE HERBACEOUS PERENNIALS** (SEE TABLE 1 THROUGH TABLE 3) SHALL BE PLANTED IN SAME-SPECIES CLUSTERS, TWO TO THREE FEET APART FOR HERBACEOUS PERENNIALS, FIVE TO SIX FEET APART, FOR SHRUBS, TEN FEET APART FOR SMALL TREE SEEDLINGS/SAPLINGS. LARGER TREES SHALL BE NO CLOSER THAN EIGHT FEET FROM A SHRUB OR SMALL TREE.
16. DIG HOLES *BY HAND* TO *MINIMIZE COMPACTION* OF SOIL (MECHANICAL AUGERS ARE PROHIBITED). WATER HOLES BEFORE PLANTING, UNLESS SOIL IS ALREADY MOIST. ADD *SLOW-RELEASE FERTILIZER* (OSMACOTE, MILORGANITE OR EQUIVALENT) TO PLANTING HOLE. PLACE PLANTS INTO HOLES AND REPLACE SOIL, SO THAT THERE IS FULL COVERAGE OF ROOTS, WITH *NO AIR SPACES* AND LEVEL SOIL AROUND THE PLANT. HOLES SHALL BE OVERSIZED (2X THE ROOT MASS DIAMETER) AND BACKFILLED WITH LOCAL TOPSOIL OR EXTRA TOPSOIL IN AN OVERSIZED TRANPLANT POT (NOT SUBSOIL REMOVED FROM BOTTOM PART OF HOLE).
17. MULCH WITH A THREE-INCH LAYER OF WELL-ROTTED HARDWOOD MULCH TO REDUCE COMPETITION FROM MEADOW VEGETATION IN A THREE-FOOT DIAMETER CIRCLE. LEAVE A GAP OF THREE INCHES AROUND EACH TRUNK. FORM SAUCERS AROUND ALL MULCHED TREE AND SHRUB PLANTINGS, TWO TO THREE INCHES HIGH, 36" ACROSS FOR NURSERY STOCK. WATER RIGHT AFTER PLANTING.

18. **HERBACEOUS PLUGS:** PLANT IN MID TO LATE AFTERNOON, OR UNDER SHADY CONDITIONS, WATER IMMEDIATELY AFTER PLANTING. SPACE PLUGS 24 TO 36 INCHES APART, PER PLAN (SEE TABLE 3) IN THE BARE SOIL AREAS, AND SPREAD SHREDDED LEAF MULCH IN A SIX-INCH CIRCLE AROUND EACH PLUG. PLANT IN SAME-SPECIES GROUPINGS OF VARIABLE SIZE AND SHAPE.
19. **SEEDING:** AFTER MIXING 1:1 WITH NON-CLUMPING KITTY LITTER (CLAY BASED), SPREAD SEED OVER BARE SOIL AREAS, AVOIDING MULCHED CIRCLES AROUND PLUGS. SEEDING RATE SHALL BE HALF THAT SPECIFIED FOR THE MIX. IF GERMINATION RATES ARE LOW, OVER-SEED IN FALL IN YEAR 2.
20. FOR SPRING SEEDING IN MOIST, BUT NOT SATURATED SOIL, LIGHTLY RAKE IN SEED (LESS THAN ½ INCH DEEP), TAMP DOWN, AND LIGHTLY MULCH WITH STRAW (FREE OF SEEDS) TO HOLD MOISTURE FOR GERMINATION. FOR FALL SEEDING, WAIT UNTIL AFTER HARD FROST; SEED MAY SIMPLY BE SOWN. SNOW AND FROST WILL INCORPORATE INTO THE SOIL. NOTE THAT COLD STRATIFICATION WILL INCREASE GERMINATION RATES OF SOME SPECIES IN A FALL SEEDING, BUT MORE SEEDS WILL ALSO BE EATEN BY WILDLIFE OR WASHED AWAY. IF SOIL IS SATURATED, BROADCAST ON SOIL SURFACE WITHOUT RAKING.
21. SPREAD A THIN LAYER OF *STRAW MULCH* OVER ALL SEEDED AREAS WITHOUT STANDING WATER, ALLOWING SOME LIGHT PENETRATION
22. FOR PLUGS IN THE WET MEADOW AND FOR SEED GERMINATION, WATERING SEVERAL TIMES A WEEK IS ESSENTIAL, IN DRY WEATHER. FOR IRRIGATION, SET UP A PUMP DRAWING ON LOCAL WATER, OR FROM A WATER TANK BROUGHT TO THE SITE.

3.0 PROTECTION FROM HERBIVORY

1. WOODY PLANTINGS WILL BE MONITORED DURING THE FIRST AND SECOND GROWING SEASONS AFTER PLAN IMPLEMENTATION FOR EXCESSIVE HERBIVORY. IF OBSERVED, THE WETLAND ECOLOGIST MAY PROPOSE ADDITIONAL CONTROLS/METHODS TO REDUCE HERBIVORY. DEER FENCE MAY BE CONSIDERED, AS THE MITIGATION AREA IS RELATIVELY SMALL.
2. AS AN INITIAL CONTROL, THE ORGANIC, SLOW-RELEASE FERTILIZER MILOGRANITE SHALL BE USED AT EACH SHRUB/TREE PLANTING, AND ALONG THE PERIMETER OF EACH OF THE MITIGATION AREAS. THIS FERTILIZER IS A MILD TO MODERATE DETERENT TO HERBIVORY BY DEER. APPLICATION OF MILOGRANITE SHALL TAKE PLACE THREE TIMES DURING THE FIRST GROWING SEASON, SHOULD A DETERENT BE NECESSARY.

4.0 INITIAL FOLLOW-UP AND MAINTENANCE

1. PERIMETER SEDIMENT CONTROLS. MAINTAIN PER THE 2002 CT E&S GUIDELINES, CHECK AFTER EACH RAIN MORE THAN ONE INCH. REMOVE SILT FENCE AS SOON AS GROUND IS VEGETATED (>80% COVER) TO PREVENT IMPEDING ANIMAL MOVEMENT TO AND FROM ADJACENT SEASONALLY FLOODED AND SATURATED WETLANDS. SEDIMENT COLLECTED

BY THESE DEVICES WILL BE REMOVED AND PLACED UPLAND IN A MANNER THAT PREVENTS ITS EROSION AND TRANSPORT TO A WATERWAY OR WETLAND.

2. IRRIGATION: WATER ALL SEEDED AREAS, PLANTINGS AND/OR TRANSPLANTS AT LEAST WEEKLY IN DROUGHTY PERIODS. MORE FREQUENT WATERING WILL INCREASE PLANTINGS SUCCESS. FOR PLUGS, MORE FREQUENT WATERING COULD BE NEEDED.

5.0 INVASIVE PLANT CONTROL

1. THE ECOLOGIST/WETLAND SCIENTIST WILL FLAG WOODY INVASIVES TO BE REMOVED IN THE VICINITY OF THE WETLAND REPLICATION AREA (I.E., WITHIN 20 FEET) AT THE TIME OF PLAN IMPLEMENTATION, AND PREFERRABLY JUST PRIOR TO ANY EARTHWORK.
2. INVASIVE PLANT CONTROL TO THE NORTH AND SOUTH OF THE WETLAND CREATION AREAS SHALL TAKE PLACE FOR **THREE (3) YEARS FOLLOWING** THE YEAR OF PLAN IMPLEMENTATION (I.E., YEAR 2 THROUGH YEAR 4) FOLLOWING THE PROCEDURES PROMULGATED BY THE CT DEEP AND THE NATURE CONSERVANCY.
3. **SEE MORE DETAILED NOTES FOR THE AREAS OF WETLAND/UPLAND RESTORATION AND ENHANCEMENT.**

6.0 MONITORING

1. INSPECTIONS BY A QUALIFIED WETLAND PROFESSIONAL OR ECOLOGIST SHALL TAKE PLACE DURING THE GROWING SEASON, THE THREE MONTHS FOLLOWING INSTALLATION (I.E., YEAR ONE), AND TWICE DURING EACH OF THE **THREE (3) NEXT GROWING SEASONS**, AT THE WETLAND MITIGATION AREAS, ONCE IN LATE MAY THROUGH JUNE, AND ONCE IN EARLY FALL. ADDITIONAL INSPECTIONS MAY BE NECESSARY AT THE DISCRETION OF THE WETLAND SCIENTIST TO ENSURE THE SUCCESS OF THE WETLAND REPLICATION.
2. DURING INSPECTIONS, CHECK MITIGATION AREAS FOR SEEDLINGS OF THE FOLLOWING *INVASIVE SPECIES* AND MECHANICALLY REMOVE: JAPANESE KNOTWEED, COMMON REED, MORROW'S HONEYSUCKLE, AUTUMN OLIVE, MULTIFLORA ROSE, ASIATIC BITTERSWEET, JAPANESE BARBERRY, GLOSSY BUCKTHORN, BURNING BUSH, MUGWORT, AND GARLIC MUSTARD. INSPECTIONS SHALL BE DONE BY THE WETLANDS PROFESSIONAL, WHO COULD ALSO IDENTIFY OTHER INVASIVE PLANT SPECIES, BUT PERSONNEL TRAINED BY THE PROFESSIONAL IN IDENTIFICATION OF INVASIVE SEEDLINGS MAY ASSIST WITH MECHANICAL REMOVAL (WEEDING).
3. COMPETING PLANTS: IF THE WETLANDS PROFESSIONAL DETERMINES THAT EXCESSIVE NUMBERS OF SEEDLINGS OF A PARTICULAR NATIVE SPECIES HAVE GERMINATED ON SITE (E.G., CATTAIL), REMOVE THEM BY HOEING OR HAND PULLING. COLONIZATION BY A VARIETY OF NATIVE SPECIES IS EXPECTED AND IS DESIRABLE.
4. REMEDIAL MEASURES SUCH AS REPLACEMENT PLANTINGS, HYDROLOGIC ADJUSTMENTS, AND DEER BROWSING PROTECTION, MAY BE RECOMMENDED AND SUPERVISED BY THE

WETLAND SCIENTIST AND IMPLEMENTED BY THE PROPERTY OWNER, FOR SIGNIFICANT PROBLEMS.

5. A BRIEF *REPORT* TO THE TOWN'S INLAND WETLANDS AND WATERCOURSES AGENCY WILL SUBMITTED BY NOVEMBER 30TH OF THE MONITORING YEAR.

**MITIGATION PLAN FOR
RESTORATION / ENHANCEMENT OF UPLAND & WETLAND HABITATS
IN TWO AREAS INFESTED BY MULTIFLORA ROSE**

IMPLEMENTATION NOTES

1.0 INTRODUCTION

RESTORATION AND ENHANCEMENT IS PROPOSED FOR STREAMSIDE BUFFER AREAS, TO THE NORTH AND SOUTH OF THE PROPOSED WETLAND CREATION AREA THE SITE. A TOTAL SQUARE FOOTAGE OF +/- 6,750 SQUARE FEET OF UPLAND AND WETLAND HABITATS SHALL BE RESTORED.

REPLACEMENT POTTED NATIVE TREES AND SHRUBS WILL BE PLANTED (SEE TABLES 1 TO 3). ANY THE SIZABLE PATCHES OF DISTURBED SOIL FROM WHICH THE MULTIFLORA ROSE HAS BEEN REMOVED WILL BE SEEDED WITH THE "NEW ENGLAND ROADSIDE MATRIX SEED MIXES" THAT INCLUDE SHRUB SEEDS (I.E., NATIVE SILKY DOGWOOD, GRAY DOGWOOD, ARROWOOD, AND STAGHORN SUMAC) AS WELL AS ASSORTED HERBS. NEW ENGLAND WETLAND PLANTS, INC. (NEWP) SELLS BOTH AN UPLAND AND A WETLAND VERSION OF THE ROADSIDE MATRIX SEED MIX, AND BOTH WILL BE USED IN THIS RESTORATION.

THE MOISTURE REGIME IN THE WETLAND PORTION IS SEASONALLY SATURATED, THE SOILS ARE COARSE-LOAMY, DERIVED FORM GLACIAL TILL, RANGING FROM MODERATELY WELL-DRAINED, TO POORLY DRAINED.

INVASIVE MULTIFLORA ROSE INFESTATION IS CONCENTRATED NEAR THE INTERMITTENT STREAM CHANNELS THAT HAVE FORMED HERE, ONE NATURALLY (SOUTHERN), THE OTHER FROM THE DISCHARGE OF STORMWATER FROM GLENEAGLE ROAD.

THE PROPOSED PLANTINGS AND SEEDING WILL ENHNACE MULTIPLE WETLAND FUNCTIONS AND VALUES.

PLANTINGS AND SEED MIXES WERE SELECTED TO IMPROVE WILDLIFE SUPPORT AND PRODUCTION EXPORT FUNCTIONS. THE SPICEBUSH, WINTERBERRY, SHADBUSH, AND VIBURNUMS ALL PRODUCE NECTAR, POLLEN, AND FRUIT. RED MAPLE SEEDS ARE ALSO A VALUABLE SPRING FOOD SOURCE.

THE POLLUTANT REMOVAL FUNCTION IS ALSO PRESENT, ESPECIALLY WITHIN THE NORTHERN MITIGATION AREA. PLANTINGS AND SEEDING WILL ENSURE THAT THIS FUNCTION IS MAINTAINED AND ENHANCED.

MULTIFLORA ROSE CLUMPS DO OCCUR ELSEWHERE ALONG THE STREAM CHANNELS, OUTSIDE THE RESTORATION AREAS. THIS FAST-SPREADING INVASIVE SPECIES DOES PROVIDE COVER, INSECT GLEANING HABITAT, NECTAR, AND PERSISTENT WINTER FRUIT, ALTHOUGH IT CASTS DEEP SHADE AND REDUCES DIVERISTY OF ASSOCIATED NATIVE SHRUBS AND VINES. HOWEVER, THIS PLAN DOES NOT CALL FOR ERADICATION OF MULTIFLORA ROSE THROUGHOUT THE WOODED OPEN SPACE. ACCORDINGLY, THE ECOSYSTEM SERVICES THAT IT DOES PROVIDE WILL CONTINUE TO BE PRESENT WITHIN THE SITE'S WOODED OPEN SPACE.

NOTE: ALL HABITAT RESTORATION & ENHANCEMENT, SHALL BE SUPERVISED BY AN ECOLOGIST (OR WETLAND SCIENTIST), INCLUDING INVASIVES ERADICATION, PLANTING, AND MARKING ANY NATIVE MATERIALS FOR SALVAGE. A PRE-IMPLEMENTATION MEETING SHALL TAKE PLACE AT LEAST ONE MONTH PRIOR TO PLAN IMPLEMENTATION, BETWEEN THE WETLAND SCIENTIST, THE SITE CONTRACTOR, AND THE LANDSCAPER, AND THE TOWN'S WETLAND AGENT, AT THE TOWN'S DISCRETION.

2.0 MECHANICAL INVASIVES REMOVAL

1. A PROFESSIONAL ABLE TO IDENTIFY INVASIVE PLANTS AND LOCAL NATIVE PLANTS, SHALL FLAG INVASIVE MULTIFLORA ROSE AND ANY OTHER WOODY INVASIVE PLANTS THAT ARE ALSO PRESENT, NOT EACH SHRUB, BUT GROUPS IN CLOSE PROXIMITY. WHERE INVASIVES ARE MUCH MORE ABUNDANT THAN NATIVES, NATIVES TO BE SAVED SHALL BE FLAGGED WITH A DIFFERENT COLOR SURVEY TAPE.
2. IN EACH OF THE TWO STREAM BUFFER AREAS TO BE RESTORED, THIS PROFESSIONAL SHALL TRAIN LANDSCAPERS/LABORERS TO IDENTIFY THE MULTIFLORA ROSE AND OTHER WOODY INVASIVES, INCLUDING THE SEEDLINGS, AND WILL DIRECT CONTROL / ERADICATION ACTIVITIES. ALTHOUGH OTHER WOODY INVASIVES MAY BE CURRENTLY PRESENT IN VERY LOW NUMBERS (UNLIKE THE ABUNDANT MULTIFLORA ROSE) THEY STILL HAVE THE POTENTIAL TO SPEAD INTO SPACE OPENED UP BY THE ROSE REMOVAL, AND TO JEOPARDIZE THE SUCCESS OF THE RESTORATION. PROACTIVE REMOVAL IS REQUIRED.
3. THE DIFFERENCES BETWEEN NATIVE VINES (GRAPE, VIRGINIA CREEPER) AND INVASIVE VINES (JAPANESE HONEYSUCKLE, AND ASIATIC BITTERSWEET) WILL BE POINTED OUT, USING COLOR, VINE-TWINGING MODE, AND BARK TEXTURE SHALL BE EXPLAINED. HOWEVER, VINES, EVEN NATIVE ONES, SHOULD NOT BE ALLOWED TO COVER AND SMOTHER THE MANY PLANTED SHRUBS, POISON IVY (NATIVE) SHOULD BE REMOVED, SINCE THE AREA IS ACCESSIBLE TO THE PUBLIC.
4. MECHANICAL CONTROL SHALL PRECEDE FOLLOW-UP FOLIAR HERBICIDE APPLICATION TO RESPROUTS. CUT WOODY STEMS WITH A HEDGE TRIMMER, CLIPPERS OR LOPPERS. DO NOT USE A LARGE BRUSHOG. USE A LONG-HANDLED POLE HEDGE TRIMMER TO REACH INTERIORS OF LARGE, DENSE ROSE THICKETS

5. PULL OUT AND/OR CUT ROSE AND OTHER INVASIVES IN LATE APRIL TO MID MAY, JUST AFTER STORED RESERVES HAVE BEEN USED FOR SPROUTING. RETURN TO TREAT RESPROUTS IN EARLY SUMMER / EARLY FALL.
6. PULL OUT SEEDLINGS/YOUNG PLANTS OF MULTIFLORA ROSE, AND OTHER WOODY INVASIVE COLONIZERS, INCLUDING JAPANESE BARBERRY, ASIATIC BITTERSWEET, EUROPEAN BUCKTHORN, AND MORROW'S HONEYSUCKLE. PULL WHEN GROUND IS SOFT, AFTER RAIN.
7. UNTANGLE ASIATIC BITTERSWEET VINES FROM EXISTING AND PLANTWED SEEDLINGS SAPLINGS.
8. DIG OUT OCCASIONAL LARGER JAPANESE BARBERRY WITH A WEED WRENCH OR SHOVELS. IT DOES NOT MATTER IF SOME ROOTS ARE LEFT IN THE GROUND; BARBERRY DOES NOT READILY SPROUT FROM FRAGMENTS. NO NEED FOR HERBICIDE TO BE USED WITH THIS SPECIES. "CUT & PAINT TREATMENT" FOR LOW DENSITY JAPANESE BARBERRY IS ALSO ACCEPTABLE. SEE SECTION 3.0.
9. NEW ENGLAND ROADSIDE MATRIX SEED MIXES (NEWP, INC.) SHALL BE SPREAD OVER THE PATCHES OF DISTURBED SOIL, LIGHTLY RAKED IN, AND THINLY COVERED WITH WEED-FREE MULCH (1-INCH LAYER).

3.0 FOLLOW-UP INVASIVE TREATMENT WITH HERBICIDE

1. SOME OF THE CUT MULTIFLORA STEMS WILL RESPROUT. SPROUTS MAY BE KILLED WITH FOLIAR TREATMENT OF 4% TRICLOPYR. TAKE CARE THAT HERBICIDE DOES NOT DRIP ON THE GROUND OR A NON-TARGET PLANT. AN ADJUSTABLE "FUNNEL" CAN BE USED TO LIMIT OVERSRAY.
2. THE **CUT & PAINT METHOD** (~8% TRICLOPYR) IS RECOMMENDED FOR FALL TREATMENT OF RESPROUTS, AND FOR MATURE, MODERATE- TO LOW-DENSITY INVASIVES, OTHER THAN MULTIFLORA ROSE, WITHIN THE RESTORATION AREAS. THIS INCLUDES AUTUMN OLIVE, EUROPEAN BUCKTHORN, AND ASIATIC BITTERSWEET.
3. MULTIPLE FOLIAR SPROUT TREATMENTS AND/OR CUT STUMP TREATMENTS WITH TRICLOPYR OR ANOTHER SELECTIVE ALTERNATIVE MAY BE NEEDED FOR PLANTS WITH LARGE ROOT.
4. **ALL HERBICIDE APPLICATION IS TO BE DONE BY A CONNECTICUT CERTIFIED PESTICIDE APPLICATOR.**
 - a. FOR CUT & PAINT TREATMENT, TREAT IN EARLY FALL (SEPTEMBER).
 - b. USE A NARROW WINDOW SASH BRUSH OR A WICK-TYPE APPLICATOR AND PAINT CUT SURFACE AND ONE-TWO INCHES OF BARK BELOW CUT WITHIN TEN MINUTES OF CUTTING. WORK IN PAIRS, ONE PERSON CUTTING, THE OTHER PAINTING.
 - c. USE TRICLOPYR HERBICIDE (8%) (BRUSH-B-GON OR ANOTHER BRAND WITH THE SAME ACTIVE INGREDIENT).

4.0 DISPOSAL

1. BAG OR PILE UP WHAT IS PULLED, AND PLACE PULLED AND CUT MATERIAL IN THE SUN, ON A TARP OR PAVEMENT, FOR DRYING, AND TO REDUCE VOLUME.
2. DO THIS PRIOR TO TRUCKING TO LANDFILL. SOME OF THE DRIED CUT MATERIAL SHALL BE RETURNED TO THE RESTORATION AREAS AND STACKED INTO TWO 6' X 6' BRUSHPILES, WHERE IT WILL PROVIDE WILDLIFE COVER, ON THE SIDE SLOPES OF THE WETLAND CREATION AREAS.

5.0 PLANTING

1. NATIVE REPLACEMENT SPECIES WILL BE PLANTED IN OPEN AREAS FROM WHICH INVASIVES HAVE BEEN REMOVED BETWEEN MAY 15TH AND JUNE 15TH, PER THE LANDSCAPING PLAN ON SHEET LS-1.
2. PLANT WOODY SPECIES IN SINGLE-SPECIES GROUPINGS OF TWO TO FIVE SHRUBS, AS SPACE ALLOWS.
3. WHEN PLANTING, ADJUST HOLE LOCATION IF A ROOT OF AN EXISTING TREE OR SHRUB IS ENCOUNTERED. NO MOTORIZED AUGERS ARE TO BE USED.
4. BE ALERT FOR EXISTING NATIVE PLANTS, AND AVOID TRAMPLING THEM OR DISTURBING THEM BY DIGGING HOLES.
5. RETURN EVERY FEW WEEKS DURING THE FIRST GROWING SEASON, TO WATER, AS NEEDED, AND TO WEED COMPETING VEGETATION, EITHER INVASIVE OR NATIVE SPECIES. THE ECOLOGIST SHALL TRAIN MAINTENANCE STAFF PERSON(S) TO BE SELECTIVE WHEN WEEDING.

6.0 SEEDING

1. PLANT THE "NEWP" ROADSIDE MATRIX SEED MIXES.
2. LIGHTLY RAKE IN SEED, SPREAD WITH A THIN LAYER OF HAY MULCH.
3. USE "WEED FREE" HAY IN THE RESTORATION AREAS.
4. WATER AND WEED AS NEEDED DURING INITIAL ESTABLISHMENT PERIOD.
5. OVERSEED ANY BARE PATCHES LARGER THAN FIVE FEET IN DIAMETER DURING THE FIRST TWO (2) GROWING SEASONS.

7.0 MONITORING AND FOLLOW-UP

1. THE HABITAT RESTORATION AND ENHANCEMENT AREAS SHALL BE INSPECTED BY A WETLANDS PROFESSIONAL OR ECOLOGIST DURING THE EARLY GROWING SEASON, IN THE THREE (3) YEARS FOLLOWING THE YEAR OF INSTALLATION (I.E., YEARS 2 THROUGH 4).
2. WEEDING OF INVASIVE SEEDLINGS FROM THE RESTORATION AREAS SHALL TAKE PLACE EITHER AT THE TIME OF THE INSPECTION (DONE BY THE ECOLOGIST), IF NUMBERS ARE FEW, OR SHORTLY THEREAFTER, WHERE ADDITIONAL PERSONNEL IS NEEDED, TO BE SUPERVISED

BY THE WETLANDS PROFESSIONAL. THIS IS AN EXTREMELY IMPORTANT PART OF THE RESTORATION, AS MANY INVASIVE SEEDS WILL REMAIN IN THE SEED BANK.

3. A BRIEF AFFIDAVIT THAT THE RESTORATION AND ENHANCEMENT AREA HAVE BEEN INSPECTED AND APPEAR TO COMPLY WITH SPECIFICATIONS SHALL BE PROVIDED TO THE TOWN WETLANDS AGENT WITHIN ONE MONTH OF INSPECTION. IF PROBLEMS ARE NOTED, SUCH AS EXCESSIVE PLANT DIE-BACK, INVASIVE SPECIES PROLIFERATION, BARE EARTH AREAS, ETC., A MORE DETAILED REPORT SHALL BE PROVIDED TO THE TOWN'S IWWA AS WELL.
4. WOODY SPECIES (TREES & SHRUBS) OTHER THAN INVASIVES MAY BE ALLOWED TO COLONIZE IN HABITAT AREAS. TO REPEAT: HAND PULL ANY INVASIVE SHRUB OR VINE SEEDLINGS IN EARLY SUMMER FOR THE FIRST FOUR (4) GROWING SEASONS. DO NOT USE HERBICIDES, FUNGICIDES, OR INSECTICIDES, UNLESS AN INFESTATION OF INVASIVE SPECIES HAS OCCURRED.

Table 3. Herbs						
Hydrologic Zones: Zone A: Saturated/Shallow inundation; Zone B: seasonally saturated, moist						
Zone C: moderately well drained, usually moist; Zone D: well-drained						
Scientific Name	Zone	Common Name	Form	NWI ¹	Spacing	Wetland Replication Area
<i>Carex crinita</i>	B	Fringed sedge	2" plug	OBL	2'OC	50
<i>Carex stricta</i>	B	Tussock sedge	2" plug	OBL	3'OC	50
<i>Cinna arundinacea</i>	B	Stout wood reedgrass	2" plug	FACW	3'OC	50
<i>Eupatorium maculatum</i>	B	Joe pye weed	2" plug	FACW	2'OC	50
<i>Glyceria striata</i>	B	Fowl manna grass	2" plug	OBL	3'OC	50
<i>Leersia oryzoides</i>	B	Rice cutgrass	2" plug	OBL	2'OC	50
<i>Zizia aurea</i>	B	Golden alexanders	2" plug	FAC	3'OC	50
Total:						350

* NWI Status (National Wetland Inventory): National Wetland Plant List: Northcentral & Northeast

NOTES:

1. Preferably plant between April 15 & June 15th.
2. Purchased woody material may be installed either in the spring (April 15th to June 15th), or in the fall (August 15th to Oct. 15th)
3. Plant in same species groupings of three to six shrubs, ten to twenty for herbs
4. Use seed mixes from New England Wetland Plants, Inc., South Hadley, MA (see Table 4), at specified seeding rate.
5. No seeding or plants in 3' diameter circle around each shrub and tree, 1' around plugs; mulch with shredded leaf litter.
6. Water as needed during first growing season.

Table 4: Seed Mixes for Wetland Mitigation Areas

COMMENTS:	Total Pounds per Seed Mix	
	Wetland Mitigation Areas	Totals
<p>See notes accompanying each seed mix for additional guidance pertaining to the season that seed mix is applied. Implementation notes also include a section of seeding.</p>	<p>NEWP Seed Mix #1 New England Wetmix 1 lb/2,500 sf</p>	2
	<p>NEWP Seed Mix #2 New England Roadside Matrix Seed Mix 1 lb/2,500 sf</p>	2
	<p>NEWP Seed Mix #3 New England Roadside Matrix Wet Meadow Seed Mix 1 lb/1,750 sf</p>	2
<p>Notes:</p> <ol style="list-style-type: none"> Mix 1:1 with filler (coarse sand, kity filler, Speedy Dry) to help correctly divide seed packages and for even spreading. Mixes contain seeds with a range of hydrologic tolerances, so different species will thrive in different areas. Plants will set seed and spread further, increasing in density, becoming concentrated in most suitable areas. Mulch (do not seed) areas under and around plug & shrub clusters, to exclude weeds and hold moisture. (Coverage specified assumes area occupied by mulched woody plantings has been subtracted.) A late fall seeding will require 20% more seed, because some seed will be lost to wash off and herbivory, but germination rates will actually be higher the following spring, due to the cold winter stratification of the seed. <p>Source: New England Wetland Plants, 14 Pearl Lane, South Bradley, Massachusetts; phone: 413-548-8000</p>	<p>Wetland Creation Area</p> <p>Upland Restoration Areas</p> <p>Wetland Restoration Areas</p>	<p>2</p> <p>2</p> <p>2</p>
	Total	6

RESOLUTION/REPORT

Application #486 316 Charcoal Ave

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on October 25, 2022 from Brian McNally map entitled "Site Plan Lot B-r" dated received October 12, 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 installation of an in-ground pool within the upland review will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall be submitted to include: construction sequence, stockpile location, erosion control measures and required details.
- (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.

November 29, 2022

RESOLUTION/REPORT

Application #487 75 Gleneagle Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on October 25, 2022 from Heritage Builders of Waterbury, LLC map entitled "Plot Plan – Lot #9 Three Mile Hill Estates" dated October 7, 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 construction of dwelling and wetland mitigation and enhancement will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, a \$15,000 cash bond shall be in place for all wetland mitigation/creation activities. Said bond shall not be released until a final report is received from the wetland consultant.
- (3) Prior to permit issuance, details of the boulder walls shall be submitted.
- (4) During construction activities, bi-weekly site inspection reports shall be submitted.
- (5) A wetland consultant shall be on site during all mitigation/creation activities.
- (6) After final completion of all mitigation/creation activities and two growing seasons, a final report from a wetland consultant shall be submitted indicating that all activities have been completed in accordance with the approved plans.
- (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.

November 29, 2022

RESOLUTION/REPORT

Application #489 75 Lake Shore Drive

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on October 25, 2022 from Eliseos A Barbagiannis map entitled "75 Lake Shore Drive Middlebury Connecticut" dated August 22, 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 demolition and reconstruction of dwelling within the upland review area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance the following shall be met:
 - a complete application form
 - full scale plans
 - plans signed and sealed
 - construction sequence narrative
 - footing/roof drains depicted on plans
 - complete soil erosion control plan including required narratives, details and maintenance schedule
- (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.

November 29, 2022

RESOLUTION/REPORT

Application #488 Hunting Ridge – Christian Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on October 25, 2022 from Hunting Ridge Development, LLC map entitled "Hunting Ridge Estates" dated June 28, 2004 with revision date of May 25, 2005;

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 consists of upland review area encroachments for lot development and required maintenance of drainage facilities will not have a substantial impact on the regulated area. Plans depict the upland review area as being fifty feet; the applicant must understand this is incorrect as the upland review area is one hundred feet.
- (2) Prior to permit issuance, a \$25,000.00 cash wetland bond shall be submitted for the completion and plantings of detention basins. Said bond shall remain in place for two growing seasons and after a final report from a wetland consultant indicating all basin activity has been completed in accordance with the approved plans.
- (3) As-builts of detention basins shall be submitted.
- (4) Once all activities as outlined in Mr. Riefenhauser's November 15, 2022 are completed, a final report shall be submitted indicating all work is in accordance with the approval.
- (5) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (6) 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.
- (7) 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.

- (8) 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.
- (9) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.
November 29, 2022