



TOWN OF MIDDLEBURY

Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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REGULAR MEETING MINUTES October 26, 2021

Members Present:

Paul Bowler, Chairman
Joseph Martino
George Tzepos-arrived @ 7:32pm
Brian Stroby
Curtis Bosco

Members Absent:

Mary Barton
Keli-Ann Bollard

Members 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

September 28, 2021 Regular Meeting

Motion: to accept the Minutes of the September 28, 2021 Regular Meeting. Made by Joseph Martino, seconded by Brian Stroby. Unanimous Approval.

III. OLD BUSINESS

1. Application #471 – Granite Woods of Middlebury-Nutmeg & Stevens Roads

Deborah Seavey, W.E.O. stated that revised plans were submitted, however, she and John Calabrese, P.E. did not have the opportunity to review them prior to this meeting.

Michael Lambert, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of Michaud Development Group which is the contract purchaser of the property, which is currently owned by David Theroux. The 11.5 acre parcel will have 24 single-family units with 2 cul-de-sacs. There will be 4,950 square feet of direct wetland impact, an increase of 50 square feet. The two (2) 24" culverts were too close to the property line so they shifted the driveway over so all would be constructed on this property and not infringing on the neighboring property. A water main installation will need to go through the site. There is existing sanitary sewer main that goes through the property that they will do a gravel walkway path over it so as to stabilize. Parcel B will have a pavilion and court area and the walking path will allow those on Parcel A to utilize the amenities. Per the request of John Calabrese, P.E. modifications were made to the detention basins. He acknowledged that Emily Jones, P.E. spoke with Curtis Bosco regarding the invasive species being in close proximity of the wetlands, therefore, modifications will be made to put them further away creating 8-10 foot buffer from the wetlands.

Deborah Seavey, W.E.O. questioned if they considered wetland mitigation creation due to degree of disturbance.

Ian Cole, Professional Registered Soil Scientist & Professional Wetland Scientist of Middletown, CT who delineated the wetlands for the project replied that they did consider if there were any opportunities to do so, and due to the limited space they are not able to. In addition, it would be a very challenging if not impossible task to keep invasives out of the fringe. He feels as though any attempt to get rid of them would be futile.

Deborah Seavey, W.E.O. questioned if they did a detailed planting plan for the basins.

Michael Lambert, P.E. stated that they did not but will submit one which will consist of New England soil mixture.

Ian Cole also confirmed that shrubs could be added.

Deborah Seavey, W.E.O. requested that the S&E Maintenance schedule be included as well.

Michael Lambert, P.E. assured her that they would be added.

George Tzezos requested that the revised plans include revisions to the detention basins pulling basins further away from the wetland area

Motion: to approve application #471 – Granite Woods-Nutmeg & Stevens Roads per the Draft Resolution, Recommendations in Engineering Review of Calabrese Engineering dated 10-18-2021 and Recommendations made by Deborah Seavey, W.E.O. Made by Chairman Bowler, seconded by George Tzezos. Unanimous Approval.

IV. NEW BUSINESS

1. Permit Modification #429-A – Fox Hollow Subdivision-Watertown Rd.

Michael Lambert, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of the applicant. Modifications have been made from a public road to a private common driveway, a decrease of 1 lot, no wetland disturbance, smaller rain gardens and a decrease in upland review disturbance.

Joseph Martino began to voice his concerns with respect to safety.

Chairman Bowler reminded him that while he understands his concerns, they are not within the purview of this commission.

Motion: to approve Permit Modification #438-A – Fox Hollow Subdivision-Watertown Road. Made by George Tzepos, seconded by Brian Stroby. Unanimous Approval.

2. Application #473 – 22 Somerset Drive

Application was never submitted.

V. ADJOURNMENT

Motion: to adjourn the meeting at 7:54 p.m. Made by George Tzepos, seconded by Curtis Bosco. 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 #471 Granite Woods

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on September 28, 2021 from Michaud Development Group, LLC, map entitled "Granite Woods" dated September 23, 2021 with revision date of October 20, 2021;

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 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 (not) 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 upland review area encroachments, discharge of drainage and wetland crossings will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, plans should be revised to include the following:
 - Limits of disturbance for both detention areas
 - Detailed planting plan
 - S&E maintenance schedule for all measures
 - Comments received from John Calabrese
 - Revisions to the detention basins pulling basins further away from the actual wetland areas
- (3) If said revisions area not satisfactory with Town Staff, the applicant shall submit revisions to the commission for approval.
- (4) Prior to permit issuance, permanent wetland markers shall be installed every 75 feet along the limits of disturbance.
- (5) Prior to permit issuance, a cash bond in the amount of \$25,000 shall be submitted for the completion and planting of the detention basins. Said bond shall remain in place for two growing seasons and after a final report is received from an environmental consultant.
- (6) An environmental consultant shall be present for the construction and planting of the detention basins.
- (7) Weekly site inspection reports shall be submitted to the commission.

- (8) As-builts of the detention basins shall be submitted.
- (9) Letter from the engineer certifying that all drainage and site work has been completed as approved.
- (10) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

October 26, 2021