



# TOWN OF MIDDLEBURY

*Conservation Commission*  
*1212 Whittemore Road*  
*Middlebury, Connecticut 06762*  
*(203) 577-4162 ph*  
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## REGULAR MEETING MINUTES April 26, 2022

### **Members Present:**

Paul Bowler, Chairman  
Curtis Bosco  
George Tzezos  
Brian Stroby

### **Members Absent:**

Mary Barton  
Joseph Martino  
Peggy Gibbons

### **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**

### **March 29, 2022 Regular Meeting**

**Motion:** to approve the Minutes of the March 29, 2022 Regular Meeting. Made by George Tzezos, seconded by Brian Stroby. Unanimous Approval.

### **III. OLD BUSINESS**

#### **1. Permit Modification #456-A – 1685 Straits Turnpike**

Megan Raymond, Soil Scientist with SLR International Corporation, spoke on behalf of the applicant Metro Realty and reviewed the plans with the Commission. Last year, this Commission approved the application for a medical office facility at the northwest corner of Straits Turnpike and Park Road Extension. They are seeking a modification to allow for a slight widening of Straits Turnpike in response to some comments from DOT. The proposed work would involve work within the upland review area. There is a cross culvert that exists directly across from the access as well as a corridor to the Long Swamp Brook that exists on the abutting property, owned by Middlebury Land Trust who is a cosigner of the application. Approximately 6,300 square feet of work in the upland review area is being proposed. There will be no direct impact to the wetlands. Sedimentation erosion controls will prevent any interference within the wetland boundary.

**Motion:** to approve Permit Modification #456-A – 1685 Straits Turnpike per the Draft Resolution. Made by George Tzepos, seconded by Curtis Bosco. Unanimous Approval.

#### **2. Application #478 – 43/45 Sandy Beach Road**

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 stated that he represents the applicant, Garrett Moore, who is the contract purchaser of the two (2) units (17 & 18), currently owned by Matthew Holloway. They are proposing to remove the existing structures and rebuild them.

George Tzepos stated for the record that he will participate in order to meet the quorum requirement.

Ron Wolff, P.E. of Woodbury, CT reviewed the plans with the Commission and stated that he met with John Calabrese, P.E. last week to review some of the drainage. As a result, a stone infiltration trench along one side of the driveway and two (2) level spreader infiltration trenches were added.

**Motion:** to approve application #478 –43/45 Sandy Beach Road per the Draft Resolution and the condition that prior to issuance of a Certificate of Occupancy, as-builts shall be submitted to include not only the structures but also the infiltration trenches. Made by Curtis Bosco, seconded by Brian Strobry. George Tzepos abstained from voting. Unanimous Approval.

### **3. 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 and reviewed aerial photos and plans with the Commission. The project site is in the southern portion of the existing Middlebury Edge complex. The total property area is 13.2 acres, while this subject portion of the site is in the LI-80 zone. There is existing access from Route 63 as well as public utilities. There is a wetland pocket on the southern portion of the site that is between the existing driveway and part of the driveway for the adjacent site. Much of it stems from some existing drainage that comes off of Route 63 onto the property, drains down through under the driveway and then into the wetland system beyond. There are no floodplains on the property. The proposal is for a 16,000 square foot 2-story medical office building (8,000 SF footprint) that will be accessed from the existing driveway but they plan to provide new parking, stormwater management system and erosion control plan for the proposed building. There will be direct wetland impact and some within the upland review area. No vehicle access behind the building is being proposed however, there will be pedestrian access.

Chairman Bowler questioned if the wetland area was the Middlebury Baseball Field at one time.

Robert LaFlamme stated that he does not believe the wetland area and baseball field are one in the same.

Chairman Bowler suggested that they research that possibility.

Emily Jones, P.E. agreed to do so. She stated that a majority of the southern portion of the site is in the regulated area; approximately 1.1 acres of activity within the upland review area for the building, parking and storm drainage facility. She went on to describe the stormwater management design. The runoff and water quality were carefully observed. The runoff is directed into 1 of 2 stormwater treatment areas. The first is an underground system of chambers/concrete galleys which collects the rooftop runoff as well as runoff from the front portion of the site. The catch basin will be equipped with a contact hydrodynamic separator to provide water quality prior to entering the system. It then exits the system through a controlled outlet, clean water and then down through a pipe to an engineered outlet protection. This will not increase the flow rates. The remainder of the parking area will drain to two (2) catch basins and then through a swale and pipe into an above ground stormwater treatment water quality basin. Said basin is designed with an outlet structure to control the flow rate out into the wetlands. It will be over excavated by approximately 18" so that the water is below the outlet invert and be filtered by plantings. Larger storm events will go through the outlet structure. All will still drain towards the same area. Currently, a basement for the building is not being proposed, but rather footing drains. The maintenance of the basins is outlined on the plans. All is in accordance with DOT, DEEP and all town regulations. She anticipates an

engineering review from John Calabrese, P.E. Extensive erosion control measures are in place to protect the wetlands.

William (Bill) Kenny, PWS, SS, RLA of William Kenny Associates, 1899 Bronson Drive, Fairfield, CT 06824 confirmed that he did visit the site. He reviewed photos he took during his site visit which were focused mostly on the proposed parking lot as well as the proposed wetland losses. He stated that if it wasn't for the catch basin in the road discharging near the wetland, the wetland would not exist. The road drainage is quite filthy and filled with debris as there is little to no treatment. He suggested including a water treatment device in order to collect and clean the runoff from the road prior to discharge into the wetland. He also recommended to expand and enhance the existing stormwater wetland by making it larger, removing the invasive plants and plant new native plantings. He also pointed out an old foundation in the southeast corner.

Chairman Bowler suggested that they explore alternative locations for the wetlands and the building.

Emily Jones, P.E. voiced her concerns with respect to state and federal guidelines but agreed that it is worth looking into the historical use of the property and the condition of the wetland. She added that the wetlands are flagged, agreed to stake the building and return to this Commission next month.

#### **IV. NEW BUSINESS**

None

#### **V. ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:56 p.m. Made by George Tzezos, 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 #456-A 1685 Straits Turnpike

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received a permit modification on March 29, 2022 from 1685 Straits Turnpike LLC map entitled "Proposed Road Widening of Straits Turnpike(Route 63) dated February 3, 2022 with revision date of February 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:** 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 road widening of Straits Turnpike(Route63) within the wetland upland review area will not have a substantial impact on the regulated area.
  - (2) All conditions of the original approval 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.
- April 26, 2022

### **RESOLUTION/REPORT**

Application #478 43/45 Sandy Beach Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on March 29, 2022 from Garrett Moore map entitled "Site Plan and Subsurface Sewage Disposal Plan" dated March 10, 2022 with revision date of April 26, 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 rebuilding of two existing buildings, septic system installation and driveway improvements within the lake upland review area will not have a substantial impact on the regulated area.
- (2) Prior to the issuance of a certificate of occupancy, as-builts shall be submitted to include not only the structures but also the infiltration trenches.
- (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.

April 26, 2022

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