



TOWN OF MIDDLEBURY

*Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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REGULAR MEETING MINUTES March 27, 2018

Members Present:

Paul Bowler, Chairman
Keli-Ann Bollard
George Tzepos
Greg Bonacorsi
Curtis Bosco
Mary Barton, Vice Chairwoman-arrived @ 7:38 p.m.

Members Absent:

None

Also Present:

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

I. CALL TO ORDER

The Meeting was called to order at 7:30 p.m. by Chairman Bowler.

II. ACTION ON MINUTES OF FEBRUARY 27, 2018 SPECIAL MEETING

Motion: to accept the Minutes of the February 27, 2018 Regular Meeting. Made by Curtis Bosco seconded by Greg Bonacorsi. Unanimous Approval.

III. OLD BUSINESS

1. APPLICATION #404 – 1365 WHITTEMORE ROAD

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. The Middlebury Consignment Shop property is relocating to Route 188 at the old Truck Museum and converting the existing Consignment Shop building to restaurant and banquet facility exclusively. The applicant is seeking to expand the parking area at the Consignment Shop around the property on 86 Woodland Drive as well as 1435 Middlebury Road.

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 reviewed the revised plans with the Commission. There are wetlands on the neighboring property which is now shown on the map with the 100 foot review area. It is located on the other side of the Greenway and does not affect the existing property. The storm water drainage layout consists of two (2) catch basins and a manhole going to a subsurface detention/retention system. A two (2) foot wide infiltration trench was added to the revised plans which allows for infiltration of the storm water runoff prior to discharge into the brook. The calculations for the storm water report were finalized and submitted to John Calabrese, P.E. as well as Deborah Seavey, W.E.O. He confirmed receipt of the report submitted by John Calabrese, P.E. dated 3-26-18 and addressed said comments in his formal letter dated 3-27-18. A storm water maintenance schedule was also added.

Mary Barton arrived at 7:38 p.m.

Motion: to approve Application #404 – 1365 Whittemore Road per the Draft Resolution. Made by Curtis Bosco, seconded by Mary Barton. Unanimous Approval.

2. APPLICATION #405 – 211 TRANQUILITY ROAD

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant and reviewed the plans with the Commission. This application is for a wetlands crossing to expand the existing barway coming in through the stone wall on Tranquility Road. This property was approved for a winery last year and consists of 34 acres overlooking Lake Quassapaug and will be utilized for agricultural purposes. A culvert will be put in over the ditch that is in place.

Motion: to approve Application #405 – 211 Tranquility Road per the Draft Resolution. Made by Mary Barton, seconded by George Tzepos.

Discussion:

Mary Barton requested to amend her motion to include the condition that the comments from John Calabrese, P.E. dated 3-27-18 be included as well, seconded by George Tzepos. Unanimous Approval.

3. APPLICATION #406 – 137 FALCON CREST ROAD

Chairman Bowler requested to return to this agenda item later in the meeting as there was no one present.

4. APPLICATION #407 – 290 CHRISTIAN ROAD

Ray Shocki, owner of the property, stated that he is requesting to remove shrubs bordering his property which is approximately fifty (50) feet from the wetlands.

Motion: to approve Application #407 – 290 Christian Road per the Draft Resolution. Made by George Tzepos, seconded by Mary Barton. Unanimous Approval.

3. APPLICATION #406 – 137 FALCON CREST ROAD

Chairman Bowler again called this application but there was no one present. He asked if the Commission members would like to vote regardless.

Motion: to approve Application #406 – 137 Falcon Crest per the Draft Resolution. Made by Mary Barton, seconded by George Tzepos. Unanimous Approval.

IV. NEW BUSINESS

ADDED TO THE AGENDA

Motion: to add Application #408 – Toll Brothers to the agenda. Made by Curtis Bosco, seconded by Greg Bonacorsi. Unanimous Approval.

1. APPLICATION #408 – TOLL BROTHERS

Ted Merchant, Land Development Director with Toll Brothers, stated that they came before this Commission approximately one (1) year ago to obtain a new Wetlands Permit for Ridgewood at Middlebury which was granted by this Commission. He added that they are now going through the same process with the Planning & Zoning Commission. At their recent Public Hearing, a number of residents from the community brought up an issue with the Great Lawn and asked that it be removed or altered. Following said Public Hearing, members of Toll Brothers met with members of the Homeowners Association and discussed a way to either modify or eliminate the Great Lawn. As a result, a walking trail, which would utilize some of the existing features as well as a new walking path, is being proposed. Currently, a wetlands crossing does exist but is approved as a temporary wetland crossing through the existing permit. They are proposing to make it a permanent wetlands crossing with an elevated walkway and is part of the plan set that has been submitted. He acknowledged that work still needs to be done with the Homeowners Association as they have not had any substantial input and Toll Brothers would like to bring the proposal to them for their input. He welcomed any input from this Commission.

Chairman Bowler asked if there was documentation or meeting notes from the Homeowners Association indicated their wishes.

Ted Merchant confirmed that he would obtain them.

Chairman Bowler questioned the dimensions of the temporary crossing and how this request came to be.

Ted Merchant replied that the dimensions are indicated on the plans and that much of the conversation that revolved around the Great Lawn had to do with privacy of the homeowners on Winding Trail as well as traffic concerns. The proposed change would incorporate all of the elements (gazebo, playground & walking trail) from the Great Lawn area but would be placed elsewhere. He reviewed the plans with the Commission and confirmed that the rain gardens and the parking area would be eliminated.

Chairman bowler also questioned the reason for the restoration area and the special seed type.

Ted Merchant stated that Toll Brothers inherited the project and that it was done prior and that he would have to get back to the Commission with that information.

Greg Bonacorsi voiced his curiosity about the seed type and why they would chose something specific. He questioned if it is a moist area or an area prone to water.

Chairman bowler requested that the crossing be staked to which Mr. Merchant agreed to do.

Motion: to accept Application #408 – Toll Brothers. Made by George Tzemos, seconded by Greg Bonacorsi. Unanimous Approval.

V. PUBLIC COMMENT

Mila Limson of 18 Highridge Road stated that Mr. Merchant did represent what was discussed at the community meeting and that there was great compromise. She feels that Toll Brothers and the Town are helping them to come to some solution. She also added that Mr. Merchant represented the residents' comments very well as they are looking for a more passive recreation rather than the active recreation with the playscape but that they are hoping to accommodate the playscape somewhere on the property.

VI. ADJOURNMENT

Motion: to adjourn the meeting at 7:59 P.M. Made by George Tzepos, seconded by Mary Barton. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Recording Clerk

Original to Edith Salisbury, Town Clerk

cc: Conservation Commission Members
Debbie Seavey, W.E.O.
Ollie LeDuc, Building Official
John Calabrese, P.E.
Terry Smith, P&Z Chairman
Curtis Bosco, Z.E.O.
Attorney Robert Smith, WPCA
Larry S. Hutvagner, C.F.O.

RESOLUTION/REPORT

Application #404 1365 Whittemore Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on February 27, 2018 from 1365, LLC; map dated received February 21, 2018

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 parking and drainage facilities 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 reflect:
 - Comments as outlined in John Calabrese's letter dated March 26, 2018
 - Details of the underground treatment system shall be submitted
 - Weekly site inspections reports shall be submitted to the commission
 - Temporary BMPs shall be included within the construction sequence and depicted on the plans
 - Responsible party for the soil erosion control plan shall be noted
 - Landscaping plan shall be provided
- (3) An engineer shall certify all drainage has been installed as approved.
- (4) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

March 27, 2018

RESOLUTION/REPORT

Application #405 211 Tranquility Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on February 27, 2018

from Tranquility Estates, LLC; map dated received February 22, 2018;

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 driveway crossing of an intermittent watercourse will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, a construction sequence shall be submitted.
- (3) Prior to permit issuance, revised plans shall reflect comments as outlined in John Calabrese's letter dated March 27, 2018.
- (4) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

March 27, 2018

RESOLUTION/REPORT

Application #407 290 Christian Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on February 27, 2018 from Raymond Shocki map dated received February 26, 2018

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 invasive removal and replanting 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.

March 27, 2018

RESOLUTION/REPORT

Application 406 137 Falcon Crest

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on February 27, 2018 from Marcos de Escobar map dated received February 23, 2018;

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 solar ground array 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.

March 27, 2018