



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES June 26, 2018

Members Present:

Paul Bowler, Chairman
Keli-Ann Bollard
Greg Bonacorsi
Curtis Bosco

Members Absent:

Mary Barton, Vice Chairwoman
George Tzepos

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 MAY 29, 2018 REGULAR MEETING

Motion: to accept the Minutes of the May 29, 2018 Regular Meeting. Made by Keli-Ann Bollard seconded by Greg Bonacorsi. Unanimous Approval.

III. OLD BUSINESS

1. APPLICATION #416 – WPCA-PUMP STATIONS 4 & 6

Ken Long spoke on behalf of the Town of Middlebury WPCA and reviewed the plans with the Commission. They are seeking approval to upgrade Pump Station 4 which is on Southford Road and Pump Station 6 which is on Christian Road. Both are within the upland review area.

Pump Station 4 - They plan to remove the underground fuel tank which must be removed per DEEP and remove the generator from inside the building to outside of the building and place it on a concrete pad which will be set to the 100 year flood level.

Pump Station 6 – The applicant is seeking approval to remove the existing underground fuel tank, generator and electrical equipment. They are proposing to construct a building to house a new concrete slab and generator which would also be utilized to store various pieces of equipment which are currently scattered throughout the town. The elevations will go into the existing drainage and are indicated on the proposed plans.

Motion: to approve Application #416 – WPCA-Pump Stations 4 & 6 per the Draft Resolution. Made by Greg Bonacorsi, seconded by Keli-Ann Bollard. Unanimous Approval.

2. PERMIT MODIFICATION #290-C – 393 WHITE DEER ROCK ROAD

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant Garrett Moore Jr. and Emily Moore and reviewed the plans with the Commission. Once the building was completed and upon the applicant's attempt at obtaining a C.O., it was determined that the walls and walkways are within the setback from the lake and they are now seeking a modification of their prior approval.

Motion: to approve Permit Modification #290-C – 393 White Deer Rock Road per the Draft Resolution. Made by Keli-Ann Bollard, seconded by Greg Bonacorsi.

Amendment to the above motion to include the following as item #2 on the Draft Resolution: (2) The applicant is reminded for any future regulated activities; a permit must be obtained prior to completing the work. Unanimous Approval.

3. APPLICATION #410 – TOWN OF MIDDLEBURY-TRANQUILITY ROAD BRIDGE

John Calabrese, P.E. updated the Commission with respect to the emergency repairs that were performed as a result of the collapse under the arch of the Tranquility Road Bridge. The work has been completed and asked if any of the members had any questions.

Chairman Bowler reminded all that this was an emergency situation.

Motion: to approve Application #410 – Town of Middlebury-Tranquility Road Bridge per the Draft Resolution. Made by Keli-Ann Bollard, seconded by Greg Bonacorsi. Unanimous Approval.

4. APPLICATION #411 – 14 WEST LAKE ROAD

Guy Gentil is seeking to rebuild the lakeside wall which has become deteriorated by the water's edge. He reviewed photos of the current condition of the wall with the Commission.

Motion: to approve Application #411 – 14 West Lake Road per the Draft Resolution. Made by Greg Bonacorsi, seconded by Keli-Ann Bollard. Unanimous Approval.

5. APPLICATION #412 – 633 CHRISTIAN ROAD

There was no one present.

6. RENEWAL OF PERMIT #337/337A – 633 CHRISTIAN ROAD

There was no one present.

7. APPLICATION #413 – WATERTOWN ROAD LOT 029

There was no one present.

8. APPLICATION #414 – 369 WHITE DEER ROCK ROAD

Garrett Moore recently purchased the property and would like to construct a house.

Chairman Bowler stated that this is the moving of a road to access the Middlebury Swim Club.

Ron Wolff of Wolff Engineering in Woodbury stated that there was nothing new they needed to add in their presentation from last month.

Deborah Seavey, WEO added that reports for the weekly site inspections should be provided to the Commission.

Motion: to approve Application #414 – 369 White Deer Rock Road per the Draft Resolution. Made by Keli-Ann Bollard, seconded by Greg Bonacorsi. Unanimous Approval.

9. APPLICATION #415 – TRANQUILITY ESTATES

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. This was in conjunction with the sewer work being done by the Town on the road.

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 added that the Mr. Calabrese had mentioned that the culvert had been repaired and extended at the bridge. Due to the fact that the Town will be culverting the swale in the future, the applicant wanted to culvert the portion that is on his side of the wall.

Motion: to approve Application #415 – 211 Tranquility Road per the Draft Resolution. Made by Keli-Ann Bollard, seconded by Greg Bonacorsi. Unanimous Approval.

Chairman Bowler again announced the following applications and still there was no one present.

5. APPLICATION #412 – 633 CHRISTIAN ROAD
6. RENEWAL OF PERMIT #337/337A – 633 CHRISTIAN ROAD
7. APPLICATION #413 – WATERTOWN ROAD LOT 029

IV. NEW BUSINESS

None

V. PUBLIC COMMENT

None

VI. ADJOURNMENT

Motion: to adjourn the meeting at 7:48 P.M. Made by Curtis Bosco, seconded by Keli-Ann Bollard. 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 416 WPCA Pump Stations 4 & 6-Southford & Christian Roads

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 29, 2018 from Middlebury WPCA map entitled “Site Plan Station 4-Regulatory Plans/Site Plan Station 6-Regulatory Plans” dated May 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 removal of underground fuel tanks & concrete pads; construction/installation of new above ground generators and pads; new building and driveway facilities within the upland review areas 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 26, 2018

RESOLUTION/REPORT

Permit Modification #290-C 393 White Deer Rock Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application for permit modification on May 29, 2018 from Garrett M Moore, Jr. map entitled "As-Built Zoning Location Survey" dated April 30, 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 stone patios, walkways, bluestone steps, stone walls and a fire pit/patio within the upland review area of Lake Quassapaug will not have a substantial impact on the regulated area.
- (2) The applicant is reminded for any future regulated activities; a permit must be obtained prior to completing the work.
- (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 26, 2018

RESOLUTION/REPORT

Application #410 - Town of Middlebury-Tranquility Road Bridge

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 29, 2018 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 emergency bridge repair(sleeving existing arch and associated drainage installation)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 26, 2018

RESOLUTION/REPORT

Application #411 14 West Lake Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 29, 2018 from Guy W. Gentil map entitled “Plot Plan – Unit #D-14” dated July 14, 2017 with revision date of November 20, 2017;

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 repair to an existing stonewall along Lake Quassapaug 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 26, 2018

RESOLUTION/REPORT

Application 414 369 White Deer Rock Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 29, 2018 from Garrett Moore map entitled “Site Plan for Driveway” dated April 4, 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 relocation encroaching within the wetland upland review area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plan should be submitted indicating the reports for the weekly site inspections shall be provided to the commission.
- (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 26, 2018

RESOLUTION/REPORT

Application #415 211 Tranquility Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 29, 2018 from Tranquility Estate, LLC map entitled "Site Plan-culvert Extension prepared for Tranquility Estate, LLC dated May 214, 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 extension of an existing culvert approximately 149' 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 26, 2018