



TOWN OF MIDDLEBURY

*Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
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REGULAR MEETING MINUTES August 27, 2019

Members Present:

Paul Bowler, Chairman
Joseph Martino
George Tzepos
Greg Bonacorsi

Members Absent:

Mary Barton, Vice Chairwoman
Keli-Ann Bollard
Curtis Bosco

Also Present:

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

I. CALL TO ORDER

The Regular Meeting was called to order at 7:29 p.m. by Chairman Bowler.

II. ACTION ON MINUTES:

July 9, 2019 Special Meeting

Motion: to approve the Minutes of the July 9, 2019 Special Meeting. Made by George Tzepos, seconded by Greg Bonacorsi. Unanimous Approval.

III. OLD BUSINESS

1. Application #435 – 1 Bristol Road

Rodney Gillette spoke on behalf of Mitchell Quain. He submitted photos of the wall that was repaired due to ice damage

The commission commented on the beautiful job that was done.

Motion: to approve Application #435 – 1 Bristol Road per the draft resolution. Made by George Tzepos, seconded by Greg Bonacorsi. Unanimous Approval.

IV. NEW BUSINESS

1. Application #436 – 1365 West Street

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 spoke on behalf of the applicant 1365 LLC and reviewed that plans with the Commission. They currently own 1365 and 1383 West Street and are requesting to culvert approximately 145 linear feet of an existing watercourse. There is a previous approval from this Commission in 2011 that shows the culvert being installed although it was not entirely completed. The permit has since expired. In 2014 or 2015 a small section was installed which crosses 1365 West Street and 86 Woodland, which is also owned by the applicant. They are proposing an extension of the current 36" RCP down to the current structure which is adjacent to the parking lot. Last year the Planning & Zoning Commission approved the parking plan and they are looking to construct a portion of the parking with some minor adjustments. They would like to have the culvert and a portion of the parking constructed before winter. He also added that his client in now the owner of the Junipers restaurant.

John Calabrese, P.E. stated that he has reviewed the plans.

Motion: to accept Application #436 – 1365 West Street. Made by George Tzepos, seconded by Greg Bonacorsi. Unanimous Approval.

2. Application #437 – 65 North Benson Road

Motion: to add Application #437 – 35 North Benson Road to the agenda. Made by Greg Bonacorsi, seconded by George Tzepos. Unanimous Approval.

Brad Parsons, P.E. of All-Points Technology Corporation spoke on behalf of Greenskies Renewable Energy, LLC. He stated that they are proposing an underground electrical conduit for Solar Facility interconnection to the Long Meadow Elementary School electrical room. He reviewed the plans with Commission and informed them that it will be placed west of the existing baseball field. The facility will consist of approximately 954 panels (3' X 6' each) that will be fed back into the existing electrical system. They are also proposing to remove all of the trees between this property and that of the racquet club. They have given their consent for that work. There will be approximately 225 linear feet of trench. The material will be stockpiled on the east side of the trench and then backfilled at the end of each day. He added that because of the topography, this proposal is the best case scenario.

Motion: to accept Application #437 – 35 North Benson Road. Made by George Tzepos, seconded by Greg Bonacorsi. Unanimous Approval.

V. DISCUSSION

I. Falcon Crest Road – conservation easement violation

Attorney Carol Santos spoke on behalf of his wife Melissa Santos. He stated that they purchased the property approximately 12 years ago. The first 7 years was a continuous battle with beavers. For several years, he attempted to trap and relocate the beavers. He believes that they are the only house on the lake that has actually adhered to the Conservation Easement as others have been clear cutting. For the last 5 years, while the beavers are present (3 dens), there has been very little beaver activity. He feels that the water flow is currently stabilized and that the pond sits significantly below every property in said area. He offered to increase the flow, but he suspects it would be more detrimental to the environment as opposed to leaving things the way they are.

Chairman Bowler suggested that the pipe be cleaned out.

Attorney Santos replied that despite his effort of putting in a second pipe, the beavers have ripped it up.

Deborah Seavey, W.E.O. confirmed that the sound of flowing water does in fact attract beavers.

A woman from Flanders Nature Center Land Trust (FNCLT) was present but stated that she was there to observe.

Chairman Bowler announced that there is nothing this commission can do to act upon the issue. He suggest that Mr. Santos meet with the people of Flanders Nature Center Land Trust (FNCLT) to discuss their concerns and hopefully come to an agreement.

Deborah Seavey, W.E.O. requested that she be informed of the results of the meeting, should one take place.

Attorney Santos agreed to do so.

VI. PUBLIC COMMENT

The volunteer from Flanders Nature Center Land Trust (FNCLT) confirmed that there has been clear cutting of trees by many. The 50 foot margin on the lake is measured by level of the lake. Therefore, they have no way of knowing if others are in violation of the easement or not if the water level is not where it is required to be.

VII. ADJOURNMENT

Motion: to adjourn the meeting at 7:54 P.M. Made by George Tzepos, seconded by Greg Bonacorsi. 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

RESOLUTION/REPORT

Application #435 1 Bristol Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on July 23, 2019 from Mitchell Quain for repair of existing wall and stairs along Lake Quassapaug.

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 stone wall and stairs 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.

August 27, 2019