



# TOWN OF MIDDLEBURY

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

## REGULAR MEETING MINUTES November 26, 2019

### **Members Present:**

Paul Bowler, Chairman  
Joseph Martino  
George Tzepos  
Greg Bonacorsi  
Curtis Bosco

### **Members Absent:**

Mary Barton, Vice Chairwoman  
Keli-Ann Bollard

### **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:**

### **October 29, 2019 Regular Meeting**

**Motion:** to accept the Minutes of the October 29, 2019 Regular Meeting. Made by Greg Bonacorsi, seconded by Joseph Martino. Unanimous Approval.

## **III. OLD BUSINESS**

### **1. Application # 440 – 1628/1648/1672 Straits Turnpike**

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. Boch is the contract purchaser of the three parcels. The proposal is to build and relocate the Premier Subaru Dealership from up the street in Watertown to these parcels. The proposed building will be 27,300 square feet with an additional mezzanine. The total parcel is approximately 6 acres of which 3.5 is in Middlebury and

the balance of 2.5 in Waterbury. Wetlands approval from Waterbury has been granted and they currently have an application before the Waterbury Zoning Commission for Site Plan approval.

John Calabrese, P.E. made reference to his three (3) recommendations stated in his report of November 22, 2019 and acknowledged that he did discuss them with David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779.

**Motion:** to approve Application 1628/1648/1672 Straits Turnpike per the Draft Resolution and the three (3) recommendations stated in the November 22, 2019 Engineering Review submitted by John N. Calabrese, P.E prior to permit issuance. Made by Curtis Bosco, seconded by Greg Bonacorsi. Unanimous Approval.

## **2. Application # 441 – 52 Bioski Road**

Mr. & Mrs. Radlinski stated that they are looking to put in an above ground pool (15' X 26' in size). Mr. Radlinski stated that he did stake the location of the proposed pool at the request of the Commission.

The Commission reviewed the plans.

**Motion:** to approve Application #441 – 52 Bioski Road per the Draft Resolution. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

## **IV. NEW BUSINESS**

### **1. Renewal of Permit #395-A – 383 White Deer Rock Road**

Curtis Bosco recused himself as the applicant is his first cousin.

Robert Bosco submitted photos of the work he did. He stated that they changed some of the contours because of the way the site was.

Deborah Seavey, W.E.O. stated that walls were constructed that were not originally approved. She would not sign off on the C.O. which is why he came before this Commission.

Chairman Bowler informed Mr. Bosco that he should have contacted the Wetlands Enforcement Officer to inform her.

Mr. Bosco stated that he will contact Deborah Seavey, W.E.O. with any additional work that will be performed. He added that there will be no more walls built but plans to plant more trees.

Deborah Seavey, W.E.O. instructed Mr. Bosco to come up with a landscape plan and to contact her to review it prior to doing any work.

Chairman Bowler stressed to Mr. Bosco that he must contact Deborah Seavey, W.E.O. prior to doing any work.

**Motion:** to accept Permit #395-A – 383 White Deer Rock Road. Made by George Tzezos, seconded by Greg Bonacorsi. Curtis Bosco recused himself. Unanimous Approval.

## **2. Application #442 – Meadowview Park**

John Calabrese, P.E. spoke on behalf of the Town of Middlebury. They are seeking approval for clearing and maintenance at Meadowview Park. Some work has already been performed but they have since stopped. He reviewed photos from the early 90s, when the park was originally constructed, as well as current photos with the Commission to showcase the need for maintenance. They want to take care of the underbrush and some selective clearing. He will inquire as to whether or not fertilizer is being proposed. Additionally, they would like to tend to obstructions in watercourse, work on an existing weir and plant plantings.

**Motion:** to accept Application #442 – Meadowview Park. Made by George Tzezos, seconded by Joseph Martino. Unanimous Approval.

Chairman Bowler questioned the members on their availability for a Special Meeting for this application only and December 11, 2019 at 6:00 p.m. was proposed.

## **3. Application #443 – 1685 Straits Turnpike**

**Motion:** to add Application #443 – 1685 Straits Turnpike to the agenda. Made by Curtis Bosco, seconded by Greg Bonacorsi. Unanimous Approval.

Emily Jones, P.E. of Civil 1 spoke on behalf of the applicant, Straits Crossing, LLC. This property is at the corner of Straits Turnpike and Park Road Extension. The parcel is 12.3 acres, is zoned CA-40, and contains 5+ acres of wetlands. They are proposing to construct two (2) 12,000 square foot buildings expected to be used for retail, medical and restaurant facilities. They plan to use swales and infiltration in accordance to their

Stormwater Drainage Plan which she reviewed with the Commission. They are also proposing a conservation easement.

John Calabrese, P.E. stated that he has yet to review the plans.

Greg Bonacorsi stated that it needs to be verified that the existing pipe is functioning properly.

**Motion:** to accept Application #443 – 1685 Straits Turnpike. Made by George Tzepos, seconded by Greg Bonacorsi. Unanimous Approval.

## **V. DISCUSSION**

### **1. 2020-2021 Budget**

**Motion:** to approve the attached proposed Department Request figures for the FY 2020-2021 Budget. Made by George Tzepos, seconded by Curtis Bosco. Unanimous Approval.

## **VI. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:19 P.M. Made by George Tzepos, seconded by Curtis Bosco. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, 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 #440 1628/1648/1672 Straits Turnpike

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on October 29, 2019

from Boch Middlebury Waterbury LLC map entitled "Proposed Site Plan #1628,#1648,#1672 Straits Turnpike & Lakeside Boulevard West Middlebury & Waterbury, CT Prepared for – Boch Middlebury Waterbury, LLC" dated October 23, 2019 with revision date of November 1, 2019;

**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, John Calabrese 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 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 discharge of storm drainage will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall be received to include a permanent maintenance plan for the stormwater treatment system and include comments as outlined in John Calabrese's letter dated November 22, 2019.
- (3) Prior to the issuance of a certificate of occupancy, the engineer shall certify all drainage installation has been completed in accordance with the approved plans.
- (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.

November 26, 2019

## RESOLUTION/REPORT

Application#441 52 Bioski Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on October 29, 2019 from Chris Radlinski sketch dated received October 28, 2019;

**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 an above ground pool within a regulated area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, permanent wetland markers shall be installed every 50 feet along the disturbance limits.
- (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.

November 26, 2019

TOWN OF MIDDLEBURY  
 GENERAL FUND EXPENDITURES  
 BUDGET FY 2019-2020

11/6/2019 8:28 AM

Account				Description	Actual FY 17-18 (\$)	Actual FY 18-19 (\$)	Adopted Budget FY 19-20 (\$)	Department Request FY 20-21 (\$)	vs Adopted Increase (Decrease) (\$)	vs Adopted Increase (Decrease) (%)
<b>CONSERVATION COMMISSION</b>										
01	28	01	6003	Temporary Salaries	\$ 1,696.97	\$ 1,608.00	\$ 1,277.88	1600 <del>1200.00</del>	\$ (1,277.88)	-100.00%
01	28	02	6011	Conservation Officer	\$ 9,179.93	\$ 9,810.56	\$ 10,612.00	13000.00	\$ (10,612.00)	-100.00%
01	28	02	6102	Travel & Official Expense	\$ 365.00	\$ 552.67	\$ 633.00	600.00	\$ (633.00)	-100.00%
01	28	02	6105	Advertising	\$ 365.27	\$ 538.16	\$ 800.00	500	\$ (800.00)	-100.00%
01	28	02	6106	Dues, Publications	\$ 321.00	\$ 380.00	\$ 800.00	800	\$ (800.00)	-100.00%
<b>TOTAL</b>					<b>\$ 11,928.17</b>	<b>\$ 12,889.39</b>	<b>\$ 14,122.88</b>	<b>\$ -</b>	<b>\$ (14,122.88)</b>	<b>-100.00%</b>