



# TOWN OF MIDDLEBURY

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

## REGULAR MEETING MINUTES February 25, 2020

### **Members Present:**

Paul Bowler, Chairman  
Mary Barton, Vice Chairwoman  
Joseph Martino  
Greg Bonacorsi  
Curtis Bosco

### **Members Absent:**

Keli-Ann Bollard  
George Tzepos

### **Also Present:**

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

## **I. CALL TO ORDER**

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

## **II. ACTION ON MINUTES:**

### **January 28, 2020 Regular Meeting**

**Motion:** to accept the Minutes of the January 28, 2020 Regular Meeting. Made by Mary Barton, seconded by Joseph Martino. Unanimous Approval.

## **III. OLD BUSINESS**

### **1. Application # 444 – 99 Benson Road**

Paul S. Szymaski, P.E. reviewed the revised plans with the Commission which include additional Arborvitae plantings along the front property line to add screening.

John Calabrese, P.E. and Deborah Seavey, W.E.O. confirmed that they are satisfied with the revisions.

**Motion:** to approve Application #444 – 99 Benson Road per the Draft Resolution. Made by Mary Barton, seconded by Greg Bonacorsi. Unanimous Approval.

**Motion:** to add under Old Business, 3 Sandy Beach Road letter dated January 24, 2020, received January 29, 2020 from Attorney Jacqueline O. Kaufman, with the premise that the Commission accept the letter that was sent to all members, and accept the response from the Middlebury Conservation Commission’s W.E.O. Deborah Seavey dated February 19, 2020. Made by Mary Barton.

**Discussion:** Mary Barton added that she thought it was well done and is happy with it.

Seconded, by Greg Bonacorsi. Curtis Bosco recused himself. Unanimous Approval.

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

None

#### **V. ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:32 P.M. Made by Curtis Bosco, seconded by Greg Bonacorsi. 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.  
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 #444 99 Benson Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on January 28, 2020 from Benson Road Investors, LLC map entitled "Proposed Site Development Plan" dated December 11, 2019 with revision date of February 4, 2020;

**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 construction of building, discharge of storm drainage and wetland creations will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall include the following:
  - Sequence of wetland creations
  - Maintenance schedule of all soil erosion control measures
  - Reports from a wetland consultant shall be submitted annually for the first three years after the wetland creations
  - Prior to the issuance of a certificate of occupancy, the engineer shall submit a certification that all site work has been completed in accordance with the approved plan along with as-built of the basin
  - Comments as outlined in John Calabrese's letter
- (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.

February 25, 2020