



TOWN OF MIDDLEBURY

Conservation Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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REGULAR MEETING MINUTES September 29, 2020

Shepardson Community Center Auditorium, 1172 Whittemore Road, Middlebury, CT
and concurrently
Via Video Conference | Zoom Meeting #898 3258 8885

Members Present:

Paul Bowler, Chairman
Mary Barton, Vice Chairwoman
George Tzepos
Greg Bonacorsi
Curtis Bosco
Joseph Martino-arrived @ 7:37 p.m.

Members Absent:

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 7:30 p.m. by Chairman Bowler.

II. ACTION ON MINUTES:

August 25, 2020 Regular Meeting

Motion: to accept the Minutes of the August 25, 2020 Regular Meeting. Made by Greg Bonacorsi, seconded by George Tzepos. Unanimous Approval.

III. OLD BUSINESS

1. Application #452 – 30 Sandy Beach Road

Scott Lukowski, P.E. of Dymar spoke on behalf of the applicant and reviewed the revised plans with the Commission. The two existing dwellings total 1,067 square feet and plan to remove the dwelling on Lot #31 and construct a 585 square foot addition to the house on Lot #30 which will include a garage port and deck. The distance from the back of the deck to the lake is approximately 16'. The closest point of the house currently is 16-17' to the waters' edge.

Mary Barton questioned the percentages of the pervious and impervious vs. pre and post construction.

Scott Lukowski stated that they are not adding any pavement although they are proposing to fix the driveway as it is with a new layer of pavement to repair the cracks. The percentages of the imperviousness will be increased as they are increasing the entire building footprint by 585 square feet. Currently there is a total of 1,067 square feet and upon completion of construction, there will be 1,652. He confirmed that the existing building is closer to the lake than the proposed building and that the square footage of the deck has been included in the building footprint. He also clarified where the proposed septic would be located.

Joseph Martino arrived at 7:37 p.m.

Mary Barton suggested that should the Commission decide to approve the application, conditions of approval should be that it not be enclosed and that it should remain open and that a bond be taken for soil and erosion control measures.

John Calabrese, P.E. stated that he spoke with Scott Lukowski regarding the additional impervious area and creating some type of underground storage to take care of the extra square footage

Motion: to approve Application #452 – 30 Sandy Beach Road per the Draft Resolution, comments made by John Calabrese, P.E regarding the increase in runoff, the deck is not to be enclosed and that a bond be required for soil and erosion control measures. Made by Mary Barton, seconded by George Tzezos.

Discussion:

George Tzezos questioned who would set the bond.

Mary Barton stated that it should be determined and agreed upon by the engineers.

Unanimous Approval.

2. Application #453 – 92 Turnpike Drive

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of Connecticut Topsoil, LLC and reviewed the revised plans with the Commission. The property is 6.37 acres and located in the LI-80 Zone on the north side of Turnpike Drive and adjacent to the city of Waterbury. The building is 3,750 square feet in size with proposed office, shop and storage areas. The garage bays in the back and parking in the front and side and some additional paved area for some storage in the rear of the property. They are proposing a well. Additionally, they are proposing a new on-site septic system as well as some grading for stormwater renovation area in the upland review area. As requested, they included the following additional items on the revised plans: Statement of Use, detailed Landscaping Plan for the stormwater renovation area, Photometric Study and a Lighting Plan. They also applied with Planning & Zoning and anticipate having a Public Hearing in November. She confirmed receipt of the Review from Deborah Seavey, W.E.O. dated September 16, 2002 that requested that they submit a copy of the Soil Report prepared when the wetlands were flagged in 2015. Emily will submit the copy in the near future. She also confirmed that most of said recommendations were incorporated into the revised plans but acknowledged that they are in agreement with all of the conditions as well as the recommendations outlined in the Engineering Review from John Calabrese, P.E., dated September 25, 2020.

Mary Barton stated that she was under the impression that if you are within 200 feet of a public water line, you must tie into it. Therefore, she suggested that the applicant look into it.

Motion: to approve Application #453 – 92 Turnpike Drive per the Draft Resolution and the comments stated. Made by George Tzepos, seconded by Mary Barton. Unanimous Approval.

IV. NEW BUSINESS

1. Application #454 – 387 White Deer Rock Road

John Pelletier stated that he is looking to construct a gazebo near the lake.

Mary Barton stated that since it is in the upland review area, she feels that it is agent approval.

Motion: that Application #454 – 387 White Deer Rock Road be referred to W.E.O. Deborah Seavey for agent approval for the gazebo in the upland review area because there is minimal activity. Made by Mary Barton, seconded by George Tzepos. Unanimous Approval.

2. Permit Modification #440-A – 1660 Straits Turnpike

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 spoke on behalf of the applicant and reminded all that last fall this Commission approved the new Subaru dealership on Straits Turnpike. This evening they are requesting a modification due to the following 3 major revisions:

1. Take the north entrance and slide it north approximately 15 feet (a result of the DOT review process)
2. Modify the north water quality basin (a result of the DOT review process)
3. Lowering the proposed building finished floor to accommodate the 80 foot long car carrier and avoid bottoming out

Motion: to accept Permit Modification #440-A – 1660 Straits Turnpike. Made by George Tzezos, seconded by Greg Bonacorsi. Unanimous Approval.

3. Application #455 – Artillery Road-Fenn Farm

John Calabrese, P.E. spoke on behalf of the town. In early September, the town was made aware of the fact that there were issues with the existing septic system. While they were able to pump some sludge, the outlet remains plugged and the system is failing. They would like to tie into the sewer line before November and due to the emergency situation they are faced with, he respectfully requested that they be allowed proceed with construction and report to this Commission next month.

Motion: to accept Application #455 – Artillery Road-Fenn Farm and allow construction to proceed due to the emergency situation. Made by Greg Bonacorsi, seconded by Joseph Martino. Unanimous Approval.

V. DISCUSSION

1. 383 White Deer Rock Road Complaint

James Winston Lunan M.D. summarized his letter dated September 2, 2020 for the Commission. With said letter, he also submitted photos.

Curtis Bosco stated that he was recusing himself from this discussion as Robert Bosco is his first cousin and will have no input in this process. However, it was necessary for him to remain in the room as he was operating the zoom meeting.

James Winston Lunan M.D. stated that Mr. Robert Bosco has clear-cut the land from the road down to the waters' edge. The side of his property adjacent to Dr. Lunan's lot line has been elevated between 8-10 feet beyond what it originally was and now contains 3 pipes hanging over the side of Dr. Lunan's property. He feels that as a result of these changes, he has been having drainage issues. Since the change in the topography of Mr. Bosco's lot along with the drainage pipes, the pond and stream become overwhelmed with water and the surrounding becomes saturated during the rainy season. While Mr. Bosco did attempt to rectify these issues, they continue to exist. He is concerned about his trees being uprooted and his septic system.

Chairman Bowler stated that it would be best for the members of the Commission do a site visit.

James Winston Lunan M.D. agreed to welcome members to do a site visit at their convenience.

2. Pilot's Mall-Release of Wetlands Bond

John Calabrese, P.E. stated that in the early 2000's, Pilot's Mall came in for some modifications for the 11 lot industrial subdivision that was approved off of Benson Road. They received word from the current owners that they want to do away with the project. Therefore, there will be no activity. They wish to eliminate the subdivision and return the 11 lots back to a 100 acre parcel. As a result, they are asking that the bond be released.

Motion: to release the wetlands bond. Made by George Tzezos, seconded by Joseph Martino. Unanimous Approval.

3. Transfer of Permit 302 – (Quinnipiac Game) Mirey Dam Road pond excavation

There was no one present.

VI. ADJOURNMENT

Motion: to adjourn the meeting at 8:21 P.M. Made by George Tzezos, seconded by Joseph Martino. 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 #452 30 Sandy Beach Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 25, 2020 from Joan Calvert map entitled "Proposed subsurface Sewage Disposal System – Plot Plan" dated July 21, 2020;

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 demolition, addition construction, discharge of drainage and septic tank installation within the upland review area will not have a substantial impact on the regulated area.
 - (2) The proposed deck shall remain open and shall not be enclosed any time in the future.
 - (3) Prior to permit issuance, revised plans shall be submitted to include:
 - wall details
 - construction sequence
 - a soil erosion control bond shall be in place for site stabilization due to the close proximity of activities to the lake. Amount to be set by John Calabrese
 - Revised plans shall be reviewed and acceptable by town staff
 - (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.
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- (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.

September 29, 2020

RESOLUTION/REPORT

Application #453 92 Turnpike Drive

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 25, 2020 from Connecticut Topsoil. LLC map entitled "Grading Drainage & Utility Plan" dated August 19, 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 wetland crossing for sewer line and upland review area encroachments will not have a substantial impact on the regulated area.
 - (2) Prior to permit issuance, revised plans shall be submitted to included:
 - details of the stormwater renovation area, high marsh and micropool including a planting plan
 - a complete soil erosion control maintenance schedule
 - detailed construction sequence
 - weekly site inspections reports; said reports shall be submitted to the Land Use Office
 - Comments as outlined in John Calabrese's letter
 - (3) Prior to the certificate of occupancy, drainage as-builts along with a certification from the engineer stating site work has been completed in accordance to the approval.
 - (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.
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- (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.

September 29, 2020
