



# TOWN OF MIDDLEBURY

*Conservation Commission*  
*1212 Whittemore Road*  
*Middlebury, Connecticut 06762*  
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## REGULAR MEETING MINUTES October 27, 2020

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

### **Members Present:**

Mary Barton, Vice Chairwoman  
George Tzepos  
Greg Bonacorsi  
Curtis Bosco  
Joseph Martino

### **Members Absent:**

Paul Bowler, Chairman  
Keli-Ann Bollard

### **Also Present:**

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

## **I. CALL TO ORDER**

Vice Chairwoman Mary Barton, the Acting Chairwoman of this evening's meeting, called the Regular Meeting to order at 7:30 p.m.

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

### **September 29, 2020 Regular Meeting**

**Motion:** to accept the Minutes of the September 29, 2020 Regular Meeting. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

### **III. OLD BUSINESS**

#### **1. Permit Modification #440-A – 1660 Straits Turnpike**

John Calabrese, P.E. reminded the members of the changes to the site plan. Mostly due to DOT requests. There were some depression rain guards along Straits Turnpike that were designed as part of the drainage and DOT did not want them there. They were removed and more catch basins were added. The underground detention area was moved from under the parking lot into a grassed area. One of the entrances was moved approximately 10 feet because of DOT and the building elevation was lowered 1 foot. During the time of the original approval, there was discussion about the possibility of changes at the request of DOT.

**Motion:** to approve Permit Modification #440-A – 1660 Straits Turnpike per the Draft Resolution. Made by George Tzezos, seconded by Greg Bonacorsi. Unanimous Approval.

#### **2. Application #455 – Artillery Road-Fenn Farm**

John Calabrese, P.E. spoke on behalf of the Town of Middlebury with respect to the application for a sewer line to Fenn Farm. The town, which owns the property, became aware that there is a failing septic system and located a sewer lateral that crosses Route 64 at the intersection of Artillery Road & Route 64. Said sewer lateral was left there for that house and the house across the street. Since the last meeting, he did have discussions with and submitted plans to the Sewer Commission's engineer who granted his approval. Most of the technical issues have been worked out but it is now a matter of going through pricing, availability of parts, etc. The septic tank has been pumped and seems to be marginally working and is not discharging on top of the ground. It will be monitored until the sewer line is constructed and because November is fast approaching, there is a possibility it will not be done until springtime. It will be pumped again if need be in the interim.

**Motion:** to approve Application #455 – Artillery Road-Fenn Farm per the Draft Resolution and provided the septic tank is monitored and pumped when needed. Made by Greg Bonacorsi, seconded by Joseph Martino. Unanimous Approval.

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

##### **1. Application #456 – Straits Turnpike Parcel 4-10/042**

Tom Daly, P.E. with Milone & MacBroom spoke on behalf of the applicant and stated that the previous plans were approved by this Commission on January 28, 2020.

Kyle Richards, applicant representing Metro Realty, added that the current owner is Straits Crossing, LLC whose member is Robert LaFlamme.

Tom Daly, P.E. and reviewed the revised plans with the Commission. Metro Realty is the premier medical office building owner and developer in Hartford County. They also developed the UCONN Health Center campus. The previously approved application mostly represented a retail environment with some restaurant and office space. Architecturally the approved buildings were approximately 60 feet deep, however, through Metro's experience they have protected the architectural layout of medical office buildings which has resulted in successful plans. The current proposed medical buildings are approximately 100 feet deep. The plan has a lot of similarities to what was previously approved; 2 buildings and 2 entry drives generally in the same locations, 2 storm water basins but now with a proposal for a wetland creation area with a basin adjacent to Park Road Extension. The parking will also wrap around with the 2 buildings in the middle, similar stormwater management: basins that are designed for a 100 year storm plus the DEEP Water Quality Standard is also being provided. Upon inspection of the wetlands, it was determined that to get highest and best use of the property and to accommodate the need for the medical office buildings, they are proposing a change and modification to the plan that results in approximately 2,500 square feet of direct wetland impact. Part of their plan is a 3:1 mitigation to compensate for the wetland fill-in, a retaining wall in the rear to minimize the encroachment. The previous application also provided the wetlands to the rear which were going to be incorporated into an easement, however, those details have yet to be worked out. Metro Realty is still committed to putting some type of deed restriction or Conservation Easement to the rear.

Megan Raymond, Wetland Scientist with Milone & MacBroom, stated that she has visited the site on multiple occasions and went on to also review the plans with the Commission focusing on the vegetation and wetlands. They are seeking to modify the geometry of the wetland in one location and plan to eliminate a wetland finger and replace it in an area that will extend three (3) times larger adjacent to the wetland. Doing so, she feels that it will maintain the integrity of the wetlands. They are also proposing a good deal of native wetland vegetation as well as bordering native shrubs along the limits of disturbance. They plan to plant a great deal of native plant material around the stormwater basins and along the disturbed edge as well as repurpose the stonewalls in order to create demarcation features at the eastern edge of the wetland creation area and in other key features of the site. They are also aware of the open space area that abuts the

site to the north, particularly Sperry Pond which feeds Long Swamp Brook and the maintenance of potential recreational features that may exist in terms of a Conservation Easement down the road. Looking at the attributes of the site and the quality of the wetlands in the location of direct fill, the ability for them to maintain the integrity of the core wetland system with stormwater management, plantings and mitigation, there will be no adverse impact on the overall wetland characteristics on the property.

Tom Daly, P.E. added that it his understanding that this Commission will do a field walk and they plan to return next month with more details.

Acting Chairwoman Mary Barton questioned if the finger of wetlands is a result of disturbance and stated that she would like to see the Conservation Easement go to the Land Trust.

Megan Raymond confirmed that the finger of wetlands is a result of disturbance and acknowledged her request.

Tom Daly, P.E. briefly reviewed the drainage plans. The previous plan used more swaling, but in their opinion with the topography of the site, those were challenging issues.

**Motion:** to accept Application #456 – Straits Turnpike Parcel 4-10/042. Made by George Tzepos, seconded by Greg Bonacorsi. Unanimous Approval.

## **2. Application #457 – Town of Middlebury – 133 North Ridge Road**

John Calabrese, P.E. spoke on behalf of the Town of Middlebury and reviewed photos with the Commission. The town has drainage easement through the property and there is a need for restoration of the existing drainage. The reinforced concrete drainage pipe is covered in moss and has much erosion. Some pipes have moved and are no longer connected. They are also proposing to change the manhole top with a grate and add extra catch basins into the line. There will be nothing done beyond the discharge point and expects it to be a spring project although it depends on the weather.

Acting Chairwoman Mary Barton stated that by the look of the photos the work needs to be done.

**Motion:** to accept Application #457 – Town of Middlebury – 133 North Ridge Road. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

V. **DISCUSSION**

1. **383 White Deer Rock Road Complaint**

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 they are distraught at the fact that they are losing trees and he wants to stop the water from coming over to his property. It is not the natural drainage from the adjacent property.

Greg Bonacorsi stated that there must be some type of cease order for it to stop and some mitigation that goes into it.

Deborah Seavey, W.E.O. added that Mr. Bosco's engineer should come up with some kind of plan to rectify the drainage.

Greg Bonacorsi added that the whole contour of the land has been changed and the drainage is an issue now.

George Tzezos stated that trees were clear-cut.

Greg Bonacorsi agreed that they were clear-cut all the way down to the water.

Deborah Seavey, W.E.O. stated that wetlands exist across the road which is within 100 feet.

Acting Chairwoman Mary Barton stated that all of the activity was not approved and believes that there should be a Cease & Desist with a Restoration Order and it should be provided by his engineer. Deborah Seavey, W.E.O. and John Calabrese, P.E. can then take a look at it.

**Motion:** to issue a Cease & Desist with a Restoration Order including a plan to be provided by the property owner's engineer and to schedule a Show Cause Hearing for Monday, November 9, 2020 at 7:00 p.m. Made by Greg Bonacorsi, seconded by Joseph Martino. Mary Barton and George Tzezos also voted in favor. Curtis Bosco recused himself. Unanimous Approval.

**VI. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:17 p.m. Made by George Tzepos, 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-Permit Modification 440-A 1660 Straits Turnpike

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application for permit Modification on September 29, 2020 from Boch Middlebury-Waterbury, LLC map entitled "1660 Straits Turnpike Middlebury, Connecticut" Dated October 23, 2020 with revision date of August 6, 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 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 modifications that consist of revisions to the north water quality basin, north entrance revisions and building elevation revisions will not have a substantial impact on the regulated area.
- (2) All original conditions still apply.
- (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.

October 27, 2020

## **RESOLUTION/REPORT**

Application #455 Artillery Road-Fenn Farm

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on September 29, 2020 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 installation of sewer line due to failing system will not have a substantial impact on the regulated area.
- (2) Regular monitoring of the existing septic system/tank shall be conducted until the sewer line connection is completed.
- (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.

October 27, 2020