



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES March 30, 2021

Via Video Conference | Zoom Meeting #898 3258 8885

Members Present:

Mary Barton, Vice Chairwoman
Joseph Martino
George Tzepos (arrived @ 7:41p.m.)
Curtis Bosco
Brian Stroby

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

February 25, 2021-Showcause Hearing & Special Meeting

Discussion was tabled.

III. OLD BUSINESS

1. Permit Modification #395-B – 383 White Deer Rock Road

Scott Meyers of Meyers Associates P.C. spoke on behalf of Robert Bosco and stated that they did submit a modification for the previous permit which includes the following:

1. Enhancement of the wetland area with a level spreader and some buffer plantings
2. Installation of a pipe at the beginning of the driveway
3. Extension of the stone wall along the beginning of the driveway where there is exposed ledge in the area

He went on to add that a site walk took place with Deborah Seavey, W.E.O, and John Calabrese, P.E. and that their concerns have been addressed.

Discussion and vote were tabled until later in the meeting when George Tzezos was present.

2. Permit Modification #445-A – 1680 Straits Turnpike

Peter Yeskey from First Hartford Realty Corporation, 149 Colonial Rd, Manchester, CT spoke on behalf of the applicant. He stated that additional drawings were submitted which depict more details for the dewatering process and a dewatering process flow diagram. He added that this will be on a temporary basis which will involve a clean dewatering into a DPW discharge catch basin during the construction of the facility.

John Calabrese, P.E. stated that he does not have any issues with the modification but would add that the town be notified when the dewatering process is expected to begin.

George Tzezos announced his presence.

Motion: to approve Permit Modification #445-A – 1680 Straits Turnpike per the Draft Resolution. Made by Curtis Bosco, seconded by Joseph Martino. Unanimous Approval.

1. Permit Modification #395-B – 383 White Deer Rock Road

Continued from earlier in the meeting.

Motion: to approve Permit Modification #395-B – 383 White Deer Rock Road per the Draft Resolution. Made by George Tzezos, seconded by Joseph Martino. Mary Barton also voted in favor. Curtis Bosco and Brian Stroby abstained from voting. Unanimous Approval.

IV. NEW BUSINESS

1. Application #459 – 20 West Lake Road

John Ricci of Ricci Construction Group, Ltd. spoke on behalf of the applicant. He stated that they are proposing to reconstruct an existing stone wall and dock by putting in a skimmer/boom under water and removing some of the native stone using small equipment. They plan to install new steel supports and re-deck the dock as well as new stairs which will be larger than those that previously existed. They will then rake and seed to re-establish the area to its original state.

Motion: to accept Application #459 – 20 West Lake Road. Made by Curtis Bosco, seconded by George Tzezos. Unanimous Approval.

2. Application #460 – 2132 Middlebury Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. They are seeking to add a water ride (Rocket Blast Flying Saucer) down in the corner adjacent to the Middlebury Recreation area where there currently is a lakeside picnic pavilion, horseshoe pit and volleyball court.

Eric Anderson added that it is a newer type of water slide and would be the sixth project that they've added since the waterpark began. The ride will be self-contained and will have its own filtration unit similar to the other water slides on site. The riders of the slide will go uphill due to the rides technology.

Motion: to accept Application #460 – 2132 Middlebury Road. Made by Joseph Martino, seconded by George Tzezos. Unanimous Approval.

3. Application #461 – 1582 Straits Turnpike

Scott Meyers of Meyers Associates P.C. spoke on behalf of Peter Amara. He stated that they do not have any regulated activity but the site contains an existing house. They plan to redevelop the site and is now designate a commercial zone. They are proposing to construct a two (2) story office building with associated parking. Once built, they will move into the second floor and will need to install storm drainage on the site as well as a storm retention area in the front of the parking lot, which will ultimately overflow into the state drainage system.

Motion: to accept Application #461 – 1582 Straits Turnpike. Made by Joseph Martino, seconded by George Tzezos. Unanimous Approval.

4. Permit Modification #423-A – 369 White Deer Rock Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf the developer Garrett Moore Sr. and his daughter/property owner Kelly Keane. In 2019 approval was granted by this commission for clearing for a house lot, septic, driveway and a carriage house. At that time, a four bedroom house was proposed, however, they would like to expand the footprint to six (6) bedrooms.

Motion: to accept Permit Modification #423 – 369 White Deer Rock Road. Made by Curtis Bosco, seconded by Joseph Martino. George Tzezos recused himself. Unanimous Approval.

V. ADJOURNMENT

Motion: to adjourn the meeting at 7:49 p.m. Made by Curtis Bosco, 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

Permit Modification #395-B 383 White Deer Rock Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received a permit modification on February 25, 2021 from Robert A Bosco Trustee map entitled "As-Built Survey" dated September 14, 2017 with revision date of December 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: The application was referred to John Calabrese, town engineer 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 drainage improvements and stone wall construction 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.

March 30, 2021

RESOLUTION/REPORT

Permit Modification #445-A 1680 Straits Turnpike

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an permit modification on February 23, 2021 from First Hartford Realty Corporation plans dated received February 17, 2021;

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;

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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 utilizing a dewatering system as submitted will not have a substantial impact on the regulated area.
- (2) All conditions of the original approval still are applicable.
- (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.
March 30, 2021