



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES August 31, 2021

Members Present:

Mary Barton, Acting Chairwoman
Joseph Martino
George Tzepos (arrived @ 7:31 p.m.)
Brian Stroby
Curtis Bosco

Members Absent:

Paul Bowler, Chairman
Keli-Ann Bollard

I. CALL TO ORDER

Acting Chairwoman Mary Barton called the Regular Meeting to order at 7:30 p.m.

II. ACTION ON MINUTES

July 27, 2021 Regular Meeting

Motion: to approve the Minutes of the July 27, 2021 Regular Meeting. Made by Joseph Martino, seconded by Brian Stroby. Unanimous Approval.

III. OLD BUSINESS

1. APPLICATION #469 – 165 FALCON CREST ROAD

Acting Chairwoman Mary Barton tabled the discussion until later in the meeting as no one was present.

IV. NEW BUSINESS

1. Permitted Activity #21-01 – 79 Breakneck Hill Road

Daniel Thomas stated that they plan to do a timber harvest at said property which is owned by David Shugdinis. He reviewed a map with the Commission. He was seeking a Permitted As-Of-Right for agriculture with timber being the crop. They plan to harvest trees that are 14” and larger. He pointed out one small crossing that he believes someone previously put gravel in and they anticipate putting 3 bridge mats (each 16’ X 4’) down so as to not disturb it.

Acting Chairwoman Mary Barton questioned if he had a forestry report.

Daniel Thomas responded that he did not and that one should not be needed. The 3 page reports usually used for the PA490 certification. This certification predates the PA 490.

Acting Chairwoman Mary Barton went on to question if Mr. Shugdinis signed the application.

Daniel Thomas replied that he was not able to meet with Mr. Shugdinis to sign the application and submitted a copy of their contract in lieu of his signature on the application.

Acting Chairwoman Mary Barton expressed her concerns with the lack of details and property owner’s signature on the application.

Curtis Bosco voiced his opinion that the contract solidifies it more than a letter of agent.

Acting Chairwoman Mary Barton then questioned if he flagged the wetlands.

Daniel Thomas declared that the map was not accurate so he walked the property to accurately identify the existing wetlands. He also stated that he represents the buyer of the trees.

Motion: to delegate the permitted activity to Deborah Seavey, W.E.O. provided the following conditions are met:

- Application is signed by the owner of the property
- Submittal of Sequence of Construction Plan
- Submittal of Soil & Erosion Control Plan
- Submittal of Restoration Plan

Made by Curtis Bosco, seconded by George Tzepos. Unanimous Approval.

2. Application #470 – 13 Stevens Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicants, Brandon and Susan Nappi and provides copies of maps for the Commission's review. Earlier this month, they received a variance from the Zoning Board of Appeals to add a 2-story 776 square foot addition to the rear of their property which will consist of 2 bedrooms, 1 bathroom, sitting nook and a garage for Mrs. Nappi's parents to relocate into. The lot is 11,765 square feet in size. Currently, the entire house sits within the upland review area with a watercourse in the rear of the property. They are proposing chambers for roof drains, soil & erosion control and some wetlands plantings along the rear property line.

Motion: to accept application #470 – 13 Stevens Road. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

III. OLD BUSINESS

1. APPLICATION #469 – 165 FALCON CREST ROAD

George Tzepos stated that said application could be voted on despite the fact that the applicant was not present.

Motion: to approve application #469 – 165 Falcon Crest Road per the Draft Resolution. Made by George Tzepos, seconded by Brian Stroby. Unanimous Approval.

V. ADJOURNMENT

Motion: to adjourn the meeting at 7:52 p.m. Made by George Tzepos, seconded by Brian Stroby. 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.
Mark Lubus, Building Official
John Calabrese, P.E.
Terry Smith, P&Z Chairman
Curtis Bosco, Z.E.O.
Attorney Robert Smith, WPCA

RESOLUTION/REPORT

Application# 469 165 Falcon Crest Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on July 27, 2021 from Carlos Santos documents dated received July 21, 2021;

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 a Beaver Exclusion System 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.

August 31, 2021