



TOWN OF MIDDLEBURY

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

**SHOW CAUSE HEARING CONTINUANCE & REGULAR MEETING
MINUTES
Tuesday, June 27, 2023
7:30 P.M.**

REGULAR MEMBERS PRESENT

Paul Bowler, Chairman
George Tzepos
Joseph Martino
Curtis Bosco
Joseph Bernardi

REGULAR MEMBERS ABSENT

Mary Barton, Vice Chairwoman
Peggy Gibbons

ALSO PRESENT

John Calabrese, P.E.

I. CALL TO ORDER

Chairman Bowler called the Meeting to order at 7:30 p.m.

II. SHOW CAUSE HEARING

1. 20 Juniper Drive

Chairman Bowler called the Show Cause Hearing to order at 7:31 p.m.

There was no one present.

Chairman Bowler stated that the Show Cause Hearing would be continued next month.

III. ACTION ON MINUTES

May 30, 202 Regular Meeting

Motion: to approve the minutes as submitted. Made by George Tzepos, seconded by Joseph Bernardi. Curtis Bosco abstained. Unanimous Approval.

IV. OLD BUSINESS

1. Application #496 – 390 White Deer Rock Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of Garrett Moore, Jr., the owner of 390 White Deer Rock Road. He is seeking approval to construct a 15' X 18' accessory building, with a hot tub and plunge pool, within the lake setback area. It will be approximately 104' off of the lake, in between the boathouse and residence. There will be no plumbing or septic, however, there will be electricity.

Motion: to approve application #496 – 390 White Deer Rock Road per the Draft Resolution. Made by Joseph Martino, seconded by Joseph Bernardi. George Tzepos abstained. Unanimous Approval.

2. Application #497 – Sycamore Place-Washington Drive

John Paul Garcia, P.E. of Garcia & Associates, 190 Fairwood Road, Bethany, CT 06524 spoke on behalf of the applicant. The property consists of approximately 60 acres. They are proposing 11 building lots and a 37.25 acre open space donation. Per the commission's request, the property was staked (center line road and detention pond).

Luke Sofair, P.E. provided 11 X 17 plans for members of the commission which are the same set of plans that were reviewed last month. He confirmed receipt of staff comments last week and acknowledged that they take no issue with incorporating said comments, however, they have yet to revise the plans. The average lot size will vary from 1.25 acres to 3 acres. There will be 1,250 feet of road, intended to be public road. There are wetlands through the center of the property and all building activity for the road, houses, driveways, etc. has been designed outside the upland review area. Therefore, there will be no direct wetlands impact. There is a small section at the outlet of the detention basin that extends in the upland review area. At said point, a hydrodynamic separator is incorporated up at the road to alleviate any impact of any silt/sediment nearing the wetlands. An outlet control structure at the detention basin is also being proposed. The

stormwater design was designed such that there will be 0 net increase as part of the project. Per the recommendation of John Calabrese, P.E. they will increasing it slightly to account for the 100-year storm detention basin.

John Calabrese, P.E. confirmed that most of the comments that he has were technical issues on the detention pond. In addition, he stated that he left it up to the Board of Selectmen to decide if the detention pond and accessway will be provided in an easement or the land being owned by the Town of Middlebury. All standard notes should also be added to the plans.

Motion: to approve application #497 – Sycamore Place-Washington Drive per the Draft Resolution and per the recommendations of Deborah Seavey, W.E.O, and the June 20, 2023 Engineering Review from John Calabrese, P.E. Made by George Tzepos, seconded by Curtis Bosco. Unanimous Approval.

V. NEW BUSINESS

None

VI. ADJOURNMENT

Motion: to adjourn the meeting at 7:40 p.m. Made by George Tzepos seconded by Curtis Bosco. 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 #496 393 White Deer Rock Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 30, 2023 from Garrett & Emily Moore, Jr, map entitled "Site Plan for Accessory Building" dated May 23, 2023 with revision date of May 24, 2023;

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 the construction of an accessory building within the upland review area of Lake Quassapaug 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.
- June 27, 2023

RESOLUTION/REPORT

Application #497 Sycamore Place-Washington Drive

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on May 30, 2023 from JTH Builders LLC; map entitled "Site Development Plan Sycamore Place Washington Drive Middlebury, Connecticut" dated May 25, 2023;

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 a stormwater detention basin and discharge storm drainage will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, the following plan revisions shall be met:
 - Erosion control measures for all lots shall be provided
 - Anti-tracking pads for driveways shall be provided
 - Wetland markers shall be installed on lots 4 and 5 along the upland review area
 - Weekly site inspections shall be conducted along with after any storm event of .5" or more. Said reports shall be provided to the commission
 - A seed mix for the detention basin shall be noted
 - Comments from John Calabrese's June 20, 2023 review
 - All plan sheets shall be signed and sealed
 - Said revisions shall be acceptable with town staff
- (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.

June 27, 2023