



# **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, July 25, 2023  
7:30 P.M.**

**REGULAR MEMBERS PRESENT**

Mary Barton, Vice Chairwoman  
George Tzepos  
Joseph Martino  
Curtis Bosco  
Joseph Bernardi

**REGULAR MEMBERS ABSENT**

Paul Bowler, Chairman  
Peggy Gibbons

**ALSO PRESENT**

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

**I. CALL TO ORDER**

Vice Chairwoman Barton called the Show Cause Hearing and Regular Meeting to order at 7:30 p.m. and initiated roll call. Members Barton, Tzepos, Martino, Bernardi & Bosco were present. Chairman Bowler and member Gibbons were absent. She proceeded to address Action on Minutes prior to the Show Cause Hearing.

**III. ACTION ON MINUTES**

**June 27, 2023 Show Cause Hearing Continuance and Regular Meeting**

**Motion:** to approve the minutes as submitted. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

## **II. SHOW CAUSE HEARING**

### **1. 20 Juniper Drive**

Vice Chairwoman Barton called the Show Cause Hearing to order at 7:31 p.m.

There was no one present.

Vice Chairwoman Barton suggested that matter be referred to town counsel.

**Motion:** to refer the matter to town counsel. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

## **IV. OLD BUSINESS**

None

## **V. NEW BUSINESS**

### **1. Application #498 – Trout Estates – Nick Road**

Scott Meyers, P.E. of Meyers Associates P.C. spoke on behalf of the applicant, James Christiano, and reviewed the plans with the commission. The subject property is 20.45 acres in size and Mr. Christiano resides at 72 Nick Road where the road ends at his driveway. There is no cul-de-sac or turnaround. He is seeking approval to develop the property into six (6) lots, with one being his house and five (5) new lots with a permanent dead-end cul-de-sac. The wetlands were flagged by George Logan of REMA Ecological Services. A small wetland pocket is present that takes in drainage near Mr. Christiano's home. A watercourse to the north and rear of the 20.45 acres also exists. The proposed subdivision will be serviced by both sewer and CT Water. A storm system will be installed for the roadway with a water quality unit and a level spreader on lot 5 and prior to the discharge near the wetland area. A stonewall along the shoulder is also being proposed to protect the wetland. One currently exists along Mr. Christiano's driveway and will be extended out to said area.

George Tzepos questioned if the wetlands would be impacted.

Scott Meyers, P.E. replied that they would not impact the wetlands, which is approximately 900 sq. ft. in size. The wetlands in the rear are essentially associated with

the watercourse that runs west to east and ends up down in the sewer right-of-way that runs along Kelly Road, the property that the town of Middlebury owns. They plan to propose four (4) acres of open space adjacent to that property. Lots 1 and 2 are approximately 40,000 sq. ft., while the others are very large.

**Motion:** to accept application #498 – Trout Estates – Nick Road. Made by George Tzepos, seconded by Joseph Bernardi. Unanimous Approval.

## **2. Application #481-B – 39 Sandy Beach Road**

James and Thomas Mele submitted and reviewed their plans with the commission.

Vice Chairwoman Barton requested that larger plans be submitted to Deborah Seavey, W.E.O.

Thomas Mele agreed to do so.

James Mele added that they would submit a plot plan.

Deborah Seavey, W.E.O. stated that some information was missing from the application that they submitted and asked that they fill out a new one at the office.

Tom Mele stated that they are looking for approval for a modification. He added that the last time they were before this commission they decided they were going to put in a holding tank and draw from the lake. The new plan consists of a full septic system and a well.

Vice Chairwoman Barton asked them to confirm that they are going from a structure they took down without a demolition permit, then obtained a demolition permit and are now going from a seasonal cottage to a year-round house with a septic and well.

Tom Mele replied that she was correct.

Vice Chairwoman Barton questioned what regulated activities would be involved.

Tom Mele responded that the septic system will be twenty-five (25) feet from the house which will where the old house was. The well will be on the neighbor's property.

Scott Meyers, P.E. offered his assistance by saying the septic system will be seventy (70) feet from the lake.

Deborah Seavey, W.E.O. added that one of the conditions of the previous approval was that if the property has the ability of an on-site septic and well, the applicant must apply for a wetlands permit.

Vice Chairwoman Barton asked why this was a modification rather than a new application. A seasonal cottage vs. a year-round house with a septic system and well, in her mind is a brand new application.

Jim Mele explained that everything will be the same size but according to the state, there is no such thing as a cottage or seasonal home. Therefore, in order to make it habitable, they need a septic and well.

Tom Mele added that they had a cottage with a holding tank and the only difference now is the leeching field and the well.

Scott Meyers, P.E. shared that Torrington Health District made them do on-site test pits to be able to do a 1-bedroom septic. Due to the fact that they could not use the water from the lake, their well will be next door and they will obtain an easement from Mr. Moore. Tyler's Cove Association informed them that DEEP needs to look at this.

Vice Chairwoman Barton questioned if Torrington Health District provided an approved stamped plan.

Tom Mele replied that they only granted a verbal approval but DEEP approval must be obtained first and that they need to review everything.

Vice Chairwoman Barton commented that coming before this commission at this time seems premature. She then suggested that if they wish to move forward that they need to provide additional information in the application and meet with Deborah Seavey, W.E.O., find out what is happening at DEEP and she again voiced her opinion that she believes it is a brand new application.

Curtis Bosco asked Deborah Seavey, W.E.O. why she believes it is a modification.

Deborah Seavey, W.E.O. explained that based on the conditions that the commission set forth in the previous approval, she deemed it to be a modification.

Curtis Bosco commented that he agreed with Deborah Seavey, W.E.O.

Vice Chairwoman Barton asked for a motion.

**Motion:** to accept permit modification #481-B – 39 Sandy Beach Road. Made by George Tzepos, seconded by Joseph Martino.

**Discussion:**

Deborah Seavey, W.E.O. requested that the septic be staked.

Vice Chairwoman Barton asked that the house be staked as well.

Scott Meyers, P.E. agreed to stake the septic and confirmed that the location of the house is evident. He added that once DEEP approves it, Torrington Health District should approve it.

Deborah Seavey, W.E.O. stated that that something would be needed from Mr. Moore and that the commission cannot hold up their decision based on DEEP.

Unanimous Approval.

**VI. ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:47 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