



TOWN OF MIDDLEBURY

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

SHOW CAUSE HEARING CONTINUANCE AND REGULAR MEETING MINUTES August 29, 2023

REGULAR MEMBERS PRESENT

Paul Bowler, Chairman
Mary Barton, Vice Chairwoman
Joseph Martino
Curtis Bosco
Peggy Gibbons
Joseph Bernardi

REGULAR MEMBERS ABSENT

George Tzepos

ALSO PRESENT

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

I. CALL TO ORDER

Chairman Bowler called the Show Cause Hearing and Regular Meeting to order at 7:30 p.m.

II. SHOW CAUSE HEARING

1. 20 Juniper Drive

Motion: to close the Show Cause Hearing. Made by Mary Barton, seconded by Curtis Bosco. Unanimous Approval.

III. ACTION ON MINUTES:

July 25, 2023 Regular Meeting

Motion: to approve the minutes as submitted. Made by Mary Barton, seconded by Joseph Bernardi. Unanimous Approval.

IV. OLD 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 submitted and reviewed the revised plans with the commission. The subject property is approximately 20.5 acres in size at the end of Nick Road. They are proposing five (5) new lots and Mr. Christiano resides in an existing home on the sixth lot at 72 Nick Road, which is part of the 20.5 acres. The extension of the road will provide for a permanent cul-de-sac and result in an estimated 700 feet of road extension. The lots will vary in size. Open space will be on the easterly side and conveyed to the town per regulations of Planning & Zoning. A wetland exists on the north side of the property but the watercourse will not be affected as it is on the northerly boundary. In addition, there is a small wetland pocket adjacent to the road where the inlet for the Nick Road drainage system connects to. He confirmed that it is man-made and was dug out by the town years ago to allow for the seepage from the property into it and there is also a pipe into a catch basin at the end. The drainage system for the road will connect into a water quality unit outlet to a small detention pond. There will be a control release structure that will outlet uphill of the man-made wetland, which they do no plan to touch. So as to protect the wetland on the east side of the road, they are also proposing to continue the existing stonewall. They are proposing an estimated 1/2 of an acre of total disturbance within the 100 foot review area. He acknowledge receipt of comments from Deborah Seavey, W.E.O. and John Calabrese, P.E., most of which have been addressed in the revised plans.

Motion: to approve application #498 – Trout Estates – Nick Road per the Draft Resolution. Made by Mary Barton, seconded by Curtis Bosco. Unanimous Approval.

2. Permit Modification #481-B – 39 Sandy Beach Road

James and Thomas Mele were both present and submitted a copy of the letter from Garrett Moore, abutting neighbor, regarding the easement.

Deborah Seavey, W.E.O. stated that signed and sealed plans are required.

Motion: to approve permit modification #481-B – 39 Sandy Beach Road per the Draft Resolution, the conditions that the plans be signed and sealed as well as a written description of the easement, in perpetuity, and the filing of the mylar map. Made by Mary Barton, seconded by Joseph Bernardi. Chairman Paul Bowler, Joseph Martino, Curtis Bosco, Peggy Gibbons & Joseph Bernardi were all in favor and Mary Barton was opposed. Vote: 5:1. Motioned Passed.

V. NEW BUSINESS

1. Application #499 – Porter Avenue – Lot 4-06/151

Motion: to add application #499 – Porter Avenue-Lot4-06/151 to the agenda. Made by Chairman Bowler, seconded by Mary Barton. Unanimous Approval.

1. Application #499 – Porter Avenue – Lot 4-06/151

Andrew DelNegro of 80 Yale Avenue was present and apologized for not having time to make copies of the application for everyone.

Deborah Seavey, W.E.O. stated that a bigger map and more details are needed.

Andrew DelNegro replied that he will have all before the next meeting and explained that he is looking to construct a house on the subject lot. The previous owner split the land into two (2) different lots, one (1) of which they kept.

Deborah Seavey, W.E.O. added that the soils report is required as well.

Andrew DelNegro responded that he should have it by the next meeting and that if he receives it sooner, he will drop it off.

Mary Barton questioned if the property is in the flood zone map.

Andrew DelNegro confirmed that he does have the flood zone map and while it is close proximity, it is not in the flood zone.

Chairman Bowler stressed the importance of submitting the required documentation prior to the next meeting.

Motion: to accept application #499 – Porter Avenue-Lot4-06/151 per submittal of the required plans. Made by Mary Barton, seconded by Joseph Bernardi. Unanimous Approval.

VI. ADJOURNMENT

Motion: to adjourn the meeting at 7:46 p.m. Made by Mary Barton seconded by Joseph Martino. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Recording 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 #498 Trout Estates – Nick Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on July 25, 2023 from James Christiano map entitled "Site Development and Erosion and Sedimentation Control Plan" dated July 14, 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 discharge of storm drainage will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance the following items should be revised on plans:
 - Details of water quality unit
 - Details of infiltration trenches
 - Details of silt fence
 - Maintenance schedule of BMPs
 - S&E narrative and sequence of construction
 - Comments from John Calabrese
- (3) The engineer shall inspect all drainage facilities and certify that all work has been completed in accordance with approved plans.
- (4) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (5) 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.
- (6) 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.
- (7) 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.

- (8) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

August 29, 2023

RESOLUTION/REPORT

Permit Modification #481-B 39 Sandy Beach Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received a permit modification on July 25, 2023 from Tom Mele map entitled "Plot Plan/Septic Plan- unit#14" dated May 25, 2022 with revision date of July 23, 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 modification consists of installation of septic and water within the upland review area and will not have a substantial impact on the regulated area.
 - (2) Prior to permit issuance, plans shall be signed and sealed.
 - (3) Prior to permit issuance, the final easement/map for the well location shall be submitted.
 - (4) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
 - (5) 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.
 - (6) 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.
 - (7) 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.
 - (8) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.
- August 29, 2023