



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES September 26, 2023

REGULAR MEMBERS PRESENT

Paul Bowler, Chairman
George Tzepos
Joseph Martino
Joseph Bernardi
Curtis Bosco (arrived @ 7:33pm)

REGULAR MEMBERS ABSENT

Mary Barton, Vice Chairwoman
Peggy Gibbons

ALSO PRESENT

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

I. CALL TO ORDER

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

II. ACTION ON MINUTES:

August 29, 2023 Regular Meeting

Motion: to approve the minutes of the August 29, 2023 Regular Meeting. Made by George Tzepos, who acknowledged that although he was not present, he did read them. Seconded by Joseph Martino. Unanimous Approval.

III. OLD BUSINESS

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

Andrew DelNegro of 80 Yale Avenue reviewed the plans with the commission that he received just hours prior to this meeting. He apologized for the late delivery. He went on

to state that they are attempting to put the house in the middle, as far away from everything as possible and that it is the best location due to the flat topography.

Chairman Bowler asked if there were any questions.

Deborah Seavey, W.E.O. stated that she has yet to view the plans.

George Tzepos questioned what wetlands will be affected.

Andrew DelNegro confirmed that it is because of the setback and that there are encroaching within the nearby streams, but will not be building on them or filling any in. He added that they will be in the uplands but will not be crossing them.

Chairman Bowler questioned if there was a draft resolution.

Deborah Seavey, W.E.O. replied that there was not because she has yet to review the plans and suggested that the commission table the application until next month.

Motion: to table application #499 – Porter Avenue-Lot4-06/151 until next month to give Deborah Seavey, W.E.O. and John Calabrese, P.E. ample time to review the plans. Made by George Tzepos, seconded by Joseph Bernardi. Unanimous Approval.

Andrew DelNegro shared that in the event members of the commission would like to walk the property, there is a large dead tree in the center of the property, which is where the house is being proposed. He then submitted copies of the plans to Deborah Seavey, W.E.O.

IV. NEW BUSINESS

1. Application #500 – 1535 Straits Turnpike

Tom Daly, P.E. with SLR Consulting of 99 Realty Drive, Cheshire, CT 06410 provided an overview of the application and reviewed the plans with the commission. The proposal consists of a 70-acre parcel, which is essentially undeveloped except for an existing access drive that goes to a well associated with remediation that was occurring offsite for Timex. There are also some historic remains of old driveways and foundations. The wetlands have been flagged throughout the years by several different people. However, Megan Raymond with SLR verified them. There is a ridge that runs down the middle, creating two (2) separate watersheds. On the western border, there are three (3) small wetland pockets that move off site. On the eastern border, there is Long Swamp Brook that runs through the property with a wetland corridor and just off of the property is

Tracys Pond and a large commercial building that has access off of Straits Turnpike. Topographically, the site slopes down into the low point and then runs back up to the high point ridge. Approximately 20 years ago, he believes that Timex came before this commission to put in a box culvert and build the access drive. He feels that the box culvert is in excellent condition and will not need to cross the stream. The proposal is for 200 apartments located in eight (8), 3-story buildings, each having 25 units and 13 garage spaces. Access will be gained off of Straits Turnpike and they anticipate building up the existing headwalls. In addition, there will be several small detached garages, a central clubhouse and pool area and an emergency access only driveway that will lead down to Kelly Drive. With respect to regulated activity, primarily everything they plan to do is associated with the access drive and stormwater management which he pointed out on the plans. An estimated 50 acres will remain undeveloped and just under 13 acres exist on site. The regulated activities total about 3.4 acres in the upland review area and they expect approximately .7 acres of impervious area. The two (2) direct wetland activities involve having to put curve on the road with a retaining wall and new vegetation. There will be 2,500 square feet of impact. At the culvert, they are calling out for 1,400 square feet of impact, but will only involve cleaning and repairing the headwall that currently exists. No work is being proposed in the stream. He confirmed that all traffic will come off of Straits Turnpike and that the access road will be used to gain access to the wells temporarily.

Kyle Richards with Metro Realty added that a long-term plan will be by way of an access agreement with the current owner of Timex. He also shared that this will be a one and two-bedroom luxury rental community and that a small portion of the community will serve as workforce housing.

Chairman Bowler questioned where they plan to do the crossing for waste water, water and power.

Tom Daly, P.E. pointed out the location on the plans which will not involve going underneath the stream. He went on to add that sewer will involve a 2 or 3 inch force main with a pump station at the top of the hill, which will ultimately be pumped to Waterbury.

Chairman Bowler questioned if a 2 or 3 inch force main with a pump would be adequate and what the width of the crossing is.

Tom Daly, P.E. replied that it still needs to be sized but that it will be a grinder pump with a force main. He added that the road will be 24 feet and that they do not need to widen the culvert.

Curtis Bosco questioned if the gate was locked as the members may want to do a site visit.

Kyle Richards with Metro Realty confirmed that arrangements could be made to unlock it.

Joseph Martino questioned the distance from the school.

Tom Daly, P.E. stated that it is approximately 600-700 feet away from the school and will remain vegetated.

Motion: to accept application #500 – 1535 Straits Turnpike. Made by George Tzezos, seconded by Joseph Martino. Unanimous Approval.

2. Permit Modification #423-B – 369 White Deer Rock Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicants. The application was originally approved in March of 2019 for a dwelling, stonewall, stormwater chambers, dry hydrant and carriage house with associated driveway. It was modified in the spring of 2021 where they resized the house and had to modify the septic. Currently, there are seeking to add an open storage shed on the property, which extends partially within the setback area.

Garrett Moore stated that the shed will be 25 feet deep and 40 feet wide and shared a photo of his son's shed for comparison purposes. It will be placed behind the carriage house, facing outwards and will be used as storage.

Attorney Michael McVerry added that the lot is 8.8 acres and they will not be encroaching on the wetlands.

Garrett Moore confirmed that it will be on a slab and stone foundation on 3 sides.

Motion: to accept permit modification #423-B – 369 White Deer Rock Road. Made by Curtis Bosco, seconded by Joseph Bernardi. George Tzezos abstained. Unanimous Approval.

V. ADJOURNMENT

Motion: to adjourn the meeting at 7:50 p.m. Made by George Tzezos seconded by Curtis Bosco. 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