



# TOWN OF MIDDLEBURY

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

## REGULAR MEETING Minutes January 30, 2024

### **Members Present:**

Paul Bowler, Chairman  
Curt Bosco, Vice Chairman  
Mary Barton  
Joseph Martino  
George Tzepos  
Joe Bernardi

### **Members Absent:**

Peggy Gibbons

### **Also Present:**

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

### **1. CALL TO ORDER**

The Meeting was called to order at 7:30 PM by Chairman Bowler.

### **11. ACTION ON MINUTES**

#### **November 28, 2023 Regular Meeting Minutes**

Motion: to approve the November 28, 2023 regular meeting meetings. Made by Mr. Tzepos and seconded by Mr. Martino, motion carried with Ms. Barton abstaining.

### **III. OLD BUSINESS**

#### **1. Application #505 – 13 West Lake Road**

Scott Meyers P.E. of Meyers Assoc. and the Owners Andy and Vicky Robinson - to attach a garage and have a blue stone patio. Andy Robinson says there will be a free-standing dock and it will be in the same location made of aluminum and treks base. There will be gravel and no pavement. Mary Barton asked how close it will be to the lake, Scott Meyers replied it will be 70 feet and that it is at grade and grass will be replanted. Vicky Robinson stated they plan to plant more evergreens around the front and sides of the house. One tree needs to be grinded in order to save another tree. Mary Barton asked Deb Seavy if she was satisfied with everything, to which she replied yes. Mary Barton also asked if a bond could be added to which Deb Seavy responded yes.

Motion: to approve application #505 per the revised draft resolution. Made by Mr. Tzepos and seconded by Ms. Barton. Unanimous approval.

**2. Application #506 – 9 Bristol Road**

Scott Meyers P.E. with Meyers Assoc. and John Ricci with Ricci Construction - for a Horsebarn. It is currently in a grass area and will need to do some slight grading. They will be creating a dumpster pad with a plastic cover with a liner. There will be a berm, horse-riding area and paddock area. There will be a restroom area. There already is an existing berm and that will continue west and continue plantings. There are three catch basins. Deb Seavy asks about the catch basin repairs and Scott Meyers replied they will cut around the pavement and fix some of the inverts and that it is mostly cosmetic. George Tzepos asked if Deb Seavy's concerns have been addressed to which Ms. Seavy said yes. Mary Barton asked what the paddock was going to be and John Ricci replied grass. Mary Barton inquired about the porches and John Ricci replied they are for the two horses and are concrete and are a covered walkway. Mary Barton asked if there are any drains to which Scott Meyers replied yes it would go to the catch basin. Also, the Geothermal is existing and services the house.

Motion: to approve application #506 per the revised draft resolution. Made by Mr. Bosco and seconded by Mr. Tzepos. Unanimous approval.

**3. Application #507 - 69 Nichols Road**

Emily Jones P.E. from Civil One representing the Middlebury Land Trust. Application is for a dog park. Proposal is to widen Nichols Rd to 18ft wide remaining as gravel fenced in and 26 gravel parking spaces. There has been a soil scientist that has gone out since the last conservation meeting and they modified the fence from the wetlands line. In reference to Deb Seavey's last comments about waste removal, they will have cans with bags for owners to pick up the dog waste as well as volunteers to come in and clean up routinely. Mary Barton inquired about how many waste cans will they have, and Emily Jones responded one at each end of the parking area, one in the vestibule area, and one in the play area. Joe Bernardi asked will there be a garbage facility for picking up the garbage and Emily Jones responded she would be working that out with the Land Trust. Curt Bosco asked if this would be open year-round, and Emily responded yes. George Tzepos inquired about turf management and Emily stated that she will still be working on that with Deb Seavy.

Motion: to approve application #507 per the revised draft resolution. Made by Mr. Tzepos and seconded by Ms. Barton, motion carried with Chairman Bowler opposed.

**IV. NEW BUSINESS**

**1. Permitted As of Right Request #24-01 – 420 Watertown Rd.**

Michael Jedd owns the property, and this used to be a corn field. He is looking to take the 20-year overgrowth out. He is not proposing any heavy logging. He is looking to pull the overgrowth out and shake it by the roots. They have no plans to build on the property or bring in any animals, but to restore to agriculture production and plant corn.

Motion: to approve permitted as of right request #24-01. Made by Ms. Barton and seconded by Mr. Tzepos. Unanimous approval

**2. Application #508 – Kelly Road Lot 317A**

Scott Meyers P.E. from Meyers Associates. Single family house, no grading. There will be some tree clearing of about 25 feet, and they will be installing wetland posts and will be 80 feet from the wetlands area. They will be doing some grading for the driveway. The disturbance will be approximately 0.06 acres of clearing.

Motion: to accept application #508. Made by Ms. Barton and seconded by Mr. Bernardi. Unanimous approval.

**3. Application #509 – Kelly Road Lot 121B**

Scott Meyers P.E. from Meyers Associates on behalf of the applicant Joseph Santoro. 6.2 acres for a new home. There will be some clearing and grading and will be 78 feet from wetlands. There is a stone wall that runs 400 feet on Kelly Rd., and the wetlands are lower in elevation. The driveway comes in on the high side and there will be a four car garage.

Motion: to accept application #509. Made by Ms. Barton seconded by Mr. Bernardi. Unanimous approval.

**V. ADJOURNMENT**

Motion: to adjourn the meeting at 8:09 pm. Made by Mr. Tzepos and seconded by Ms Barton. Unanimous Approval.

Middlebury Conservation Commission  
Regular Meeting  
January 30, 2024

Filed Subject to Approval,  
Respectfully Submitted,

*Jennifer Atkinson*  
Recording Clerk

Original to Brigitte Bessette, Town Clerk

cc: Conservation Commission  
Mark Lubus, Building Official  
John Calabrese, PE  
Terry Smith, P&Z Chairman  
Curtis Bosco, ZEO  
Attorney Robert Smith, WPCA

## **RESOLUTION/REPORT**

Application #505 13 West Lake Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on November 28, 2023 from Andrew Robinson map entitled "Plot Plan-Unit #D-15 showing Re-Construction of Cottage" dated November 20, 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 demolition and reconstruction of cottage, patio replacement, shed relocation and dock replacement will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, details of the new dock shall be submitted.
- (3) Prior to permit issuance, a cash soil erosion control bond shall be submitted; said amount shall be set by the engineer and acceptable to staff.
- (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.

January 30, 2024

## **RESOLUTION/REPORT**

Application #506 9 Bristol Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on November 28, 2023 from Round Cove Trust map entitled "Property Survey/Plot Plan Round Cove Trust, 9 Bristol Road Middlebury, Connecticut dated November 20, 2023 with revision date of January 24, 2024;

**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 riding arena, barn and paddock area within the upland review area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans shall be submitted to included:
  - Details of the proposed catch basin repairs
  - Seed specifications for all disturbed areas
  - Type of material that will be used in the riding arena and paddock area
  - Permanent manure maintenance plan
  - Soil erosion control maintenance schedule
  - Temporary soil erosion control measures to treat run-off during construction, i.e. temporary sediment traps
  - A cash soil erosion control bond shall be submitted; amount shall be set by the engineer and acceptable to 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.

January 30, 2024



## **RESOLUTION/REPORT**

Application #507 69 Nicholas Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on November 28, 2023 from Middlebury Land Trust map entitled "69 Nichols Road MBL:4-04/050" dated November 20, 2023 with latest revision date of January 26, 2024.

**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 parking area entrance and road widening within the upland review area will not have a substantial impact on the regulated area.
  - (2) Prior to permit issuance a garbage/waste disposal plan and turf maintenance plan shall be submitted.
  - (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.
- January 30, 2024



## **RESOLUTION**

Permitted As of Right Request 24-01 - 420 Watertown Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received a request of permitted as of right on January 30, 2024;

**WHEREAS:** The applicant has provided documents backing up that the proposed activities are in fact permitted as of right for agricultural purposes.

**NOW THEREFORE, BE IT RESOLVED** That the Middlebury Conservation Commission has ruled the proposed activity based upon the information provided does fall within activities permitted as of right. These activities include restoring the land to active cropland for the utilization of livestock feed. This will be completed as follows:

- Removal of invasive 25-year growth within the historic open fields
- Cutting back old grown timber that has encroached along the edges of the fields

January 30, 2024