



## TOWN OF MIDDLEBURY

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

### REGULAR MEETING Minutes February 27, 2024

RECEIVED FOR FILING  
*March 1, 2024 at 11:00 am*  
TOWN CLERK'S OFFICE  
MIDDLEBURY, CT

*Mary Beth Lumbert*  
TOWN CLERK

#### Members Present:

Curt Bosco, Vice Chairman

Joseph Martino  
George Tzepos  
Joe Bernardi

#### Also Present:

Deborah Seavey, W.E.O.

#### Members Absent:

Peggy Gibbons  
Paul Bowler, Chairman  
Mary Barton

#### 1. CALL TO ORDER

The Meeting was called to order at 7:32 PM by Vice Chairman Curt Bosco.

#### 11. ACTION ON MINUTES

##### January 30, 2024 Regular Meeting Minutes

**Motion:** to approve the January 30, 2024 regular meeting meetings. Made by Mr. Tzepos and seconded by Mr. Bernardi. Unanimous approval.

#### III. OLD BUSINESS

##### APPLICATION #508 KELLY ROAD LOT 317A

Scott Meyers P.E. of Meyers Associates. 2.4-acre lot on north side lot of Kelly Rd. Single family home with sewer and water, wetlands are in the rear. There will be slight clearing within the regulated area and minimal disturbance. Vice Chairman Bosco asked Ms. Seavy if she was ok with this, and she responded yes.

**Motion:** to approve application #508 per the revised draft resolution. Made by Mr. Tzepos and seconded by Mr. Bernardi. Unanimous approval.

Middlebury Conservation Commission  
Regular Meeting  
February 27, 2024

**APPLICATION #509 KELLY ROAD LOT 121B**

Scott Meyers P.E. of Meyers Associates. 6.2-acre parcel, house will be built on the west side of the property with sewer and water. Stone wall on the property will remain intact along the property. They will put in the wetland placards with the posts as recommended.

**Motion:** to approve application #509 per the revised draft resolution. Made by Mr. Tzepos and seconded by Mr. Bernardi. Unanimous approval.

**IV. NEW BUSINESS**

**APPLICATION #510 17 WEST LAKE ROAD**

Chris Thompson to replace a 45 year old dock. He plans to use 4x6 under water and the top deck to be pressure treated blue nose decking. He also may bring it out 2 feet longer.

**Motion:** to accept application #510. Made by Mr. Tzepos and seconded by Mr. Martino. Unanimous approval.

**V. ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:45 pm. Made by Mr. Tzepos and seconded by Mr. Bernardi. Unanimous Approval.

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 #509 Kelly Road Lot 121B

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on January 30, 2024 from Joseph Santoro map entitled "Plot Plan – Lot #121B" dated January 8, 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 grading 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 include a planting plan within the upland review area.
- (3) Prior to permit issuance, the permanent wetland markers shall be installed.
- (4) The existing stonewall within the upland review area shall remain in place.
- (5) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

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MIDDLEBURY, CT

*Marybeth L. Lumbardi* Asst  
TOWN CLERK

## RESOLUTION/REPORT

Application #508 Kelly Road Lot 317A

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on January 30, 2024 from Arben Belica map entitled "Plot Plan – Lot #317A" dated January 8, 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 grading 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 include a planting plan within the upland review area.
- (3) Prior to permit issuance, the permanent wetland markers shall be installed.
- (4) The existing stonewall within the upland review area shall remain in place.
- (5) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (6) 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.
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