



TOWN OF MIDDLEBURY

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

REGULAR MEETING MINUTES September 28, 2021

Members Present:

Curtis Bosco, Acting Chairman
Joseph Martino
George Tzepos
Brian Stroby

Members Absent:

Paul Bowler, Chairman
Keli-Ann Bollard
Mary Barton

Members Present:

John Calabrese, P.E.

I. CALL TO ORDER

Acting Chairman Curtis Bosco called the Regular Meeting to order at 7:42 p.m.

APPOINTMENT OF ACTING CHAIRMAN

Motion: to appoint Curtis Bosco as Acting Chairman. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

II. ACTION ON MINUTES

August 31, 2021 Regular Meeting

Motion: to accept the Minutes of the August 31, 2021 Regular Meeting. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

III. OLD BUSINESS

1. Permitted Activity #21-01 – 79 Breakneck Hill Road

Acting Chairman Curtis Bosco stated the W.E.O. Deborah Seavey informed the members of the Commission that she does not want to be designated as the delegate of this.

Therefore, this Commission must decide if it is permitted activity as a timber harvesting, meaning it would be exempt from wetlands activity except there are certain things that may be requested.

Daniel Thomas (Forestry #1291) submitted and reviewed an updated map and restoration plan as well as photos with the Commission. There will be a lot of standing timber that will be used as a seed source for natural regeneration. The proposed temporary crossing will consist of three (3) 4'X16" bridge mats. They plan to commence timbering as soon as possible. Trees 14" and larger will be removed, branches will be cut and left on site as they restore nutrients to the soil. Pasture trees (30"-40" in diameter) will remain. He estimated that 50% of the trees will remain standing.

Acting Chairman Curtis Bosco confirmed that the property owner Mr. Shugdinis did sign a letter of agency.

Motion: to approve the permitted activity per the Resolution due to the requested documents being submitted. Made by George Tzepos, seconded by Brian Stroby. Unanimous Approval.

Acting Chairman Curtis Bosco stated that this will monitored carefully.

2. Application #470 – 13 Stevens Road

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicants, Brandon and Susan Nappi. They are proposing to add a 776 square foot addition to the rear of their property for Mrs. Nappi's parents, which will consist of 2 bedrooms, 1 bathroom, sitting nook and a 2-car garage. He stated that a variance was granted by ZBA last month for lot coverage, however, the entire house is within the 100 foot upland review area. Earlier this month, they received a variance from the Zoning Board of Appeals to The lot is 11,765 square feet in size. Currently, the entire house sits within the upland review area with a watercourse in the rear of the property. They are proposing chambers for roof drains, soil & erosion control and some wetlands plantings along the rear property line.

Scott Meyers, P.E. of Meyers Associates P.C. reviewed that plans with the Commission and stated that the watercourse was created by the town drainage that goes along between the 2 houses and outlets to the rear. There will be a slight increase in impervious area and they plan to put in a couple of stormwater chambers as well as some wetland buffer plantings in the regulated area.

Motion: to approve application #470 – 13 Stevens Road per the Draft Resolution. Made by George Tzepos, seconded by Brian Stroby. Unanimous Approval.

IV. NEW BUSINESS

1. Application #471 – Granite Woods of Middlebury-Nutmeg & Stevens Roads

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of Michaud Development Group which is the contract purchaser of the property which is currently owned by David Theroux. The 3 (three) parcels total 11.5 acres which is mainly wooded with a lot of rocky outcroppings and is located across from the condominium complex on Nutmeg Road and is also accessed from Stevens Road. This essentially creates two (2) parcels and two (2) phases for the property which has one (1) wetland area centrally located. It flows from south to north, outflows from the detention pond from the condominium and leaves the property, flows to the east, back onto the property, then leaves again under Stevens Road. Public water and sewer are available and their proposal is to construct two (2) private roadways, (accesses from Nutmeg and Stevens Roads). Parcel A serves ten (10) residential single-family dwelling units in the Senior Residential District and the remaining fourteen (14) units on Parcel B which is the larger of the 2. Each parcel has their own storm drainage system, water and sewer. The sewer will be tied into the existing main while the water service currently only comes down to the end of Stevens Road. Approval for 58 bedrooms was granted in 2004 for Woodland Spur. A hydrant is proposed on each lot and the waterline is proposed to run parallel to the existing sanitary sewer main, which is one of the direct wetland impacts which is why they are asking approval to excavate for the water main. Additionally, they are proposing to construct a gravel walking path to connect the 2 sections of the development. A recreation area including a pickleball court and a pavilion with a picnic area is also being proposed. Since the regulated area in 2004 increased from 50' to 100', the layout did not change much although a few units do have a back corner just inside the 100' setback. The total direct wetland impact is approximately 4,900 square feet and in an attempt to minimize the fill envelope of the crossing, they are proposing twin 24" culverts. The liter drains will tie into the stormwater basins which have been redesigned for the updated plan.

George Tzepos requested that the crossings be flagged to which Emily Jones agreed to have done as well as some center line points.

Motion: to accept application #471 – Granite Woods of Middlebury-Nutmeg & Stevens Roads. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

V. ADJOURNMENT

Motion: to adjourn the meeting at 8:19 p.m. Made by Joseph Martino, seconded by George Tzepos. 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

RESOLUTION

Permitted As of Right Request #21-01 - 79 Breakneck Hill Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received a request of permitted as of right on August 31, 2021;

WHEREAS: The applicant has provided documents supporting 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 the following:

- Forestry activities within the regulated upland review areas
- Temporary wetland crossing
- Restoration plan of disturbed areas

September 29, 2021

RESOLUTION/REPORT

Application #470 13 Stevens Road

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on August 31, 2021 from Brandon and Susan Nappi map entitled "Brandon A. and Susan M. Nappi 13 Stevens Road Middlebury, Connecticut" dated April 20, 2021 with revision date of August 26, 2021;

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 proposed addition within the upland review area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, permanent wetland markers shall be installed along the disturbance area.
- (3) Prior to the issuance of the certificate of occupancy, the as-built shall include the stormwater chambers.
- (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.

September 28, 2021