



# TOWN OF MIDDLEBURY

*Conservation Commission*  
*1212 Whittemore Road*  
*Middlebury, Connecticut 06762*  
*(203) 577-4162 ph*  
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## REGULAR MEETING MINUTES February 22, 2022

### **Members Present:**

Paul Bowler, Chairman  
Curtis Bosco  
George Tzezos  
Joseph Martino  
Brian Stroby  
Peggy Gibbons

### **Members Absent:**

Mary Barton

### **Also Present:**

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

## **I. CALL TO ORDER**

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

## **II. ACTION ON MINUTES**

### **January 25, 2022 Regular Meeting**

**Motion:** to approve the Minutes of the January 25, 2022 Regular Meeting. Made by George Tzezos, seconded by Joseph Martino. Unanimous Approval.

### **III. OLD BUSINESS**

#### **1. Application #475 – 91 Sandy Beach Road**

Carol & Paul Taylor purchased the property 5 years ago which has an 8' X 11" 2<sup>nd</sup> bedroom and functions as a small office. The room includes a utility closet which contains their water conditioner and water heater, as well as an entrance/exit door. They recently learned that the 2<sup>nd</sup> story was constructed without a permit. They are seeking approval to construct an addition.

Philip Tiso, L.S. reviewed the plans with the Commission. He stated that a topographic survey was performed of the property which is also known as Unit #40 of Tylers Cove, a common interest community. Each dwelling has a limited common element which is a boundary that each unit owner has additional rights to use the property. The condominium declaration map and document were approved and filed on the land records, the map shows the limited common elements and what the boundaries are. It also contains a vertical unit boundary that is outside the actual dwelling. Said boundary defines what you can expand a dwelling out to. The septic system is a pump system that goes up to a higher area and their propane tank powers their generator. When FEMA did the flood mapping in the area, they create maps that show how high the water would flood with a 100-year storm in the form of an elevation. Lake Quassapaug was given a flood zone designation of A without a base flood elevation being determined.

Deborah Seavey, W.E.O. stated that the FEMA requirements are more of a building department concern.

George Tzezos questioned if they looked at the water table on the property.

Philip Tiso, L.S. confirmed that the property gradually drops down in grade and is estimated to be an 8' drop from the road to the top of a retaining wall. The ground is 2.5-3' higher than the water level and the water table in the ground is equal to the lake elevation. The existing house is 14-15' from the water, while the proposed addition will result in it being 9.8' from the water.

Carol Taylor questioned if their stone wall mitigates the potential for lake erosion.

George Tzezos confirmed that it can. He then added that members of the commission usually perform a site visit.

Curtis Bosco indicated that it is the narrowest lot on the lake and since the condominium association approved their proposal, they have the right to expand provided it is not deemed a danger to the lake.

Carol Taylor added that approval was granted by the Condominium Association, which is conditioned upon the approval of both side neighbors.

Philip Tiso, L.S. affirmed that the required soil and erosion control plan was done.

George Tzezos declared that the fences should be double backed with hay bales.

Philip Tiso, L.S. confirmed that there will be no change to the grading, grass currently exists and will remain so. The excess material will be removed off site.

Deborah Seavey, W.E.O. requested that a detailed sequence of construction be submitted.

**Motion:** to approve application #475 – 91 Sandy Beach Road per the Draft Resolution and the conditions that all grading be graded away from the abutting property owners and that the silt fence be double backed with hay bales. Made by Curtis Bosco, seconded by Brian Stroby. Unanimous Approval.

## **2. Application #476 – 118/122 Lake Shore Drive**

George Tzezos questioned what the intended use of the excavated material was and if roof footing drains are being proposed.

Raymond Searles replied that the material will be used as a fill-in for the garage floor and that he does plan on having roof footing drains.

George Tzezos requested that they be added to the plans.

**Motion:** to approve application #476 – 118/122 Lake Shore Drive per the Draft Resolution. Made by George Tzezos, seconded by Brian Stroby. Unanimous Approval.

## **3. Application #477 – Kelly Road Lot 317-B**

Scott Meyers, P.E. & L.S. with Meyers Associates P.C. spoke on behalf of the applicant. He confirmed that the garage is within the upland review area and the house will be serviced by water and sewer, which is in Kelly Road. There will be one driveway for the house and a gravel driveway to the rear to access the garage. The wetlands is being protected by an existing stone wall.

George Tzezos noted that wetland markers should be installed.

Deborah Seavey, W.E.O. added that wetland plantings should be included on the plans as well.

Scott Meyers, P.E. & L.S. agreed to both conditions.

**Motion:** to approve application #477 – Kelly Road Lot 317-B per the Draft Resolution. Made by George Tzepos, seconded by Brian Stroby. Unanimous Approval.

**IV. NEW BUSINESS**

None

**V. ADJOURNMENT**

**Motion:** to adjourn the meeting at 7:54 p.m. Made by George Tzepos, seconded by Chairman Paul Bowler. 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/REPORT**

Application #475 91 Sandy Beach Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on January 25, 2022 from Carl & Paul Taylor map entitled "Unit No. 40, Tyler's Cove condominium property located at 91 Sandy Beach Road Middlebury, Connecticut prepared for Carol T & Paul B. Taylor" dated November 4, 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 addition construction within the upland review area of Lake Quassapaug will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance revised plans shall be submitted to include:
  - Proposed grading-any new grading shall be graded away from abutting properties
  - Silt fence shall be double backed with hay bales
  - A detailed construction sequence
  - A note indicating as-built of the addition and riprap plunge pool shall be submitted prior to the issuance of certificate of occupancy
- (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.

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### **RESOLUTION/REPORT**

Application #476 118/122 Lake Shore Drive

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on January 25, 2022 from Raymond Searles map entitled "Limited property/boundary survey zoning location survey proposed garage land of Raymond Searles 118 & 122 Lake Shore Drive Middlebury, Connecticut" dated August 23, 3021;

**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 construction of a garage within the upland review area will not have a substantial impact on the regulated area.
- (2) If new roof/footing drains are proposed; prior to permit issuance, revised plans should reflect the design to accommodate drains. Said design shall be acceptable with 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.

February 22, 2022

## **RESOLUTION/REPORT**

Application #477 Kelly Road-Lot 317B

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on January 25, 2022 from entitled "plot plan-lot #317B-prepared for Suzanne Anderson Kelly Road Middlebury, Connecticut" dated January 15, 2022 with revision date of January 21, 2022;

**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 construction of a garage and driveway within the wetland upland review area will not have a substantial impact on the regulated area.  
Prior to permit issuance:
  - Revised plans shall be submitted to include a wetland planting plan
  - Wetland markers shall be installed along the disturbance limits.
- (2) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

February 22, 2022