



# TOWN OF MIDDLEBURY

*Conservation Commission*  
*1212 Whittemore Road*  
*Middlebury, Connecticut 06762*  
*(203) 577-4162 ph*  
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## REGULAR MEETING MINUTES January 25, 2022

### **Members Present:**

Curtis Bosco, Acting Chairman  
George Tzepos  
Joseph Martino  
Brian Stroby

### **Members Absent:**

Paul Bowler, Chairman  
Mary Barton  
Peggy Gibbons

### **Members Present:**

John Calabrese, P.E.

## **I. CALL TO ORDER**

Curtis Bosco, Acting Chairman, called the Regular Meeting to order at 7:31 p.m.

### **NOMINATION OF ACTING CHAIRMAN**

**Motion:** to nominate Curtis Bosco as Acting Chairman in the absence of Chairman Paul Bowler. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

## **II. ACTION ON MINUTES**

### **November 30, 2021 Regular Meeting**

**Motion:** to accept the Minutes of the November 30, 2021 Regular Meeting. Made by Joseph Martino, seconded by Brian Stroby. George Tzepos stated that he read the Minutes. Unanimous Approval.

### **III. OLD BUSINESS**

#### **1. Application #473 – Avalon Farms Lots 41 & 48**

Marc Brassard, Architect and V.P. of Heritage Development Group spoke on behalf of the applicant. At the November 30, 2021 meeting he presented only lot 41, although four lots are remaining, but has now opted to include both lots 41 & 48 in his application as they are both adjacent to wetlands. Lots 39 & 40 have no impact on the wetlands. He is seeking approval to maintain the 50 foot setback requirement on both lots in accordance to the previous approval, despite the current requirement of 100 feet. Lot 41 is staked. He reviewed both plans with the Commission. He anticipates completion of the project this year and confirmed that the details requested by Mary Barton at the November 30, 2021 meeting have been added to said plans. All infrastructure is in place except for the laterals for water and sewer and lot 48 includes a storm line that will pick up road drainage. He also made mention that Deborah Seavey, W.E.O. requested permanent staking along the disturbance limits.

**Motion:** to approve application #473 – Avalon Farms Lots 41 & 48 per the Draft Resolution. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

#### **2. Application #474 – 211 Tranquility Road**

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 reviewed the plans with the Commission. The proposal consists of reestablishing the beach and a floating dock at the water's edge on Lake Quassapaug. There will be some minor disturbance in the wetlands as well as the upland review area. He estimates 2,000 square feet of disturbance in the wetland area and just under 400 feet in the upland review area with approximately 125 cubic yards of material to be removed or dredged and replaced with sand.

George Tzepos questioned how the dock would be anchored to the shore line.

Dean Yimoyines stated that stakes will be put into the ground that it will be anchored to and will be removable.

George Tzepos noted that prior to permit issuance, revised plans should be submitted to include the installation of a turbidity curtain during dredging operations.

David Hughes, P.E. agreed to do so.

**Motion:** to approve application #474 – 211 Tranquility Road per the Draft Resolution. Made by George Tzepos, seconded by Brain Stroby. Unanimous Approval.

#### **IV. NEW BUSINESS**

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

No one was present. Discussion was tabled.

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

James DiMeo, P.E. of Juliano Associates, 405 Main Street, Wallingford, CT 06492 spoke on behalf of the applicant. They are proposing to construct and 14 X 26 garage on an existing house. The closest corner of the garage to Long Meadow Pond is 122 feet. There is 150 foot upland review requirement due to the fact that it is adjacent to Long Meadow Pond. Grading is not being proposed other than the installation of the foundation and within the foundation walls.

George Tzezos requested that the four corners of the proposed garage be staked as members would like to do a site visit.

**Motion:** to accept application #476 – 118/122 Lake Shore Drive. 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 reviewed the revised plans (Rev. Date 1-21-22) with the Commission. The property was part of an 18 acre piece which was purchased and did a first cut making it one of the parcels (2.56 acres) off of the first cut. There is a sewer easement that runs north to south. They are proposing to construct a single family house and a garage to the rear for the storage. There is a large amount of wetlands on the 18 acres and much was already donated to the town in conjunction with the first cut. The parcel contains approximately 1.5 acres of dry land and they plan to use an estimated 1 acre in total for the paved driveway to the house as well as a gravel driveway to the rear to access the garage. Total regulated area of disturbance in the upland review area is just under 1/3 of an acre. Stonewalls exist but will not be disturbed and the house will be serviced by sewer and water.

**Motion:** to accept application #477 – Kelly Road Lot 317-B. Made by George Tzezos, seconded by Joseph Martino. Unanimous Approval.

**4. Permit Modification #464-A – 896 Middlebury Road**

Attorney Michael McVerry of 35 Porter Avenue spoke on behalf of the applicant who is the contract purchaser of the property. Approval was granted by this Commission in June of 2021 to add a 2<sup>nd</sup> story to the building and construct a 1,181 square feet 2-car garage in the rear. However, since then a structural engineer determined that the walls on the building would be unable to support a second story without the addition of significant steel framework. Therefore, they are modifying the proposal to use the existing 1 story but are seeking to change the approved 2-car garage to a 1,800 square feet 3-car garage in the rear. Most of the building sits within the wetland setback. The disturbed area in the regulated would increase from 3,100 square feet to 3,700 square feet.

Scott Meyers, P.E. & L.S. with Meyers Associates P.C. added that they also plan to switch the curb cuts, turn the parking and decrease the number of spaces from 28 to 23. All else will remain the same.

**Motion:** to approve application #464-A – 896 Middlebury Road and defer any changes being proposed to W.E.O. Deborah Seavey. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

**5. Permitted as of Right Request #22-01 – 30 West Lake Road**

Stuart Adams, Board Member of Quassapaug Sailing Center, stated that they have an existing dirt and stone ramp used to launch the small sailboats and kayaks for the sailing school. Much erosion has occurred and they are proposing to construct a concrete ramp as an improvement. A construction process has been provided.

Per the request of Acting Chairman Bosco, Recording Clerk Rachelle Behuniak texted a photo of the submitted documents to Deborah Seavey, W.E.O. for her review and comment to which she confirmed her satisfaction.

**Motion:** to approve Permitted as of Right Request #22-01 – 30 West Lake Road (per the Resolution). Made by George Tzepos, seconded by Brian Stroby. Unanimous Approval.

**V. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:12 p.m. Made by George Tzepos, seconded by Brian Stroby. 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 #473 Avalon Farms Lots 41 & 48

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on November 30, 2022 from Avalon Farms, LLC map entitled "Avalon Farms Middlebury-CT Cambridge Lot 41" and "Avalon Farms Middlebury-CT Ashford B Lot-48" dated October 19, 2021 with revision date of January 5, 2022 & map dated revised January 25, 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 dwelling construction within the upland review area will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, three permanent wetland markers shall be installed at the disturbance limits on both lots.
- (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#474 211 Tranquillity Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on November 30, 2021 map entitled "Site Plan-Proposed Beach & Dock 211 Tranquillity Road" dated November 30, 2018;

**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 beach area and floating dock will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance, revised plans should be submitted to include the installation of a turbidity curtain during dredging operations.
- (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 25, 2022

## **RESOLUTION**

Permitted As of Right Request #22-01 - 30 West Lake Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received a request of permitted as of right on January 25, 2022;

**WHEREAS:** The applicant has provided documents supporting that the proposed activities are in fact permitted as of right for recreational 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:

- Replace existing dirt and rock ramp with a 12'x18' concrete ramp

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