



# TOWN OF MIDDLEBURY

*Conservation Commission  
1212 Whittemore Road  
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## REGULAR MEETING MINUTES October 30, 2018

### **Members Present:**

Paul Bowler, Chairman  
Mary Barton, Vice Chairwoman  
Greg Bonacorsi  
Curtis Bosco  
George Tzezos arrived @ 7:30 p.m.

### **Members Absent:**

Joseph Martino  
Keli-Ann Bollard

### **Also Present:**

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

### **I. CALL TO ORDER**

The Regular Meeting was called to order at 7:29 p.m. by Chairman Bowler.

### **II. ACTION ON MINUTES OF SEPTEMBER 25 , 2018 REGULAR MEETING**

**Motion:** to accept the Minutes of the September 25, 2018 Regular Meeting. Made by Mary Barton seconded by Greg Bonacorsi. Unanimous Approval.

George Tzezos arrived @ 7:30 p.m.

### **III. OLD BUSINESS**

#### **1. Application #418 – 420 Bioski Road (Lot 1 Leonard Estates)**

Endri Zhuleku confirmed that the plans being reviewed by members of the Commission were the same plans from 2006.

Deborah Seavey, WEO confirmed that the draft resolution includes the requirements of wetland markers and a revised plan with a soil erosion control narrative. She also clarified that this is a new application.

**Motion:** to approve Application #418 – 420 Bioski Road (Lot 1 Leonard Estates) per the draft resolution. Made by George Tzepos seconded by Mary Barton. Unanimous Approval.

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

##### **1. Application #419 – 369 White Deer Rock Road**

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 spoke on behalf of the applicant. He reminded the Commission that approximately 6-8 months ago, the applicant received approval for the relocation of the gravel driveway and is now 95% complete. On the existing plans, they are showing a conceptual house location, barn and driveway. The applicant plans to return in the future to this Commission with a formal application for a plot plan and septic design when that time comes. The current proposal includes the proposed dock and beach area which consists of an area of dredging (7,600 square feet) for access to the dock and vegetation harvesting (9,000 square feet) in two (2) areas. The estimated volume of sediment material is 331 yards. The beach area is approximately 400 square feet of disturbance in the wetlands and 23 cubic yards of disturbance in the wetland area.

The three phases consist of the following:

- Phase I – Vegetation harvesting will include 1-2 barges being placed in the cove and the lily pads being harvested, removed from the cove to an upland area that would allow for relief of water and then taken off site
- Phase II – Suction dredging process will consist of removing the sediment
- Phase III – Mechanical dredging (40 foot radius) will require a stone pad (temporary disturbance of 150 square feet)

George Logan of REMA Ecological Services, LLC 164 East Center Street, Suite 2, Manchester, CT reviewed his report dated 10-25-18 and photos with the Commission. He added that there are a few boulders which will be removed by hand. Permission to perform the limited dredging and restoration within the Middle Cove has been obtained from the neighbors as well.

Chairman Bowler questioned when the applicant would like to commence and the length of time the project would take to complete.

David Hughes, P.E. stated that they plan to begin the process in the spring time may require 1-2 months to complete.

Chairman Bowler requested that it be confirmed with the contractor.

Mr. Garrett Moore added that the house that he expects to build in the future will be approximately 3,000 square feet. He currently has access to 137 feet in the cove. He also plans to have a security gate put in before the winter.

George Logan expects that the encroachment starts to happen again.

**Motion:** to accept Application #419 – 369 White Deer Road. Made by Curtis Bosco seconded by Mary Barton. George Tzezos recused himself. Unanimous Approval.

Chairman Bowler requested that the applicant be prepared to answer any questions that members of the public may have next month.

## **2. Application #420 – 52 Tyler Crossing**

**Motion:** to add Application #420 – 52 Tyler Crossing to the agenda. Made by Curtis Bosco seconded by George Tzezos. Unanimous Approval.

Scott Meyers, P.E. & L.S. of Meyers Associates P.C., 60 Linden Street, Waterbury, CT spoke on behalf of the applicant. A small house currently exists on the property and the applicant would like to put an addition on for a garage (588 square feet), expand the deck to 12X12 which would be above grade, abandon the existing septic and install a grinder pump station and force main it up to the existing sewer in Tyler Crossing. In order to do so, there will be .13 acres of regulated area of disturbance.

**Motion:** to accept Application #420 – 52 Tyler Crossing. Made by Mary Barton seconded by George Tzezos. Unanimous Approval.

## **V. DISCUSSION**

### **1. Tyler Cove – lily pad concern**

Garrett Moore stated that over 50 years ago the end of Tyler Cove was approximately 4 feet deep. Currently, the lily pads cover approximately 13 acres of the end of Tyler Cove. He would like to have them removed. He went on to explain that Long Cove, which is on the other side of the lake and often referred to as Long Swamp, has been completely covered for 50 years with lily pads. Each year when they die down in the fall, they fall to the bottom of the lake. Over time, thick pads (8-10 inches) are created and

rise up to the surface in the summer time, making it impossible to travel down the cove. He owns an estimated 1,000 feet of frontage on Long Cove. Initially, he brought in a company from Massachusetts to see what could be done with Long Cove. Their machinery was unable to get through the pads. He fears that if the pads at Tyler Cove are not addressed, ultimately the result will be the same. He obtained a Restoration Plan proposal from Solitude Lake Management of Shrewsbury, MA dated September 17, 2018. It is estimated that it will take 54 days to do the entire 13 acres. Therefore, he proposed to do it over the spring and fall seasons so as to avoid interfering with the enjoyment of the lake by others. While it is an expensive process, he is not seeking funds from anyone else on the lake or the town.

Chairman Bowler questioned if his neighbors are in favor of the project.

Mr. Moore declared that all of the neighbors he spoke with are in favor removing the lily pads due to the fact that they interfere with the use of 13 acres of lake. He does not know if there would be any opposition but he can't represent that there won't be.

Mary Barton added that she feels the lake is an important resource and that doing so would be a positive improvement for the health of the lake.

Mr. Moore is certain that the people down the end of Tyler Cove who have all of the lily pads are on board.

Chairman Bowler informed Mr. Moore that this Commission is not opposed to such action as long as it is within legal rights.

All members of the Commission agreed with Chairman Bowler that it would be helpful to the life of the lake.

Mr. Moore added that all he needs to do is represent to Solitude that he has the permission from the Conservation Commission.

Chairman Bowler acknowledge that not one Commission member said "no".

Mr. Moore expressed that if it could be started this year, they will.

## **2. Sandy Beach Road complaint**

Paul Anderson of 3 Sandy Beach Road was present and reviewed the photos in his complaint with the Commission.

Mary Barton acknowledged that a lot of work is being done.

**Motion:** to refer the matter to Town Counsel. Made by George Tzepos.

Deborah Seavey, WEO stated that it already has been referred to Town Counsel and that an order is probably the next step.

George Tzepos request to withdraw his motion.

**Motion:** to issue an order for unauthorized work/filling that has occurred within Lake Quassapaug regulated area. Show Cause Hearing shall be immediately following the November regular scheduled meeting. Made by Mary Barton, seconded by George Tzepos. Unanimous Approval.

## **VI. PUBLIC COMMENT**

None

## **VII. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:20 P.M. Made by Mary Barton, seconded by George Tzepos. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Recording Clerk

Original to Edith Salisbury, Town Clerk  
cc: Conservation Commission Members  
Debbie Seavey, W.E.O.  
Ollie LeDuc, Building Official  
John Calabrese, P.E.  
Terry Smith, P&Z Chairman  
Curtis Bosco, Z.E.O.  
Attorney Robert Smith, WPCA  
Larry S. Hutvagner, C.F.O.

## **RESOLUTION/REPORT**

Application #418 420 Bioski Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on September 25, 2018 from Endri Zhuleku map entitled “Lot 1 Leonard Estates Bioski Road & Leonard Road” dated December 22, 2017;

**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 dwelling and septic 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 soil erosion control details & narrative.
  - (3) Prior to permit issuance, permanent wetland markers shall be installed every 50 feet along the existing tree line.
  - (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.
- October 30, 2018