



# TOWN OF MIDDLEBURY

*Conservation Commission  
1212 Whittemore Road  
Middlebury, Connecticut 06762  
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## REGULAR MEETING MINUTES October 29, 2019

### **Members Present:**

Paul Bowler, Chairman  
Joseph Martino  
Keli-Ann Bollard  
George Tzepos – arrived @ 7:31 p.m.  
Greg Bonacorsi  
Curtis Bosco

### **Members Absent:**

Mary Barton, Vice Chairwoman

### **Also Present:**

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

## **I. CALL TO ORDER**

The Regular Meeting was called to order at 7:30 p.m. by Chairman Bowler.

## **II. ACTION ON MINUTES:**

### **September 24, 2019 Regular Meeting**

**Motion:** to accept the Minutes of the September 24, 2019 Regular Meeting. Made by Greg Bonacorsi, seconded by Joseph Martino. Unanimous Approval.

## **III. OLD BUSINESS**

### **1. Application #428 – 288 Watertown Road**

Brian Baker, P.E. from Civil 1 spoke on behalf of Peter Vileisis who was also present. He explained that they are present for approval of a mitigation plan. They prepared a detailed existing condition plan which they did not have previously. They performed a full property line survey, had all of the wetlands flagged by David Lord, Soil Scientist,

and did a new flyover for aerial topography. Per the request of Deborah Seavey, W.E.O., he submitted and reviewed the Wetlands Mitigation Plans 9-19-19 Sequence of Mitigation Activities Narrative as well as the plans with the Commission. Per the authorization of Deborah Seavey, W.E.O., topsoil and seeding was performed prior to approval which has since grown in well and looks stable along the banks. He also added that the report from David Lord, Soil Scientist was already submitted for the file.

John Calabrese, P.E. confirmed that he looked at the plans for the Planning & Zoning Commission and that his comments were based on what could happen in the future but as far as what is there now, he has no issue with it.

**Motion:** to approve Application #438 – 288 Watertown Road per the draft resolution, stressing the condition that the applicant is strongly reminded that any future activities within the regulated areas must obtain a wetlands permit from the commission prior to commencement and with the addition of “As indicated on the approved plan, the engineer shall conduct follow-up inspections in the spring and report his findings to the WEO.” to the resolution. Made by Curtis Bosco, seconded by George Tzezos. Unanimous Approval.

## **2. Application # 439 – 3 Sandy Beach Road**

Chairman Bowler announced that a letter from Carmody & Torrance was received by the Commission.

Curt Bosco recused himself.

Paul Anderson of 3 Sandy Beach Road reviewed the plans and photos with the Commission. He stated that he submitted a request to Torrington Health District to put in a pump-up chamber that would tie into his current septic tank which was put in 2008 and was inspected by Ron Wolff. The existing holding tank is pumped approximately once per week. The State of CT requested that the turn in the records of what was pumped. Currently it is a three (3) season cottage however, he had to be sure that his proposed plans were sufficient for any time. With respect to the road drainage, there is a dip in the road where he believes the pipe is failing and he would like to replace it. Additionally, he was also seeking approval for the 13 concrete blocks that he placed at the end of the drainage pipe 2-5 years ago without this Commission’s approval. They were placed in front of the wall, which had cracks, in order to stop it from eroding in. He stated that he has no plans to put in any additional blocks or extend it out.

Deborah Seavey, W.E.O. asked if he did want to extend it, he would come back before this Commission.

Paul Anderson responded yes and that his eventual goal is to come in to get permission to build a new wall and take the blocks away.

Greg Bonacorsi stressed the necessity for him to return to this Commission in the near future as the blocks are only temporary.

**Motion:** to approve Application #439 – 3 Sandy Beach Road per the draft resolution, with the addition that the existing concrete wall blocks that have been put in for erosion control are temporary and are to be replaced soon with a permanent stone wall with this commission’s approval and stressing the condition that the applicant is strongly reminded that any future activities within the regulated areas must obtain a wetlands permit from the commission prior to commencement. Made by Greg Bonacorsi, seconded by George Tzepos. Curt Bosco had recused himself. Unanimous Approval.

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

##### **1. Application # 440 – 1628/1648/1672 Straits Turnpike**

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the three (3) property owners (John Gauya, Carol & Grace Niedmann and William Zarillo). Bock is a subsidiary of Subaru New England and they are proposing to relocate the Premier Subaru franchise up the street in Watertown to Straits Turnpike just below the Park Road intersection. The property extends into Waterbury and they are currently dealing with Waterbury for parallel approvals. Middlebury contains approximately 3.385 acres and they are proposing to build a 27,295 square foot automobile dealership with parking on site. There are no wetlands on the property and the closest wetlands would be Tracy’s Pond which is in the rear and approximately 100 feet from any disturbed area in Waterbury. Per the request of Deborah Seavey, W.E.O. they came today because they do plan to do grading on site.

**Motion:** to accept application 1628/1648/1672 Straits Turnpike. Made by George Tzepos, seconded by Joseph Martino. Unanimous Approval.

##### **Application #441 – 52 Bioski Road and Renewal of Permit #353 – 450 Regan Road**

**Motion:** to add Application #441 – 52 Bioski Road & Renewal of Permit #353 – 450 Regan Road to the agenda. Made by George Tzepos, seconded by Greg Bonacorsi. Unanimous Approval.

##### **2. Application # 441 – 52 Bioski Road**

Chris Radlinski stated that he is looking to put in an above ground pool 40’ from the existing wetland area.

Deborah Seavey, W.E.O. requested that Mr. Radlinski stake the location of the proposed pool within the next week as the members of the Commission will do a site walk.

Chairman Bowler requested that Mr. Radlinski bring details about the pool next month.

**Motion:** to accept Application #441 – 52 Bioski Road. Made by George Tzepos, seconded by Keli-Ann Bollard. Unanimous Approval.

### **3. Renewal of Permit #353 – 450 Regan Road**

Deborah Seavey, W.E.O. stated that the applicant was doing some mitigation work including clearing and placement of bridges.

Joseph Bernardi responded that it was all part of the first application but that he was not able to complete all which is why he is seeking an extension.

Deborah Seavey, W.E.O. confirmed that there is no change.

**Motion:** to renew Permit #353 – 450 Regan Road for five (5) years from the date of expiration. Made by Curtis Bosco, seconded by Greg Bonacorsi. Unanimous Approval.

## **V. DISCUSSION**

### **1. 2020 Meeting Dates**

**Motion:** to approve the 2020 Conservation Commission Meeting Schedule. Made by Chairman Paul Bowler, seconded by Greg Bonacorsi. Unanimous Approval.

## **VI. PUBLIC COMMENT**

David Alley of 121 Westwood Drive, wanted to comment about the approval of application for 288 Watertown Road. He stated that he spoke at the Planning & Zoning Commission, he mentioned the fact the Mr. Vileisis had been dumping material onto the property for more than a year and half. He is also mentioned that he has documentation of actual letters from the Zoning Enforcement Officer prior to Curtis Bosco and from Deborah Seavey, W.E.O. go back as early as September of 2010 telling Mr. Vileisis that he needed to have approvals and applications but he never did. He added that Mr. Vileisis has brought in an excess of 4,000 cubic yards of material onto the wetland area without any approvals. He's the owner of Waterbury Wrecking and at the Public Hearing of the Planning & Zoning Commission last month, it was noted by another person that

they witnessed him bringing in fill at all times of day and night and we don't know what is in it. Without the applications, approvals or oversight, there is concern about what happened to that wetland area there and downstream in the Hop Brook area. He submitted photos to the Planning & Zoning Commission that show that there have been large ponds on that property and then a year later those ponds are gone. There is no proof that there were actually any culverts there, however, two (2) five (5) foot culverts were put in as an upgrade, as stated by Brian Baker, P.E. from Civil 1. He is also concerned that things are being approved after the fact, we can have some very significant issues environmentally. Planning & Zoning requested that core samples be done while there was no mention of it this evening.

Chairman Bowler stated that he wasn't at any of those meetings, therefore he couldn't address what he was saying and apologized.

David Alley of 121 Westwood Drive questioned that unless they go before Planning & Zoning, they have no recourse.

Chairman Bowler confirmed he was correct.

Christine Nelson of 312 Watertown Road added that she too was at the Zoning meeting and has made phone calls. He has a shed in the back yard that no one has addressed, brought things all hours of the night next to my house and is worried about what is in there. Planning & Zoning questioned how he got rid of guardrails and made himself a driveway without permission.

Chairman Bowler stated that this Commission has nothing to do with guardrails.

Christine Nelson questioned what protects them and the water they are drinking.

Chairman Bowler again stated that he can't say that it's clean or dirty fill or if there is fill.

David Alley questioned what would happen if the core samples come back.

Chairman Bowler replied that possibly revote but that it still has a recourse with Planning & Zoning.

## **VII. ADJOURNMENT**

**Motion:** to adjourn the meeting at 8:15 P.M. Made by George Tzezos, seconded by Curtis Bosco. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, 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

## RESOLUTION/REPORT

Application #438 288 Watertown Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on September 24, 2019 from Peter Vileisis map entitled "Mitigation Plan" dated September 19, 2019;

**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 mitigation activities as depicted on the approved mitigation plan will not have a substantial impact on the regulated area.
- (2) As indicated on the approved plan, the engineer shall conduct follow-up inspections in the spring and report his findings to the WEO.
- (3) The applicant is strongly reminded that any future activities within the regulated areas must obtain a wetlands permit from the commission prior to commencement.
- (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.

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## RESOLUTION/REPORT

Application #439 3 Sandy Beach Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on September 24, 2009 from Betsy Anderson map entitled "Septic System Feasibility Plan (B100a)" dated September 20, 2019;

**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 installation of septic line and grinder pump within the upland review area, drainage improvements and routine maintenance of an existing swale and shoreline stabilization with precast concrete block will not have a substantial impact on the regulated area.
- (2) The existing concrete blocks along the shore are determined to be a temporary measure and will be replaced with a permanent wall. This wall construction requires a wetlands permit prior to replacement.
- (3) The applicant is strongly reminded that any future activities within the regulated areas must obtain a wetlands permit from the commission prior to commencement.
- (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.

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## **RESOLUTION**

Permit Renewal #353 450 Regan Road

**WHEREAS:** The Middlebury Conservation Commission for the Town of Middlebury has received an application on October 29, 2019 to renew permit #353;

**WHEREAS:** The applicant has stated there are no changes from the original approval date of September 30, 2014;

**NOW THEREFORE, BE IT RESOLVED** That the Middlebury Conservation Commission approves the above permit renewal with the following conditions:

- (1) Permit #353 is renewed for another five years, with a final expiration date of September 30, 2024. Activities include brush/tree removal, silt removal, trail bridges, curtain drains and vegetation plantings within the regulated areas, subject to conditions.
- (2) All conditions in the original September 30, 2014 approval still apply.

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