



Town of Beacon Falls
Inland Wetlands & Watercourses Commission
Regular Meeting Minutes
February 14, 2024
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision) *Revised*

Members Present: Chairman Steve J Knapik (**SK**), Douglas Bousquet (**DB**), Fred Bowes (**FB**), Michael Pratt (**MP**), Brian Swan (**BS**), John Smith (**JS**), James Weed (**JW**),

Members Absent: N/A

Others Present: WEO David Keating (**DK**), Luke Sofair (**LS**) With JohnPaul Garcia Engineering, 5 members of the public, Attorney Stephen Bellis (**SB**)

1. **Call to Order / Roll Call:** **SK** called the meeting to order at 7:30 pm and led the assembled pledge of allegiance.
2. **Read and Approve Minutes from Previous Meetings:**
Motion to accept minutes from the January 10, 2024, regular meeting and January 10, 2023, public hearing minutes plus January 24, 2024, public hearing minutes. **DB/FB**. All ayes. 2 Abstained – **JS/JW** were not in attendance.
3. **Comments from the Public:**
John Makarewicz (**JW**) 65 Fairfield Place – **JW** Issues of water and erosion on my property, there's a swale design that's not working on the east side of Fairfield Place on the cul-de-sac which means the swale is not picking up the water. My other concern is with the new subdivision (Hawks View), when AT&T put in their transmission line halfway up Fairfield Place and they blasted, it effected the water table up the hill on Fairfield Place, many started getting water in their basements. The top of that hill is a mixture of ledge and water, I've warned the town about it on Tiverton, and they didn't listen. Now the hill is bleeding and the swale that is designed to take the water away from there isn't working. The water will get into everyone's basements. Now the erosion issue, I'm getting water and it's ruining my property, who's liable for that? **SK** I can say it's still under construction and not complete.

Linda Jasinski (**LJ**) – 74 Avenue C: **LJ** My concern is Toby's Pond about the litter and garbage that flows in from the river, I've been cleaning up. Last year I went to the very end and cleaned up every single piece of litter and every time it rains it all comes back in. Is there anything that can be done to stop the flow of garbage? Is there anything you can think of to have a barrier to collect it rather than have it get into the pond over and over again? **JS** I would suggest going to the DEEP website.

4. **Public Petitions**
None

5. **New and/or Pending Applications:**

- a. Permit A-2023-377, SW-2023-336: Hawks View (JohnPaul Garcia/JPG – Representing the owners of 43.5 acres at the end of Haley Ridge): **JS** and **FB** recuse themselves.

JW Motioned to approve Permit A-2023-377 and SW-2023-336: Hawks View **with conditions** (Attached at the end of the minutes), **MP** Seconded. All ayes.



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Hawks View Resubdivision Request for reconsideration of Application Fee

The Hawks View Resubdivision study committee of the BFIWWC has discussed the request by the applicant to reduce or eliminate the Wetlands Application Fee because of the limited amount of the wetlands on the site, the isolated location of the wetlands and the fact that no development activity is proposed in or near the wetlands. Due to the number of proposed lots, the Wetlands Application Fee was approximately \$ 2,700, which, at first glance, appears to be excessive.

The committee notes that the site is steep and when the trees and cover vegetation are removed, there is a high probability of erosion of the existing surface soil. As the site is excavated, the likelihood of erosion of the surface and subsurface material increases. The IWWC is charged with the responsibility to review sediment and erosion control plans and to enforce the proper implementation of the S & E controls as the project is being implemented. In this case, even though the limited amount and location of wetlands does not justify the full application fee, there has been, and will continue to be considerable work for the Commission and its staff to do with respect to sediment and erosion controls.

The committee recommends that the Wetlands application fee be reduced by \$ 1,000 and that the Commission authorize the Town Finance Department to refund one thousand dollars (\$1,000) to the Hawks View applicant. The decision, whether or not, to reduce the Wetlands Application Fee, will rest with the entire Commission, not just the study committee.

MP motioned to reduce the fee from \$2,700 to \$1,700. **DB** Seconded. All ayes.

JS and **FB** returned to the meeting.

- b. Hopp Brook Estates: **SB** Attorney Stephen Bellis representing Hopp Brook Estates, I obtained Wetlands permit from this commission a couple years back, amended the application because we were going to connect Miller Road down to the bottom portion, which was also approved by this commission, and I received a Stormwater permit. I applied to P&Z with an affordable housing development, went to court, I got 109 houses approved under the 8-30g Affordable Housing Statute. We had a meeting with P&Z and now we are back with a revised plan. The revised plan is not affordable housing, it is 94 units at market rate and no connection to Miller Road and more of a buffer from Oakwood and we were asked to see if we could get tied into sewers. I went to Chatfield Farms, and they did not agree to allow us to tie into sewers. Apparently the legislature enacted a law that allows community septic to be regulated by the local health department. **SK** No longer DEEP? **SB** They are trying to get it away from DEEP, but the local health department doesn't have any regulations for it, so we have been waiting. We are now planning on doing a community septic. We are waiting on the local health department. This plan is the revised plan that I have submitted to Planning and Zoning. It is different from what you approved, it has less homes, one less road, and doesn't connect to Miller Road. Any activity that we are proposing is not in Wetlands or in the upland review area. So, I am here because there is a State Statute that says if you file a special exception with Planning and Zoning you



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have to get a letter from the Inland Wetlands Commission to send to Zoning stating that I came in. **BS** But you haven't had any testing done for the septic? **SB** No – we had DEEP tests done and they were approved by Valley Health. These are the locations where the Naugatuck Valley allowed us to put our systems. We want to make these community tanks. But I don't have that approval. The DEEP tests were approved. **BS** I don't see how Valley Health could approve it for that size community if they weren't regulated to do that. **SB** They were able to put 16 little single family individual septic systems. This is better in my opinion. So, I'm here for a letter to send to P&Z saying that I came to you. You don't have jurisdiction but that doesn't matter because the State Statute says I have to come before you anyway. **DB** The report on the DEEP Holes, do you have that? **SB** I do not. I'm not here for septic. **SK** to **DK** They took away the road – less impact, is this an amendment, a public hearing, total review, new application? What is it? **JS** We have got to look at this. We need some time. **DK** Is there a second egress? **SB** Just one. **DK** No emergency access? **SB** No, there's a fire code that says if you have less than 100 houses. **DK** But this is an extension of an existing dead end... **SK** That's not a wetlands issue. **SB** That's a Zoning issue. **SK** We will review the revised plan during the new few weeks and discuss it at our March 13th meeting. **SB** I'll come to see you at the next meeting.

- c. IWWC Code and Regulations Adoption: The commission reviewed and discussed the information from the Town Clerk (*Attached at the end of the minutes*). The Town is in the process of renumbering the Town Code. As part of that project the chapter references to the IWWC and the IWWC Regulations will be changed. Also, the references to the Connecticut Department of Environmental Protection (DEP) will be changed to the new name of the agency – Connecticut Department of Energy and Environmental Protection (DEEP).

The Town Clerk would like the IWWC to vote to support these changes. **MP** PZ was advised to have a separate motion for each of the three items listed by the Town Clerk. He stated the IWWC should do likewise. The commission agreed.

JS motioned to support the Renumbering of the Regulations in the Town Code. Seconded by **DB**. All ayes.

JS motioned to support the Continuation of existing provisions. Seconded by **DB**. All ayes.

JS made a motion to support the changes to the adopted regulations to comply with changes in state laws. Seconded by **DB**. All ayes.

The commission will review the existing IWWC Regulations to determine if any amendments are needed to comply with changes in the state laws.



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6. Old Business/Wetlands Enforcement Officers Report:

- a. Permit A-2009-283: Alliance Circle Lot 3 (HI Stone): **BS** I've been in there twice; he has the biggest tracking pad I've ever seen.
- b. Permit A-2014-306: 100 Fieldstone Lane-Chatfield Farms Phases 3, 4, & 5: No monthly report
- c. Permit A-2018-314, SW-2018-014: Tiverton, Fairfield Place - Richard LeClaire (RL) Jr. and Robert B. Ramdei (RR): **SK** They started digging, I told them they have to install the silt fence. **DK** I spoke to Rich about the antitracking pad, and he said no vehicles are going in and out, I said I understand that, but this needs to be corrected.
- d. Permit A-2019-315, SW-2019-017; A-2019-315-A1, SW-2019-017-A1: Hopp Brook Developers. **DK** We just spoke about this – do you want to assign a committee to overlook it? **SK** We will review it, have the town engineer review it then send our comments. (Reference item 5b)
- e. Permit A-2019-316, SW-2019-018: Shawn Classey, 363 & 375 Burton Rd: **DK** No activity.
- f. Permit A-2021-325 & SW2021-026: 251-253 South Main Street/James Martin (JM): **SK** We had some serious rain, there was water, we called him, and he went up there, it was coming out of his driveway but a bunch was the people above him had a ditch too, he went up there and cleaned it out.
- g. Permit A-2021-326 & SW2021-027: 343 Lopus Road, TriTech Americas LLC-Solar Tri-Tech: **SK** We have a concern with Photo #3 in their report. The pipe is exposed and not like it should be.
- h. Permit A-2022-333 SW-2022-332: 30 Lorraine Drive/Charles Edwards Estate: **DK** No activity.
- i. Permit A-2022-334 SW-2022-335:26 Westview/BF Edge LLC 26 Westview: **DK** No report.
- j. Permit A-2022-336 SW-2022-335: 7 Rimmon Hill/LanKolga LLC: **SK** No activity.
- k. 35-37-39 Avenue D: **DK** No activity.
- l. Permit SW-2023-337: Region 16, Football field and surrounding area: **DB** They aren't doing anything until March 18th but now with the snow it may be longer, and they have some extras on drainage – they found a bunch of drains on the field that were covered. They're going to cover them with turf and mark them in a drawing in case we need to ever clean them out and they're going to camera them and clean it out. **DK** They need to do an as built and leave it clearly marked. **DB** They also tested the water in Carrington Pond, but I don't have the results yet.



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- m. Detention/Retention Pond Maintenance: **DK** We are working on that.
 - n. Review of IWWC Regulations, Ordinances, Fee Structure; Conditions of Approval & Inspection: **SK** All set.
 - o. 14 Lorraine Dr., Filling, and regarding backyard: **DK** No activity. Put off because of the weather.
 - p. 412 Blackberry Hill Rd. – David Rempt: **DK** No progress this month.
- 7. Wetlands Enforcement Officer's Report:**
SK No update – David gave us his report throughout the meeting.
- 8. New Business**
DK No new applications or new business.
- 9. Correspondence / Payment of Bills:**
Republican American for \$111.36 - **SK** Signed.
- 10. Petitions from Commissioners:**
SK A couple weeks ago a pond breached and went across a driveway so Brian, myself, and the owner went from Haley Ridge down to Uniroyal and in-between we found a manhole that had rocks and sticks and debris in it so they cleaned it out and said next time we have a storm we'll see how it works.
- 11. Adjournment**
A motion was made to adjourn the meeting at 8:21 PM. **SK/DB**, all ayes.

See attachment regarding Hawks View (Item 5a)

Respectfully submitted,

Nicole Pastor
Clerk, IWWC

Adopted Findings and Conditions/Stipulations

REGARDING HAWKS VIEW RESUBDIVISION

Wetlands Application A-2023-377 & Storm Water Management Application SW 2023-33

February 14, 2024

The Beacon Falls Inland Wetlands and Watercourses Commission, acting as the storm water management agency of the Town of Beacon Falls and as the inland wetlands agency of the Town of Beacon Falls has received and reviewed the 2023 Wetlands Application and the Storm Water Management Application regarding the proposed Hawks View Resubdivision at the end of Haley Ridge Road.

The applications for the **Hawks View Resubdivision** contain an extension of Haley Ridge Road, 12 building lots and a 23 acre other parcel that will not be developed at this time. The applications also include extensive drainage plans to accommodate the increase of surface and subsurface water flow due to the proposed development and to protect the downhill neighboring properties.

A Public Hearing regarding the applications was conducted on January 10, 2024 and continued on, and concluded on, January 24, 2024..

The Beacon Falls Inland Wetlands and Watercourse Commission members, as well as the Commission Staff including the Town’s Engineer and the Administrative/Enforcement Officer, have reviewed the application materials and the Commission concludes that such activities are in compliance with the Regulations, and there are no feasible and prudent alternatives that would better protect the wetlands and watercourses, and the proposed activities shall have a minimal impact on the wetlands and watercourses providing that the plans are implemented as presented and subject to the following conditions and stipulations:

1. Construction shall be in accordance with the report and plans submitted to and reviewed by the Commission as follows:

Site Stormwater Management Plan Hawk’s View Subdivision (A.K.A. Tiverton Subdivision Phase 2) Haley Ridge Road Beacon Falls, Connecticut dated November 3, 2014 and Revised February 19, 2018 and Revised December 12, 2023 prepared by John Paul Garcia, PE,LS. and Luke Sofair, EIT of John Paul Garcia and Associates, PC

Drawings and Plans prepared by JPGA John Paul Garcia & Associates regarding Hawks View Beacon Falls, Connecticut

	<u>No. of Sheet</u>	<u>Description</u>	<u>Date Issued</u>	<u>Last Rev.</u>
a.		Hawks View Beacon Falls, Connecticut Cover Page and Drawing Index	No date	
b.	C-1	Existing Conditions Map	9/12/23	12/12/23

c.	C-2	ReSubdivision Plan Scale – 1"=100'	9-10-23	1/12/24
d.	C-3	Site Development Plan Scale - 1"= 50'	8-15-15	2/2/24
e.	C-4	Site Development Plan Scale - 1"= 100'	7-27-15	2/9/24
f.	C-5	Site Development Plan Scale - 1"= 100'	7-27-15	2/9/24
g.	C-6	Erosion & Sediment Control Plan Scale 1"= 50'	9-10-2023	2/9/24
	C-8	Typical Details Scale 1"= 50'	9-10-2023	12/12/23
	C-9	Typical Details Scale 1"= 50'	9-10-2023	12/12/23

An electronic version of the above drawings/prints in a format approved, and as revised and approved by this Commission and subsequently by other Boards and /or Commissions shall be provided to the IWW Commission & Town Clerk prior to commencement of any work activity.

2. This permit is not transferable without prior, written consent of the Beacon Falls Inland Wetlands and Watercourse Commission. If transfer is approved by the Commission, the terms and conditions of this permit shall bind all successors, heirs and/or assigns of the Applicant.
3. This permit is being authorized for a period of five (5) years and shall expire on February 14, 2029. It is understood that the project may take longer to complete, depending on market conditions. If the project is proceeding in accordance with the approved plans and applicable stipulations and conditions; and problems, difficulties and unforeseen circumstances have been promptly corrected and addressed by the Applicant, then the Commission may extend the permit in increments of one (1) year to a maximum total of five (5) additional years.
4. Any requested or desired revisions to the approved documents listed above, or field modifications to the work being implemented on the site, shall be submitted in writing to the Town Engineer, the Commission's Administrative Enforcement Officer, and the Chairperson of the Beacon Falls Inland Wetlands and Watercourses Commission. The decision as to whether a change is minor will be made by the Chairman. The decision as to whether to approve proposed minor revisions or to deny proposed revisions as substantial in nature shall be at the discretion of that Commissioner. Changes which are deemed by the Chairman to be substantial in nature, will require submission by the applicant/permittee to, and review by, the entire Commission in accordance with the Inland Wetland and Watercourse Regulations of the Town of Beacon Falls. Any increase in the extent of regrading, development, disturbance, or impacts within or to the wetlands or watercourses, or in the regulated areas around the wetlands or watercourses, i.e., the one hundred (100) feet setbacks, will automatically require prior submission to and review by the entire Commission in accordance with the Inland Wetland and Watercourse

Regulations of the Town of Beacon Falls. Any changes to the Storm Water management system, including but not limited to the pipes, swales and detention basins, and or changes to the grading of the land and/or changes to the vegetative cover of the land that direct water into the drainage system, will require prior submission to and review and action by the entire Commission in accordance with the Storm Water Management Regulations and/or the Inland Wetland and Watercourse Regulations of the Town of Beacon Falls.

5. There is no proposed activity in or close to the wetlands on the site. The wetlands on the site are on the 23 acre parcel which is not to be developed at this time. Thus, there is no need to designate these wetlands with markers at this time.
6. There is no Open Space proposed as part of this subdivision.
7. The current proposed development plan includes a detailed storm water management plan to deal with surface and ground water that could impact the building lots and the applicant's proposed extension of Haley ridge Road. For example, plunge pools and wide swale on Lots 1, 2 and 3 are proposed to intercept water flowing toward the building lots on the east side of Fairfield Place. (Details of the plunge pools need to be provided.) The swale will also carry storm water collected from the extension of Haley Ridge Road and Lots 7, 8, 9, 10, 11 and 12. The swale was originally approved as part of the Tiverton Subdivision and would be 3 feet wide at the bottom, 1 foot deep and 7 feet wide at the top. It has been roughed in. The revised design is that it will be 3 feet wide at the bottom, 2 feet deep and 11 feet wide at the top. It will need to be reconstructed in order to comply with the new design. Water in that swale is directed toward the detention basin on Lot 8 in the Tiverton Subdivision on Fairfield Place. The amount of storm water from the proposed extension of Haley Ridge Road to be directed to the detention basin in Lot 8 is only a portion of storm water from the private property. The pipes and catch basins in the street will become public, and when they do, the responsibility for their maintenance shall be with the Town. In accordance with the applicant's design of the drainage system, the Town shall have a right to drain the water from the extension of Haley Ridge Road into the private properties (Lots 1 and 3). The majority of the storm water management system, including but not limited to, the plunge pools, Rain Garden, swales, detention basin, emergency overflow spillway, outlet pipes, etc, are designed and intended to protect those private properties and are located on private property. Therefore, the maintenance of the drainage system facilities on the private properties is the responsibility of each of the private property owners, not the Town.
8. Lots 4, 5 and 6 on the west side of the proposed extension of Haley Ridge Road are downslope from the street. Those proposed lots are uphill from several existing, developed house lots which front on Fairfield Place. In order to avoid impacting the adjacent properties on Fairfield Place, the proposed Lots 4, 5 and 6 will each contain a specially designed drainage system that will intercept, collect, percolate and allow for the

managed conveyance of the storm water. Each property will need considerable filling and regrading to accommodate the storm water management system, driveway, yard space and the house construction. Even with the regrading, each house lot will have a limited flat back yard and each owner will need to maintain the grading and storm water management system because their property, and other properties will be dependent on the proper maintenance and functioning of the drainage system. Prior to the issuance of any Wetlands and/or Building Permit for construction on Lots 4, 5 or 6, the owner shall submit to, and obtain approval from, the IWWC, a detailed site plan showing all existing and proposed grades, structures, sediment and erosion control measures, drainage systems, maintenance schedule, and other factors necessary to properly implement development of the site and the proper protection of the downslope neighboring properties.

9. In order to adequately protect the downslope neighbors, it is imperative that the storm drainage system on the downslope side of each of the proposed lots 1 – 6 must be installed and functional before the trees are cut for the proposed driveway, foundation/house construction, filling or regrading of the property. Even if the drainage system is not totally completed, the applicant's engineer must certify to the IWWC in writing that the drainage system in that area has been properly installed and will suitably function to protect the downslope neighbor(s), before any construction permit (such as a foundation permit or a house construction permit) is issued for the lot. The deed restrictions for each property (lot) must make it clear that the owner of the property has the responsibility to maintain the approved drainage system and grades as shown on the approved plans. All of the note(s) on all of the maps and plans indicating an easement to the Town to maintain the drainage system on private property must indicate that the primary responsibility for the maintenance rests with the private property owner and that the Town will only do maintenance in emergency situations or when the private owner has failed to do the appropriate maintenance.
10. The **Record Subdivision Map** shall contain a note to the effect that site development grading and drainage and construction on each and every lot shall, because of their steep slopes, proposed interrelated storm drainage features, potential storm water impacts to downslope neighbors and concerns regarding storm drainage management and proper site development plan, be subject to development only in accordance with the approved plans. If changes or modifications are desired, submission of a detailed development plan to the Commission prior to the commencement of any work activity, will be needed for review and action by the Commission. No excavation, regrading or development activity of any sort shall take place on said Lots unless and until Commission approval of the development plan for each individual lot is obtained. The Commission will only approve the proposed activity or development of these parcels if the plans include but no limited to: appropriate grading, soil retention, soil stabilization, reasonable access, sufficient accommodation of storm drainage and other measures to provide sediment and erosion

controls which will be properly installed and maintained to protect the neighbors and important natural features of the sites.

- 11. A sediment and erosion control performance bond** secured by a line of credit and/or cash in the amount of Twenty Five Thousand dollars (**\$25,000**) must be submitted to the Inland Wetlands and Watercourse Commission as the responsible Agency for sediment and erosion controls and Storm Water Management, prior to any disturbance or excavation work-taking place in connection with this project. This is to assure that the developer properly installs and maintains the sediment and erosion controls. It is separate and distinct from the detention basins bond. The line of credit and/or cash shall be in a form that is immediately accessible to the Town upon the failure of the developer to properly install the storm water management features or to maintain appropriate and necessary sediment and erosion controls. If the Commission is forced to use any or all of the line of credit and/or cash amount, the permit to the developer shall be suspended and may not be reactivated until after a hearing is conducted by the Commission and the full line of credit and/or cash amount is restored and the developer clearly demonstrates to the Commission's satisfaction that all sediment and erosion control measures can and will be properly maintained in the future.
- 12. A site inspection cash bond** in the amount of Five Thousand dollars (**\$5,000**) must be submitted to the Inland Wetlands and Watercourse Commission in case any special inspections or other project related work needed on behalf of the Town by persons that are not employees of the Town. This bond amount shall be held in an escrow account by the Town. At the completion of the development, any unused portion of the escrow account will be returned to the applicant or their assignee.
- 13.** Once the drainage structures are installed, the applicant/developer shall provide a complete set of AS-BUILT drawings and certifications from the design professional regarding the installed storm drainage facilities. Interim or partially complete AS-BUILT drawings may be required by the Commission or their staff as may be appropriate to the circumstances at the time.
- 14.** During the construction of the roads, water channels, drainage system and utilities, written reports from the Applicant shall be submitted to the Commission each month. The reports must be received at or prior to the regularly scheduled meeting on the second Wednesday of each month. The reports shall be detailed and shall review all work undertaken at the site including, but not limited to:

 - Types and amounts of materials moved on and/or removed from site;
 - Types of materials brought to the site;
 - Sources and content of material brought to the site;
 - Extent and locations of grading, filling, excavation and other changes to the site;

- Seeding, planting, transplanting and other efforts to create and/or restore vegetative cover;
- Sediment/erosion/siltation and other control measures used on site, how effectively those controls are functioning, and what controls can or will be installed within the next thirty (30) days to control activities and conditions at anticipated work areas;
- The Commission may require other information as appropriate and/or necessary.

15. The Applicant is responsible for obtaining any and all additional permits and approvals necessary to complete the project. The permit from the Beacon Falls Inland Wetlands and Watercourses Commission concerns only the work within and adjacent to regulated areas and the storm water detention system and sediment and erosion control plan necessary for the implementation of the project. The Commission advises the Applicant that approval must be obtained from other local departments and commissions and a from the Connecticut Department of Energy and Environmental Protection (DEEP) The Applicant shall provide to the Commission a copy of such permits or, written confirmation that such approvals are not necessary.

16. Prior to the filing of the Subdivision map, the Applicant shall submit documentation acceptable to the Commission to clearly set forth the responsibilities of the owner/s of each property (lot) with respect to the maintenance of the grades and storm water management system. This information shall include a detailed schedule of what work will be necessary during each season and each calendar year and how frequently it is anticipated that major repair and/or restoration and/or maintenance work must be undertaken. Said documentation shall be incorporated into each and every deed transferring title to said parcel and lots and shall be filed in the Land Records of the Town. A copy of the recorded documents shall be provided to the BFIWWC for the application file. Failure of the applicant to clearly represent and transfer the responsibility for maintenance of the site grades and the storm drainage system to the new owners of a property, shall mean that the applicant shall continue to be responsible for continuing maintenance. All of the note(s) on all of the maps and plans indicating an easement to the Town to maintain the drainage system on private property shall indicate that the primary responsibility for the maintenance rests with the private property owner and that the Town will only do maintenance in emergency situations or when the private owner has failed to do the appropriate maintenance.

17. To assure that the owner/s of said lots are obligated to maintain the storm water system, including but not limited, the raingarden, swales and detention basin, the Applicant shall give an **easement to the Town** for said lots, noted on the recorded subdivision map, **for emergency access** to the storm water detention basin and storm water management system. If the owner/s of said lots fails to take necessary actions to maintain and repair

the system, the Town has the option to perform such maintenance work and will charge the costs of such work to the owner/s of said lots. If the owner/s of said lots fails to reimburse the Town for necessary expenses involved in the maintenance of the storm water detention area or storm water basin; the Town may place a lien on the property in accordance with state Statutes. This condition of approval shall be shown on the **Recorded Subdivision** map, and **on the deed** transferring title to said lots. All of the note(s) on all of the maps and plans indicating an easement to the Town to maintain the drainage system on private property shall be amended to indicate that the primary responsibility for the maintenance rests with the private property owner and that the Town will only do maintenance in emergency situations or when the private owner has failed to do the appropriate maintenance.

18. The long term maintenance of the storm water management system is an integral part of the decision to approve this subdivision application. If any other agency, Board, Commission or authority of the Town of Beacon Falls makes any decision that: makes the Town the responsible party for the primary maintenance of any portion(s) of the drainage system or storm water management system that is on private property; or appears to make the Town responsible for such maintenance in any situation other than an emergency or when the private property owner has failed to perform such primary maintenance, - that decision does not supersede or overrule this decision of the BFIWWC unless and until that other Town agency, Board, Commission or authority comes before the BFIWWC and convinces the Commission to amend this approval.
19. The Applicant shall verbally notify the Town Engineer and also shall notify the Wetland Enforcement Officer and or Chairperson in writing no less than ten (10) days prior to the commencement of construction and/or excavation and/or other disturbance activities at the site. The Staff will inspect the erosion controls to make sure that they are sufficient and as per plan. All sediment and erosion control measures should be maintained until all disturbed areas are stabilized and re-vegetated.
20. To deal with the on-site conditions and to prevent degradation of/and negative impact to wetlands and/or watercourses, the Applicant shall use sediment/erosion controls and environmental protection measures shown on the plans, in the application, and per the Standards as set forth in "2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control" handbook. The Applicant shall also use any additional controls and/or measures as may be required by the BF IWWC Enforcement Officer, the Town Engineer or other appointee of the Commission.
21. Extra sediment/erosion controls (fencing, stone, etc.) shall be stored on site and in immediately accessible areas to deal with unforeseen circumstances and emergencies.
22. During inclement weather and at the end of each day, or when work is discontinued for any other reason, the site must be secured and safe. All necessary and appropriate

sediment and erosion controls are to be in place and functional at the end of each day. Adequate precautions and safeguards shall be undertaken by the Applicant whenever heavy rains or high water flow are predicted. These precautions and safeguards include, but are not limited to;

- a. Securing and reinforcing all sediment/erosion/siltation control measures;
- b. Properly protecting or removing from harms way any stock piled material that may erode;
- c. Removing machinery from low areas subject to flooding; and
- d. Any other measures as may be necessary.

End

Beacon Falls Inland Wetlands and Watercourses Commission
Adoption of regulations as part of new Town Code

§ 1. Acceptance of renumbering of regulations.

The Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls, effective January 18, 2012, as renumbered and codified as Chapter 356 of the Code of the Town of Beacon Falls in the form attached hereto and made a part hereof, are hereby approved.

§ 2. Continuation of existing provisions.

The provisions of Chapter 356, insofar as they are substantively the same as those of regulations in force immediately prior to this enactment, are intended as a continuation of such regulations and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior regulation. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Inland Wetlands and Watercourses Commission.

§ 3. Changes in previously adopted regulations.

The following changes, amendments or revisions are made herewith, to become effective upon the effective date of this enactment. (Chapter and section number references are to the regulations as they have been renumbered and appear in the Code.)

- A. Throughout this chapter, references to the "Department of Environmental Protection" are amended to read "Department of Energy and Environmental Protection."
- B. Section 356-7.6M is amended to change "Department of Environmental (DEP)" to "Department of Energy and Environmental Protection (DEEP)."
- C. Section 356-21.2 is amended to add the following after the table: "1. Destroy records only after receiving the signed approval form (RC-75) from the office of Public Records Administrator."