



**Town of Beacon Falls
Inland Wetlands and Watercourses Commission
Special Meeting Minutes- March 24, 2023
10 Maple Ave Beacon Falls, CT 06403**

(Subject to Revision)

1. Call to Order/Pledge to the Flag:

Chairman Stephen Knapik called the meeting to order at 6:00 P.M.

Members Present: Stephen Knapik (**SK**), Douglas Bousquet (**DB**); Michael Pratt (**MP**), John Smith (**JS**), Brian Swan (**BS**)

Others Present: Wetlands Enforcement Officer David Keating (**DK**) Members of the public included: Sean Flynn Executor of the Charles Edwards Estate (**SF**), 3 other members of the public.

- 2.** Transfer Approval Permit A-2018-314, SW-2018-014: Charles Edwards, Tiverton II, Fairfield Place to prospective buyer: **SK** The process is part of the original condition of approval of the permits, that if there was a transfer of the permit, it needs to come before the board. Having said that opening to the board. **JS** take a couple minutes to review the transfer request. My only comment would be is that we are transferring the original permit that was given to Edwards Construction, to the new buyer, it doesn't mean we are approving any conditions or anything on the site that may be questionable. The buyer is aware of that? **SK** Yes, it's just the transfer. **DK** I think we should get some clarification about the performance bond. The sediment and erosion control bond the surety should have been cash or line of credit, instead Charlie submitted a bond from an indemnity company, which is more difficult for the town to access. I'm not sure what has been done recently to extend that surety, maybe Mr. Flynn can give us an update. **SK** He will, before I turn it over to Sean. This bond has been in effect for 5 years we haven't had a problem with it, if its renewed and that, I don't have a problem with it, as is. **SF** The bond has been renewed there is two bonds on the property. One for \$179K and the other for \$23K those have been both renewed under the surety bond company out of Maine. So everything is up to date, not sure the applicant if the applicant still has to apply for their own bond, because of their historical construction knowledge that is what a bond is based off upon and their current license. The bonds will have to overlap from what I understand. I talked to the surety bond company they said they will transfer the bond without issue upon the sale. I don't think there will be an issue, the property is under bond, technically the bond should have been called after the conveyance of the property to John Paul, but the bond legally should've been called. The town had written an opinion letter under their attorney that said it was up to the town's discretion. Our attorney said no that's not true, essentially, it's law that had to be pulled. We didn't fight it, the bond doesn't need to be pulled at this point, it's being transferred to someone else. It's a win-win for the town at this point, because if they pulled the bond there would probably be a large difference between the cost of that road depending upon, highly beneficial to transfer this for everyone at this point. **JS** There is going to be an overlap of bonds? **SK** Which is what we want **JS** But the condition of the bond from the bond that Charlie has now to the type of bond that we are going to want from the new applicant is going to be different, maybe not the amount, but we are looking for line of credit or cash. Correct? **DK** That is what the permit requires. **JS** Right, Charlie's is in a bonding company, I was hoping the applicant would be



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here, so they know that the type of bond that we are going to request, the matter to which its placed might be different, than what Charlie has right now. Am I saying that correctly? **SF** Wouldn't that be changing the conditions of the subdivision? We are here today for the transfer permit on the original approval basis. If there are other issues **JS** Sean, Charlie's bond doesn't get released until we say it can be released, even though he is not the property owner of the piece anymore his bond is in place. We are the ones to say it's okay to release the bond. It's not because he doesn't own the property anymore, he is still liable for the piece. The bonding company wont say "oh he doesn't own it anymore, we will release the bond" it has to be released by the town, correct? **SK** Correct, yes. **JS** It just doesn't get released, so I know there will be an overlap, but the conditions of the bond not the amount, that the commission will ask may be different. The bond will either be a line of credit or cash because the town wants those because they are easier to access than going to an insurance company and waiting for legal remedies to figure out who's going to recover the money and from where/whom. I just wanted the new applicant to know that. **SK** Original bond is still place and we know the bond will overlap.

Motion to approve the Charles Edwards, Tiverton II, Fairfield Place request to transfer the following Wetlands permit A-2018-314 and Stormwater management permit SW-2018-014 with all conditions from April 11, 2018, approval and March 8, 2023, extension, to the new purchaser Richard LeClaire Jr. and Robert B. Ramdei. Motion made by JS/DB. All ayes. Motion carried.

3. Adjournment:

Motion to adjourn the special meeting at 6:07pm. Motion made by DB/MP. All ayes. Motion carried. Special meeting adjourned at 6:07pm.

Respectfully Submitted,

Leah Rajvong
Clerk, Inland Wetlands and Watercourses Commission