

**Beacon Falls Inland Wetlands & Watercourses Commission  
10 Maple Avenue  
Beacon Falls, CT 06403**



**BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION  
Monthly Meeting  
March 14, 2018  
REVISED MINUTES  
(Subject to Revision)**

**1. Call to Order / Pledge of Allegiance**

Chairman John Smith called the meeting to order at 7:30P.M.

Members Present: John Smith, Stephen Knapik, Doug Bousquet, Michael Opuszynski, Walter Opuszynski, and Arlene Brumer (left at 8:30)

Others Present: Dave Keating, Jim Galligan (arrived at 7:51), Charlie Edwards, Liz Edwards, John Paul Garcia, and Dino Verrelli

**2. Comments from the Public**

J Smith asked if there were any comments from the public. Dino Verrelli, 33 Kaleigh's Way, was present since he had some questions regarding the Cease & Desist on the property located at 113-119 South Main Street and owned by Mario Trepca. S. Knapik corrected that the Cease & Desist is on the property located at 93 South Main Street, the Cease & Desist at 113-119 South Main Street was completed. D. Verrelli asked who is responsible for the wall if it caves in and J. Smith indicated that it is M. Trepca's responsibility. D. Verrelli noted that there is fill coming down behind the barber shop. After a brief discussion, J. Smith indicated that someone will take a look at the property.

**a. Public Petitions**

There were no Public Petitions presented to the Commission at this time.

### **3. New Applications**

J. Smith indicated that the Commission will discuss the application by Charlie Edwards once Jim Galligan arrives.

### **4. Approval of Minutes from Previous Meetings**

Motion to approve the meeting minutes from February 14, 2018 as submitted: **Bousquet/M. Opuszynski**; discussion by S. Knapik who had a question on the fee based on activity and asked for the meaning of activity. D. Keating explained that the fee will be assessed based on the amount of activity in the Wetland and in the regulated area around the Wetlands. D. Keating noted that the fee would be very large just for the application since C. Edwards would be eliminating Wetlands. The Commission had agreed to reducing the fee based on the out-of-pocket expenses that the town will incur based on the new application; ayes by J. Smith, S. Knapik, D. Bousquet, W. Opuszynski, and M. Opuszynski; and abstention by A. Brumer since she was not at last month's meeting.

### **5. Correspondence**

J. Smith indicated a copy of the Wildlife magazine was received as well as a letter from Rich Minnick.

### **6. Show Cause Hearings & Considerations of Public Hearings**

There are no Show Cause Hearings and Considerations at this time.

### **7. Administrative Report**

#### **a. Wetlands Enforcement Officer**

##### **1. Cease & Desist Order Issued – 93 South Main Street/Mario Trepca**

J. Smith noted that Commission is looking for the pictures and report on 93 South Main Street.

### **8. Applications - Old Business**

A report was received from EG Homes and distributed to the Members.

S. Knapik asked about Jenny Lane Two and J. Smith indicated that this is a dead issue. J. Smith asked to have this removed from Old Business for next month's agenda.

M. Opuszynski asked if there were any open items on Green Beacon Falls and J. Smith indicated that this agenda item is complete as far as this Commission is concerned. J. Smith asked to have this removed from Old Business for next month's agenda.

W. Opuszynski asked about Mark Tice and J. Smith noted that the bank was asking for more information for the release of his bond. J. Smith asked M. Tice to have the bank contact him and will help in what the bank is looking for. J. Smith asked to have this removed from Old Business for next month's agenda since the bond was released by the bank and all the lots have been sold. J. Smith noted that the property owner should be notified to confirm their responsibility in maintaining the detention pond located on their property.

## **9. Old Business**

There was no old business discussed at tonight's meeting.

## **10. New Business**

There was no new business discussed at tonight's meeting.

## **11. Budget**

### **1. Report of Accounts**

A copy of the Report of Account was received and reviewed by the Commission for tonight's meeting.

### **2. Payment of Bills**

#### **a. Invoice from the Commission's Clerk**

There was an invoice from the Commission's clerk submitted for the February 14, 2018 meeting totaling \$68.75.

#### **b. Other Invoices**

There was an invoice from Dave Keating submitted for \$226.88.

Motion to pay the two invoices as submitted for tonight's meeting for a grand total of \$316.49: Knapik/W. Opuszynski; no discussion; all ayes.

### **3. State of Connecticut Fees**

D. Keating indicated that the fees are all up-to-date.

### **12. Petitions from Commissioners**

#### **a. Conservation Commission Report from Michael Opuszynski**

M. Opuszynski indicated that there was no meeting held.

#### **b. Community Media Center Building Committee Report from Arlene Brumer**

Arlene Brumer indicated that she was not at the last meeting and did not have anything to report.

### **13. New Applications**

J. Smith indicated that he is stepping off the Board for the discussion of Charlie Edwards and Tiverton II. Since there were no other agenda items to be discussed, J. Smith left for the evening and S. Knapik chaired the remaining discussions of tonight's meeting.

S. Knapik noted that last month, an application was received by Charlie Edwards and was processed but wanted to confirm that it was complete. Jim Galligan indicated that it is completed as far as he is concerned. D. Keating confirmed that the maps and plans were received, Engineering calculations and drainage reports were supposed to be submitted to J. Galligan and J. Galligan confirmed that those were received.

S. Knapik indicated that the Commission will need to discuss if a Public Hearing will need to be held. S. Knapik noted that one was already held for the subdivision and the drainage was approved, as well as the detention pond. S. Knapik also noted that the storm water management is a concern. J. Galligan indicated that there is no change to the Wetland impact from the previous proposal to the new proposal. W. Opuszynski asked if they are in the same location and J. Galligan indicated that they are. J. Galligan indicated that there is more impervious surface, as well as a change in the drainage plan which shows more groundwater infiltration trenches. J. Galligan also indicated that the concerns that M. Opuszynski had regarding the MS4 requirements was explained to John Paul Garcia and should be addressed tonight.

John Paul Garcia is representing C. Edwards regarding approximately 53 acres located at the end of Fairfield Place. J. Garcia indicated that 2 sets of drawings/plans were submitted to J. Galligan with the drainage study, and 2 sets were submitted to the Town. J. Garcia clarified that the impervious surface on the existing town road will be reduced by about 50% by removing approximately 2,400 sq. ft. of the road and continue the road as a town road. A sketch was submitted by J. Garcia showing this proposed plan.

After a brief explanation, J. Garcia indicated that there are a series of infiltration swales along the base. The drainage coming off Fairfield Place will be improved by having it picked up and sent down to a spreader and discharged. J. Garcia noted that before it was an uncontrolled discharge from a pipe at the end of a catch basin. There are also a series of infiltration trenches that pick up the drainage from below, or to the north of Fairfield Place and Fairfield Place Extension, and allows the water to infiltrate during periods of low flows. During periods of high flow, it gets carried into the drainage system and discharged.

The drainage from the houses will be picked up through a series of structures that will be placed at the base of driveways, carried around the end of the road, into an underdrain system, then taken and dumped into the detention pond.

After a brief discussion, M. Opuszynski asked for clarification that the town should not have to maintain the detention pond and that it will be the property owner's responsibility. J. Garcia indicated that he thinks it will be maintained by the town since the drainage is from the town road. J. Garcia noted that the town will be responsible for the pumping out of the catch basin, check the infiltration basins, and check the manholes. J. Garcia also noted that it has been designed with very little maintenance required.

W. Opuszynski noted that he has a concern with the upland construction in the future. J. Garcia indicated that will have to be part of the applicant's control and a sediment bond may need to be posted. W. Opuszynski indicated that he would like to see some language for that. J. Garcia indicated that the applicant will need to come back in front of the Commission and it could be a condition of the approval. J. Garcia noted that a bond could be requested by either Planning & Zoning or Inland Wetlands as a condition of approval. M. Opuszynski asked when the detention pond was approved previously, was the decision to have the detention pond as a town owned pond and S. Knapik indicated that he thought it was but it is not on the list. M. Opuszynski noted that the responsibility of the detention pond needs to be verified.

After a brief discussion, S. Knapik asked for a motion regarding a Public Hearing.

Motion that a Public Hearing is not needed based on the information provided for the Tiverton II property located on Fairfield Place, owned by Charlie Edwards: Bousquet/Brumer; no discussion; all ayes.

M. Opuszynski asked for the reason behind not following the normal fee structure on the Tiverton II proposal. S. Knapik indicated that the fee has already been paid by the applicant for the previous permit which was not implemented. D. Keating provided an estimate of expenses that could be incurred for reviewing the new proposal of Tiverton II. The estimated expenses if no Public Hearing is held would be \$1,100 and if a Public Hearing was held, an additional \$500 for each hearing date would be estimated. The additional cost for the Public Hearing is based on Legal Notices, recording of hearing, minutes, and copying of maps/documents. Any legal fees incurred would be in addition to these costs.

J. Galligan asked for a clarification on the number of acres for Tiverton II – earlier it was indicated that there are 53 acres, but the documents indicate 51 acres. J. Garcia indicated that the application is only for 14 acres, which is Phase I. J. Galligan asked for the details on the infiltration swales. J. Garcia indicated that the information is on Sheet C7 and Sheet C9 – showing that the swales are stone-filled bottoms, approximately 1' thick, surrounded by filter fabric, approximately 2' to 4' wide. J. Garcia noted that there will be a series of trench drains across the base of the driveways to collect the stormwater coming off the houses, so it doesn't flow into the street.

W. Opuszynski asked who will be responsible for the maintenance of the swales. J. Garcia indicated that the swales will be maintained by the home owners and would add the language in the deeds. D. Keating noted that not only will a maintenance agreement will be needed, but an drainage easement for Lots 1, 2, 3, and 4 will be needed as well.

D. Keating asked about the backyards of Lots 1, 2, 3, and 4. J. Garcia indicated that there will be about 15' before sloping down. J. Garcia noted that the lots are not designed for the homeowners to have an inground pool or basketball court. D. Keating noted that homeowners may try to do it and ruin the drainage system. D. Keating asked for the amount of water that will be going into the detention basin that will be coming from the paved portion of the street, how much from the swale on the bottom of the drawing, how much from the swale on the top for drawing, how much is coming from the private properties vs. the actual road surface. J. Garcia indicated approximately 25% to 30% will be from the road surface.

M. Opuszynski asked if there is a possibility in getting an alternate plan to the drawings/plans based on the Commission's concerns on the design of the lots and the maintenance of the swales. After a brief discussion, J. Galligan indicated that he understands the concerns that D. Keating and the Commission has but the plans as presented works from an engineering standpoint. J. Garcia also noted that the plans fit the lots that it was designed for. J. Galligan wanted to clarify that the Commission has a concern of the use of the backyard space by the homeowners so there will be little impact to the water drainage system in their backyard. J. Garcia indicated that he will sit down with his client to discuss the Commission's concerns.

After a brief discussion, C. Edwards indicated that he will add language in the deed restrictions to maintain the on-site drainage and prevent future regrading on all the lots, have it read at the closings, and signed by the buyers.

D. Keating noted that there are 2 issues – one is the fee and the other is the continuation of the discussion next month or take action tonight. After a brief discussion, the Members agreed to have their concerns brought to the Planning & Zoning Commission for their Public Hearing. The Members decided to move forward with a motion.

Motion to assign the application from C. Edwards regarding Tiverton II Application No. A-2018-314 and Application No. SW-2018-014: **Bousquet/M. Opuszynski**;no discussion; all ayes.

Motion that the Commission has a favorable position with the application from C. Edwards regarding Tiverton II and developing conditions of approval, and to have D. Keating relay the Commission's position to Planning & Zoning: **Bousquet/M. Opuszynski**;no discussion; all ayes.

Motion to set the fee amount of \$1,100 for Application A-2018-314 and Application SW-2018-014: Bousquet/M. Opuszynski;no discussion; all ayes.

**14. Adjournment**

With no further business to discuss at tonight's meeting, S. Knapik asked for a motion to adjourn.

Motion to adjourn meeting at 9:19 P.M.: M. Opuszynski/Bousquet; no discussion; all ayes.

**The next Inland Wetland and Watercourses monthly meeting will be held on Wednesday, April 11, 2018, starting at 7:30 P.M.**

Respectfully submitted,

Marla Scirpo  
Clerk, Inland Wetlands & Watercourses Commission