

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



BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
April 11, 2018
MINUTES
(Subject to Revision)

1. Call to Order / Pledge of Allegiance

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

Members Present: John Smith, Stephen Knapik, Doug Bousquet, Michael Opuszynski, and Arlene Brumer

Not Present: Walter Opuszynski

Others Present: Dave Keating, Jim Galligan (arrived at 7:57)

2. Comments from the Public

J. Smith asked if there were any comments from the public and there were none at this time.

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 March 14, 2018 as submitted:

Knapik/Bousquet; discussion by D. Keating who had a few clarifications – on Pg. 5, 2nd paragraph – add he thinks after J. Garcia indicated that ; Pg. 5, 3rd paragraph – add he thought after as a town owned pond and S. Knapik indicated that; Pg. 5, last paragraph – add for the previous permit which was not implemented after the fee has already been paid by the applicant; Pg. 6, 5th paragraph – change can to will after C. Edwards indicated that he; and Pg. 6, 5th paragraph – add to maintain the on-site drainage and prevent future regrading after language in the deed restrictions.

Motion to approve the meeting minutes with the corrections as noted by Dave Keating from March 14, 2018: **Bousquet/M. Opuszynski**; no further discussion; ayes by S. Knapik, D. Bousquet, W. Opuszynski, and M. Opuszynski; and abstentions by J. Smith since he stepped off the Board during the discussion and from A. Brumer since she left early.

5. Correspondence

J. Smith indicated that there was no Correspondence received for tonight's meeting.

6. Show Cause Hearings & Considerations of Public Hearings

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

7. Administrative Report

a. Wetlands Enforcement Officer

D. Keating indicated that there is no major construction going out at this time.

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

J. Smith noted that Commission is still looking for the pictures and report on 93 South Main Street. M. Opuszynski indicated that he will do a search of the previous minutes.

8. Applications - Old Business

S. Knapik asked about Jim Weed and the cleaning of the pond. M. Opuszynski noted that there was some work on the pond but did not know if it was completely. S. Knapik indicated that he will drive by and take a look.

D. Bousquet noted that nothing has been done to repair the silt fencing and D. Keating will follow up on this issue.

9. 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 March 14, 2018 meeting totaling \$81.75.

b. Other Invoices

There was an invoice from Dave Keating submitted for \$340.22.

Motion to pay the two invoices as submitted for tonight's meeting for a grand total of \$421.97: M. Opuszynski/Knapik; no discussion; all ayes.

There was an invoice from Nafis & Young that was received but does not get voted on for payment by the Commission.

3. State of Connecticut Fees

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

10. Miscellaneous

J. Smith indicated that there was an email from Sadie Colcord, the EDC Consultant, looking for representative from the land boards and commissions to attend the next Land Use and Open Spaces meeting being held on Wednesday, April 25, 2018, starting at 7:30 PM in the Town Hall Assembly Room.

11. Petitions from Commissioners

a. Conservation Commission Report from Michael Opuszynski

M. Opuszynski indicated that money was added to the budget. On May 5th, the Commission will have a booth at the Lions Club's Duck Race. M. Opuszynski also indicated that the Family Day / Town Fireworks will be on Saturday, July 7, 2018.

b. Community Media Center Building Committee Report from Arlene Brumer

Arlene Brumer indicated that there was a site walk at the Seymour Community Center.

J. Smith asked for a motion to recess for 10 minutes since Jim Galligan indicated that he was on his way.

Motion to recess the meeting at 7:50 PM for 10 minutes: **M. Opuszynski/Knapik**; *no discussion*; all ayes.

The Commission came out of recess at 7:57 PM.

12. Applications – Old Business

In order to discuss Agenda Item o. Application A-2018-314, Charles Edwards, Tiverton II, Fairfield Place, and Application SW-2018-014, J. Smith stepped off the Board and S. Knapik is chairing the rest of the meeting.

S. Knapik indicated that a letter was sent to Planning & Zoning so C. Edwards could move forward with his application. D. Keating and J. Galligan drew up conditions of approval and the Members reviewed and discussed the recommendations.

I, Commissioner Doug Bousquet, this date April 11, 2018, make a motion to approve with conditions and stipulations, the applications for the Tiverton Subdivision, containing 14 building lots and two other large pieces of land, Parcels B and C, which are not proposed as building lots: **Bousquet/M. Opuszynski**; *discussion was by S. Knapik with a question on Pg. 2, No. 6 – is this an issue for the Fire Marshall/Planning & Zoning. After a brief discussion, the Members agreed to remove No. 6 from the conditions of approval. There was a question on the amount on Pg. 4, No. 13 and No. 14. After a brief discussion, No. 14 will be removed from the conditions of approval and the amount in No. 13 will be changed from \$90,000.00 to \$25,000.00. There was a question on the date on the last page, No. 27 – should the date be 04/11/2023. D. Keating indicated yes, the date should be corrected to 04/11/2023. There was a question on Pg. 2, No. 2 – was the check received and for what amount. The applicant paid \$1,100.00 on Check #302 and was paid on 04/11/2018 and this information will be corrected in the final draft of the conditions of approval. M. Opuszynski noted that as-builts will be needed, particularly in regards to the swales in the backyards. J. Galligan will have the following “the applicant shall provide as-builts of storm water management system including but not limited to the swales behind Lots 1-5, the swale on Parcel B, and the detention basin on Lot 8” added*; all ayes.

The complete copy of the Conditions of Approval is attached to the minutes.

13. Adjournment

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

Motion to adjourn meeting at 8:15 P.M.: **Brumer/Bousquet**; *no discussion*; all ayes.

The next Inland Wetland and Watercourses monthly meeting will be held on Wednesday, May 9, 2018, starting at 7:30 P.M.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission

MOTION REGARDING TIVERTON SUBDIVISION

A-2018-314 & SW 2018-014

APRIL 11, 2018

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 2018 Wetlands Application and the Storm Water Management Application regarding the proposed Tiverton Subdivision.

I, Commissioner Doug Bousquet, this date April 11, 2018, make a motion to approve with conditions and stipulations, the applications for the **Tiverton Subdivision**, containing 14 building lots and two other large pieces of land, Parcels B and C, which are not proposed as building lots. Proposed Lot 7 will be accessed from Burton Road. The other 13 building lots will be accessed from Fairfield Place.

Since the inland wetlands and sediment and erosion controls and storm water management aspects of this application were determined to be similar to a previous application that the Commission reviewed and approved in 2013(A-2013-303), the Commission decided not to conduct a public hearing regarding this application. The detailed aspects of the project and applications were thoroughly discussed at a public meeting on March 14, 2018.

The Beacon Falls Inland Wetlands and Watercourse Commission members, 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 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 plans submitted to and reviewed by the Commission as follows:

Plans Prepared by: John Paul Garcia and Associates and dated as indicated below.

Site Storm Water Management Plan Tiverton Subdivision Beacon Falls, Connecticut dated November 3, 2014 and Revised February 19, 2018 prepared by Bill Walters, PE, LS.

Soil Scientist Report Submitted to Commission by: Cynthia M. Rabinowitz, Soil Scientist; and Dated: October 18, 2000.

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

	No. of <u>Sheet</u>	Date <u>Description</u>	Last <u>Issued</u>	Rev.
a.	1	Cover Page and Drawing Index		
b.	C-1	Existing Conditions Map Scale – 1"=50'	11-3-14	
c.	C-2	Subdivision Plan Scale – 1"=100'	11-3-14	2-19-18
	C-2a	Subdivision Map Scale 1"= 50'	11-3-14	2-19-18
d.	C-3	Site Development Plan Scale - 1"= 50'	9-3-14	2-19-18

e.	C-4	Erosion & Sediment Control Plan Scale 1"= 50'	11-3-14	2-19-18
f.	C-5	Plan and Profile Hor.1"= 40'/Vert. 1"=4'	11-3-14	1-15-18
g.	C-6	Detention Basin Details 1"=50''	11-3-14	1-15-18
h.	C-7	Detention Basin Details 1"=50''	11-3-14	2-19-18
i.	C-8	Typical Details Scale 1"= 50'	11-3-14	none
j.	C-9	Typical Details Scale 1"= 50'	11-3-14	1-15-18
k.	C-10	Typical Details Scale 1"= 50'	1-3-14	none

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. Due to the large application fee paid for the previous application for the Tiverton Subdivision that was approve by this Commission but was never implemented, the Commission determined that the fair and reasonable application fee for this Wetlands application, A-2018-314 and Storm Water Management application, SW-2018-14 was \$ 1,100. That application fee was paid on April 11, 2018.
3. 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.
4. This permit is being authorized for a period of five (5) years and shall expire on April 11, 2023. 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) years.
5. Any requested or desired minor revisions to the approved documents listed above shall be submitted in writing to the Town Engineer, the Commission's Administrative Enforcement Officer, and the Vice-Chairperson of the Beacon Falls Inland Wetlands and Watercourses Commission. The decision as to whether a change is minor will be made by the Vice-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 Vice-Chairman to be substantial in nature, will require submission 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 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 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.

6. The **Record Subdivision Map** shall designate the wetlands and watercourses as well as the dimensioned one-hundred (100) foot regulated buffer. A note is to be added to the **Record Subdivision Map** indicating that no activity is to be conducted in the buffer area without a permit from the Inland Wetlands and Watercourses Commission.
7. All **Wetlands and Watercourse** areas shall be designated by markers provided by the Commission to the Applicant to be placed and secured to the appropriate tree or post prior to commencement of any work activity. The Applicant, will provide a **marked (latitude and longitude)** print and an electronic version of the print, indicating the location of the markers to the Town Clerk, the Inland Wetlands and Watercourses Commission.
8. Unlike the previous application, this version of the Tiverton Subdivision does not include Open Space.
9. 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 applicants proposed extension of Fairfield Place. For example, a Rain Garden and wide swale on Parcel B is proposed to intercept water flowing toward the building lots on the east side of Fairfield Place. Water in that swale is directed toward the detention basin on Lot 8. Additional storm water swales are still needed on all of the lots on the east side of Fairfield Place. Water from those lots is directed into the drainage system proposed in the extension of Fairfield Place and from there the water is directed into the detention basin in Lot 8. The amount of storm water from the proposed street to be directed to the detention basin in Lot 8 is far less than the amount 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. The vast majority of the storm water management system, including but not limited to, the Rain Garden, swales, detention basin, emergency overflow spillway, outlet pipe, etc, are designed and intended to protect those private properties and are located on private property. Therefore, the maintenance is the responsibility of the private property owners, not the Town.
10. Lots on the west side of the proposed extension of Fairfield Place are downslope from the street. Those proposed lots (# 1, 2, 3, 4, and 5) are uphill from an existing, developed house lot which fronts on Burton Road. In order to avoid impacting the adjacent property and the wetlands and watercourses near Burton Road, the five proposed lots will each contain a specially designed drainage swale(s) that will intercept, collect, percolate and allow for the managed conveyance of the storm water. Each property will need considerable filling and regrading and retaining walls to accommodate the storm water management design and the house construction. Even with the regrading, each house lot will have a very limited flat back yard and each owner will need to maintain the grading and storm water management swale because their property, and other properties will be dependent on the proper maintenance and functioning of the drainage system. During the discussion at the Commission meeting, Charles Edwards, the applicant/developer assured the Commission that deed restrictions would be included for each property to make it clear that the owners were responsible to maintain the approved 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 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.

11. 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 proximity to wetlands and watercourses, steep slopes, proposed interrelated storm drainage features, and/or natural and environmental features and because of concerns regarding storm drainage management and proper site development plan, be subject to development only in accordance with the approved plans, or if changes or modifications are desired, submission of a detailed development plan to the Commission prior to the commencement of any work activity. 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 not 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 important natural features of the sites.
12. A **sediment and erosion control performance bond** secured by 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.
13. Once the drainage structures are installed, the applicant/developer shall provide AS-BUILT drawings and certifications from the design professional regarding the installed storm drainage facilities, including but not limited to, the drainage swales on Parcel B, the storm water detention basin on Lot 8, the outflow pipes through Lots 5 and 6, and the drainage structures leading to the street, the new drainage structures in the street and the reverse slope benches on Lots 1, 2, 3, 4 and 5.
14. Approval of any future phases of development of this property, including Parcels B and C, shall include a Bond for improvement/repairs to the detention basin in this phase.
15. 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.

16. 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 water diversion or dam permit might be necessary from the CT Department of Energy and Environmental Protection. The Applicant shall provide to the Commission a copy of such permits or, written confirmation that such approvals are not necessary.

17. 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 Parcel B and of Building Lot 8 with respect to the maintenance of the storm water management system, including but not limited to, the rain garden and/or storm water detention basin on said property. Similar language is required for the drainage system and site grading work on all of the Building Lots because all of them have integral and interrelated and interdependent parts of the storm drainage 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 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. 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.

19. 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.
20. 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.
21. 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.
22. All field changes deviating from the approved plans must be submitted by the Applicant to the Town Engineer before any such changes are implemented. If the Town Engineer determines that the field changes are minor in nature, and will not permanently impact the wetlands, watercourses, the wetlands and watercourses set-back areas, other areas regulated by the Commission, or the storm detention system, then the Town Engineer may approve the proposed field changes. If the proposed field changes are substantial, as determined by the Town Engineer, or if they could result in permanent impacts to the wetlands, watercourses, setback areas or regulated areas, or if they involve the storm detention system, then the proposed field changes must be submitted to the entire Commission pursuant to Section 7.8 of the regulations of the Commission. Such modifications due to field conditions cannot be implemented unless and until approved by the Commission.

- 23.** No equipment or material, including without limitation, fill, construction materials, debris, or other items shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
- 24.** Extra sediment/erosion controls (fencing, stone, etc.) shall be stored on site and in immediately accessible areas to deal with unforeseen circumstances and emergencies.
- 25.** 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 harm's 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.
- 26.** This permit is being authorized for a period of five (5) years and shall expire on April 11, 2023. 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) years. pursuant to Section 22a – 42a (d) of the Connecticut General Statutes.
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