



Town of Beacon Falls
Planning and Zoning Commission
Public Hearing Minutes
January 18, 2024
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision)

Members Present: Michael Rupsis (**MR**), John-Paul Dorais (**JPD**), Michael Pratt (**MP**), Marc Bronn (**MB**), Jack Burns (**JB**), Jonathan Conte (**JC**), Steven Orloski (**SO**), William Fredericks (**WF**)

Members Absent: None

Others Present: Community Planner Molly Johnson (**MJ**), Town Planner Keith Rosenfeld, Luke Sofair with JohnPaul Garcia Engineering (**LS**) representing Hawks View Subdivision, JohnPaul Garcia Engineering (**JPG**) representing Hawks View Subdivision, 12 members of the public, 5 members of the public via TEAMS and 1 member of the media.

1. **Call to Order/Pledge to the Flag:**

MR called the meeting to order at 6:03 PM and led the assembled in the pledge of allegiance.

2. **Public Hearing regarding the proposed item below:**

- a. PZC-10102022-SD: Hawks View: Application for the proposed subdivision utilizing 19.3 acres to be divided into 12 building lots at the end of Haley Ridge Road – **LS** My name is Luke Sofair with JohnPaul Garcia representing Hawks View which is a proposed subdivision of 19.3 acres of an existing approx. 40-acre piece. This is Phase II of the Tiverton Subdivision, so Tiverton is to the West. The property, as its existing, slopes down on a high point down Fairfield Place. The intent is to extend Haley Ridge Road by approximately 800 feet into a new cul-de-sac, on that we will build 12 building lots, each lot is 1 acre or larger. As part of the subdivision, we have an extensive Stormwater Management Plan that has been prepared in ordinance with the State Stormwater Manual which has been reviewed by the Town Engineer and the Town Wetlands Enforcement Officer with no adverse commentary. Of the lots, the vast majority are frontage lots around 1 acre, the rear lots are substantially larger ranging from 1.5 acres to over 2 acres. All lots meet the zoning requirements per R-1 Zone, we are not requesting any variance or waiver as a part of this. From a site perspective, each lot will have a single-family home constructed. As of we've designed them all as 4-bedroom houses. They will be served by well water and the public sewer line to run up Haley Ridge Road. From an overall site perspective, lots 7-12 are on the uphill side and lots 1-6 are on the downhill side. There is a series of swales and various other stormwater measures that have been incorporated to protect the downhill properties which will tie into the Tiverton Subdivision. This is showing the extension of Haley Ridge Road,



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when Haley Ridge Road was originally proposed provisions were made to extend the road. There was a 50 foot right of way that was reserved to the town through the existing properties to connect to ours. As part of it we will extent the road through that 50 foot right of way as shown on the original plan. The existing cul-de-sac will be removed, and the land will revert to 23 Haley Ridge Road. There will be small modifications required to two of the driveways. The driveway for 23 Haley Ridge Road and 14 Haley Ridge Road. There were easements established with the original Haley Ridge Subdivision to accommodate this. We have extensive erosion and sedimentation control plans that have been proposed to protect properties during construction as well as a significant swale that has been designed for ongoing erosion and sedimentation control protection of both Tiverton and houses on Fairfield Place once the construction is build. As I said, we did stormwater management study as a part of this to ensure there's no runoff increase as part of this. The road is designed per the town spec, 30 foot wide within a 50 foot right of way. The grades are relatively shallow throughout, most are no greater than 1%. Catch basin and pipe system in the street, again connecting back down to Tiverton. The only area, from our perspective, that is still unknown, would be regarding the open space. I know when we did Tiverton the assumption was that we would address the open space as a part of this process. Our piece down tie into the existing open space from the original Haley Ridge Road. We are willing to give as much open space to meet the requirements for both this or Tiverton or, if the commission doesn't want it, the fee in lieu of. Really up to the commission but there's plenty of land to address the open space if that is the desire of the commission. This property is called out in the Town's POCD as potential residential development plan and what we are proposing is a modest development that suits the character of the town and neighborhood.

WF I have a question about the swale, in the details it says Type A and Type B. What's the difference? **LS** Type B is a 2-foot-deep swale and Type A is 1-foot deep.

MP The initial Haley Ridge Road coming in existing, is that 1,200 feet? **LS** It's 1,200 feet and we're proposing an additional 800 feet. **MP** So about 2,000 feet total, correct? **LS** Correct. **MP** At the very end of the new development, it says "Haley Ridge Road proposed extension." **LS** We are keeping provisions open to extend it in the future, again we're reserving a 50-foot strip, similar to how it was done originally with rights to grade here as well. I know it's part of the subdivision regulations that wherever possible a permitted dead-end street



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should be designed where there could be a future for potential growth.

MR Anyone else? Keith, do you want to go over your sheet.

KR Reads his commentary to the board and applicant (Memo attached at the end of the minutes).

KR Reads letter from the Fire Marshall (Attached at the bottom of the minutes.)

JPG When this was originally proposed 8-10 years ago, we've been working on this on and off since Tiverton I, we looked at putting municipal water up there and it's physically impossible. The closest hydrant is down at the intersection of Burton and Haley Ridge. We have a 20,000-gallon tank at the end to provide fire protection because there's insufficient pressure to run it up Haley Ridge that's why these houses are all serviced by wells. When we did Tiverton, it was discovered that there was insufficient pressure, that's why we did this, your regulations allow for a fire tank. I think there is a discussion to be had. Because it's impractical if not almost impossible to run a main up there. **MR** I wouldn't say impossible. **JPG** No, it's not impossible. **MR** It's a financial point. **JPG** And also, your regulations allow a tank in lieu of so that's why I said, we have to have a discussion. **MR** We can discuss it, there's a couple of us who are firemen and in discussion with the fire departments office, the tanks fall upon the town to maintain and they're a pain, they're on private property and I think that, and 20,000 gallons of water is not a lot of water. **MP** We only have 2 tanks in our town. **JPG** I'll be honest, I'm not a fan of them either. **MR** Ultimately, we'll end up extending the public hearing which will give you time to have a discussion with the Fire Marshall but they are requiring it, so I don't know what you're going to do to get him to change his mind. These are big 4-bedroom houses and 20,000-gallons of water is not a lot. **JPG** It wasn't a requirement of Haley Ridge. **MP** The watermain wasn't down there yet. **JPG** Like I said, it's a discussion I have to have with the Fire Marshall.

LS Addressed a few items from **KR** letter.

MR Commissioners, any more questions? I'll open it to comments from the public now. Please state your name and address for the record.

Cindy Jurzynski (CJ) – 42A Fairfield Place: **CJ** First question is we didn't get a notice about this – is this the public hearing? Should we not have gotten a registered letter notifying us about the public hearing? **KR** Beacon Falls subdivision regulations are very different than other town communities and it is



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not required to have a notification based on a public hearing. The notification is based on the original application. The notification for the public hearing is in the paper. **CJ** We got a letter in the mail for the original application and we did get a registered letter for the Inland Wetlands. **KR** They (Inland Wetlands) have different rules. **CJ** OK – thank you for clarifying, I was just concerned maybe more people would've been here if there had been registered letters. **JPG** For the record, everyone has been notified of this at least twice and there is a sign.

Chris Jurzynski (CJ) – 42A Fairfield Place: **CJ** I just want to point out, all the water from here is going to be going down this pipe then to this swale. You forgot to mention to the board that the top of the hill is right there, so all this water too is going to be going this way and this way (pointing out areas on presentation) and through a swale that is going to be on people's properties, and you know yourself that swales on peoples properties don't get maintained like they should. If you could run the sewer from here to here, I request that they put a pipe for the stormwater from here to here to go down. I know this is for Wetlands but now that were talking about the water, I wanted to point it out. **LS** That was noted, the Engineer commented about single discharge. The peak of the road is about here. But the engineer commented about single discharge vs. double discharge, and he commented and reviewed and agreed. As I mentioned, the Town Engineer reviewed and agreed with our conclusions. **CJ** My concern is that all this dark area is steep slope with rock sticking out. That means any water that goes in here, my house is down here, I'm concerned. It's not the best lot to be messing around with water. Especially these 2 houses down here. I don't agree they should even be built because a rain garden isn't water protection. It filters the water, yes, but it's not going to save my house from getting water in the basement. That's all my concerns right now.

CJ Another question – if they have a tank in the ground since there's no city water, how does that get filled? **MR** The fire department is responsible for it. **MP** It gets filled by the developer when it goes in then from there, if your house burns, they go after your insurance company to refill the tank. But the fire department is responsible for maintaining them. **CJ** For the record also, the pipe that goes up Burton Road has nothing to do with the pipe that comes up Fairfield Place. **JPG** When we did Tiverton Aquarion Water did pressure tests to provide water to Fairfield Place because the line at the end of Fairfield Place was extended and (because we were already talking about Phase II) they checked the hydrant at the end of Fairfield Place, the hydrant across from



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Town Hall, and the hydrant at the end of Haley Ridge and Burton Road. I have to get ahold of Aquarion because they'll want to do another water test to see what the pressure is because some of the stuff has been replaced and because they're extending the main on Fairfield Place. But that paperwork is part of the original Tiverton, and I can dig those out.

Dennis Phipps (DP) – 10 Haley Ridge Road: DP How was that notification sent out because we have not received anything at 10 Haley Ridge. **LS** Via certified mail. **MR** It's to direct adjoins, at 10 you're down towards the start of the road. The registered letters go out to adjoining properties that actually touch it within 100 feet, but this hearing is publicized in the paper so unfortunately, you're probably outside of the realm that's why you didn't get a registered letter. **DP** As long as the record will reflect, we didn't get any notification. For clarification, you're talking about the recent communication from the Fire Marshall about putting in a watermain – to my understanding that if it runs the length of Haley Ridge Road there will be an assessment for the property owners for the right to tie in, whether they tie in or not, so we will be assessed whatever the footage is from border to border and I assume that would also go with the houses up on top. When we bought, the fire personnel told us based on the current water situation that, God forbid if there was a house fire at my house or 12 or 14 that there isn't enough water pressure to take care of any fire services never mind going up the driveway to 17, 19, and 21. There was a strong proposal that a pump station be put in discretely. I have no idea what the holding tank is supposed to be taking care of, but I do believe if the watermain goes through there will be an assessment to every property owner on Haley Ridge whether they tie in or not. Thank you.

Tim Phipps (TP) – 12 Haley Ridge Road: Question for you – this extension is going 800 feet and is being called a cul-de-sac, is it being defined as a permanent stop? **JPG** No. **TP** So this is how we exceed the 1,000-foot requirement for stops because there's potential for expansion. **LS** Potential for expanding and tie in. Under the Town regulations it's actively discouraged to make it a permanent dead-end road. **TP** In this instance, and it talks about one of the things you can consider is traffic flow, traffic patterns to all the people in the neighborhood, all of these things that we discussed and I think that should be taken into consideration that the traffic flow, if there's potential for this expanding it means more traffic, with all that stated I think it strongly needs to be considered, I'm not sure if the commission has taken position on this yet, we are now at 2,000 feet and still calling it a cul-de-sac which is doubling what a



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permanent dead stop should be. I know we talked about how our well-being, the neighborhood, should be taken into consideration so I'm going to ask that Planning and Zoning take that into consideration as this plan is being considered. **MR** The length of the road has been talked about by the commission and I think some of that is playing a factor of the Fire Marshall's letter, but we have talked about that. **MP** Any development that I can think of, in the town that has been extended over 1,000 feet all have city water for fire protection. **TP** Would we be required to tie into city water? **MP** I wouldn't think so, no. **TP** I think our concern is, is this going to keep extending until there is a connection somewhere. **MR** I can't answer that. **LS** I would like to say this is directly addressed in the Town POCD regarding these vacant residential parcels and specifically it does say that traffic circulation within the area needs to be completed therefore any development should include some road connection with Haley Ridge Road. Therefore, it lays out Haley Ridge Road as the access point for this parcel.

Courtney Dolecki (CD) – 14 Haley Ridge Road: **CD** I'm an adjoining property and I have several concerns, the first one is, after the Inland Wetlands hearing my husband was here and Luke (**LS**) stated there is an easement on our property of 10 feet and based on the plans and proposal I've seen you want to change my entire driveway, there has been no request to change my driveway or property so I want to make it very clear that's not in our approval. If you want to change the first 10 feet, fine, I know that is an easement on our property and all the properties on that side of the street. What I'm not fine with is the 50-foot easement that you had mentioned so I would love clarification on that. There is a small part of our land at the top of the driveway where the sign posted for this development that is town owned, it's about 0.54 acres but other than that both in our deeds and any of the maps there is no easement to our property, so I just want to be clear on what that is. Also coming off of Inland Wetlands we would love to know more of what the proposed pipe close to and on our property line is going to do in terms of overage, how the town plans to access that. Again, there's no easement for access to that so I want to be clear. Also curious about the road length – I know we just talked about this but is that just a way to work around asking for a variance or waiver, I just want to make that clear that doesn't sit well with us either. I want to make sure if you do genuinely have plans to extend that road that you do so. I'm not asking for a specific time but don't be shady about it either given we're already exceeding 1,000 sf and we don't have a fire hydrant on our street now. I understand the Inland Wetland team does not typically require a soil



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report and therefore they are utilizing the one from March 2013 however, one of the bigger things my husband did call out in last week's meeting was that you don't typically request a soil report because its undisturbed land and that's not the case, there are 4 wheelers that go through there and dirt bikes, there are trees that have been cut down to essentially make a road since 2013 so that land is technically disturbed and we would love to get an updated soil science report prior to making any further recommendations on that. Also, I submitted a form to request a DEEP review because that seemed like that was not something of interested at the Inland Wetlands last week so I did that on my behalf with my attorney and I am waiting to hear back, I encourage everyone to do the same if you want. I'm also speaking directly with the land owner that owns 60% of the land to try and reach a nice settlement in terms of what works for them with house spacing and other things because if you look at the proposed plan the Lot 1 of the subdivision is fairly close to my home and none of the other homes on our existing road have that closeness and I would love to keep the harmony of our street. None of the other proposed homes have that closeness either, they're all within 100 feet or so. I'm asking for some grace here that you don't put a house right on top of mine when you have, I believe, 43 acres to deal with.

LS In regard to the 50 foot question you had – it's not through your property, its at the end of existing Haley Ridge Road, if you look at the subdivision map from Haley Ridge at the end of the existing there's a 50 foot strip that's reserved to the town for extension of the road in the future. It's the same thing we are proposing at the end of the road here. It's not through anyone's property. The driveway we mentioned, all disturbances will be kept within the 10-foot easement. Regarding the pipe that was referenced, this was the pipe here, there is an existing easement down the property line as part of the Tiverton subdivision. The provisions were made then to tie the drainage from Phase II into Tiverton. What we are proposing is a pipe down the western edge of the property line, it's the standard 25-foot easement that's required by the town with the pipe centered, so the pipe is not being run on the Dolecki's property. No work is being proposed on anyone's property but ours. We are 30 feet from the property line. It is something that was mentioned, if it would be amendable, we could flip the house for lot 1 with limited impact but it does meet all the zoning requirements. I believe that was all the concerns, other concerns were Wetlands concerns.



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CD Question, what is the difference between putting public water on our street and a fire hydrant? **MR** It's the same.

Eric Dolecki (ED) – 14 Haley Ridge Road: **ED** Just one question, are there any protections from the town or developer to personal property. Things such as damaged cars due to degrading street conditions due to construction vehicles. Dirt and dust that's going to inevitably be next to my house but will certainly extend beyond my house. Two years ago, we had a tree fall from that property into my house and cause over \$2,000 in damage. We were unable to find the owner of that property. We're kind of in our position that we've had damage from that property and I'm curious, are there protections from the town or developer for things like that? **KR** The road bond protects the road – Civil suits protect him (you). **MR** Unfortunately as far as personal property, if a tree falls down from a piece of property its considered and act of god unless someone maliciously cuts it down then you'd have to take civil action. The road bond protects the road but it doesn't protect personal property like vehicles due to dirt. The road has to be bonded to do all the work so if the road gets damaged, by the builder and the equipment that bond is in place to fix the road so you don't have to deal with a damaged street. As far as personal property is concerned, I've never even heard of that. **KR** The applicant would have insurance. **MR** You would have to go to the applicant or property owner at the time and come to an agreement. **ED** OK – Understood, thanks so much.

KR I just have one question – we were talking about the extension of the roadway. I see the easement at the end of this is AT&T Fiber Optic line – I imagine that's buried. Have you gotten permission to cross that? I'm just thinking to say if this does continue, we should know if you have the ability to cross over it. **MR** They don't need it for this because the road isn't going over the top of it. Have you talked to them at all? **JPG** No.

3. **Adjournment:**

MR At this time we have no more comments from the public. **MP** made a motion to continue the public hearing to February 15th at 6:00 pm. **JC** Seconded. All ayes.



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Respectfully submitted,

Nicole Pastor
Clerk, Planning & Zoning



**Town of Beacon Falls
Building Department**

To: Town of Beacon Falls Planning and Zoning Commission
Hawks View LLC and John Paul Garcia and Associates, PC
From: Keith Rosenfeld, Town of Beacon Falls Town Planner
Date: November 13, 2023
Re: Proposed Hawks View Resubdivision Preliminary Review

1. Per Section 2.4.2 of the Beacon Falls Resubdivision Regulations, the commission is required to hold a public hearing on an application for the above-referenced application. Staff recommend setting a date for January's regular meeting.
2. Applicant should provide required Construction Plan showing all proposed storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, gutters, curbs, culverts and other structures and improvements per Section 3.3. (Section 2.3.4)
3. Site Development Plan should be amended to show approximate limits of clearing, proposed vegetative and mechanical measures to be used during construction for temporary erosion and sediment controls and for permanent erosion and sediment control.
4. The Site Development Plan should be amended to provide a note indicating the location and size of the nearest water main extension of the appropriate water company. (Section 3.4.17)
5. The Applicant should provide written certification from the Beacon Falls WPCA of the applicant's right to tie into public sewer lines, as provided in Section 4.11. (Section 2.36)
6. Applicant should provide a letter from the appropriate water company stating that application has been made for water main extension and service to serve the proposed resubdivision, that their regulations have been complied with and that satisfactory water supply, pressure and service are available to serve the proposed subdivision. (Section 2.3.8)
7. The applicant shall provide evidence that the proposed Hawk's View Resubdivision adheres to Section 4.10 of the BF Subdivision Regulations, including:
 - No permanent dead-end street shall be planned except when topography, soils, or other physical conditions make it impractical or undesirable to extend it or connect it with another proposed or existing street:
 1. When traffic flow patterns will result in undesirable impacts on existing neighborhoods or,

2. When the Town- wide street pattern does not require a connection and,
 3. The peace and tranquility of existing or proposed development will be enhanced, as determined by the Commission. ··
- Notwithstanding the above, no permanent dead-end street shall exceed 1000 feet in length.
 - Temporary dead-end streets may exceed such length but shall not exceed a reasonable interim length for safe and convenient vehicular access, including emergency vehicles, as determined by the Commission.
8. As a reminder, the Planning and Zoning Commission cannot render a decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision. (Section 2.3.9)

Town Engineer Initial IWC/PZC Comments (10/20/23)

1. The drainage could all be installed underground in the road to one discharge point, but it would have to be installed fairly deep. That being said, I'm in favor of the swale in the rear of the homes on the west side of the road, because it will serve as a trap for water sheet flowing down the hill.
2. I believe we are still awaiting updated soils report, watershed mapping, and stormwater computations. It will be important to ensure the detention basin at Tiverton was sized adequately to handle the water that drains from this subdivision.
3. Maintenance of erosion control measures will be critical on this project given the topography.
4. I would also highly recommend that any slopes greater than 2:1 receive intermediate riprap, which will be the case at the end of the new cul-de-sac. I think there's an opportunity to soften some of the slopes/grades between the edge of roadway and proposed homes to make this subdivision more aesthetically appealing and more easily maintainable for the town and homeowners.
5. The pavement section is the same that was approved for Tiverton, so it is acceptable. The revised road ordinances that have not been approved yet, will require 4" of pavement in the future.



Town of Beacon Falls Office of the Fire Marshal



10 Maple Ave
Beacon Falls, CT 06403
(475) 777-6020
Fire Marshal Brian DeGeorge
Deputy Fire Marshal Cal Brennan

To whom it may concern,

This letter is regarding the extension of Haily Ridge Road and the Development of Hawks View. The Fire Marshals Office has reviewed the submitted plans and will be requiring **Municipal Water** to be extended from Burton Road to supply fire hydrants. Adequate water supply is the highest priority of our office during plan review to ensure life safety and property preservation. The size of the main shall be able to produce sufficient fire flow, to meet the needs of the size of the homes being constructed.

If you have any questions, please contact my office.

Brian DeGeorge

A handwritten signature in black ink, appearing to be "Brian DeGeorge".

Town of Beacon Falls

Fire Marshal