

Beacon Falls Planning & Zoning Commission
10 Maple Avenue
Beacon Falls, CT 06403



BEACON FALLS PLANNING AND ZONING COMMISSION
Public Hearing Continuation
Application PZC-06252021-1-ZC
September 29, 2021
MINUTES
(Subject to Revision)

1. Call to Order / Pledge of Allegiance

Chairman Donald Molleur opened the hearing at 9:17 P.M. and the call was read into the meeting minutes. Public Hearing legal notice was published in the Republican-American on August 12, 2021, and August 19, 2021, and posted to Town website.

Members Present: Donald Molleur (DM), Harry Roscoe (HR), Jack Burns (JB), Marc Bronn (MB), Cody Brennan (CB) Michael Pratt (MP), Howard Leeper (HL)

Members Absent: Robert Starkey (RS), Michael Rupsis (MR)

Others Present: Town Planners Keith Rosenfeld (KR) and Savannah-Nicole Villalba (SN), Attorney Vincent Marino (VM) Attorney Steven Bellis on behalf of Hopp Brook Village (SB)

2. Public Hearing

a. Applicant's Presentation SB: Please incorporate all remarks from the prior (PZC-06252021-2-TA) hearing here.

b. Questions and Comments from Commissioners: VM: All exhibits from first hearing be incorporated into this hearing so that the two hearings have identical records. **SB:** Nodding to agree. **KR:** My comments made for the text amendment are the same for the Zone change. One comment solely from zone change looks at 2008 Regional Plan of Conservation and Development table 5.1. States that the natural resource constraints and areas sensitive to development, shows property containing proposed Hopp Brook development contains soils listed as severe. Within the tables, under density for development, under areas that private septic and public water, min density for severe areas are between .5 units to 1 unit per acre. This area has been listed as severe from that plan. Did a study of New Haven County soil survey USDA soil conservation service. Most prominent soils are: wyb WOODBRIDGE FINE SANDY LOAM, cnd CHARTON CHATFIELD, HSE HOLLIS-CHATFIELD OUTCROP COMPLEX. Per Woodbridge soil, waste disposal systems such as onsite septic, will generally not function satisfactorily with only normal design and installation because of slowly permeable sub stratum, and seasonal high-water table. In Charlton Chatfield complex, waste disposal systems such as onsite septic, may require careful and unusual design to install, they function satisfactorily, and effluent does not seep to surface downslope. Hollis listed as septic systems generally require very unusual design and install, and hazard that they may fail and effluent seep in cracks in bedrock and pollute ground water. Urging additional soil studies be done by professionals determine where soils are.

Also please note for record that, in letter dated Sept 29, Regional Water Authority noted that approx. 68% of 135 acre is within watershed off Hopp brook which is a reserve public water source of RWA. Recommend that trust to public lands to

safeguard CT drinking water be reviewed and incorporated to ensure all drinking water in watershed be protected. Modifications to plan to allow less density.

VM: Commission has asked for extension; applicant rejected that request. There has now been evidence put into record about concerns about watershed. Citing CHRISTIAN ACTIVITIES COUNCIL CONGREGATIONAL v. TOWN COUNCIL OF THE TOWN OF GLASTONBURY, dated July 20 1999, 249 Conn 566. Citing concurring opinion of Justice McDonald. "I join the majority opinion. I write separately only to add that, with respect to part II C, I believe that the trial court properly focused on the effect of development upon the watershed and its conservation. As pointed out in footnote 27 of the majority opinion, any development of the site was recognized long ago as a threat to the watershed lands. Of necessity, such development would be a threat to the watershed. One purpose of open space, as the majority recognizes, is to conserve natural resources. Water is a prime element of those resources. I also conclude that no change to the development plans, so long as the plans called for any development, could conserve that natural resource."

The applicant has not submitted any evidence with respect to this development on the watershed. Applicant could grant an extension and put evidence into this record to contradict what is now in the record. But he has denied.

SB: I did not deny that. Manny (Silva) will enter into evidence information.

Manny Silva, Rose Tiso, 35 Brentwood Avenue, Fairfield. Map of Watershed (Exhibit 22) entered into record. We are in watershed, but not protected watershed. There are other developments in the watershed area nearby. Health Department will ensure no adverse side effect to ground water. Wetlands reviewed storm water controls.

VM: Is property in Watershed? **MS:** It is in a Watershed. Every project is in a watershed.

VM: Nothing submitted to inform Commission of effect of a dense project of 109 septic systems to proximity to public drinking water, to help Commission to make that decision.

MS: We submitted test holes, found adequate for septic systems. Minimum separation of 18 inches from any water table, 4 feet from any ledge. Any water reaches ground water table will be disinfected and clean before coming into contact with water table. **VM:** Applicant said earlier that that would be shown to health department later on, that was incorrect? That is in now in this record? **MS:** I submitted it, we tested soil, if we get an approval from board, we have to go back for individual sites.

VM: Nothing in record showing what 109 systems operating simultaneously will do to public water system. **MS:** Laid out sample of how systems will lay out in phase one, meets all health department requirements. **SB:** Exhibit number 20.

DM: DEEP has to approve septic system? **MS:** No, if it was community system, then yes. But we phased these out, so approved by local health department.

VM: Does record reflect what happens when 109 unit pour household chemicals down into septic? **MS:** yes. Test holes and testimony. This is their purview.

Motion to close public hearing for Application PZC-06252021-1-ZC/ Hopp Brook Village. Motion made by Michael Pratt/ Seconded by Howard Leeper. VOTE:

Donald Molleur	<u>Aye</u>	Nay	Abstain	Absent
Jack Burns	<u>Aye</u>	Nay	Abstain	Absent
Harry Roscoe	<u>Aye</u>	Nay	Abstain	Absent
Cody Brennan	<u>Aye</u>	Nay	Abstain	Absent
Michael Rupsis	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Marc Bronn	<u>Aye</u>	Nay	Abstain	Absent
Robert Starkey	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
Michael Pratt	<u>Aye</u>	Nay	Abstain	Absent
Howard Leeper	<u>Aye</u>	Nay	Abstain	Absent

3. Adjournment

Motion by MB to adjourn hearing for night at 9:35 pm. Seconded by Michael Pratt. All ayes

Respectfully submitted,

Lisa Daigle
Planning & Zoning, Clerk