

**Beacon Falls Inland Wetlands and Watercourses Commission**  
**Wetlands and Stormwater Management**  
**Findings and Amendment of the 2019 Conditions of Approval**

I, Commissioner Richard Minnick, on this date April 14, 2021, make a motion to approve the amended application, **revised to include the Miller Road emergency access and other modifications within the proposed development**, for **Hopp Brook Estates**, a 135 acres (109 unit) Residential development, located on **Oakwood Drive** in Beacon Falls, Connecticut, application numbers **A-2019-315- A1, SW-2019-17-A1**, for activity in or with review area of inland wetlands and watercourses and/or impacting stormwater runoff and drainage.

After consideration of all of the evidence submitted, and with the professional guidance of Commission staff on technical issues, and relying also upon the individual expertise of Commission members, the Commission finds that:

**This action is an amendment of the December 11, 2019 approval/permits of the Town of Beacon Falls Inland Wetlands and Watercourses Commission (BFIWWC). All conditions and stipulations of that 2019 Action are still in full effect unless specifically modified or amended by this action.**

- A. There are no prudent and feasible alternatives to those presented in the application, which are likely to cause less disruption to inland wetlands and watercourses,
- B. The proposed activity will have minimal environmental impact, both in the short-term and the long-term, on the wetlands and watercourses,
- C. There will be no irreversible and irretrievable loss of wetlands or watercourses due to implementation of the project,
- D. The impacts of the project on wetlands and watercourses outside of its borders will be minimal or non-existent; providing that the plans are implemented as approved herein.

**Conditions of Approval**

This approval is based on evidence heard at the meetings and presented by the applicant, Hopp Brook Developers, the Beacon Falls Inland Wetlands and Watercourses Commission, (Commission), acting as the responsible Agency for Stormwater Management, Commission Staff including the Town Engineer, Administrative/Enforcement Officer, Commission Members, the general public and others, during the course of the proceedings, that the Commission grant the application whereas, finding that such activity as presented shall will be in accord with Connecticut State Statues, 7-148 (c)(8)(A), 8-2 (b), 22a-36 to 22q-45, and 22a – 42a (d) inclusive providing that the plans are implemented as presented and granted subject to the following conditions:

- 1. Construction shall be in accordance with the plans submitted to and reviewed by the Commission as follows:

Plans Prepared by and dated as indicated below.

Flow Calculations Submitted to Commission by **Rose - Tiso & Co. LLC** and **Dated: April 01, 2019, Revised September 15, 2020**

Conditions of Approval A-2019-315-A1, SW-2019-017-A1, Hopp Brook Developers

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No. of sheets	Description	Date Issued	Date of Last Revisions
1	Overall Property Map SP-0	2-23-18	3-31-21
1	Phase Plan SP-1	2-23-18	3-31-21
1	Site Plan SP-1E	2-23-18	3-31-21
1	Site Plan SP-1F	2-23-18	3-31-21
1	Grading & Utility Plan SP-2	2-23-18	3-31-21
1	Grading & Utility Plan SP-2E	2-23-18	3-31-21
1	Grading & Drainage Plan SP-2F	2-23-18	3-31-21
1	Soil Erosion Control Plan SP-3	2-23-18	3-31-21
1	Soil Erosion Control Plan SP-3E	2-23-18	3-31-21
1	Soil Erosion Control Plan SP-3F	2-23-18	3-31-21
1	Details SP-4	2-23-18	3-31-21
1	Details SP-5	2-23-18	3-31-21
1	Details SP-6	2-23-18	3-31-21
1	Details SP-7	2-23-18	3-31-21
1	Profile Sheet PP-6	2-23-18	3-31-21
1	Profile Sheet PP-7	2-23-18	3-31-21

**An electronic version of the above drawings/prints in a format approved, and as approved by this Commission and subsequently by other Boards and /or/Commissions shall be provided to the BFIWWC Commission & Town Clerk prior to commencement of any work activity.**

2. The applicant must obtain from the Town of Bethany written permission to accept water discharge off of Miller Road into the Town of Bethany, if the design for the emergency access via Miller Road is changed to cause an increase in peak runoff into the Town of Bethany's stormwater drainage system. The applicant must provide a copy of such permission to the BFIWWC prior to the commencement of any work activity.

3. The details and conditions listed within the proposed pool and pool discharge plan must be adhered to at all times.

4. The plan to have emergency access/egress via Miller Road is instead of the previous plan to have such access via the landfill site. At the public hearing, the applicant offered to confirm in writing that Miller Road is in lieu of, not in addition to the landfill access. Thus, as a condition of this approval, the applicant

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must confirm in writing that the reference to the landfill site adjacent to the property available for use as emergency access/egress for residents, Section 35 of the Conditions of Approval dated December 11, 2019 for Wetlands application #A-2019-315 and Storm Water application #-SW-2019-017, is no longer in effect.

5. To assure that the Homeowners Association (HOA) is obligated to maintain the roadways, facilities and the storm water detention basin and management system as represented to the Commission during the meetings, the Applicant shall provide documentation of such to the BFIWWC.

6. In addition, the Applicant shall give an easement over to the Town for access to the storm water detention basins and management system noted on the recorded subdivision map, for emergency access to the storm water detention basin and storm water management system. If the HOA or Applicant 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 HOA/ owners. If the HOA/owners fail 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 all lots containing the storm water detention management system. The applicant must provide to the BFIWWC documentation evidencing the formation and proper establishment of the HOA, and this designation of responsibility prior to commencement of any work activity.

7. The Commission reserves the right to suspend or revoke the permit for due cause and in accordance with the procedures of the Connecticut General Statutes 7-148 (c)(8) (A), 8-2 (b) and 22a-36 to 22q-45 inclusive.

8. The applicant must design and develop a stage-discharge definition for the diversion structure flow through the hydrodynamic separators and confirm it is within acceptable regulator/manufacture limits. Design calculations demonstrating adherence to regulator/manufacture limits must be provided to BFIWWC prior to commencement of any work activity. Refer to CT DOT Hydraulics and Drainage for guidance on development of stage-discharge for diversion structures associated with hydrodynamic separators: <https://portal.ct.gov/-/media/DOT/documents/ddrainage/HydrodynamicSeparatorGuidelinesApril2010pdf.pdf>

9. This amendment of the 2019 approval/permits shall run in concurrence with any IWWC permit associated with the above-mentioned project, which shall expire on December 11, 2024 and which could potentially be extended in increments of one (1) year to a maximum total of five (5) years (not to exceed, December 11, 2029).

**Motion seconded by Commissioner Doug Bousquet**

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**VOTE:**

John Smith	<u>Aye</u>	Nay	Abstain	Absent
Douglas Bousquet	<u>Aye</u>	Nay	Abstain	Absent
Steve Knapnik	<u>Aye</u>	Nay	Abstain	Absent
Brian Swan	<u>Aye</u>	Nay	Abstain	Absent
Fred Bowes	<u>Aye</u>	Nay	Abstain	Absent
Richard Minnick	<u>Aye</u>	Nay	Abstain	Absent