

BEACON FALLS INLAND WETLANDS and WATERCOURSES COMMISSION

TOWN HALL 10 MAPLE AVENUE

BEACON FALLS, CONNECTICUT 06403

September 15, 2022

via Certified Mail - Return Receipt Requested

Sean Flynn, representing the

Estate of Charles Edwards

30 Lorraine Drive

Beacon Falls, CT 06403

RE: Approvals from Beacon Falls Inland and Watercourses Commission

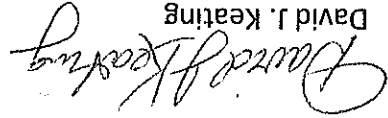
Wetlands Permit A-2022-333 and Storm Water Permit SW-2022-332 for 30 Lorraine Drive

Mr. Flynn,

At the September 14, 2022 meeting of the Beacon Falls Inland Wetlands and Watercourses Commission, the applications for the 5 lot resubdivision of 30 Lorraine Drive were approved with conditions and stipulations. Enclosed are two documents, one for the Wetlands Permit and the second for the Storm Water Permit. They contain the findings of the Commission and the conditions and stipulations of the permits. As you know, your engineer is still working on resolving some technical issues and concerns to the satisfaction of the Town Engineer. When that is done, the revised drawings and plans need to be submitted to the BFIWWC. Also, the Commission required a sediment and erosion control bond with a Ten Thousand dollar (\$10,000) line of credit or cash as the surety.

If you have any questions, please contact me.

Sincerely,



David J. Keating
Wetlands Enforcement Officer

Enclosures

Cc Planning and Zoning Commission

Town Engineer

Board of Selectmen

Building Official

Zoning Enforcement Officer

Resubdivision of 30 Lorraine Drive

Wetlands Application Number A 2022-333

Approval adopted by the Beacon Falls Inland Wetlands and Watercourses Commission

Date of action September 14, 2022

FINDINGS

- A. The Public Meetings of the Inland Wetlands and Watercourses Commission of the Town of Beacon Falls (hereinafter "IWWC" or "Commission") on this application were convened on July 13, 2022 and August 10, 2022. At the public meetings, the IWWC received and considered evidence presented by the applicant and there were no comments or concerns expressed by the public or any neighboring property owners. The proposed resubdivision involves a 28.6 acre parcel containing a house, barn, shed and detached garage on the northerly portion of the site. The access driveway is via Lorraine Drive to the west. There is also a strip of land (but no driveway, that connects to Lasky Road (route 42) to the south. There is a watercourse and associated narrow corridor of wetlands on the west portion of the site, adjacent to Lorraine Drive. There are also patches of wetlands soils on the east portion of the site.
- C. The proposed resubdivision would result in 5 lots. Proposed Lot 1 would be a vacant, rear lot of 5.01 acres on the west side of the site. Lot 2 would be a rear lot of 6.12 acres on the east side of the site and would contain the detached garage located near the easterly property line (referred to on some drawings as existing barn or existing barn/garage). Lot 3 is a 2.12 acre proposed rear lot with a proposed driveway to Lasky Road to the south. Lot 4 is a 5.01 acre lot on the southwest portion of the project and is adjacent to Lorraine Drive. Lot 5 is 7.38 acres and would include the house, barn (located adjacent to the northerly lot line) and a shed.
- D. The existing driveway from Lorraine Drive into the site will be widened to allow it to be converted into a common driveway providing access to lots 2, 4 and 5. A new driveway from Lorraine Drive would be built to provide access to Lot 1. As part of that work, there would be some filling and increasing the length of the pipe as the driveway crosses over a small watercourse and narrow associated wetland on the western portion of the site, and adjacent to Lorraine Drive. A new driveway would be built from Lasky Road to provide access to Lot 3.
- E. Conceptual site development plans for a new house on each of the vacant lots, Lots 1, 2, 3 and 4, are provided to illustrate that each lot can accommodate a proposed driveway, house and stormwater management system. The storm water management system for each lot is designed to accommodate the increased runoff generated by the creating of new impervious surfaces (driveway, roof, garage, patio, etc.) and to manage that runoff water so that it will not impact any nearby property, the wetlands, the common driveway or the streets. It is understood that the actual development of the lots is likely to be different from the conceptual plan. Thus, if the proposed development of a lot is different than shown on the submitted and approved plan, then

a detailed site plan of the actual proposed development of each lot will need to be submitted to, and reviewed by, the BFIWWC as a requested amendment of this permit. The revised site plan will need to have adequate sediment and erosion controls and will need to increase the amount of storm water detention in relation to any proposed increase in the proposed impervious surface.

F. After consideration of the information 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 a Public Hearing regarding this application is not warranted or necessary.

G. The proposed activity will not have unacceptable short term or long term negative impacts upon neighboring properties, the streets or the protected nearby wetlands and watercourses, providing that the plans are implemented as approved herein.

CONDITIONS OF APPROVAL

Therefore, this permit is granted based on substantial evidence heard at the public meetings presented by the Applicant, The Town of Beacon Falls, the Beacon Falls Inland Wetlands and Watercourses Commission, IWWC, (Commission), acting as the responsible **Agency for the protection and preservation of inland wetlands**, Commission Staff including the Town's Engineer, Administrative/Enforcement Officer, Commission Members, the Public, and others, during the course of the proceedings, that the Commission grant the application whereas, finding that such activity as presented shall be in accord with Section 22a-36 to 22q-45 of the Connecticut State Statutes (C.S.G.) inclusive, providing that the plans are implemented as presented and granted subject to the following conditions: Construction shall be in accordance with the plans submitted to and reviewed by the Commission as follows:

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

- Plans and data, specifications prepared for the Estate of Charles Edwards Beacon Falls, Connecticut entitled:
- Existing Conditions Plan of 30 Lorraine Dr Beacon Falls, Connecticut dated 9/8/2021 and revised 1/14/22 prepared by Accurate Land Surveying, LLC and
- Subdivision Plan of 30 Lorraine Dr Beacon Falls, Connecticut and dated 5/27/2022 prepared by B & B Engineering;
- Site/Development Plan of 30 Lorraine Dr Beacon Falls, Connecticut and dated 5/27/2022 prepared by B & B Engineering;
- Soil Erosion & Sediment Control of 30 Lorraine Dr Beacon Falls, Connecticut and dated 5/27/2022 prepared by B & B Engineering;
- Construction Notes and Details of 30 Lorraine Dr Beacon Falls, Connecticut and dated 5/27/2022 prepared by B & B Engineering;

All of these drawings and plans must be revised to address the concerns and issues raised in the Town Engineer's email dated August 26, 2022. If there is any issue (or are any issues) that are not resolved to the satisfaction of the Town Engineer, then the

matter must be referred to the IWWC for discussion and a decision on the outstanding issue(s).

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 and the Town Clerks shall be provided to the IWWC Commission & Town Clerk prior to commencement of any work activity.

2. The Commission received and reviewed the September 14, 2022 letter from Attorney Vincent M. Marino concerning the status of the land swap between the applicant, the Estate of Charles Edwards, and the Town. It is understood that the land swap has been approved by the Town and will be implemented after all of the necessary permits have been obtained and when the Resubdivision map is being recorded in the Land Records. This permit is not transferable without prior, written consent of the Beacon Falls Inland Wetlands and Watercourses 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. 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 22a-36 to 22q-45 inclusive.

5. Due to the not yet resolved issues raised in the Town Engineer's email of August 26, 2022, as each lot is proposed for construction/development, a detailed site plan of the actual proposed development of each lot will need to be submitted to, and reviewed by, the BFIWWC as a requested amendment of this permit. The revised site plan will need to have adequate sediment and erosion controls and will need to increase the amount of storm water detention in relation to any proposed increase in the proposed impervious surface.

6. Any minor revisions to the documents identified in paragraph 1. above shall be submitted in writing to the, the Commission's Administrative Enforcement Officer, and the Supervisor Public Works Department and one (1) of the following members of the Beacon Falls Inland Wetland and Watercourse Commission for review: Chairperson, and Vice-Chairperson. The decision as to whether a change is minor will be made by the Commission member to whom the proposed revisions are submitted. 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 Commission's staff and one of the above Commissioners to be substantial in nature will require submission by the applicant/permittee to and review by the entire Commission.

7. A sediment and erosion control performance bond secured by a line of credit and/or cash in the amount of Ten Thousand dollars (\$10,000) must be submitted to the Inland Wetlands and Watercourse Commission, 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. 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.

8. Once the drainage structure for the watercourse crossing is installed, the applicant/developer shall provide AS-BUILT drawings and certifications from the design professional regarding the installed storm drainage facilities.

9. **Wetlands** During the project implementation, 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.

10. The Applicant is responsible for obtaining any and all additional permits and approvals, including but not limited to, the Planning and Zoning Commission approval and the finalization and filing of the documents to acquire the land from the Town of Beacon Falls. The Commission advises the Applicant that approval must be obtained from other local departments and commissions and that it may be necessary to obtain a permit from the CT Department of Energy and Environmental Protection (DEEP). The Applicant shall provide to the Commission a copy of such permits or, written confirmation that such approvals are not necessary.

11. The Applicant shall notify the Inland Wetlands and Watercourses Administrative/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 Commission 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.

12. All field changes deviating from the approved plans must be submitted in writing by the Applicant to the Supervisor of the Public Works and the Commission Chairperson before any such changes are implemented. If the Supervisor of the Public Works and the Commission Chairperson determines that the field changes are minor in nature, and will not permanently impact the Wetlands, then the Commission Chairperson may approve the proposed field changes. If the proposed field changes are substantial, as determined by the Commission Chairperson, or if they could result in degradation of the Wetlands, then the proposed field changes must be submitted to the entire Commission. Such modifications due to field conditions cannot be implemented unless and until approved by the Commission.

13. 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. 14. 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 harms way any stockpiled material that may erode;
- c. Removing machinery from low areas subject to flooding; and
- d. Any other measures as may be necessary.

15. This permit is being authorized for a period of five (5) years and shall expire on September 13, 2027. It shall run in concurrence with any IWWC permit associated with the above-mentioned project. It is understood that the project may take longer to complete, depending on site 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 (not to exceed September 13, 2032).

Motion to approve with the above conditions and stipulations, the Wetlands application for this project was adopted by the BFIWWC on September 14, 2022.

Resubdivision of 30 Lorraine Drive

Application Number SW 2022-332 Storm Water Management

Approval adopted by the Beacon Falls Inland Wetlands and Watercourses Commission

Date of action September 14, 2022

FINDINGS

- A. The Public Meetings of the Inland Wetlands and Watercourses Commission of the Town of Beacon Falls (hereinafter "IWWC" or "Commission") on this application were convened on July 13, 2022 and August 10, 2022. At the public meetings, the IWWC received and considered evidence presented by the applicant and there were no comments or concerns expressed by the public or any neighboring property owners. B. The proposed resubdivision involves a 28.6 acre parcel containing a house, barn, shed and detached garage on the northerly portion of the site. The access driveway is via Lorraine Drive to the west. There is also a strip of land (but no driveway, that connects to Lasky Road (route 42) to the south. There is a watercourse and associated narrow corridor of wetlands on the west portion of the site, adjacent to Lorraine Drive. There are also patches of wetlands soils on the east portion of the site. C. The proposed resubdivision would result in 5 lots. Proposed Lot 1 would be a vacant, rear lot of 5.01 acres on the west side of the site. Lot 2 would be a rear lot of 6.12 acres on the east side of the site and would contain the detached garage located near the easterly property line (referred to on some drawings as existing barn or existing barn/garage). Lot 3 is a 2.12 acre proposed rear lot with a proposed driveway to Lasky Road to the south. Lot 4 is a 5.01 acre lot on the southwest portion of the project and is adjacent to Lorraine Drive. Lot 5 is 7.38 acres and would include the house, barn (located adjacent to the northerly lot line) and a shed. D. The existing driveway from Lorraine Drive into the site will be widened to allow it to be converted into a common driveway providing access to lots 2, 4 and 5. A new driveway from Lorraine Drive would be built to provide access to Lot 1. As part of that work, there would be some filling and increasing the length of the pipe as the driveway crosses over a small watercourse and narrow associated wetland on the western portion of the site, and adjacent to Lorraine Drive. A new driveway would be built from Lasky Road to provide access to Lot 3. E. Conceptual site development plans for a new house on each of the vacant lots, Lots 1, 2, 3 and 4, are provided to illustrate that each lot can accommodate a proposed driveway, house and stormwater management system. The storm water management system for each lot is designed to accommodate the increased runoff generated by the creating of new impervious surfaces (driveway, roof, garage, patio, etc.) and to manage that runoff water so that it will not impact any nearby property, the wetlands, the common driveway or the streets. It is understood that the actual development of the lots is likely to be different from the conceptual plan. Thus, if the proposed development of a lot is different than shown on the submitted and approved plan, then a detailed site plan of

the actual proposed development of each lot will need to be submitted to, and reviewed by, the BFIWWC as a requested amendment of this permit. The revised site plan will need to have adequate sediment and erosion controls and will need to increase the amount of storm water detention in relation to any proposed increase in the proposed impervious surface.

F. After consideration of the information 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 a Public Hearing regarding this application is not warranted or necessary.

G. The proposed activity will not have negative impacts upon neighboring properties, the streets or the protected nearby wetlands and watercourses, providing that the plans are implemented as approved herein.

CONDITIONS OF APPROVAL

Therefore, this permit is granted based on substantial evidence heard at the public hearing presented by the Applicant, The Town of Beacon Falls, the Beacon Falls Inland Wetlands and Watercourses Commission, IWWC, (Commission), acting as the responsible Agency for Stormwater Management, Commission Staff including the Town's Engineer, Administrative/Enforcement Officer, Commission Members, the Public, and others, during the course of the proceedings, that the Commission grant the application whereas, finding that such activity as presented shall be in accord with chapter 98, 124 126, 440, 444 and 46h and 7-148 (c)(8) (A), 8-2 (b) and 22a-36 to 22q-45 of the Connecticut State Statutes (C.S.G.) 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 and data, specifications prepared for the Estate of Charles Edwards Beacon Falls, Connecticut entitled:

a. Existing Conditions Plan of 30 Lorraine Dr Beacon Falls, Connecticut dated 9/8/2021 and revised 1/14/22 prepared by Accurate Land Surveying, LLC and;

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e. Construction Notes and Details of 30 Lorraine Dr Beacon Falls, Connecticut and dated 5/27/2022 prepared by B & B Engineering;

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not resolved to the satisfaction of the Town Engineer, then the matter must be referred to the IWWC for discussion and a decision on the outstanding issue(s).

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 and the Town Clerks shall be provided to the IWWC Commission & Town Clerk prior to commencement of any work activity.

2. The Commission received and reviewed the September 14, 2022 letter from Attorney Vincent M. Marino concerning the status of the land swap between the applicant, the Estate of Charles Edwards, and the Town. It is understood that the land swap has been approved by the Town and will be implemented after all of the necessary permits have been obtained and when the Resubdivision map is being recorded in the Land Records. This permit is not transferable without prior, written consent of the Beacon Falls Inland Wetlands and Watercourses 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. 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.

5. Due to the not yet resolved issues raised in the Town Engineer's email of August 26, 2022, as each lot is proposed for construction/development, a detailed site plan of the actual proposed development of each lot will need to be submitted to, and reviewed by, the BFIWWC as a requested amendment of this permit. The revised site plan will need to have adequate sediment and erosion controls and will need to increase the amount of storm water detention in relation to any proposed increase in the proposed impervious surface.

6. Any minor revisions to the documents identified in paragraph 1. above shall be submitted in writing to the, the Commission's Administrative Enforcement Officer, and the Supervisor Public Works Department and one (1) of the following members of the Beacon Falls Inland Wetland and Watercourse Commission for review: Chairperson, and Vice-Chairperson. The decision as to whether a change is minor will be made by the Commission member to whom the proposed revisions are submitted. 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 Commission's staff and one of the above Commissioners to be substantial in nature will require submission by the applicant/permittee to and review by the entire Commission.

7. **A sediment and erosion control performance bond** secured by a line of credit and/or cash in the amount of **Ten Thousand dollars (\$10,000)** 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. 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.

8. Once the drainage structure for the watercourse crossing is installed, the applicant/developer shall provide AS-BUILT drawings and certifications from the design professional regarding the installed storm drainage facilities.

9. **Stormwater Management** During the project implementation, 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.

10. The Applicant is responsible for obtaining any and all additional permits and approvals, including but not limited to, the Planning and Zoning Commission approval and the finalization and filing of the documents to acquire the land from the Town of Beacon Falls. The Commission advises the Applicant that approval must be obtained from other local departments and commissions and that it may be necessary to obtain a permit from the CT Department of Energy and Environmental Protection (DEEP). The Applicant shall provide to the Commission a copy of such permits or, written confirmation that such approvals are not necessary.

11. The Applicant shall notify the Inland Wetlands and Watercourses Administrative/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 Commission 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.

12. All field changes deviating from the approved plans must be submitted in writing by the Applicant to the Supervisor of the Public Works and the Commission Chairperson before any such changes are implemented. If the Supervisor of the Public Works and the Commission Chairperson determines that the field changes are minor in nature, and will not permanently impact the Stormwater Management system, then the Commission Chairperson may approve the proposed field changes. If the proposed field changes are substantial, as determined by the Commission Chairperson, or if they could result in degradation of the Stormwater Management system, then the proposed field changes must be submitted to the entire Commission. Such modifications due to field conditions cannot be implemented unless and until approved by the Commission.

13. 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.

14. 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 harms way any stockpiled material that may erode;
- c. Removing machinery from low areas subject to flooding; and
- d. Any other measures as may be necessary.

15. This permit is being authorized for a period of five (5) years and shall expire on September 13, 2027. It shall run in concurrence with any IWW/C permit associated with the above-mentioned project. It is understood that the project may take longer to complete, depending on site 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 (not to exceed September 13, 2032).

Motion to approve with the above conditions and stipulations, the Storm Water Management application for this project was adopted by the BFIWWC on September 14, 2022.