

**Memorandum
Planning and Zoning Commission
Town of Beacon Falls, CT**

TO: Beacon Falls Planning and Zoning Commission
From: Keith Rosenfeld, Town Planner
Date: June 15, 2021
RE: Request to Remove Unanticipated Excess Earth Material
Chatfield Farms Residential Development

Commissioners:

The Commission is presented tonight with a request from Darin Overton, PE (representative of Chatfield Farms) to remove an additional 15,000 cubic yards of earth material off-site, an amount unanticipated in their original plans. A letter dated June 14, 2021, has been submitted to the Commission to allow for the applicant to truck the material off-site, preferably as soon as they are able. I have reviewed the letter, some relevant zoning language related to the project and the most recent activities approved by the Commission regarding the development.

BACKGROUND

On October 24, 2019, the Beacon Falls Planning and Zoning Commission received a request from Matt Gilchrist to have additional materials removed from the property.

- His proposal was for 3 or 4 trucks, 12-15 loads per day. Per this request, he stated that he is not profiting off any of the materials being removed, just trying to keep and use what they can.
- Three comments were received from the public, each speaking in support, each wanting to see this project move forward.
- Per the recommendation of the Town Engineer, the Commission voted to receive a road repair performance bond in the amount of \$20,000. With no reductions, it was returned to him soon after the work was done.

On January 21, 2021, Mr. Gilchrist appeared before the Commission, speaking to the fact that there was a “companion issue” that he had applied for previously. A 5-year extension to the Chatfield Farms Planned Adoptive Reuse Development (PARD) and its modified site plan was not addressed at the time.

- He stated that in October of 2019, he had come to the Commission for the ability to haul material off-site in order to make up for the fact that the site contained an abundance of earth material that needed to be removed.
- He had presented a modified site plan that showed an area of the site that we could move additional material to minimize the amount we were going to haul off site.
- That night, the Commission acted upon the request of the applicant, voting to extend the EG Home/Chatfield Farms PARD #3 through April 15, 2025.

CURRENT STATUS

It is my understanding from reading Mr. Overton's recent letter that the current excess material is due to the creation of "swell" on the site. A quick review reminded me that the volume of soil placed by nature in the ground is not the same as the volume of the same mass of dirt excavated and placed in the dump truck. The same mass of soil occupies more volume in the truck (loose cubic yards) than it does in the ground (bank cubic yards). The resulting "swell" is this increase in volume.

Per this letter dated June 14, 2021, from Mr. Overton, I have the following questions and comments.

- Of the additional 15,000 cubic yards of earth materials proposed to be brought off-site, how much can be considered existing "swell" and how much, if any will first need to be excavated?
- If by chance, it is necessary to excavate additional material, is there a potential for this stuff to "swell" over time, much like the current material?
- Have any additional areas on the site have been identified and/or ruled out where fill can be placed that will not disrupt the current residents, disturb finished graded/stabilized areas?
- Was the truck route previously used for material adequate in protecting Beacon Falls citizens, roads and private properties or will there be a different route?
- After leaving the property, will the material be brought to an approved dumping location and was there a need for additional permitting in that community?
- As that there were several complaints recently regarding dust emanating from the Chatfield Farms development, will it be necessary to review and/or update existing erosion and sediment control plans, especially as it relates to dust control?
- Applicant has provided a schedule showing the anticipated rate of removal, the hours, and days when the hauling work will take place as well as the estimated time length for the entire operation. It is his responsibility to show how it will accomplish its time constrained objectives.
- As an approved Planned Adoptive Reuse Development (PAR), the developers of Chatfield Farms will be asked to show to the Commission that the proposed changes do not SIGNIFICANTLY alter the character, density, size and design of land and buildings so as to make the proposed plans inconsistent with the PAR.
- The next procedural step is for Mr. Gilchrist submit to the Zoning Enforcement Officer a site plan modification application, the appropriate fees so it can be clerked in a consistent, fair, and proper manner.

I hope this information assists the applicant in presenting his case before the Commission as well as for the Commission to make a proper decision. If you need any other additional information, have any added questions or concerns, please contact me at your earliest convenience.