

26 West View Drive

Wetlands Application Number A 2022-334

Approval by the Beacon Falls Inland Wetlands and Watercourses Commission

Date of action November 9, 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 September 14, 2022 and October 12, 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 work involves the construction of a driveway that goes downhill from West View Road then is roughly parallel to a watercourse for several hundred feet, then crosses the watercourse, and then proceeds uphill to the house site on a rear lot. The travel portion of the proposed driveway is generally 14 feet wide, but in some locations it gets wider so that two vehicles can pass as they go in opposite directions. The watercourse crossing is approximately 650 feet north of the street and the total length of the driveway is approximately 1100 feet.
- C. The proposed watercourse crossing will include the installation of two 48 inch diameter Corrugated Metal Pipes (CMPs), each about 35 feet long, with the lower pipe set at the stream bottom (elevation 505.0) and the other pipe set at elevation 506.0.
- D. A series of 4 galleries and 3 raingardens will be installed to accommodate the water quality requirements for the increased runoff caused by the installation of the impervious driveway. There has been considerable discussion about whether the entire driveway will be paved or partially paved or not paved.
- E. The conceptual site development plan for a new house and septic system clearly show that no disturbance is proposed within 100 feet of the wetlands or watercourse.
- 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 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, Wetlands 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 will be in accord with Section 22a-36 to 22q-45 of the Connecticut State Statues (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 Nowakowski – O’Bymachow – Kane Associates Prepared For Marco & Melanie Miranda West View Road Beacon Falls, Connecticut entitled:

- a. Overall Site Plan – Lot 33B Development Dated July 14, 2022and revised 9/20/22; and
- b. Soil and Erosion Control Plan Dated July 14, 2022and revised 9/20/22; and
- c. Detail Sheet Dated July 14, 2022and revised 9/20/22;

All of these drawings and plans must be revised to address the concerns and issues raised in the Town Engineer’s email dated November 2, 2022. All drawings and plans must then have a new, matching revision date. 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 Clerk shall be provided to the IWWC Commission & Town Clerk prior to commencement of any work activity.

2. The Commission has expressed concerns regarding the stability of the steep slope driveway and the possibility/likelihood that it will erode into the wetlands and watercourse if it is not consistently maintained in a stable condition. Throughout the construction process and thereafter, the owner of the property must take precautions and whatever safeguards and preemptive measures as are necessary to assure that the erosion of the driveway and adjacent areas is avoided and must also take immediate actions to clean up any sediment that does occur. This is a continuing responsibility of the property owner to avoid a violation of the Wetlands and Watercourses Regulations.
3. 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. This permit is for the installation of the driveway through the wetland, over the watercourse and in the regulated area adjacent to the wetland. The proposed house

development and the leaching fields for the septic system are shown outside of the regulated area. If any of the actual site disturbance for the house and septic system and yard is proposed, or does actually, extend into the regulated area, then an additional permit from the IWWC will be required prior to the initiation or continuation of that regulated activity. A detailed site plan of the actual proposed development of the house site will need to be submitted to, and reviewed by, the Wetlands Enforcement Officer on behalf of the IWWC. 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 Wetland Enforcement Officer, and the Chairperson and Vice-Chairperson of the Beacon Falls Inland Wetland and Watercourse Commission for review. The decision as to whether a change is minor will be made by the Commission members 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 the Commissioners. Changes which are deemed by one or both of the 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 a permit from the Public Works Department to do work within the street right of way and possibly a Permit for the driveway from the Building Official. 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 Wetland Enforcement Officer and 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 Wetland Enforcement Officer and the Commission Chairperson before any such changes are implemented. If the Wetland Enforcement Officer and 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 November 9, 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 November 9, 2032).

Motion to approve with the above conditions and stipulations, the Wetlands application 2022-334 for this project was approved by the BFIWWC on November 9, 2022.