

## 7 Rimmon Hill Road

Wetlands Application Number A- 2022-336

Approval by the Beacon Falls Inland Wetlands and Watercourses Commission

Date of action February 8, 2023

### FINDINGS

- A. The Public Hearing of the Inland Wetlands and Watercourses Commission of the Town of Beacon Falls (hereinafter "IWWC" or "Commission") on this application was conducted on February 8, 2023. The IWWC received and considered evidence presented by the applicant's representative(s). There were questions and concerns raised by the Commission members and the public, all of which were satisfactorily addressed and resolved.
- B. The proposed development involves work in the regulated area around the wetlands, but not in the actual wetlands. The proposed work will include three new attached dwelling units and associated on site parking. The back of the three units will face the wetlands, but a proposed fence will provide a visual and physical barrier that should limit any expansion of the lawn or play area or other activity from the wetlands or the land closest to the wetlands.
- C. No excavation, filling, construction or other development related activity is proposed or authorized within the wetlands.
- D. A series of 12 Cultec underground stormwater units are proposed to accommodate the runoff water from the new impervious surfaces, (roof, parking and driveway) and will allow much of the water to percolate into the ground. The Cultec units will be located between the street and the proposed building, and will not be near the wetlands.
- E. 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 the proposed activity will not have negative stormwater or wetlands related environmental 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: :

1. Except as required to be modified by the conditions and stipulations of this permit, construction shall be in accordance with the plans submitted to and reviewed by the Commission as follows:

Plans and data, specifications prepared by Edward Leavy, P.E. and Horbal and Judson Land Surveyors and Associates and entitled:

- a. Site Layout Plan  
Improvement Location Survey  
#7 Rimmon Hill Road Beacon Falls, Connecticut  
prepared for Lankolga LLC and  
dated 11/1/2022 and revised 1/31/2023; and
- b. Grading, Utility, and S.E.S.C. Plan  
Improvement Location Survey  
#7 Rimmon Hill Road Beacon Falls, Connecticut  
prepared for Lankolga LLC and  
dated 11/1/2022 and revised 1/31/2023; and
- c. Details  
Improvement Location Survey  
#7 Rimmon Hill Road Beacon Falls, Connecticut  
prepared for Lankolga LLC and  
dated 11/1/2022 and revised 1/31/2023;

**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 potential for any disturbance of, or activity in that might impact the wetlands and watercourse if the construction activity 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. To help accomplish this wetlands protection, the plans were modified on 1/31/23 to include a 72 foot long split rail fence between the wetlands and the backyards behind the building. The fence will be approximately 40 feet from the back wall of the proposed building and will demarcate the end of the lawn/backyard, thus providing a separation between the developed portion of the site and the wetlands and area around the wetlands which is not to be disturbed or modified. This area closest to the wetlands is to remain open, undeveloped and natural to the greatest extent possible. It cannot be used as for play area, lawn, garden, structures of any sort or other activity. To provide a more complete demarcation and protective barrier to prevent misuse of the regulated area, **the applicant shall install a series of 5 (five) Protection Boundary markers** to be

provided by the Commission, on the proposed fence and on three additional wooden posts to be placed in line with the fence. The markers shall be spaced approximately 40' (forty feet) apart. The first shall be located on a post to be installed near wetlands flag #16. The second and third shall be on the proposed fence. The fourth shall be on a wooden post to be placed about 30 feet south of the fence, and the fifth shall be on a wood post to be placed close to the Iron Pin Found along the property boundary of the neighbor at #13 Rimmon Hill Road. The markers shall be inspected by the owner of the property every even numbered calendar year and shall be maintained and, as may be necessary, shall be replaced by the owner of the property.

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 proposed work within the regulated area around the wetlands and watercourses, including the site regrading, installation of the driveway, parking area, building and the stormwater drainage system to accommodate the runoff resulting from the development activity.
6. Any proposed 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 Five Thousand dollars (**\$ 5,000**) 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 development 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 Site Plan approval, 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 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 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 February 8, 2028. It shall run in concurrence with the Storm Water Management 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 Applicant may request an extension of the permit in writing, and the Commission may extend the permit in increments of one (1) year to a maximum total of five (5) years (not to exceed February 8, 2033).

**On February 8, 2023, the BFIWWC adopted a Motion to approve with the above conditions and stipulations, the Wetlands application A-2022-336 for this project.**