



**Town of Beacon Falls
Inland Wetlands & Watercourses Commission
Legal Notice of Decision
10 Maple Ave Beacon Falls, CT 06403**

NOTICE OF DECISION

Notice is hereby given that at the regular monthly meeting held on March 8, 2023, the Town of Beacon Falls Inland Wetlands & Watercourses Commission took the following action:

Approved with Conditions: Charles Edwards, Tiverton II, Fairfield Place One: (1) year extension for Wetlands Permit A-2018-314 and a one (1) year extension for Stormwater Management Permit SW-2018-014 with all drafted items including 10 & 11 as provided.

Dated at Beacon Falls, Connecticut this 17th day of March 2023. Stephen Knapik, Chairman Inland Wetlands & Watercourses Commission.

Published in Republican-American on Saturday March 18, 2023.

At the March 8, 2023, meeting of the Beacon Falls Inland Wetlands and Watercourses Commission, your request for extensions of the Wetlands Permit and Storm Water Permit for the Tiverton subdivision were discussed. The Commission voted to approve a one-year extension of both permits subject to the following:

1. The Wetlands Permit A-2018-314 and the Storm Water Permit SW 2018-014 for the Tiverton Subdivision were approved by the Beacon Falls Inland Wetlands and Watercourses Commission on April 11, 2018. Both permits remain valid until April 11, 2023.
2. As part of the permit, the site development plans were specified. The construction and regarding of the site, and development of the property must be in accordance with those approved plans.
3. Charles Edwards, the owner of the Tiverton subdivision/development, started working on modifying the site to install some of the utilities; build the storm water drainage facilities; and the site grading to accommodate the street extension and the eventual lot development.
None of the work is completed.
4. Charles Edwards passed away. His estate has indicated that they will not be acting as the builder/developer nor will they be completing the site work, but they will be marketing the subdivision to other builders.
5. Approximately a year ago a prospective buyer had an updated, partial drawing done by the project engineer to determine the status of some of the existing conditions in the vicinity of the terminus of the street extension. It was noted that some of the improvements in that area are in compliance with the approved plans and other site work did not comply with the approved plans.
6. A different prospective buyer attended the February 2023 meeting of the BFIWWC to discuss the status of the project. It was noted that none of the site improvements have been completed and that the final outcome is that all of the work needs to be done in compliance with the approved plans. The prospective buyer was advised that they should get a complete updated drawing of all of the existing site conditions from the project engineer so that it can be determined what the current site conditions are and how much they need to be modified to comply with the approved plans.
7. If anyone wants to make changes to the approved plans, they will need to document the requested changes and submit the modification request and supporting engineering information to the BFIWWC for consideration and action.
8. Stipulation 4 of the 2018 approval of the Wetlands Permit and the Storm Water Permit reads -*This permit is being authorized for a period of five (5) years and shall expire on April 11, 2023. It is understood that the project may take longer to complete, depending on market 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.' This language is important because, significant questions have been raised about whether the project is proceeding in accordance with the approved plans.

Without having an accurate drawing of the existing site conditions, it is not possible to make a conclusive determination about whether the grading, utilities, drainage facilities, street work and lot regrading, are, or are not, in compliance with the approved plans.

9. The sediment and erosion issues raised by the BFIWWC and their staff have been addressed in a reasonable manner. Efforts must be made by the property owner to maintain those protective features to assure that the downhill wetlands and watercourses are not adversely impacted.
10. This action, to grant an extension of the Wetlands Permit and the Storm Water Management Permit, is to facilitate the efforts of the estate to find a suitable buyer who will implement and complete the subdivision/development in compliance with the approved plans. This extension is not to be construed to modify the originally approved plans or to accept the existing site grading, utilities, drainage work, street extension or other site conditions as being complete or correct or in compliance with the approved site development plans.
11. The Wetlands Permit A-2018-314 and the Storm Water Permit SW 2018-014 for the Tiverton Subdivision are hereby **extended for one (1) year and shall remain valid until April 11, 2024, with the clear understandings that:**
 - A. All conditions and stipulations of the April 11, 2018, permits shall remain in full force and effect, and
 - B. The existing site grading, utilities, drainage work, street extension or other site development are **not** being accepted as being complete or correct or in compliance with the approved site development plans, and
 - C. That the permits are not being transferred at this time and that in accordance with Stipulation 3 of the permits - the permits are not transferable without the prior, written consent of the Beacon Falls Inland Wetlands and Watercourses Commission. If transfer is approved by the Commission, the terms and conditions of the permits shall bind all successors, heirs and/or assigns of the Applicant.