



Town of Beacon Falls
Inland Wetlands & Watercourses Commission
January 10, 2024
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision)

Members Present: Chairman Steve J Knapik (**SK**), Fred Bowes (**FB**), Michael Pratt (**MP**), Brian Swan (**BS**),

Members Absent: James Weed (**JW**), John Smith (**JS**), Douglas Bousquet (**DB**)

Others Present: Luke Sofair with JohnPaul Garcia Engineering (**LS**) representing Hawks View Subdivision, WEO David Keating (**DK**), Selectman Michael Krenesky (**MK**), and 7 members of the public, 1 member of the public via TEAMS and Attorney Kevin Curseaden (**KC**) via TEAMS

1. **Call to Order /Pledge of allegiance/Roll Call:** The meeting was called order at 7:03 pm.
2. **Public Hearing regarding the proposed item below:**
 - a. Application A-2023-377 and SW-2023-33, Hawks View: the proposed subdivision of 18 of 43 acres at the end of Haley Ridge Rd: **SK** Last month JohnPaul Garcia's group came and gave their presentation and I know we had a few questions. The engineer had a list he sent and said the calculations are good and he's good with the project. **LS** Last month Dave brought up a concern regarding the swale below Hawks View and above Tiverton. Dave's concern was how do we ensure that Hawks View and Tiverton are on the same page for the swale. After that meeting we set up a meeting with the owners of Hawks View, R&R Development (Owners of Tiverton), Fred D'Amico (Engineer for Tiverton/R&R), based on our meeting we came to an agreement that R&R will run the pipe all the way up to the property line, we will then construct the swale. Hopefully that addresses the concern. **SK** Should we have something in black and white? **LS** We have no issue if you want to make that a condition of approval. **BS** Since the swale is partially in, my question is shouldn't that be installed before any disruption to anything? Any tree cutting? Etc. **LS** That's no problem. **BS** We were talking about the interior lot driveways with the swales – I'm not sure how we left off with that. **LS** Originally, we had a rain garden here **points to area on presentation** – with the interior lots we moved that rain garden to here **points to area on presentation** and the roof drains will tie into the rain garden. **BS** That's where I have an issue – surface water into the rain garden. Is there any reason why you wouldn't put it into the ground first? **MP** I thought you had a cul-de-sac? **LS** We have that for lot 4 and 6 but for lot 5 because it's onsite with the raingarden we figured put it there but we can certainly do it for lot 5. We can make that a condition of approval, that's no problem. So, lot 5 to match lots 4 and 6. **LS** Dave had some questions about notes for easements – we've made those changes. Dave and the Town Engineer expressed concern about the slope at the end of the cul-de-sac so we've called for that now as a 2 to 1 slope at the end of the cul-de-sac to be stabilized with intermediate riprap just to make sure there should be no issues. We've added a note to site plans stating whenever it comes time for a site plan we've accounted for the amount of impervious shown in the current plans. If it were to increase we would



Town of Beacon Falls
Inland Wetlands & Watercourses Commission
January 10, 2024
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision)

store the balance in cultecs on site or upsize the cultecs there. **SK** I am concerned on the lower lots. **LS** David had some comments on the rain gardens, so we made some minor changes just the way its directed. We designed it for up to the 25-year storm. **DK** Can you clarify the 25-year storm? **LS** I believe it is 4.6 **corrected, it is actually 5.6.** **DK** In theory, if we had the same rainstorm again with this drain system in place, there would be no increase in the discharge or peak runoff water. It would be held on site via the raingarden and swale then it would infiltrate down into the ground. **LS** Correct and that is true up to the 100-year storm. We've designed up to the 100-year storm that there is no increase in peak flow or volume leaving the site. **DK** What is the 100-year storm? **LS** 7.1. I know I mentioned this at our meeting but to reiterate, this was originally shown as a 1 foot deep swale which was sized for the 25 -year storm – we took a look back at it per the request of the town engineer and its been upsized to a 2 foot deep swale just to be sure that up through the 100-year storm this swale will capture any runoff coming off the hill. **SK** I know we ask this every time – that detention basin at the base that is oversized for the whole subdivision that was originally designed? **LS** Correct.

LS We received a letter from an attorney (attached to bottom of minutes). After receiving the letter, we pulled the DEEP Stormwater Measurement Plan manual. As part of the article that he references, the intent is for a Stormwater plan to be registered prior to construction which is an approved plan that has gone through commissions, they do not want to see an unapproved plan. Our intent all along was to submit the registration after it goes to the commissions. We have no issue pulling a permit, but we cannot obtain one until we have the final approval. He also brought up the soil report from 2013, there has been no disturbances to the site since 2013. ***DK** Continues to read letter*

DK The commission talked before about the old wetland soil survey and old drainage report which has since been updated. **LS** We submitted the revised stormwater report in December. We believe all the concerns raised in this letter have been addressed. **DK** The other comment states the proposed drainage easement on the Dolecki property line must be relocated further away from the property line. **LS** The easement he is referencing is already in place. **DK** Is the easement adjacent or on their property **BS** Does that easement stop at the swale? **LS** it stops and goes over here. **SK** Dave, any other questions? **LS** The easement is on Hawks View property – we could not put an easement on someone's property without consent. The easement is already recorded, and the pipe has been installed. **SK** Isn't that the Town of Beacon Falls easement? **LS** Yes it is. **BS** Does that easement stop at the swale? **LS** Yes it does. **BS** Shouldn't there be an easement for the drainage pipe to continue to Haley Ridge? Town of Beacon Falls assumes that drainage pipe, right? **LS** Yes. **BS** What happens if the town has to access that pipe? Or get to that swale? **LS** The swale is included in



Town of Beacon Falls
Inland Wetlands & Watercourses Commission
January 10, 2024
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision)

the easement. There is an easement down the driveway. **BS** I must have missed that. **LS** *points out areas on maps/presentations* This is the swale easement here. We can revise that to make sure it's adequately shaded. **SK** Dave, any other questions? **DK** No, I think that addresses the items on the letter from the attorney. **SK** Any questions or comments from the public?

Chris Jurzynski (CJ) - 42A Fairfield Pl: **CJ** I have got a few concerns. I looked over the plans intensely and studied the NEMO plan. You did a lot as far as drainage and trying to take care of the water. I don't think you did enough – there's a lot of water on that hill and if it rains on Fairfield Place it comes out on the hill for about 3 or 4 days. So, I did a few calculations for these – I don't think this rain garden is big enough for all the water. **LS** I can say we ran it given our calculations, the town engineer reviewed it, and agrees. **CJ** I think it needs more effort into this lot in particular (*points to presentation board*) I'm concerned about his swale – what happens when the leaves get in it? **LS** Note 9 was added which is the intent of the maintenance is for the property owner – then it will be recorded in deeds that the easement is there so, if the town needs to, the town has the right to access it. **CJ** My other concern is the dark area, what is that? **LS** That's steep slopes. There's a corrugated pipe. We designed it up to the 100-year storm. We calculated to make sure the swale will carry it down to the catch basin. **CJ** So now I'm looking at all this water – I think the high point of the hill is right here. So, all this water will go into this pipe, into this swale and these driveways and houses will also go into this swale. If you could get the sewer in, why not a pipe to help that flow of water to get here? I'm very concerned about getting water in my basement and I've never had water in my basement in 30 years. Those are mainly my concerns. **SK** Well taken. **CJ** Would it be possible for me to get a copy of the raingarden calculations? Because for some reason I come up with a lot bigger of a raingarden. **LS** Yes. **CJ** Do you know how many SF the rain garden is? **LS** Not off the top of my head no. **CJ** One last thing, on the bottom where lots 10, 11, and 12 meet the road, is that a swale or pipe? **LS** That is a pipe. **Discussion followed about pipes under driveways and drainage on presentation**

Eric Dolecki (ED) 14 Haley Ridge: **ED** Just a couple of responses and additional concerns – 1) With the 60 days prior to construction, I didn't know about that, that sounds fair enough. Storm Water Plan – that was not available to me or my attorney earlier **LS** We submitted a hard copy to the Town Engineer and Dave Keating at the last meeting, we can provide digital copies. **ED** Soil report – I mentioned in the letter it's from 2013, I don't know if that's typical to go 11 years without. **SK** There was no disturbance like the Town Engineer said other than maybe the trees grew a little bigger. **ED** There were hundreds of trees cleared in 2018/2019 timeframe and essentially a road was built, that's a massive disturbance to the area. **SK** There's trees



Town of Beacon Falls
Inland Wetlands & Watercourses Commission
January 10, 2024
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision)

cut but no stumps pulled. You can cut all the trees you want, there's no stumps or anything removed. **ED** There are stumps just sitting everywhere. The easement I'm concerned about that. It does really concern me that up until this moment, I know where the pipe is down at the pond but if no one knows anything about that easement from where it's going to come from, 20 feet from my living room, my house 21.5 feet off the building setback to say that's not going to impact me at all is irresponsible. That's going to create massive disturbances to the quality of my life for the pipe that clearly needs to be there, I'm certainly not against the pipe but the fact that we are here right now and that easement and water drainage. There is no easement there, that has never been communicated to me or my family or the previous homeowners. **Comes up and points out areas on the presentation** **LS** All that I can say is we are the surveyors for the project as well, it's standard procedure for us, prior to any construction activity, to stake out a property line, we'll put fences along the property line both for an erosion barrier and a visual barrier to say no construction past this area. The pipe is off the property line. **BS** How wide is the easement? **LS** 25-foot easement and the pipe will be centered so it will be 12.5 feet off the property line. Easement does not supersede yards. **ED** The only other issue I had was there was a recent report December 2023 of the State and Federal Species through DEEP National Diversity Database where there's confirmed existence of those species in this exact area, it's not referenced anywhere. It's simply requesting that DEEP reviews the property considering any of those species. **LS** December 2023 would be after we filed all our applications so statutorily it wouldn't be in effect at the time we filed the application. That being said, if it is the request of this commission or Planning and Zoning or any board in town, to conduct a protected species look we could do that. **KC** I just have one additional comment from my letter that I don't think was read into the record, one of the other requirements in your regulations is that alternatives be presented, and I'm assuming, being a public hearing, that you would require alternatives be presented, I'm not sure alternatives were presented? Lastly, the plans I saw today – that are revised December 2023, reference the existing Beacon Falls easement from the Tiverton I previous subdivision approval, but they also point out a proposed easement which is the easement for some of the lots of this proposed subdivision, and that's an easement that you've had a little bit of discussion with Mr. Dolecki that runs along their property line. We're concerned that we have not been able to see the materials referenced as the Stormwater Management Plan. The application is not compliant with your regulations. I appreciate your time and hopefully I covered everything. **SK** David as for the alternate plan? I believe you told me they changed that. **DK** That is only an Inland Wetlands requirement, and this is Stormwater.

SK Any further questions from the public? **DK** I would like to get clarification from the gentleman who said hundreds of trees were cleared. Can you show me on a map?



Town of Beacon Falls
Inland Wetlands & Watercourses Commission
January 10, 2024
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision)

***ED** shows **DK** and Commission on Map* **LS** From a soil perspective, simply clearing trees would not change the soil. When you do a soil report you're taking cores of the soil, deep down, to look at drainage characteristics, consistency of the soil, etc. So, there would be no reason to do another soil report.

SK Does anyone want to speak in favor of or oppose to this application?
Eric Dolecki and Chris Jurzynski oppose this application.

3. Adjournment

MP made a motion to continue/extend the public hearing to January 24th, 2024, at 7:00 pm at Town Hall. **BS** Seconded. All ayes.

MP made a motion to adjourn the public hearing at 8:01 PM. **BS** seconded, all ayes.

Respectfully submitted,

Nicole Pastor
Clerk, IWWC



CURSEADEN & MOORE, LLC

PROPERTY LAW FIRM

3 Lafayette Street • PO Box 31 • Milford, CT 06460
Phone: 203.874.9500 • FAX: 203.882.7247 • cmctlaw.com

KEVIN J. CURSEADEN
JOY TOPAZIAN MOORE

Via Email: npastor@beaconfallsct.org

January 10, 2024

Chairman Knapik & Commissioners
Beacon Falls Inland Wetlands and Watercourses Commission
c/o Ms. Nicole Pastor, Land Use Coordinator
10 Maple Ave.
Beacon Falls, CT 06403

SUBJECT: Opposition to Hawks View Subdivision IW Application

Dear Mr. Chairman and Commissioners,

This office represents Mr. & Mrs. Dolecki, owners of 14 Haley Ridge Road which abuts proposed Lot 1 of the subdivision, including a proposed stormwater drainage easement on their property line. The Doleckis respectfully oppose this application for the reasons stated below.

Fails to Comply with Application Requirements / Insufficient Information Provided:

This application for inland wetlands approval should be denied for failure to comply with the minimum requirements of Section 7 of the Inland Wetlands Watercourses Regulations of the Town of Beacon Falls (Regulations as of 1/10/24 as found on Town Website dated 2012) for lack of sufficient current information in the record necessary for the Commission to make an informed decision. Specifically:

Rule:

IWWR Section 7.2. In addition any person intending to disturb more than one (1) acre of land ***will file stormwater management plan review application*** with the Beacon Falls Inland Wetlands and Watercourses Commission. For sites where the total site area of disturbance is from one (1) acre to five (5) acres in size the stormwater management plan can be incorporated in the "Site Plan" details. For sites where the total site area of disturbance is greater than five (5) acres, ***regardless of phasing, a CTDEEP registration for the Discharge of Stormwater and Dewatering Wastewaters from Construction is required and a copy of the Stormwater Management Plan must be provided to the Commission with the application. For sites greater than ten (10) acres a CTDEEP registration for the Discharge of Stormwater and Dewatering Wastewaters from Construction is required***

and a copy of the Stormwater Management Plan must be provided to the CTDEEP for review as well as to the Commission with the application. (emphasis added).

Section 7 .3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.

Section 7.6. All applications shall include the application fee as required by Section 19 (Application Fees) and five (5) copies of the following information submitted in writing, or on maps or drawings:

f. Alternative that would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen. All such alternatives shall be diagramed on a site plan or drawing.

Dolecki Position:

A. The site is greater than 10 acres. Therefore, a CTDEEP registration and Stormwater Management Plan for this subdivision and road must be provided. There is no evidence in the application materials reviewed by undersigned of a DEEP submission or DEEP review of these plans. An October 5, 2023 letter from the applicant's engineer submitted with the application references a Stormwater Management Plan from Tiverton Phase I. That original report is dated November 2014, revised to February 2018, and does not appear to address the currently proposed subdivision layout, road and drainage. The currently proposed lots and road do not appear to be considered in the 2014 (revised to 2018) Stormwater Management Plan.

Notably, the Stormwater Plan itself was not actually submitted with this application. It is unclear whether the Commission has the plan to review, if it even includes the currently proposed road, drainage and subdivision. Your regulation and best practices mandate that a current plan be provided;

- B. The Soil Report is based on a site inspection dated March 18, 2013. A current soils report should be required, especially given the passage of time and the proposed increase in drainage within the inland wetlands upland review area on Lot 7 of Tiverton Phase 1;
- C. Although the application states there are no inland wetlands on the land to be subdivided, there are inland wetland soils on the land which the proposed increased drainage will flow. For example, see Lot #7 of Tiverton Phase 1;
- D. In violation of Section 7, there are no alternatives presented in the application materials reviewed by the undersigned; and
- E. The proposed drainage easement on the Dolecki property line must be relocated further away from the property line.

Conclusion:

The application materials do not meet the minimum requirements of the IWWR, and fail to comply with the letter and intent of your Regulations. Therefore, this application should be denied.

Respectfully,

CURSEADEN & MOORE, LLC



Kevin J. Curseaden