

**Town of Beacon Falls
Inland Wetlands & Watercourse Commission
10 Maple Ave
Beacon Falls, CT 06403**



**Public Hearing Minutes
Application A-2012-297 Burton Hill, Burton Road
Re Subdivision of Lot #3 – Naugatuck Valley Savings & Loan**

Chairman Edward Smith called the Public Hearing to order at 7:00 p.m.

Present: Chairman Edward Smith, Vice Chairman Stephen Knapik and Commissioners: Richard Minnick, Arlene Brumer, Walter Opuszynski and Michael Opuszynski.

Also Present: Wetlands Enforcement Officer David Keating, Donald Smith, Jr., Roy Shook, Soil Scientist, Counsel and Vice President, Naugatuck Valley Savings and Loan, Maryann Kempa, Clerk, and 12 members of the Public.

Pledge of Allegiance – recited

Maryann Kempa, Clerk read the following:

Notice is hereby given that the Town of Beacon Falls, Inland Wetlands & Watercourse Commission will hold a Public Hearing on Wednesday, May 9, 2012 at 7:00 p.m. at the Beacon Falls Town Hall, Assembly Room, 10 Maple Avenue, Beacon Falls, CT. concerning: Application A-2012 -297 – Burton Hill, Burton Road, Re Subdivision of Lot #3 – Naugatuck Valley Savings & Loan. At this hearing, interested persons may appear and/or written comments may be submitted. The copy of the application is on file at the Town Clerk's Office, 10 Maple Avenue, Beacon Falls, CT. Signed: Edward J. Smith, Chairman. Published in the Republican American on Wednesday, April 25, 2012 and Thursday, May 3, 2012.

Chairman Smith asked if anybody was at the meeting representing the applicant. Donald W. Smith, Jr. P.E., Consulting Engineer at 56 Greenwood Circle in Seymour, CT represented the applicant: Naugatuck Valley Savings and Loan. Also attending the meeting was Vice President and Counsel for the Bank representing the property owner.

Don Smith, Engineer forwarded to the board the certified return receipts for 11 property owners within 100 foot radius. The DEEP has received a copy of the information.

Don Smith stated the property address is 363 Burton Road, Beacon Falls, CT. Mr. Smith presented the site plan. He stated that there is a wetland and watercourse that is on the property. The property runs up to the State Forest. The bank has acquired this property from the previous owner. The previous property owner has nothing to do with what is currently going on with this property. The property is a 14 acre parcel. It is subdivided into two lots. Both lots will be served by city water and sewer. There will be a common driveway coming off of Burton Road that will service both houses. The proposal is to fill 4,479 square feet of wetlands which will occur in two areas. The first area to be filled is westerly lot #3 which is 3,000 square feet. Then in the middle

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of the driveway area which is 1,479 square feet of wetlands that will be filled. The proposal disturbs approximately 31,000 square feet within the 100 upland-review area. Infiltrator galleys for the two houses will be provided for ground water recharge.

Mr. Smith forwarded a letter dated February 10, 2008 from Michael D. Temple, Certified Soil Scientist, Nutmeg Soil Services, P.O. Box 2281, Marbledale, Connecticut. At that time it showed approximately two acres of wetland soils prior to the development of two lots in the front. There was a watercourse in the middle of the property. The wetlands extended almost up to Burton Road. The drainage outlet then flowed down into the drainage outlet into the large wetlands which flows westerly.

Mr. Smith noted a letter dated January 11, 2012 from Roy Shook, Soil Scientist. The fieldwork was done on January 9, 2012. The wetland boundaries are marked with blue flagging and numbered RSA-1 through RSA-122. A large area of wetlands that are additional wetlands was identified. It is the belief that these wetlands were created by accident, the activities of the prior property owner as he was logging this parcel and any other prior disturbance. This area now does conform to the definition of wetlands. The man-made cut or disturbed areas have a short-term seasonally high water table within 1.5 to 4 feet of the surface. They are providing habitat for hydrophytic vegetation. Mr. Smith presented to the board an area summary for the resubdivision of remaining land, Burton Hill Section 1 – 363 Burton Road dated May 7, 2012. The total parcel area is 14.02 acres. Proposed area of lot 3 – 7.44 acres and proposed area of lot 4 – 6.58 acres. As the applicant understands the topography of the site and the challenge of the steep topography, the applicant has presented that just under half of this parcel will be encumbered in a conservation easement. There is no possibility in the future that the area of this parcel can be developed or anything else.

The conservation easement on lot 3 is 24% of the total parcel area and lot 4 is 25% of the parcel area for a total of 49% is encumbered. The area of natural wetlands on the site, the main body of wetlands is 1.94 acres of wetlands, 15% of the total parcel area. The man-made or accidental wetlands to the west is about .37 acres, 16,000 square feet, 3% of the total parcel area. Man-made wetlands easterly is .05 acres, 2,263 square feet, .37% of the total parcel area. Total area of man-made wetlands on the parcel is .42 acres, 18,450 square feet 3% total parcel area. The total wetlands on the parcel is 2.36 square feet, 102,751 square feet, 17% of the parcel area.

The site disturbance will be within 100% of the natural wetlands, 27,218 square feet = 4%. Site disturbance within the 100% of man-made wetland is 35,414 square feet = 6 %. There is no proposal to fill any of the natural wetlands on the site. The wetlands proposed to be filled are the man-made or accidental wetlands. On lot 3 the area around the house will be 3,000 square feet about .40 % of the total parcel area. The easterly side the proposal is for 1,400 square feet of filling about .25% of the total parcel area. Total area of proposed filling of man-made wetlands 4,479 square feet is about 73% of the parcel area. They also want to respect the resources on the property.

Mr. Smith stated that different alternatives have been reviewed.

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Alternative #1: 67 Unit Active Adult Community (proposed by others) - 4786 square feet of direct impacts, significant upland review area impacts (original delineation), requires roadway crossing of watercourse.

Alternative #2: 3 Lot Subdivision with 350' roadway (proposed by others) – 1,000+ square feet direct wetland impacts, moderated upland review area impacts (original delineation).

Alternative #3: 2 Lot Subdivision – similar to final proposal, except house moved 30' closer to natural wetlands, 3,000 square foot reduction in direct impacts to created wetlands, disturbance limits within 20 of natural wetlands, no change in upland review area disturbance limits.

Alternative #4: Develop single lot, 1,400 square feet wetland impacts.

Alternative #5: 2 Lot Subdivision – final proposal, provide No Conservation Easement.

Mr. Smith presented the sediment and erosion controls and the construction sequence. The existing storm drainage will be extended. The driveway will have a 12% grade. The lots will be served by municipal water (separate water services). Proposal is for a combined sanitary sewer force main subject to the approval of the Water Pollution Control Authority. There will be a drainage easement given to the Town of Beacon Falls. A survey will be done to stake the limits of activity. Silt fence will be installed. Split rail fence will be installed as well as wetlands markers. There will be no adverse down stream impact. The run off from the driveway will be drained onto the property, then to the west and discharging into the man-made wetlands. There is a longer distance for concentration before reaching the wetlands.

Vice Chairman Knapik asked if the footing drains for the two homes would be day lighted or tied into the storm drainage. Mr. Smith stated they are day lighted out to the back. Vice Chairman Knapik questioned the leader drains with the infiltrators is there a 90 degree elbow on the top for high overflow. Mr. Smith stated if it should overflow, it would discharge to grade and run down.

A letter dated April 25, 2012 from James Galligan, P.E. was read into the record:

This office is in receipt of the revised site plans for the above-referenced project. The project proposes to re-subdivide the existing rear of the parcel along Burton Road just west of Cook Lane. We offer the following:

1. The total amount of the wetlands proposed to be filled by construction of the two (2) lots is approximately 4,480 square feet.
2. The application indicates that 31,000 square feet of upland review area will be disturbed.
3. The application attempts to minimize impervious surface by combining the bituminous driveway for a distance of 175 square feet.
4. The existing 18" storm drain is being extended to the bottom of the slope to minimize erosion and is supplemented with a performed scour hole with intermediate rip rap. NYE recommends that the existing catch basin in the lower driveway be removed and replaced with a drop manhole.

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This would allow the new storm drain to be installed at a slope much lower than 11.43% and reduce the outlet velocity.

5. Each house is furnished with exterior high capacity infiltrators to collect roof runoff and provide groundwater recharge.
6. Driveway runoff is being directed to a grass lined swale which connects to the existing wetlands to the South of Lot #3.
7. Both houses are served by public water and sewer.

Commissioner Minnick stated he felt all comments have been addressed.

Chairman Smith inquired as to the footprint of the houses. Mr. Smith stated Lot #3 – 1,000 square feet and Lot #4 – 1,500 square feet. Chairman Smith inquired as to who is going to develop the property? This plan if approved will lock in the location of the house. A site plan would be required for each lot. Commissioner W. Opuszynski questioned a deed restriction for the size of the houses. Commissioner Minnick stated that on the record map, it should state that a detailed site plan must come back to this commission prior to construction. It should be a condition of approval.

Francis Tiodicio, Counsel for the Bank stated he agrees with the recommendation that the site plan come back to the commission and not limiting the square footage of the homes.

Commissioner M. Opuszynski stated on Lot #4 driveway which way is the pitch of the driveway and will there be curbing. Mr. Smith stated to the west to the grass swale then 50 feet to the wetlands. The will be curbing on part of the driveway.

John Fanuto, Land Surveyor, represented the Kautzner Family, 317 Burton Road down stream adjoining property owners. They have a few concerns as previous disturbance on this property has impacted a pond and a dam on their property. There was quite a bit of sedimentation in their pond and would like to minimize this in the future. There were some concerns at the end of the Town's drainage easement that discharges to Burton Road; they would like that expanded approximately double in size to allow for longer term maintenance. The galley system along the house should be doubled in size. The compensation for any longer term maintenance for the galleys. The large dam on the property owned by the Kautzner Family should be reviewed.

John Mieszcanski, 385 Burton Road (the property to the right of Lot 1 extended driveway). He stated his concerns regarding drainage. He is concerned about the pitch of the road and the catch basins. He stated loam has been removed from the site. He asked if there will be filling in of the driveway. He discussed the way the drainage currently flows. The driveway profile was presented by Don Smith, Engineer. There will be no curbing on his side. Some filling will be done to the driveway.

Pat Hinman, 387 Burton Road stated her concerns regarding the side property line and the stone wall. Mr. Smith stated that the stone wall is going to stay. She stated her concerns regarding the existing trees.

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John Mieszcanski, 385 Burton Road asked about the actual conduit where the water comes up. Don Smith, Engineer stated that the pipe will be extended 20 feet, the swale will be rip rapped to the brook. He feels increasing the size of the catch basin is easy to do.

Chris Wilemski, 361 Burton Road had questions regarding the future development in the back. Chairman Smith stated there will be a conservation easement on the back parcel of each lot. Each lot would have to come to this board for review. He had questions regarding curbing and filling. Don Smith, Engineer discussed the curbing and filling.

Roger Brennan, 359 Burton Road stated that some of the area was previously a wet area, not all was made by the construction. He has no objection to the project.

Chairman Smith asked three times if anybody else who would like to ask any questions of the commission or the applicant.

Chairman Smith asked three times if anybody would like to speak in favor or against the application.

Commissioner Minnick stated one of the reasons alternatives were presented as it was asked if this commission cared about the wildlife and what detrimental impact this development will have on the wetlands. This commission cannot allude to the wildlife. However, by saving as much of the wetlands and getting open space what occurred previously by the developer has a less chance of occurring. The size of the galleys will be reviewed. He would like to see the downed trees in the wetlands cleared. It will have to be cleared by hand, no equipment and no disturbance to the pond.

Commissioner W. Opuszynski inquired as to the modification to the plans. Don Smith, Engineer stated that the plans will be modified and submitted to the Town Engineer.

Commissioner Minnick stated that the Public Hearing can be closed and there is time to make a decision.

Commissioner W. Opuszynski inquired as to erosion control measures and surety. Surety will be obtained from the Town Engineer for the next meeting.

Dave Keating, Wetlands Enforcement Officer stated he had no comments or concerns. He stated concerns have been addressed.

Chairman Smith asked if anybody had any comments or concerns.

Diane Mieszcanski, 385 Burton Road stated her concerns regarding developer, conservation easement and clear cutting. Chairman Smith stated there is a plan which will be approved by this commission before construction. There will be conservation easements in place which will limit activity.

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Don Smith, Engineer discussed the Conservation Easement and fee simple instead of the easement. Commissioner Minnick stated that the Town Attorney would have to consulted regarding this matter.

Chairman Smith asked three times if there were any other questions or comments from the public or the Commission.

Motion was made by Commissioner Minnick and seconded by Commissioner W. Opuszynski to close the Public Hearing at 8:20 p.m.

Respectfully submitted,



Maryann Kempa
Clerk