

MEMORANDUM

Via Email to Ms. Sefcik – zeo@norfolkct.org

TO: Stacey Sefcik, Norfolk Wetlands Enforcement Officer and Zoning Enforcement Officer

CC: Norfolk Inland Wetlands Agency
Norfolk Conservation Commission
Norfolk Planning and Zoning Commission
Dan Casagrande, Esq., Cramer & Anderson

FROM: Andrea Gomes, Esq., Hinckley, Allen & Snyder LLP

DATE: December 16, 2024

RE: Why a wetlands permit is not required for the proposed improvements at The Manor House Inn, 69 Maple Avenue, Norfolk, CT

This package explains why a wetlands permit is not required in connection with the improvements proposed for The Manor House Inn, located at 69 Maple Avenue, Norfolk, Connecticut.

Norfolk Inland Wetlands Regulations; Agency Jurisdiction

Section 160-18 of the Norfolk Inland Wetlands Regulations provides: “No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the [Agency]...” A regulated activity is defined in § 160-6 as:

Any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses. It shall also include any earth moving, filling, construction or clear cutting of trees within 100 feet of the edge of the wetlands or watercourses. The Agency may determine that any other activity conducted in any other nonwetland or nonwatercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity...

Thus, the Agency’s jurisdiction is limited to certain activities: (1) within a wetland or watercourse; (2) within 100 feet of the edge of the wetlands or watercourse; and (3) that are likely to impact a wetland or watercourse. *See also* 9 Conn. Prac., Land Use Law & Prac. § 11:3 (4th ed.) (“Basically, the agency can regulate outside of wetland boundaries *only where the outside activities have some effect upon the wetlands themselves.*” [Emphasis added.]).

Proposed Improvements

The applicant's lead project designer, Bob Gilchrest, and civil engineer, George Johannesen, have drafted a memorandum attached here at Tab 1, explaining why the proposed improvements do not require wetlands approval. As noted therein, and in the stormwater management report and civil plan set previously submitted:

- The applicant is not proposing any regulated activities within the wetlands.
- The applicant is not proposing any regulated activities within the 100-foot upland review area. Although the applicant has proposed some minor plantings within the upland review area, which should not trigger the need for a wetlands permit, those plantings will now be relocated outside of the upland review area for avoidance of all doubt.
- The applicant's proposed activities will not impact the wetlands on-site. The subject property contains five distinct drainage areas. Only one such area, drainage area No. 5, has any potential to directly impact the wetlands on-site. However, through the use of two proposed rain gardens and extensive native plantings, the applicant will be reducing the proposed stormwater runoff rates, creating opportunities for stormwater sheet flow where appropriate, and treating more stormwater than possible on-site today. Thus, the proposed improvements will not only mitigate any impacts of the development, but will improve site conditions when compared to existing conditions.

Therefore, No Wetlands Permit Is Required

Given the above, there is no basis to require a wetlands permit here because there is no evidence in the record that the proposed activities are likely to impact the wetlands on-site. To further assure staff and the Inland Wetlands Agency that the proposed activities will not impact the wetlands, the applicant will be incorporating additional erosion and sedimentation controls to the plan in the form of a row of staked haybales upgradient (to the north) of the silt fence already shown on the plans. A revised site plan will be submitted to staff in advance of the January 14 public hearing on the pending zoning application.

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To: Stacey Sefcik
Zoning & Wetlands Enforcement Officer
Norfolk Town Hall
19 Maple Avenue
Norfolk, CT 06058

From: Robert Gilchrest, Lead Designer/Project Manager
George Johannesen, Civil Engineer
Allied Engineering Associates, Inc.

Re: Manor House Inn Site Improvements; Response to Conservation Commission Letter

This memorandum is in response to the letter submitted to the Planning & Zoning and Inland Wetlands Commissioners, dated 12/9/2024, by Susannah Wood, Chair of the Conservation Commission. The Conservation Commission is concerned that the proposed work may have adverse effects on the adjacent wetlands soils and is recommending that the proposed improvements to the site require approval from the Inland Wetlands Agency.

Approval is not required or appropriate here because our proposed work is outside both the wetlands boundary and the 100' upland review area, and will not impact the wetlands on-site. We thoroughly vetted the Inland Wetlands & Watercourses Regulations to determine the best design approach to the property, keeping in mind the proximity of the proposed improvements to the adjacent wetlands area. We looked at proposing improvements which would have no impact on wetlands soils but would actually provide improvements over the conditions which currently exist. In connection with the pending zoning application, Allied Engineering submitted a Drainage Report (reattached here), which demonstrates that the proposed improvements will reduce the amount of surface runoff when analyzing the existing and proposed drainage areas for a 2 year, 10 year, 25 year, 50 year, and 100 year storm.

The site was divided into five (5) distinct drainage areas based on existing and proposed surface flows and drainage structures (see attached plan). Drainage areas #1 through #4 have no impact on the wetlands. While drainage area #5 has the *potential* to impact the wetlands, it will not have any impact here given the proposed stormwater management measures and landscaping proposed on-site, as detailed further below. In fact, as noted in the Drainage Report, the proposed stormwater runoff rates (cubic feet per second) for all areas are actually reduced when compared to the existing runoff rates given for each storm event. Thus, the proposed activities will actually improve existing conditions on-site.

The design concept for the entire property has always been to maintain and enhance the project's positive environmental impacts through conservation and preservation. These goals are met through the extensive use of native plantings, creating opportunities for stormwater sheet flow (in lieu of curbed parking), and

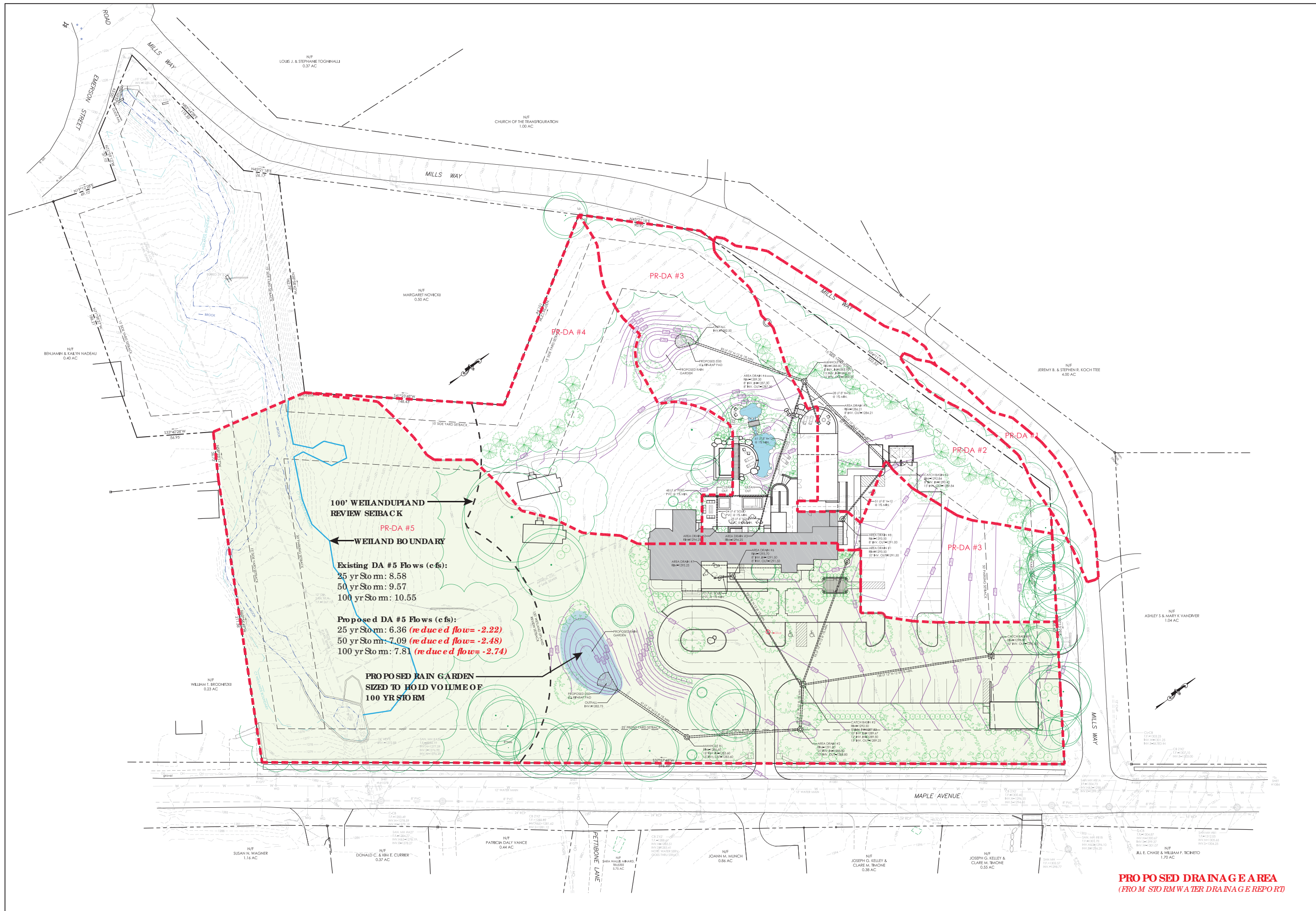
rain gardens, all to help detain more stormwater onsite and further recharge the existing groundwater aquifer while maintaining the current functions of the existing wetlands. The rain gardens have been sized to hold the volume of a 100 year storm event with minimal runoff. In addition, the rain gardens provide additional opportunities to clean the stormwater recharge while enhancing the local flora and fauna. We see these large gardens as opportunities to showcase ways to mitigate surface drainage while enhancing the natural environment.

In summary, based on the Norfolk Wetlands Regulations and the mitigation and conservation efforts proposed with our site improvements, we feel that there is no basis to require an application for a wetlands permit in connection with the improvements proposed for The Manor House Inn. With the exception of a few plantings (which will be relocated outside of the upland review area), the entire proposed project falls outside of the wetland boundary and the 100' wetland upland review area. The plans and drainage report clearly demonstrate that the proposed activity will have absolutely no impact on the existing wetland and watercourse. In fact we feel the development only enhances the existing natural environment by promoting conservation responsibly.

We look forward to working with the Town of Norfolk to provide a development that the owner and the Town can be proud of. If you should have any questions or need additional information please do not hesitate to reach out to me. Thank you for your time and consideration.

Enclosure

cc: Planning & Zoning Commission Chair
Inland Wetlands Agency Chair
Conservation Commission Chair
Andrea Gomes, Esq., Hinckley Allen
Rachel Roth, Three Stewards Real Estate, LLC



100' WETLAND UPLAND REVIEW SETBACK

PR-DA #5
WETLAND BOUNDARY

Existing DA #5 Flows (cfs):
25 yr Sto m: 8.58
50 yr Sto m: 9.57
100 yr Sto m: 10.55

Proposed DA #5 Flows (cfs):
25 yr Sto m: 6.36 (reduced flow = -2.22)
50 yr Sto m: 7.09 (reduced flow = -2.48)
100 yr Sto m: 7.81 (reduced flow = -2.74)

PROPOSED RAIN GARDEN
SIZED TO HOLD VOLUME OF
100 YR STORM

PROPOSED DRAINAGE AREA
(FROM STORM WATER DRAINAGE REPORT)

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MANOR HOUSE INN PROPERTY IMPROVEMENT
PROPOSED OVERALL SITE PLAN
PREPARED FOR:
RAY HOSPITALITY, INC.
69 MAPLE AVENUE
NORFOLK, CT 06058

SCALE: 1"=30'
FILE NAME: 1075-SITE PLAN-1
DATE: DECEMBER 3, 2024
ISSUED FOR: PERMITTING
PROJECT NO. 1075
DRAWING NO. C-2



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Our Job #1075

Proposed Drainage Report

For

Manor House Inn

Norfolk, CT

This Report is being prepared for the improvements being proposed at the Manor House Inn. The existing site consists of 5 acres of land. There is an existing Country Inn with a paved entrance from Maple Avenue, a paved parking area and a gravel driveway onto Mills Way. The site drains from the north end of the property along Mills Way to the south where there is an existing brook that flows from east to west and goes under Emerson Street.

The existing site was broken up into 5 drainage areas for analysis. EX-DA #1 drains to the highest catch basin in the road. EX-DA #2 drains to the next catch basin on the east side of the road. EX-DA #3 drains onto the road north of the Margaret Novicki property. EX-DA #4 drains onto the Novicki property and EX-DA #5 drains into the brook. The area south of the Novicki property was not analyzed because there is no activity there. Each of the drainage areas were analyzed for the 2 year storm, the 10 year storm, the 25 year storm, the 50 year storm and the 100 year storms.

The analysis for the drainage computations was performed using the Rational Method. The outflow results in cubic feet per second for the 5 existing drainage areas is as follows:

	2 yr	10 yr	25 yr	50 yr	100 yr
EX-DA #1	0.27	0.38	0.45	0.50	0.55
EX-DA #2	1.26	1.77	2.07	2.31	2.55
EX-DA #3	0.70	0.99	1.16	1.30	1.43
EX-DA #4	1.27	1.78	2.09	2.33	2.57
EX-DA #5	5.20	7.31	8.58	9.57	10.55

The proposed improvements include additional impervious areas that normally increase the rate of runoff and the volume of water running off of the property. We first calculated the proposed runoff for all 5 of the drainage areas with the new characteristics. PR-DA #3 AND PR-DA #5 each had increases while the other three were the same or a little bit less. We installed rain gardens at the outlet of the two pipe networks to provide on site detention that will encourage infiltration into the ground, allow for sediments to settle out of the runoff and to reduce the velocity of the runoff and reducing the

possibility of erosion. The two rain gardens are sized to hold the volume of the 100 year storm flowing into them with hardly any runoff. Taking that into consideration, we analyzed the 5 drainage areas with the stormwater routed through the rain gardens and then combined with the runoff not going through the rain gardens and came up with a decrease in the rate of runoff for all 5 drainage areas for all 5 storms. The outflow results in cubic feet per second of the 5 proposed drainage areas is as follows:

	2 yr	10 yr	25 yr	50 yr	100 yr
PR-DA #1	.26	.37	.44	.49	.54
PR-DA #2	.91	1.28	1.51	1.68	1.85
PR-DA #3	.43	.61	.71	.79	.87
PR-DA #4	1.10	1.55	1.82	2.03	2.24
PR-DA #5	3.85	5.42	6.36	7.09	7.81

In conclusion, the improvements being made to the property will have no adverse effects on any of the surrounding properties or the brook. There is a reduction in volume and rate of runoff, plus we are treating more of the water with the rain gardens than exists at present.

PROPOSED DRAINAGE AREA MAP

12/02/24 1"=80'



EXISTING DRAINAGE AREA MAP

12/02/24 1" = 80'

