

TOWN OF FRANKLIN
INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)
Franklin Town Hall
7 Meetinghouse Hill Rd.,
Franklin, CT 06254

MINUTES
REGULAR MEETING
July 3, 2018
7:30 p.m.

Note: Please see subsequent meetings for the approval of these minutes and any corrections that may have been made.

1. Call to Order: Chairman Cali Carboni called the Meeting to order at 7:37 p.m.

Members Present: Chairman Calli Carboni, Joseph LeVasseur, Secretary Don Smith. **Members Absent:** Vice Chairman Leo Bienvenue, Niels Jeppesen. **Alternate Members Present:** Pat Coleman. **Alternate Members Absent:** John McGuire. Also Present: Wetlands/Building Official Tom Weber and First Selectman Charlie Grant. Pat Coleman was seated for Leo Bienvenue.

2. Recognition of Visitors:
3. Additions to the Agenda: None
4. Approval of Minutes:
 - a. May 1, 2018

MOTION #1 (07-03-18): made by Mr. LeVasseur SECONDED BY Mr. Smith that the Inland Wetlands and Watercourses Commission approve Minutes of May 1, 2018 as presented
VOICE VOTE: UNANIMOUS; MOTION CARRIES

5. Report of the Wetlands Enforcement Officer:

K-BEST / 931 ROUTE 32: Mr. Weber noted he recently met with Mike Tules, representing K-Best USA Trading, Inc., and performed a site walk on property located at 931 Route 32, Franklin, CT, Map 3, Lot 7. K-Best was previously approved for an Agriculture/Vineyard operation, and most recently, a mixed-use for on-site storage of large equipment and trucks for an electrical contractor. Mr. Weber noted there has been proper installment of erosion and sedimentation controls consisting of silt fence and hay bales.

FRANKLIN HILLS GOLF COURSE: Mr. Weber performed a site walk on the Golf Course property located on the westerly side of Route 32, Avery Lane, and Lathrop Lane, Franklin, CT, Map 37, Lot 1, 324.70 Acres, Zoned PRDD. Existing Use is construction for Golf Course. Proposed use is Golf Course, Driving Range, Clubhouse, Lodge, Maintenance Building and Comfort Stations.

In summary, Mr. Weber reviewed the site very recently and indicated it is difficult to evaluate erosion and sedimentation controls because the site is very overgrown and that the Town Engineer will be doing a more comprehensive and in-depth review of the site.

6. Unfinished Business: None
7. New Business:

a. **"UPDATE" IWWC #03-14 & 09-01 Franklin Hills Estates & Country Club, LLC:**

APPLICANT PRESENTATION: Attorney Harry Heller, Sam Giavara, Project Engineer, and Mr. George Logan, Professional Wetlands Scientist, were present to represent the applicant and provide a presentation.

Exhibit A: Golf Course Master Plan MP.1, dated June 2018

Exhibit B: Golf Course Maser Impact Plan, WIM.02, dated June 19, 2018

Attorney Heller indicated the approved application/permit for the Franklin Hills Golf Course from the Planning & Zoning Commission expired May 3, 2018. The applicant has currently filed a new Planning & Zoning Application. However, the Inland Wetlands and Watercourses permit expires April 7, 2019.

- This encouraged the question for IWWC as to whether the applicant should file a new/modification application for a wetlands special permit or whether IWWC can comment to Planning and Zoning.

Attorney Heller clarified the applicant does not have an application for consideration this evening but instead is here on an informal basis to review what is currently on site and review the little "tweaks" that have made on this project.

Chairman Carboni interjected there are numerous conditions that were attached to the IWWC #03-14 and #09-01 approvals by IWWC that the applicant must meet.

Chairman Carboni read **Condition # 7** into the record as follows:

- Any significant changes in construction as determined by the Commission or its designated representative inconsistent with the February 27, 2003 revised plan set or due to changes in work scope or resulting from site conditions experienced during construction including construction access roadways which require any additional work in a delineated Wetland or within 50 feet of a delineated Wetland shall require a new Application for a site plan modification to and requisite approval by this Commission prior to commencement of any such change.

Attorney Heller stated he believes there have been no significant modifications since the 2015 Revised Site Plan approval by IWWC. Attorney Heller suggested Mr. Russo and Mr. LaFountain based their review on what is being proposed to PZC and is not the application that he is working from and not what this application is.

Attorney Heller presented plans from the 2015 IWWC review and addressed three specific areas noted in Mr. Russo's review letter dated June 1, 2018.

- 1) 2004 approved plans showed Hole 2 in a specific location as depicted by a fly-over. The Golf Course golf course Architect then asked that we pull this back so the hole could play shorter. Both the IWWC 2015 and (2018 PZC) plans show Hole 2 being pulled back.
- 2) Both 2015 and (2018 PZC) plans address Hole 3 involving the cart path being in a crossing over an intermittent watercourse/bridge.
- 3) Hole 4 that was originally played from a specific area, however, due to its close proximity to an Algonquin gas line area is was prohibited by Algonquin. As a result, Hole 4 was re-

routed to a different specific area. Architect did not want hole playing in same wind direction.

Attorney Heller referenced the 2004 original permit and noted a specific area that is “wetland” that had secondary impact associated to clearing for the site. The 2015 and (2018 PZC) plans show we do have some secondary impact clearing in this area to get line of site from greens.

CONSERVATION EASEMENTS: Attorney Heller said there is little change to wetlands and Conservation Easements. He noted changes to Conservations Easements were approved by the Board of Selectmen at their May 2018 meeting. Conservation Easements were modified because: 1) Holes 14 and 15 designs called for a cart path going through a conservation easement that no one picked up on when working with the plans, and 2) On the 2015 revised plans we are taking that area where the cart path is going to go out of the conservation easement.

IWWC COMMENTS / CONCERNS: Chairperson Carboni asked the following questions:

- 1) Army Corp: Do you have current permit. Attorney Heller replied “NO”.

Attorney Heller then noted:

- 1) Most of the wetlands work has been completed. The only wetlands work not completed is **#1) the bridge and #2) culvert activities** coming onto the site from Avery Lane.

Chairman Carboni read **Condition #13** into the record as follows:

- Materials used in replacement or reconstruction of wetlands crossing bridges shall be brought before the Commission.

Chairman Carboni noted this has not been brought back to wetlands for review and approval.

Attorney Heller once again referenced PZC Plans showing these details.

Chairman Carboni noted the PZC plans are not adequate for answering this question and asked Attorney Heller to show these specifics on the 2015 IWWC Revised Plan. These specifics were not found on the plans and therefore not shown to the Commission. Attorney Heller once again referenced PZC Plans showing these details from the PZC Plan set sheet PR.01.

Chairman Carboni asked what plans are we actually looking at here, what approvals were and were not granted by IWWC, and at what meetings did approvals occur. This information should be presented to the Commission. Chairman Carboni indicated that at this point IWWC preview is specifically related to the original 2004 approval and the 2015 approval and all conditions attached to each application. This is difficult to review, because we do not have a new or revised application and site plan in front of us and were going back and forth between plans.

In summary, if the applicant does not submit a new or revised site plan the Commission cannot render any type of action. These PZC plans are not the purview of IWWC.

ARMY CORP OF ENGINEERS: Chairman Carboni asked if the applicant has received a new Army Corp of Engineers permit. George Logan clarified the applicant needs a “Re-Issuance” under the new General Permit Program and not a new permit. Chairman Carboni asked if this re-issuance

will be available by July 31, 2018. Attorney Heller replied “no”. Attorney Heller indicated the re-issuance is really a construction permit.

Attorney Heller indicated the applicant has two requirements to meet 1) Army Corp approval and 2) then IWWC approval before work “is done”. Chairperson Carboni clarified the applicant must have the re-issuance approval BEFORE IWWC would grant an approved permit or permission to proceed, including the bond requirements.

Chairman Carboni read **Condition #8** into the record as follows:

- No work shall commence on this project in the delineated wetlands or within 50 feet of the delineated wetlands until written evidence, including revised plans, are provided to the wetlands agent that approval for the project has been granted by the following:
 - Army Corps of engineers
 - Connecticut Department of Environmental Protection for a General Storm water Discharge Permit

Chairman Carboni asked if the now Department of Energy and Environmental Protection provided the applicant with a valid DEEP and General storm water discharge permit. Attorney Heller said that the Army Corp and DEEP work cooperatively. George Logan noted the applicant and team are meeting with Army Corp to determine if a new or revised DEEP Permit is necessary at this time. Chairman Carboni interpreted the answer as no – not at this time.

MITIGATION PLAN: Chairman Carboni asked if the 2015 Mitigation Plan is available. George Logan said it was part of the IWWC Revised Plan application. George Logan stated the only remaining part is planting of shrubs and trees.

Chairman Carboni read **Condition #10** into the record as follows:

- Final proposed well, water supply lines, and utility lines are not currently detailed on these plans which require any additional work

Chairman Carboni noted that the well, water lines, and utility are not currently shown on IWWC 2015 plans. After review of plans from either IWWC or PZC (?), it was determined they were completely illegible and Commission members couldn’t tell where the lines were. She stated again, IWWC needs a modified site plan and supplemental materials. George Logan replied “understood”. She then asked if the applicant shows details of final wetlands species. Mr. Logan said yes as shown on the 2015 plans. Attorney Heller asked what does this have to with wetlands. Mr. Russo replied in that IWWC **Condition #10** required this be shown on the plans so that it would be demonstrated there are no impacts from these lines into wetlands areas and that this requirement lies within the Commission prerogative.

BOND: Chairman Carboni indicated the Planning & Zoning permit has expired including their bonding requirements, therefore, the golf course approval reverts to the current IWWC permit and its “conditions of approval” including their bonding as follows:

IWWC bond requirements of the approval for Applications #03-14 & 09-01 stated that a bond shall be provided in the amount of \$532,583.00 for the maximum proposed site disturbance of 50 acres at any given time for site restoration and erosion and sedimentation controls in a manner acceptable to the Town Treasurer and Town Attorney.

Chairman Carboni noted the applicant never posted a bond for either the Planning & Zoning Application or the Inland Wetlands Application.

More currently, CLA has provided an Inland Wetlands Bond Reduction Review letter, dated, June 18, 2018, in response to an Erosion and Sedimentation Bond Reduction Proposal from Mr. Norman Thibeault, Killingly Engineering Associates, dated May 30, 2018. Mr. Thibeault's bond proposal totaled \$100,000. CLA's bond review letter recommended \$570,000. CLA and Killingly Engineering Associates are discussing major differences within bonding amounts.

TOWN STAFF COMMENTS: Members were in receipt of the following correspondence:

- From Justin LaFountain, CZEO, Town Planner, SCCOG, dated May 10, 2018, to Mr. Sam Giavara, P.E., DEES, FASCE, regarding Franklin Hills Estates Wetland Permit Conditions. In general, it was noted there are several outstanding issues involving unmet conditions with the Inland Wetlands and Watercourses permit that will need to be addressed prior to the Planning & Zoning Commission being able to approve a new site plan application.

In summary, any significant changes as determined by IWWC shall require a new site plan modification application. If the applicant has not already done so, written evidence must be submitted to the Wetlands Agent that approval for the project has been obtained from the Army Corp of Engineers and the Department of Energy and Environmental Protection for a general storm water discharge permit.

- From CLA Engineers, Inc., Town of Franklin Consulting Engineers, to Justin LaFountain, dated June 1, 2018, In general, existing conditions plan submitted date to the early 2000's and should be re-done. Course routing, grading, and wetland activities currently proposed do not match what is shown on the approved plans provided for inspections conducted through 2015. CLA has received a copy of the USACOE permit letter dated December 13, 2013 and notes that the permit has apparently expired. If the applicant renewed the permit, a copy should be provided, if not, they will have to re-apply to ACOE.

In summary, the status of wetlands conditions of approval and evidence of them being met should be provided. Mr. Russo noted the applicant should submit in writing clear and complete documentation showing that ALL IWWC conditions of approvals have been met to date.

8. Correspondence: Reviewed as submitted

9. Report of the Chair: None

10. Public Comments: None

11. Adjournment:

MOTION # (07-03-18): made by Mr. LeVasseur SECONDED BY Mr. Smith that the Inland Wetlands and Watercourses Commission adjourn the meeting at 8:52 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,

Land Use Administrative Assistant