

TOWN OF FRANKLIN

INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)

Franklin Town Hall
7 Meetinghouse Hill Rd.,
Franklin, CT 06254

SHOW CAUSE HEARING MINUTES

April 18, 2022, 7:30 PM

This meeting was held in virtual format with connections via live stream and video conferencing. (These Minutes are "Unapproved". Formal "Approval" takes place at the next Board meeting held and will show changes/ corrections if any)

1. Call to Order: Chairman Raymond Baribeault called the meeting to order at 7:35 p.m.

Members Present: Chairman Baribeault, Leo Bienvenue, Secretary Niels Jeppesen Don Smith.

Members Absent: Vice Chairman Joseph LeVasseur

Alternate Members Present: John McGuire III. **Alternate Members Absent:** Calli Carboni.

Chairman Baribeault seated Mr. McGuire.

Town Staff: Carly Holzschuh, Franklin Wetlands Agent, Ron Chalecki Zoning Enforcement Officer.

2. Recognition of Visitors: Visitors were welcomed.

3. Business:

Show Cause Hearing for Cease & Desist Order being held in accordance with Section 14.4.a of the Town of Franklin IWWC Regulations for property located at 204 Route 32 Chris Sullivan.

Carly Holzschuh read Cease & Desist Letter dated April 6, 2022 into the record – as submitted. Letter was mailed certified. USPS tracking indicated letter was delivered 9:57am April 8, 2022. In part, the letter indicates after a complaint received 4/5/2022 and a site visit conducted, it has been determined that Mr. Sullivan is excavating within a wetland area on property located at 204 Route 32 in Franklin.

This is in violation of Sec. 4.3 of the Inland Wetlands and Watercourses Regulations which requires the granting of a permit to conduct this activity within 50 feet of a wetland or watercourse. No such permit has been granted

Complaints have been received from more than one neighbor. DEEP was also contacted by a neighbor. During the site walk, Mrs. Holzschuh observed heavy equipment on the property, disturbed soil, and piles of soil in some areas.

Chris Sullivan was present and noted he has been doing work on the property to install a fence. Some trees and cedar posts were removed. Mr. Sullivan noted he does not know if wetlands are on site.

IWWC COMMENTS: The Commission is concerned about the proximity of digging activities to wetlands in the area. The Commission indicated a site plan and supportive material, such as a soil scientist report, is needed to show delineation of the property, wetlands locations, upland review area, fencing area and distances to boundaries. Without this information, the Commission cannot make an informed decision. It was recommended hay bales and silt-fence be installed at disturbed areas to avoid erosion.

MOTION #1 made by Joe LeVasseur SECONDED BY Niels Jeppesen that the Inland Wetlands and Watercourses Commission uphold the Cease & Desist Order for Mr. Sullivan as follows:

1. Until adequate soil maps and/or plans with delineated wetland and watercourse information is provided by professionals and submitted to the Commission for review.
2. If soil maps/plans show activity is less than 50 ft away from wetlands, Mr. Sullivan will be required to submit a formal IWWC Application for intended activity.
3. Mr. Sullivan is to add silt fences and hay bales in the area of disturbance

VOICE VOTE: UNANIMOUS

MOTION CARRIES

4. Adjournment:

MOTION #2 made by Niels Jeppesen SECONDED BY Joe LeVasseur that the Inland Wetlands and Watercourses Commission adjourn the meeting at 7:55 P.M.

VOICE VOTE: UNANIMOUS

MOTION CARRIES

Respectfully submitted,

Sherry Pollard

Land Use Administrative Assistant