

**TOWN OF FRANKLIN
INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)
Franklin Town Hall
7 Meetinghouse Hill Rd.,
Franklin, CT 06254
MINUTES
SPECIAL MEETING & PUBLIC HEARING
July 13, 2022, 7:30 PM**

This meeting was held in-person and with connections via ZOOM
(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 7:32 p.m.

Members Present: Chairman Baribeault, Leo Bienvenue, Vice Chairman Joseph LeVasseur, Don Smith. **Member Absent:** Secretary Niels Jeppesen. **Alternate Members Present:** Calli Carboni, John McGuire III.

Chairman Baribeault seated Calli Carboni for absent member Niels Jeppesen.

Also present: Ron Chalecki, IWWC Agent.

2. Recognition of Visitors: Chairman welcomed visitors. Sign in sheet provided for recognition.

3. Public Hearing:

- a. **IWWC 22-06 GARRETT HOMES LLC:** New Site Plan Review for Significant Activities; Property located at 99 Route 32, Assessors Map 44, Lot 24; Zoned C2/I; Existing use of property is residential, proposed activity includes demolition of existing single-family home & construction of 9,100 s.f. retail store with new paved parking & loading areas, site lighting, concrete walkways, stormwater management system & associated utilities & landscaping. applicant requested a public hearing be held due to public interest.

APPLICATION PRESENTATION: Present were Attorney Robin Messier Pearson, Alter & Pearson, LLC, Matt Bruton, PE, BL Companies, Sara Costagliola, PE, BL Companies, and via ZOOM Eric Davidson Soil Scientist, Davidson Environmental.

Commission Bienvenue asked Attorney Pearson for clarification about why there are two applications on this project, why there are two separate public hearings, and how the current appeal filed on this project affects the public and decisions of IWWC.

Attorney Pearson responded we are here in front of this Commission due to an appeal filed that indicated there was inadequacy in publication of the public hearing notices only - as required by law. It is necessary for us, in order to proceed with previously granted approval that we come back in front of this Commission with an application to allow for proper public hearing notification requirements. This requirement has been met for this application.

Attorney Pearson gave a brief history of this application as it relates to IWWC Applications 21-08 & 22-06. As referenced in correspondence submitted by Attorney Pearson addressed to the Town of Franklin Inland Wetlands & Watercourses Commission, dated June 3, 2022, Attorney Pearson, noted regulated activities for which this application is filed are the same as were approved by this Commission February 1, 2022 Application 21-08 with conditions; with the exception of Exhibit A & Exhibit B as noted below. However, due to concern for legal sufficiency of the public hearing notice associated with that approval we have filed the application before you for a re-hearing of proposed regulated activities, none of which were significant.

Exhibit A: Transcript IWWC January 4, 2022 meeting.

Exhibit B: Transcript IWWC February 1, 2022 meeting.

Matt Bruton and Sara Costagliola reviewed site plans dated February 25, 2022 as submitted July 13, 2022. Plans were highlighted to show IWWC modifications as a result of Town Staff and Towne Engineering conditions of approval set forth by this Commission at their February 1, 2022 meeting. Matt Bruton indicated there will be no direct impact to wetlands. Proposed activity is only within the upland review area.

It was noted, site plans as submitted, include planning & zoning information associated to PZC Application 22-01 Garrett Homes.

Chairman Baribeault asked for comments from the public on this application:

1. Maryanne Gryboski spoke about possible negative impacts to nesting swallows in the slope of on this property as a result of retaining wall construction. Matt Bruton noted there is only a slight notch into slope as a result of retaining wall construction.
2. Alden Miner asked if there is a required set-back associated wetlands. Mr. Chalecki noted there is no "set-back" required for a building in proximity to wetlands. IWWC regulates activity within 50-feet defined as the upland review area and has the ability to approve or deny activity in this area of wetlands.
3. Matt Bruton reviewed trash enclosure locations/operations and the oil and storm water management plan for the site.
4. Alan DeVars asked about maintenance related to pump station/catch basin. Matt Bruton indicated storm water management plan was submitted with application.
5. Judy Novistad asked if business moves out and becomes vacant whom is responsible for continuing maintenance plan. Ron Chalecki indicated responsibility stays with property owner.
6. Zak Novistad noted construction activities for construction of building and parking lot could misplaced or harm wildlife species in area and asked applicant to addressed this issue. Matt Bruton replied he is not proposing to go into the wetlands as part of construction. Prior to any activity, IWWC requested limits of disturbance be steaked out in the field.
7. Leo Bienvenue asked if applicant has completed an environmental impact study. Matt Bruton replied property owner does Phase I Environmental Impact Study un-related to species. Eric Davison replied this is not a site we looked at for species related topics because there is no requirement for that in the Franklin IWWC regulation permitting process and is not relevant to this application.
8. Roland Mihok asked where does water from abutting property of Pete's Tire Barn go and who is responsible for water flow management. Matt Bruton indicated each property owner is responsible for storm-water management on their property.
9. Stori Beckwith spoke about her concern about increase water flow due to construction and increase in impervious surfaces. Matt Bruton noted the State of Connecticut requires their project design for water flow management assures there will be no increase to existing run-off as a result of this project.

10. Judy Novasad asked if applicant intends to develop area on other side of brook running through property. Matt Bruton indicated there are no future plans to develop small piece left on other side property at 99 Route 32.
11. Alden Miner spoke about variances granted associated to Pete's Tire barn by Franklin Zoning Board of Appeals and other zoning related topics. Matt Bruton noted these topics are zoning related topics not IWWC.
12. Alden Miner asked about the Historic Mile Marker Monument that was once on this property. Matt Bruton indicated he will work to have this monument re-placed on this property.
13. Judy Novasad noted that adding another business on existing driveway creates a traffic safety hazard as it related to Route 32. Franklin Emergency services will need to be prepared for increased accidents related to the driveway. Matt Bruton noted the Fire Marshal has approved plans submitted to IWWC Feb 1, 2022.

IWWC COMMENTS: Commission member John McGuire asked for clarification on how the IWWC approval process of Application 21-08 & 22-06 are connected and how this relates to the public hearing being held tonight.

Attorney Pearson explained the purpose of tonight's public hearing is only to correct an inefficient public hearing notification related to Application 21-08 – as approved with conditions. Also, this hearing is to allow the public to receive a full presentation of the approved project and to bring up concerns and questions.

If this Commission feels what is presented this evening is substantially different from what was approved previously, this commission could take that into consideration prior to rendering a decision this evening. This public hearing is an official application and requires a decision. This public hearing was requested by the applicant to make sure the public had an opportunity to comment.

MOTION #1 made by Calli Carboni **SECONDED BY** Joseph LeVasseur that the Inland Wetlands and Watercourses Commission close the Public Hearing at 9:06 pm.

VOICE VOTE: UNANIMOUS

MOTION CARRIES

MOTION #2 made by Calli Carboni **SECONDED BY** Joseph LeVasseur that the Inland Wetlands and Watercourses Commission consider action on Public Hearing at their next regularly scheduled meeting August 2, 2022 at 7:30 pm.

VOICE VOTE: UNANIMOUS

MOTION CARRIES

4. Correspondence & Commission Matters:

a. DEEP Diversion of Water - The Plant Group: Reviewed as submitted:

Notice of Tentative Determination to Approve an Application for Diversion of Water Permit and Notice of Intent to Waive Public Hearing . Applicant(s): The Plant Group, Inc..
Application No.: 202201832. City/Town: Franklin, CT

5. Public Comments: None

6. Adjournment:

MOTION #3 made by Calli Carboni **SECONDED BY** Joseph LeVasseur that the Inland Wetlands and Watercourses Commission adjourn the meeting at 9:25 P.M.

VOICE VOTE: UNANIMOUS

MOTION CARRIES

Respectfully submitted,
Sherry Pollard
Land Use Administrative Assistant