

**TOWN OF FRANKLIN**  
**INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)**  
Franklin Town Hall  
7 Meetinghouse Hill Rd.,  
Franklin, CT 06254  
**MINUTES**  
**REGULAR MEETING**  
**August 2, 2022, 7:30 PM**

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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)

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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. **Alternate Members Absent:** 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. Additions to Agenda:

**MOTION #1** made by Calli Carboni **SECONDED** BY Leo Bienvenue that the Inland Wetlands and Watercourses Commission add Executive Session to the Agenda

**VOICE VOTE: Joe LeVasseur - Abstained**

**MOTION CARRIES**

**MOTION #2** made by Calli Carboni **SECONDED** BY Leo Bienvenue that the Inland Wetlands and Watercourses Commission move into Executive Session for the purpose of personnel

**VOICE VOTE: Joe LeVasseur - Abstained**

**MOTION CARRIES**

**MOTION #3** made by Joe LeVasseur **SECONDED** BY Don Smith that the Inland Wetlands and Watercourses Commission came out of Executive Session

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

No action taken in Executive Session.

**MOTION #4** made by Calli Carboni **SECONDED** BY Joe LeVasseur that the Inland Wetlands and Watercourses Commission add Application 22-09 under New Business

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

4. Approval of Minutes:

- a. June 7, 2022

**MOTION #5** made by Joseph LeVasseur **SECONDED** BY Calli Carboni that the Inland Wetlands and Watercourses Commission approve June 7, 2022 Meeting Minutes as amended:

1. Spelling correction: "Modesto's"
2. Agenda Item 9: Add "Actions may set precedence"
3. Spelling correction: "Bienvenue"

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

b. July 13, 2022

**MOTION #6** made by Calli Carboni SECONDED BY Don Smith that the Inland Wetlands and Watercourses Commission approve July 13, 2022 Meeting Minutes as amended:

1. Call to order: Alternate member Mr. McGuire was seated briefly for Don Smith. Mr. Smith then arrived during Called to Order. Mr. McGuire was then unseated.
2. Agenda Item 3: ADD Commission "member" Bienvenue
3. Agenda Item 3: ADD "No persons spoke in favor of application"
4. Last sentence, first page, replace "re-hearing" with "new" hearing
5. Spelling correction "steak" with staked
6. Spelling correction "Judi Novosad"
7. Spelling correction "Zach Novosad"

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

5. Report of the Wetlands Enforcement Officer: No report.

6. Unfinished Business:

- a. **IWWC 22-06 GARRETT HOMES LLC:** New Site Plan Review 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.

Calli Carboni read an opinion statement into the record and referenced CT State Statutes. Topics included, but were not limited to, definition of significant vs. regulated activities; application should be deemed significant; additional information not included in application is needed to provide Commission with more information to make informed and responsible decisions to protect adjacent wetland & watercourses/environment and wildlife habitat, such as, an environmental/conservation study.

**MOTION #7** made by Calli Carboni SECONDED BY Leo Bienvenue that the Inland Wetlands and Watercourses Commission deny Application 22-06 Garrett Homes

Discussion Ensued: Mr. LeVasseur referenced IWWC Regulation Chapter 10, Section 10.6. "A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands and watercourses."

Wetlands Agent, Mr. Chalecki, indicated no new information can be submitted into the record, such as an environmental impact/conservation/wildlife study because the public hearing is closed. There is significant activity in upland review area only and there is no direct impact to wetlands.

Chairman Baribeault noted current IWWC Application 22-06 is a new application but is directly connected and inclusive of materials/site plans submitted with Application 21-08 as previously approved by IWWC. Previous Wetlands Agent indicated activity for Application 22-08 was not a significant impact and IWWC approved it on that basis. Due to appeal brought forth on Application 21-08, based on inefficient public notification only, the applicant chose to move forward with Application 22-06. IWWC is tasked with striking a balance in protecting wetlands and allowing property owners to develop as of right. Upland review

area is not banned from development but can be regulated. This application presents no direct impact to wetlands.

**VOICE VOTE: 2:3:0** In favor: Ms. Carboni, Mr. Bienvenue

Against: Mr. Smith, Mr. Baribeault, Mr. LeVasseur **MOTION FAILED**

**MOTION #8** made by Joe LeVasseur **SECONDED BY** Don Smith that the Inland Wetlands and Watercourses Commission approve Application #22-06 as presented

**Discussion ensued:** Chairman Baribeault read into the record “conditions of approval” for Application 21-08 as detailed in Towne Engineering Project Review letter, I through IX, dated February 1, 2022. He indicated applicant is responsible to meet such conditions with an approval associated to Application 22-06.

**VOICE VOTE: 3:2:0** In favor: Mr. Smith, Mr. Baribeault, Mr. LeVasseur

Against: Ms. Carboni, Mr. Bienvenue **MOTION PASSED**

7. New Business:

- a. **IWWC 22-07: CHRIS SULLIVAN:** New Subdivision AND/OR Site Plan Review for significant activity; Property located at 204 Route 32; Assessors Map 42, Lot 4; Zoned C-2; Existing Use of property is residential, proposed use is seeding and stabilization

Mr. Sullivan submitted site plans dated June 30, 2022 by Dutch & Associates and pictures of disturbed site. Mr. Chalecki submitted review comments dated July 27, 2022 stating concerns 1 thru 7. Charles Dutch received comments and agreed to updating plans accordingly.

**MOTION #9** made by Calli Carboni **SECONDED BY** Joseph LeVasseur that the Inland Wetlands and Watercourses Commission schedule a Public Hearing for Application 22-07 Chris Sullivan for Wednesday, September 7, 2022, 7:30 PM at Franklin Town Hall

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

- b. **IWWC 22-08: WINDHAM MATERIALS – LAND & SEA RESOURCES:** Jurisdictional Ruling; Property located at 1106R Windham Road, Windham CT; Map 1, Lot 4, Zoned C-2. Existing use is industrial & gravel excavation with sand & gravel excavation.

Matt Maynard, Towne Engineering, and Harold Hopkins, Windham Materials, were present and gave a brief presentation of proposed activities and associated mapping. Site plans dated July 22, 2022 were submitted.

**MOTION #10** made by Calli Carboni **SECONDED BY** Joseph LeVasseur that the Inland Wetlands and Watercourses Commission accept Application 22-08, Windham Materials, as a Jurisdiction Approval

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

- c. **IWWC 22-09: SCOTT PERSON – CUSHMAN FARMS:** Jurisdictional Ruling; Property located at 397 Lebanon Rd. – Route 87; Map 24, Lot 3 & 7, Map 35, Lot 3 & 4, proposed activity is select timber harvest from September 1, 2022 – December 31, 2022 - approximate.

Mr. Person submitted statement of purpose dated May 4, 2021, mapping, and notification of timber harvest. No activity in wetlands. Harvested trees are above 14” diameter. Total harvested acres are 82.6. Three timber intermittent stream crossings. Bridge over intermittent stream will be 16 X 4 feet. DEEP best management practices 2012 edition will be followed.

**MOTION #11** made by Calli Carboni SECONDED BY Joseph LeVasseur that the Inland Wetlands and Watercourses Commission approve Application 22-09, Scott Person, as presented

**VOICE VOTE: 4:0:1 Abstained: Don Smith**

**MOTION CARRIES**

8. Correspondence & Commission Matters:

- a. Review of IWWC By-Laws:
- b. Review of IWWC Regulations:

**MOTION #12** made by Leo Bienvenue SECONDED BY Calli Carboni that the Inland Wetlands and Watercourses table By-Laws & Regulations to their next meeting of September 6, 2022

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

- c. Plant Group: Chairman Baribeault read Department of Energy & Environmental Protection letter addressed to The Plant Group, Ira Feinburg, 117 Pond Road, regarding Plant Group Nursery Consumptive Diversion Permit. Commissioner approved water diversion application.

9. Report of the Chair:

10. Public Comments:

- 1. Judi Novosad noted there is an ancient cemetery near proposed Land & Sea Resources roadway.
- 2. Zach Novosad noted multiple species in wetlands is federally oversaw.
- 3. Alden Miner asked if Garrett Homes is required to appear before PZC again. Chairman Baribeault replied – No.

11. Adjournment:

**MOTION #13** made by Leo Bienvenue SECONDED BY Calli Carboni that the Inland Wetlands and Watercourses adjourn at 9:22 pm.

**VOICE VOTE: UNANIMOUS**

**MOTION CARRIES**

Respectfully submitted,

**Sherry Pollard**

Land Use Administrative Assistant