

TOWN OF FRANKLIN
INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)
Franklin Town Hall
7 Meetinghouse Hill Rd.,
Franklin, CT 06254
MINUTES
SPECIAL MEETING
September 7, 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, Vice Chairman Joseph LeVasseur. **Member Absent:** Leo Bienvenue, Secretary Niels Jeppesen, Don Smith, **Alternate Members Present:** John McGuire III. **Alternate Members Absent:** Calli Carboni.

Chairman Baribeault seated John McGuire for absent member Don Smith.

Also present: Ron Chalecki, IWWC Agent.

2. Recognition of Visitors: Sign in sheet provided for recognition.
3. Public Hearing:
 - 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

Charlie Dutch, Dutch & Associates, submitted revised site plans dated August 25, 2022. He addressed Wetlands Agent, Ron Chalecki's concerns, dated July 27, 2022. He reviewed slope netting/mesh application, staking process, hay-bale placement, and quick growth seed-mix that will be utilized to stabilize slope. It was clarified corrective work will be done in the upland review area and not in wetlands.

Ron Chalecki noted Mr. Sullivan is in direct violation of IWWC Sec 4.2 because he has done excavation within a wetland area on his property and that is why a cease & desist order has been put in place. The reason for application and site plan submittal is to show where installation of erosion and sedimentation controls will be to help with re-stabilization of the steep slope area near pond.

Chris Sullivan said he has been working to seed and stabilize the area as IWWC previously requested. However, shortly after seed was planted there was a significant rain storm that washed away most of the seed.

Ron Chalecki has not been able to review the property since IWWC asked for corrective measures from Mr. Sullivan. He and Mr. Sullivan have found it difficult to communicate and set a date for a site visit. Currently, Ron Chalecki is not able to provide the Commission with a site report.

IWWC entered a recess at 7:46 PM to allow time for John McGuire to sign-off ZOOM and arrive in person at the meeting so that he could view site plans as submitted prior to rendering any action. John McGuire arrived at 7:55 PM. The Commission re-convened.

Additionally, Ron Chalecki strongly recommended Mr. Sullivan submit application for a mixed-use business to PZC to address current Zoning Cease & Desist order in place. It is believed Mr. Sullivan is operating a saw-mill to cut wood to use for construction of items such as pergolas and adirondack chairs etc., - as the mill could be seen from Route 32. Mr. Sullivan claimed he stopped the activity of saw-cutting with the saw-mill.

Mr. Chalecki is in possession of current pictures showing a saw-mill behind a building on site. Mr. Sullivan responded he sold the original saw-mill and then purchased another one so he placed it behind the building. It is recommended PZC highly consider supporting legal action of the existing cease and desist as this has been going on for approximately one-year.

PUBLIC COMMENTS: Chairman Baribeault asked for those to speak in favor or against this application. No persons spoke In Favor.

Mr. Rick Vendola, abutting property owner, spoke against this application. He indicated there are on-going major issues with Mr. Sullivan over the past two-years. Mr. Vendola believes there are telephone poles (hazardous materials) being kept on Mr. Sullivan's property. Large piles of telephone poles are behind buildings on site. After large rainfalls it is possible chemicals from the poles are washing down the slope into the pond and nearby waterflows. Mr. Vendola has asked Mr. Sullivan numerous times to remove poles that have been placed on his property. That has not happened. Mr. Vendola has been in contact with both DEEP and Eversource about these issues. Both entities have indicated these activities are a danger to the environment. Mr. Vendola believes Mr. Sullivan is burning poles and using them for construction. The Franklin Fire Marshal was contacted and asked to review burning of materials on this property.

Mr. Vendola has communications in writing with Eversource indicating no persons should ever be in possession of telephone poles due to chemical components of poles. Eversource has an environmental process to follow when disposing of poles and sends them outside the state due to hazardous components. There should be no skin contact with these poles and poles should never be burned.

Mr. Sullivan said a DEEP agent has walked his site and said there are no issues on the property or in the pond. Mr. Sullivan said he is not using toxic poles for construction of furniture. He did say he uses only a few for fence posts out in the fields. Mr. Sullivan stated Eversource said its ok to use the poles as fencing if you get permission from farmers in the area.

IWWC asked Mr. Sullivan to provide the Commission with written-signed statements from DEEP & Eversource stating they have reviewed the property and that there are no environmental concerns, including that Mr. Sullivan is not in possession of, or working with, utility poles in any manner, etc. Chairman Baribeault said written statements of such findings must be submitted into the IWWC record.

Mr. Chalecki is in possession of current pictures showing an abundance of telephone/utility poles on Mr. Sullivan's property. Mr. Chalecki asked Mr. Sullivan if there is a large stack of telephone polls on his property. Mr. Sullivan responded "yes." Mr. Chalecki pointed out Mr. Sullivan said he does not deal with telephone poles.

Mr. Sullivan responded in that the poles stacked behind the building are power poles only and are not treated with chemicals. It was noted by numerous Commission members and Town Staff that this is not the case and that power line poles area also treated with chemicals.

IWWC members are concerned with the negative environmental impact the utility/telephone polls would have on the environment both from a watercourse and personal health position.

Mr. Chalecki, Mr. Sullivan, and Mr. Dutch agreed to a September 26, 2022 site visit on this property.

There was IWWC consensus they cannot act on this application without full site review from Ron Chalecki to verify current stabilization of the slope and protection of watercourses and the pond on this property.

4. Additions to Agenda: None

5. Approval of Minutes:

a. August 2, 2022:

MOTION #1 made by Joe LeVasseur **SECONDED BY** Ray Baribeault that the Inland Wetlands and Watercourses Commission approve August 2, 2022 Meeting Minutes – as presented

VOICE VOTE: John McGuire – Abstained

MOTION CARRIES

6. Report of the Wetlands Enforcement Officer:

Mr. Chalecki to review current status of Franklin Hills Golf Course rainfall reports that are generated by Boundaries with the direction of Franklin Hills.

7. Unfinished 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

MOTION #2 made by Joseph LeVasseur SECONDED BY Ray Baribeault that the Inland Wetlands continue action on the public hearing pending site-walk results from Ron Chalecki, Wetlands Agent, to the October 4, 2022 regular meeting

VOICE VOTE: UNANIMOUS

MOTION CARRIES

8. New Business:

- a. **IWWC 22-10: GREG BOURDON:** Revised Site Plan Review for regulated activity; Property located at 417 Pond Rd.; Assessors Map 12, Lot 48; Zoned R-80; Existing Use of property is residential, proposed use is construction of deck within upland review area

Mr. Chalecki notified the Commission the deck has already been constructed in upland review area. Mr. Bourdon was present and indicated he did not understand at the time of constructing the deck that it was within inland wetlands upland review area. Therefore, Mr. Bourdon completed the application for IWWC review and action.

Mr. Chalecki reviewed location of the deck and surrounding area and indicated there are no issues.

MOTION #3 made by Joseph LeVasseur SECONDED BY Ray Baribeault that the Inland Wetlands approve Application #22-10 Greg Bourdon – as presented

VOICE VOTE: UNANIMOUS

MOTION CARRIES

9. Correspondence & Commission Matters: None

10. Report of the Chair: None

11. Public Comments: None

11. Adjournment:

MOTION #4 made by John McGuire SECONDED BY Joe LeVasseur that the Inland Wetlands and Watercourses adjourn at 8:28 pm.

VOICE VOTE: UNANIMOUS

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,

Land Use Administrative Assistant