

TOWN OF FRANKLIN
INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)
Franklin Town Hall
7 Meetinghouse Hill Rd.,
Franklin, CT 06254
MINUTES
REGULAR MEETING
February 2, 2021, 7:30 p.m.

This meeting was held in virtual format with connections via live stream and video conferencing.

1. Call to Order: Chairman Calli Carboni called the meeting to order at 7:33 p.m.

Members Present: Chairwoman Calli Carboni, Joseph LeVasseur. **Members Absent:** Vice Chairman Leo Bienvenue, Niels Jeppesen, & Secretary Don Smith. **Alternate Members Present:** Raymond Baribeault, John McGuire. **Alternate Members Absent:** Pat Coleman. Chairman Carboni seated Mr. McGuire for Mr. Bienvenue and Mr. Baribeault for Mr. Smith.

Also Present: Ron Chalecki, Zoning Enforcement Officer, First Selectman Charlie Grant, and Carly Holzschuh, Planner & Wetlands Agent, Southeast Connecticut Council of Governments (SECCOG).

2. Recognition of Visitors: Sam Giavara representing Franklin Hills Estates & Country Club.

3. Compliance Hearing:

- a. **IWWC 18-01 (PZC#19-01) Franklin Hills Estates & Country Club, LLC;** New Commercial Site Plan Special Exception for property located on the westerly side of Route 32, Avery Lane, and Lathrop Lane, Franklin, CT, Map 37, Lots 1, 2, and 11. Zoned Planned Recreation Development District (PRDD). Existing Use is previous construction for Golf Course. Proposed use is Golf Course Facility with clubhouse, 100 room lodge, parking areas, comfort stations, and Maintenance Facility

IWWC AGENT CORRESPONDENCE: Carly Holzschuh sent to Franklin Hills Estates & Country Club:

May 7, 2020: Subject: Non-compliance with conditions of approval IWWC #18-03 as follows:

Condition #1: The applicant retain a qualified engineer to act as site monitor throughout site construction elements of this project until such time disturbed areas have been fully and permanently stabilized etc.

Condition #2: Any additional erosion and sedimentation controls requested by the Site Monitor, Town Staff, or the Town's Designated Agents shall be installed within 24 hours etc.

Notes:

1. Last site inspection from Boundaries indicates erosion and sedimentation measures are failing and need maintenance / repairs.
2. If erosion and sedimentation controls are not addressed in a timely manner additional enforcement action under Section 14 of the IWWC Regulations may proceed.

October 28, 2020: Subject: Non-compliance with conditions of approval IWWC #18-03:

Condition #1: The applicant retain a qualified engineer to act as site monitor throughout site construction elements of this project until such time disturbed areas have been fully and permanently stabilized etc....

Notes:

1. Last site inspection from Boundaries indicates temporary erosion and sedimentation measures are currently in good repair with ample storage capacity, and portions of the site have good vegetative cover.
2. The Town of Franklin considers this to be an active (if stalled) construction site, due to the use of temporary erosion and sedimentation controls used during construction such as silt fences.

➤ **January 21, 2021:** Subject: Non-compliance with conditions of approval IWWC #18-03:

Condition #1: **The applicant** retain a qualified engineer to act as site monitor throughout site construction elements of this project **until such time disturbed areas have been fully and permanently stabilized etc....**

Condition #2: Any additional Erosion and Sedimentation controls requested by Site Monitor, Town Staff, or Town's Designated Agents shall be installed within 24 hours.

Notes:

1. Per Section 14.4 of IWWC Regulations, the Agency is issues notice to the permittee to appear at a hearing to discuss compliance with the permit and all requirements. The hearing will be held at the IWWC Meeting on Tuesday, February 2, 2021 at 7:30 p.m.

BOUNDARIES REPORTS:

- | | |
|-----------------|-------------------|
| 1. 12.10.20 | Repairs Needed |
| 2. 01.04.21 | Repairs Needed |
| 3. 01.18.21 | Repairs Needed |
| 4. 1.27 & 28/21 | No Repairs Needed |

NMP GOLF CONSTRUCTION: Correspondence, dated 01/22/21, regarding lack of response time for repairs on site related to erosion and sedimentation control systems:

1. Winter Shutdown: lack of manpower, equipment, and material on site. Takes time to get supervisor to site
2. COVID-19 Pandemic
3. Part of damage is ATV – not failure of systems in place.

FRANKLIN HILLS / SAM GIAVARA COMMENTS: Franklin Hills has retained the engineering firm, Boundaries Inc., as site monitor. NMP has been retained as the contractor for site repairs. Mobilizing NMP to correct erosion and sedimentation controls has been a challenge due to winter shutdown and COVID-19. Mr. Giavara indicated NMP is now in a position to do repairs within 4 days unless the situation is an emergency. He also indicated ATV trespassers are a problem in destroying the site and causing flow issues. Local officials have been contacting in an attempt to correct this issue. As of January 25, 2021, NMP has worked on site to correct all outstanding issues. To date, the property is in good condition as noted in the Boundaries 1/27-28-21 report.

ZONING ENFORCEMENT OFFICER COMMENTS: Ron Chalecki asked if the property is for sale. Mr. Giavara responded that Franklin Hills is always trying to attract potential business partners. So, in effect, the property is for sale. But in all actuality, Franklin Hills Estates & Country Club remain focused on building the course. It is very important the applicant correct emergency situations within 24 hours. All areas of this site are not vegetated, therefore, this site is under construction and there are concerns here for the potential of erosion.

IWWC COMMENTS: It was noted it is appreciated the applicant remains focused on development of the Golf Course Project. Adversely, IWWC is focused on enforcing IWWC regulations in support of the Town of Franklin and its residents. The past business relationship with Franklin Hills Estates & Country Club has resulted in a lack of response to concerns documented by Town Staff and the

viability of the permitting and approval process. This hearing is putting Franklin Hills on notice that the lack of communication and information required for this project will no longer be tolerated. Responsibility is that of the applicant to remain compliant with regulations and all conditions of approvals set forth by Land Use Commissions in granting your permit. Conditions of approval ask for erosion and sedimentation control issues to be repaired within 24 hours. If this cannot happen, the applicant should be professionally responsible for keeping the Town informed of why repairs were not completed according to permit specifications and when repairs would then be completed. The ultimate responsibility in keeping this site in compliance, regardless of what is happening on the site, is with the applicant.

There was general consensus that four days is an acceptable time frame for repairs unless there is an emergency situation, in which, 24 hours would be required. Keeping lines of communication by the applicant is must for the remainder of this project.

4. Additions to the Agenda: NONE

5. Approval of Minutes:

a. January 5, 2021

MOTION #1 (02.02.21): made by Mr. Baribeault SECONDED BY Mr. LeVasseur that the Inland Wetlands and Watercourses Commission approve January 5, 2021 Meeting Minutes – as presented

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

6. Report of the Wetlands Enforcement Officer: NONE

7. Unfinished Business: NONE

8. New Business: NONE

9. Correspondence: NONE

10. Report of the Chair: NONE

11. Public Comments: NONE

12. Adjournment:

MOTION #2 (02.02.21): made by Mr. McGuire SECONDED BY Mr. LeVasseur that the Inland Wetlands and Watercourses Commission adjourn the meeting at 8:29 p.m.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,

Sherry Pollard

Land Use Administrative Assistant