

TOWN OF FRANKLIN
INLAND WETLANDS AND WATERCOURSES COMMISSION (IWWC)
Franklin Town Hall
7 Meetinghouse Hill Rd., Franklin, CT 06254
MEETING MINUTES
REGULAR MEETING AND *PUBLIC HEARING*
Tuesday, December 6, 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 7:30 p.m.

Members Present: Chairman Baribeault, Secretary Niels Jeppesen, Don Smith, Joseph LeVasseur.

Member Absent: Leo Bienvenue, Vice Chairman.

Alternate Members Present: Josh Devercelly

Alternate Members Absent: Calli Carboni, John McGuire III.

Chairman Baribeault seated Josh Devercelly for absent member Leo Bienvenue.

Also present: Ron Chalecki, IWWC Agent

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

3. Public Hearing:

- a. **IWWC 22-11: JOSEPH RANDAZZO:** New Site Plan Review for significant activity; Property located at Southeast Corner of Route 32 & Route 207; Assessors Map 12 Lots 42 & 43; Zoned C-2 / R-80; Existing Use of property is vacant land. Proposed Use is new gas station / convenience store (Lot-1) and Warehouse / Office Units for lease (Lot 2)

APPLICANT/PRESENTATION: Attorney Mark Block was present to respond to issues raised by IWWC, Towne Engineering, and the public in reference to previous meeting.

EXHIBIT A: Martin McKinney, Service Station Equipment, was present to discuss specifications related to petroleum tanks, pump stations, pipework systems, spill-containment, and overall safety. Mr. McKinney submitted report packet of supportive material.

EXHIBIT B: Mr. Wentworth submitted New England Environmental Services Wetlands Function & Values Report, Richard Snarski, Registered Professional Soil Scientist and Professional Wetland Scientist.

EXHIBIT C: Towne Engineering report dated December 3, 2022.

EXHIBIT D: Wes Wentworth response report dated November 29, 2022.

Wes Wentworth, Project Engineer, presented revised site plans dated December 5, 2022 addressing Towne Engineering, IWWC, and public comments. Modifications included, but were not limited to:

- Ron Chalecki previously commented leaching field and reserve area are within upland review Lot 1. In response, modified site plans show regrading to accommodate moving primary and reserve septic out of upland review area.
- Modified site plans show snow pile storage locations at edge of Lot 2. There is an easement now in place on Lot 2 in favor of Lot 1 to allow edges to be used for snow storage for large storm events.

Wes Wentworth submitted site plan to Fire Department Chief but has not received a response. Site Plans have been submitted to Department of Transportation [DOT] for both access driveways. An approval letter has not been granted/received. Wes Wentworth addressed five comments from Town Engineering and reviewed storm water report as submitted.

Attorney Block read IWWC Regulations Section 10.2 "Criteria for Decision" into the record. There is no impact by proposed use of property on the regulated area or no activity in anything other than upland review. Based on regulations and case law applicant does not have to show feasible and prudent alternative because application shows there is no significant impact and proposed use is permitted in C-2/R-80 Zone.

IWWC COMMENTS: Members prefer to have Mr. Snarski present so Commission members can ask direct questions to an independent soil scientist. The Commission requested Mr. Snarski attend the next meeting so there can be a back and forth discussion.

Discussion included, but was not limited to, concerns related to wildlife habitat, dependent plant species, local water quality, and how this project could or could not impact water quality of wetlands.

INLAND WETLAND AGENT COMMENTS: Ron Chalecki is concerned there is no DOT approval for access driveway from Route 207 as this location runs right up against wetlands. If DOT were to require modifications changes would be required on site plans. Applicant would then have to come back to IWWC for approval. Driveway should be approved by DOT prior to IWWC approving these plans. In summary, revised site plans submitted this evening are pre-mature and not complete.

Additionally, easements allowing access connections from Lot 1 and Lot 2 are of concern. Vehicles from Lot 2 can go all the way to Route 207 through Lot 1. This is not preferred as a vehicle can turn into the gas station via Route 32 and exit the site over on Route 207 therefore cutting the light at the intersection creating a traffic issue through the site. Attorney Block stated PZC would address these issues.

Wes Wentworth agreed applicant would return to IWWC if DOT were to require access driveway from Route 207 be modified. IWWC should approved application contingent upon DOT approval.

Chairman Baribeault indicated IWWC has received significant materials and information this evening and would like ample time to review such materials in order to make an informed decision.

IWWC held a 5-minute recessed to discuss potential extension from applicant. Attorney Block agreed to the applicant submitting an extension therefore allowing IWWC additional time for review. Mr. Snarsky will be invited to come to the next IWWC meeting. Applicant submitted formal extension request to January 3, 2022.

Ron Chalecki made clear based on his review this application meets 2 of the 7 definitions outlined in Section 2 of IWWC Regulations that talks to determination of "**Significant Activity**" as follows:

"Significant activity" means any activity, including, but not limited to, the following activities which may have a major effect or significant impact:

4. Any activity which causes or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or

Attorney Block responded in that they have provided reasonable and prudent alternatives and revised plans to accommodate contingencies to prevent pollution of wetlands. We believe we have complied with IWWC recommendations and that this application is not a significant activity.

PUBLIC COMMENTS:

1. Susan Allen spoke against this application noting concerns of negative environmental regarding heavy metals and pollutants.
2. Judi Novosad spoke against this application noting concerns of reducing value of Route 207 as a historic and scenic highway.
3. Tammi Avery spoke against this application noting concerns with negative affects to wildlife.
4. Scott Smith spoke against this application noting concerns of negative impacts to wildlife and ground water.

5. Kyle Konow spoke against application noting concerns with negativity to wildlife.
6. Alden Miner spoke against this application noting concerns with potential negative threat to local wetlands and ponds.
7. Tom Miner spoke against this application noting concerns with negative impact to watercourses, and wildlife and asked if septic systems were designed properly to handle number of persons that would use this site.
8. Tammi Avery asked for additional information on Franklin/State Aquifer map. Wes Wentworth agreed to address at next meeting.
9. Lynda Miner spoke against this application and asked IWWC to consider all public comments and respect residents views when making final decision.

There was IWWC consensus Public Hearing be continued to January 3, 2022.

4. Additions to Agenda: None.

5. Approval of Minutes:

a. November 1, 2022

MOTION #1 made by Niels Jeppesen SECONDED BY Joe Levasseur that the Inland Wetlands and Watercourses approve minutes of November 1, 2022

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

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

7. Unfinished Business:

a. **IWWC 22-11: JOSEPH RANDAZZO:** New Site Plan Review for significant activity; Property located at Southeast Corner of Route 32 & Route 207; Assessors Map 12 Lots 42 & 43; Zoned C-2 / R-80; Existing Use of property is vacant land. Proposed Use is new gas station / convenience store (Lot-1) and Warehouse / Office Units for lease (Lot 2) SEE ABOVE

b. Review of IWWC By-Laws & Regulations: Tabled to Next Meeting

8. New Business: None

9. Correspondence & Commission Matters:

a. Meeting Schedule: Tabled to January 3, 2022 meeting.

10. Public Comments:

11. Adjournment:

MOTION #2 made by Niels Jeppesen SECONDED BY Joe Levasseur that the Inland Wetlands and Watercourses adjourn at 7:49 pm.

VOICE VOTE: UNANIMOUS

MOTION CARRIES

Respectfully submitted,

Sherry Pollard,

Land Use Administrative Assistant