

TOWN OF FRANKLIN
INLAND WETLANDS & WATERCOURSES COMMISSION
FRANKLIN TOWN HALL
7 Meetinghouse Hill Rd.
Franklin, CT 06254
PUBLIC HEARING / REGULAR MEETING MINUTES
January 2023, 7:30 p.m.

1. Call to Order: Chairman Baribeault called the meeting to order at 7:31 p.m.

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

Members Absent: Leo Bienvenue, Vice Chairman, Secretary Niels Jeppesen. **Alternate Members Present:** Calli Carboni, Josh Devercelly. **Alternate Member Absent:** John McGuire III. Chairman Baribeault seated Josh Devercelly for absent member Leo Bienvenue & Calli Carboni for absent member Niels Jeppesen.

2. Recognition of Visitors: Visitors sign-in sheet was made available.

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 new gas station/convenience store (Lot-1) & Warehouse / Office Units for lease (Lot 2)

APPLICANT / PRESENTATION: Wes Wentworth was asked at a previous IWWC meeting if property associated to this application was in an aquifer. He responded in that he has researched mapping and determined the Town of Franklin has no aquifer zone. He submitted a traffic study report to Department of Transportation [DOT] with documented site line demonstrations for both proposed driveways. DOT denied and indicated two conditions must be met prior to approval:

1. Provide proof of town approval prior to granting of encroachment permit
2. Provide copy of drainage analysis/calculations demonstrating effective wetlands biofilter has capacity for 10-year storm event. Wes Wentworth noted the design can handle a 100-year storm event – (DOT did not get a copy of our drainage calculation document.)

Mr. Snarsky, Professional Soil Scientist, was present and reviewed his Wetland Function & Values Report, dated November 28, 2022, as previously submitted into the record.

IWWC COMMENTS/CONCERNS: There was general IWWC concerns regarding the time of year the soil scientist's report was done and submitted - being November is a winter month. Some animal species may not be visible during this time. Members would like to have seen the report covering the spring timeline.

Mr. Snarsky noted he did review the site during the spring and performed a complete review of wetland related issues – the report was submitted in November. Additionally, analysis are made using other indicators at different times within a calendar year that can indicate wetland functions such as topography, vegetation growth on trees, and ponding of water etc. This was taken into consideration.

There is general IWWC concerns about wildlife habitat, including but not limited to, deer, raccoon, frogs, and salamanders.

Mr. Snarsky noted various other upland species will go through wetland areas but are not considered wetland dependent. The functions and values report touches on this topic.

Wes Wentworth referenced the Storm Water Management Report, dated September 21, 2022. He explained design and function of catch basins, bio-filter, sediment traps etc. and their effectiveness to work with and break down materials, including but not limited to, nitrogen phosphorous, heavy metals, organic solvents, and gasoline. The report reviews this in detail.

Chairman Baribeault asked Wes Wentworth, in his professional opinion, if this project has the potential to cause pollution of wetlands. Mr. Wentworth responded everything has a potential, but with this design and in this case it is not likely. Storm Water Treatment Plan is designed to renovate flow and contains an effective bio-filter design. Additionally, separators will trap sediment with bio-filter as a back-up which improves over time acting as a double-treatment system.

PUBLIC COMMENT: The following persons spoke against this application:

1. Susan Allen spoke against application. Frogs and salamanders are currently on property. ST of CT determined land near old mushroom farm contains aquifer (not sure if protected)
2. Tina Bourdrin spoke against application. Frogs and salamanders are there every spring.
3. Tammi Avery spoke against application. Underground tanks are known to leak and contaminate wells and drinking water for local residents and is a health hazard.
4. Roland Mihok spoke against application. Use of a gas station in this location close to wetlands and watercourses is not a fit for this property.
5. Mark Heinonen spoke against application. Concerned with run-off of pollutants into ground water systems running through and around this area.
6. Werner Rechlin spoke against application. Project is to wetlands. This type of use should never be allowed to be placed near wetlands and water wells that people drink.

INLAND WETLAND AGENT COMMENTS/CONCERNS: Ron Chalecki noted Route 207 exit/entrance driveway is in within 50 ft. of upland review area. DOT approved location. It is recommended applicant reduce amount of construction activity in upland review to protect upland buffer. Applicant has not submitted anything to eliminate work in buffer area. Areas of construction near this driveway is extremely tight regarding upland review and wetland areas. Town Staff and Engineering Staff will need to keep a close eye on this.

Wes Wentworth agreed driveway is w/i 50 feet of upland review area, however, DOT would not allow us to move driveway away from its current location. Edge of wetlands to edge of driveway pavement is 18 feet.

INLAND WETLANDS AGENT: Ron Chalecki noted based on his review this application meets 2 of the 7 definitions outlined in IWWC Regulations that talks about 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:

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

IWWC COMMENTS/CONCERNS: Chairman Baribeault again asked Wes Wentworth if he would consider reducing footprint of proposed project to offer feasible and prudent alternatives as directly related to this application being considered significant activity.

Wes Wentworth responded he and his client must consider economics and viability of operating this type of business. Applicant has chosen a business plan for this project that I have designed for. It would not be reasonable to reduce proposed footprint for the viability of commercial development as proposed use is allowed by IWWC Regulations. In summary, our project team believes we developed a plan with absolute minimal impact to wetlands and no significant negative impact to wetlands in upland review area.

Chairman Baribeault clarified previous to this meeting IWWC determined this application a significant activity. As such, IWWC decided a public hearing was necessary because it is a matter of public interest. As a result of this determination, applicant is required to represent feasible and prudent alternatives. Applicant may wish to continue this public hearing to further address this.

Wes Wentworth noted he has provided revised site plans that accommodate feasible and prudent alternatives to prove there was a better design. If the applicant were to come back again with modified plans it would be a step back in design due to the Route 207 driveway moving into wetlands and would result in less than a better design. There is no further information to provide.

Chairman Baribeault read IWWC Regulation Section 7.6 Application Requirements and Section 10.2 Criteria for Decision into the record as applied to this application.

MOTION (01.03.23): made by Mr. LeVasseur **SECONDED BY** Ms. Carboni that the Planning & Zoning Commission close the Public Hearing.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

4. Additions to Agenda: None

5. Approval of Minutes:

a. December 6, 2022:

MOTION (01.03.23): made by Ms. Carboni **SECONDED BY** Mr. LeVasseur that the Inland Wetland & Watercourses Commission approve December 6, 2022 Meeting Minutes - as presented

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

6. Report Wetlands Official: 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) b. Review IWWC By-Laws: c. Review IWWC Regulations:

MOTION (01.03.23): made by Mr. LeVasseur **SECONDED BY** Ms. Carboni that the Inland Wetland & Watercourses Commission vote on Application #22-11 this evening:

Discussion ensued: Chairman Baribeault asked members if they would like to postpone the vote to next meeting to have time to review and consider information and public input heard and seen this evening; and to vote at next regularly scheduled meeting. There was consensus IWWC vote.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

MOTION (01.03.23): made by Mr. LeVasseur **SECONDED BY** Ms. Carboni that the Inland Wetland & Watercourses Commission deny IWWC Application #22-11 Joseph Randazzo as presented

Discussion ensued: Criteria for Decision in IWWC Section 10.2 a through f. applies to this application:

- a. The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. The relationship between the short term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity
- e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

In reaching our decision we are to base our decision on the record of the hearing. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The finding and the reasons therefore shall be stated on the record.

- **Joe LeVasseur** indicated there is significant activity which has the potential to cause pollution of a wetlands or a watercourse.
- **Calli Carboni** noted there is significant activity which has the potential to cause pollution of a wetlands or a watercourse and this application does not meet requirements of our regulations. Public has vast knowledge of this area as well as this board and we feel that applicant was given change for feasible and prudent alternatives but did not offer
- **Josh Devercelly** there is significant activity which has the potential to cause pollution of a wetlands or a watercourse and there could be an accidental spill into nearby wells and watercourses adversely affecting the health of residents and habitat species.
- **Don Smith** concurs with all that has been said. Accidental spills may and do happen
- **Chairman Baribeault** concurs with criteria in 10.2 a through f and for reasons as discussed and that based on factors on the application itself, public comments, and Staff Comments with respect to concerns as noted plus intensity of use on property and under Section 10.1 of regulations. With respect to criteria under 10.2 - I agree to potential environmental impact of proposed regulated activity on wetlands and the applicant's the need for feasible and prudent alternative to the proposed regulated activity which alternatives would cause less or no environmental impact to wetland or watercourses. The applicant and his representative have indicated they have no such reasonable feasible and prudent alternative to the development. Lastly, the potential impact to proposed regulated activity are concerning because this is a gas station. Gasoline use is determined as regulated activity and would enhance or make inevitable future contamination of wetlands by virtue of the nature of it being a gas station. Also, public persons have said we do not know what is going into the warehouse portion of this project. While that is a PZC issue, intended use of building is still somewhat relevant. I agree to deny as in agreement with IWWC members as set forth. I concur with Motion as made.

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

8. New Business:

a. Meeting Schedule.

MOTION (01.03.23): made by Mr. LeVasseur **SECONDED BY** Ms. Carboni that the Inland Wetland & Watercourses Commission approve the 2023 Meeting Schedule as amended:

(1) July Meeting NO scheduled meeting

VOICE VOTE:UNANIMOUS;

MOTION CARRIES

9. Public Comments: Alden Miner thanked IWWC for their diligence, thoroughness, and looking out for the Town of Franklin. regarding IWWC 22-03 Randazzo

10. Adjournment:

MOTION (01.03.23): made by Mr. Baribeault **SECONDED BY** Ms. Carboni that the Inland Wetland & Watercourses Commission adjourn at 9:36 pm

VOICE VOTE: UNANIMOUS;

MOTION CARRIES

Respectfully submitted,
Sherry Pollard,
Administrative Assistant to the Commission