



Search Site

How Do I...

Departments

Boards & Committees

Citizens Express

Pay Bills Online

Contacts Directory

Subscribe to News

Hours of Operation

Forms & Documents

Trash & Recycling

Government

Business Resources

Community

Live Meetings & Video

Residents

Schools

Conservation Commission Minutes - 08/18/2016

[Printer-Friendly Version](#)

Franklin Conservation Commission Minutes of Meeting August 18, 2016

To: Town Clerk
cc: Members
File

Present: B. Batchelor, T. Henrichon, P. Harrington, S. McLean, A. Gelineau, George Russell, Conservation Agent, Kathleen Celorier, Secretary

Absent: Jeff Livingstone

Chairman Batchelor announced the meeting would be audio and video recorded.

Mr. George Russell's Agent's Report has been appended to the minutes.

Public Hearing – Continued - NOI – 291 Washington Street - Delsignore

Mr. Scott Morrison of EcoTec, Inc. addressed the Commission on behalf of the applicant for the removal of tires, debris, trash and regrading. He stated part of the debris removal has been completed. An NOI was required to be filed to complete the remainder of the work. The work proposed consists of erosion control barrier and remaining debris removal using an excavator with grapple to pick up the material and put in trucks to be hauled away.

Mr. Russell recommended the application go forward with the special conditions listed in his Agent's Report.

There was a motion made by Scott McLean to close the public hearing for the NOI for 291 Washington Street. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean to approve the NOI for 291 Washington Street with special conditions #20, 21, 24, 27-30, 34, 35, 41 and 44. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Public Hearing – Continued - Amendment – 176 Grove Street – Novaya Real Estate

Mr. Russell stated there is a procedural error with this application in that abutter notifications were never sent out. He recommended the Commission take no action as the hearing should not have been opened had this procedural error been known. The applicant has to re-advertise the hearing and send out the abutter notifications.

Mr. Batchelor stated no action shall be taken on this public hearing.

GENERAL BUSINESS

Certificates of Compliance: 19 Colt Road and 101 Jordan Road

There was a motion made by Scott McLean to release the Certificates of Compliance for 19 Colt Road and 101 Jordan Road. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Certificate of Compliance: End of Garnet Drive

There was a motion made by Scott McLean to release as invalid the Certificate of Compliance for End of Garnet Drive. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Permit Modification: Lot 14-1 Lena Circle

Mr. Russell recommended the one-year extension.

There was a motion made by Scott McLean to approve the one-year extension for the NOI for Lot 14-1 Lena Circle. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

Minutes:

There was a motion made by Scott McLean to accept the minutes for the August 4, 2016 meeting. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-1 (Chairman Batchelor abstained as he was not present at the August 4, 2016 meeting).

Public Hearing – Continued - NOI – End of Garnet Drive – Aldo

Mr. Daniel Aldo, property owner, 233 Main Street, Foxboro, MA; Ms. Miranda Babbitt, 23 Summit Avenue, Mansfield, MA, and future resident of Garnett Drive; and Mr. Donald Nielsen of Guerriere & Halton, Inc., addressed the Commission to extend Garnet Drive with one (1) sidewalk and roadway. Ms. Babbitt stated she and her brother wanted to make a statement regarding the incident last week where trees were being removed within the stop-work order. Immediately upon hearing the news of it they went to the Town Hall to speak with Mr. Russell. She stated the people that purchased the firewood from the cut trees became impatient and wanted to claim their product. They were not authorized by the Aldo family or the site contractor; no one was allowed on the property. Somehow the tree cutters told the people to whom they sold the firewood that they could come and take it; trees started to be removed. She stated the tree company and others have been notified this is trespassing and it was not authorized. There still remains about 10 trees to be cut down once the stop-work order is released. She apologized for the incident.

Mr. Russell stated the cut and removed trees were not in the resource area. He stated the Conservation Commission and Planning Board plans are now the same. And, having met with the actual property owners, there seems to have been a significant lack of communication which appears to be rectified. Therefore, the major legal/procedural hurdle should now go away. He recommended this notice of intent be approved with all the original stipulations plus one additional stipulation. Given the history and the legal requirements of the NOI, a special condition should clearly spell out that the stop-work order remains in force until evidence of recording is submitted to Mr. Russell's office and then the stop-work order will automatically expire.

Ms. Babbitt stated she understood what this means.

Mr. Russell stated the Commission will vote on the order of conditions; he is expecting a positive vote. Then the actual paperwork needs to be completed which will be done on Monday. The applicant can either pick it up at the office or it will be mailed certified mail. If it is picked up, the applicant will then need to go to Dedham to put it in the Land Records and then return to the office to show the recording receipt; then they can go to work.

Ms. Babbitt stated she understood the procedure.

There was a motion made by Scott McLean close the public hearing for the End of Garnet Drive. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean approve the NOI for the End of Garnet Drive with all of the original special conditions from the original NOI attached; in addition, the special condition that the stop-work order remains in effect until the applicant provides evidence to the Conservation Agent of the recordation of the certificate of conditions with the Registry of Deeds. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Public Hearing – Continued – RFD – Eversource

Mr. David Halliwell, Project Manager with VHB, and Denise Bartone, Environmental Engineer with Eversource, addressed the Commission for the repair and maintenance of existing access roads at electrical line right-of-way. Mr. Halliwell stated this is part of Eversource's access road maintenance. This type of utility work is usually exempt under the Wetlands Protection Act. His experience is that this Commission likes them to come in and file an RDA as the activity is not exempt under the bylaw. So, they filed an RDA and are here to discuss the project which is essentially within the right-of-way. They would like to maintain the gravel roads that access the structure. The process usually starts with mowing the road, placing erosion controls, and placing swamp mats if necessary. The contractor then puts down gravel which is rolled and compacted. The erosions controls and any swamp mats are then removed.

Mr. Russell stated he was uncomfortable with the statement in the material submitted by the applicant that indicates restoration efforts will be undertaken "... if necessary at the discretion of a wetland specialist." The restoration efforts were outlined, but the thresholds were not specified.

Ms. Bartone stated that was in reference to using swamp mats for construction practices. During removal of the mats there may be some disturbance of the wetlands, but typically it is flat when removed.

Mr. Halliwell provided photographs and gave explanation of what it may look like when the mats are put down and when the mats are removed. He stated they monitor the process.

Ms. Bartone stated she believes they submitted a map of the impacted area. Typically, their experience has been that the wetlands have enough seed stock in their own soils so they prefer not to put seed down because they do not want to introduce any invasives.

Chairman Batchelor confirmed with the applicant that if the matting were put in correctly, the only impact would be compression. And, if there were a disturbance, it would be mitigated before they leave.

Mr. Halliwell stated yes.

Mr. Russell noted the current material is more extensive than the original application materials. He recommended if the RDA be issued negatively, that at the end of the project the applicant submit to the Commission a detailed report on the timing of the project, any issues that were encountered, and any mitigation action that was taken to overcome the issues in the resource areas.

Ms. Bartone stated that hopefully they would be finished by September. It takes about a month from when the mats go down to when they are removed. She noted that these are easements; they do not own the right-of-way.

Chairman Batchelor asked if the applicants understood what was suggested and if they would be able to provide the report of completion.

Ms. Bartone stated yes.

There was a motion made by Scott McLean to close the public hearing for the RDA for the Eversource access road maintenance project. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean for a negative determination for the RDA for the Eversource access road maintenance project with the stipulation that the applicants submit a report to the Conservation Agent at the end of the project detailing what was done during the project. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 100 Financial Drive – CRE Management

Mr. Douglas Hartnett, Principal of Highpoint Engineering, representing CRE Management, addressed the Commission for the construction of 300,000 sq. ft. warehouse building and 28,000 sq. ft. building expansion. He provided a brief overview of the project noting this project runs in tandem with the Charter School project. The hearing had been continued due to lack of quorum. Since the last meeting they have gone through peer review with the Commission's peer reviewer. They responded to the peer reviewer's comments which included the riverfront alternatives analysis. The peer reviewers seem to have no other objections or comments to the application. Mr. Hartnett said he has basically completed their hearings with the Planning Board; the Planning Board would not close until the Conservation Commission acted on the NOI. He is hoping for an approval in order to go to the Planning Board on Monday night.

Mr. Russell stated the only thing holding this up has been the quorum issues. Everything is ready to go forward with the stipulations outlined in his Agent's Report.

There was a motion made by Scott McLean to close the public hearing for the NOI for 100 Financial Drive, Warehouse. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the NOI for 100 Financial Drive, Warehouse project, with stipulations #19-40 and 44. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Public Hearing – Continued - NOI – 14 Oxford Drive - Underwood

Mr. Russell stated the applicant requested a continuance of the hearing since the required wetland scientist's report was not submitted on time for this hearing.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 14 Oxford Drive to September 1, 2016 at 7:30 PM. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activities: 75 Jefferson Road

Mr. Keith Laughman, owner of 75 Jefferson Road, addressed the Commission for the approval of a shed permit. He stated that he amended the application after Mr. Russell made a site visit. He had already started to rake back some of the leaves that were on the edge not knowing that was part of the permit; so he amended the permit. He had provided photographs.

Mr. Russell stated that when he did his first field inspection of the site the appearance was far different as to what was actually done. It looked like much grass, leaves, and branches piled up, but not necessarily new material. He had requested the property owner amend the permit to include the work done in clearing the small pathway and no additional new pathways until the Commission approves it as it is technically in the buffer area. There is a stream channel not too far away, but it does not seem to be an issue at this point.

Mr. Harrington asked for clarification on the map as to the buffer zone area.

Mr. Laughman confirmed the three pine trees in the photographs are just within the 100' buffer and are to be removed. He stated the shed will be under 200 sq. ft.

Mr. Harrington stated that whenever possible the applicant should try to stay out of the buffer area.

There was a motion made by Scott McLean to approve the MBZA for 75 Jefferson Road. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Minor Buffer Zone Activities: 758 Union Street

Mr. Russell stated that there was a typographical error on the agenda and this item is 758 Union Street (not 758 Lincoln Street).

Mr. Christopher Cadorette, homeowner of 758 Union Street, addressed the Commission. He stated the contractor could not attend tonight's meeting. The contractor had applied for a permit to build a four-season porch with an extended deck over the existing footings; there will be a few more concrete footings that need to be dug. There will not be any tree removal. The land behind the house is wetlands.

There was a motion made by Scott McLean to approve the MBZA for 758 Union Street. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Minor Buffer Zone Activities: 1 Peters Lane

Chairman Batchelor stated that as no one was present for this item, it should be continued.

There was a motion made by Scott McLean to continue the MBZA for 1 Peters Lane to September 1, 2016. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Discussion Item: DelCarte Educational Information – Mike Perrin

Mr. Mike Perrin, Intern, addressed the Commission regarding DelCarte Educational Information. He thanked the Commission for their feedback on the guide he prepared. He made revisions to the guidebook and will send out a final copy. He stated that with the Commission's permission he would like to make the blog he created open to the public and share it on Facebook as soon as possible as next week is his last week.

Mr. McLean stated he had a concern about the blog in making the name mandatory.

Mr. Perrin stated he made the name optional.

Mr. Russell stated that regarding the blog it would be important that the Commission take a formal vote to authorize it to go public. With that vote, it will be sent through the town's social media outlet to let them know that it is done and available and potentially put a link to the blog on the Conservation website.

Ms. Henrichon asked if the town administrator was comfortable with the Commission having a blog.

Mr. Russell stated that as this is new, he could not answer. But, the administration feedback received from the outreach of the Commission has been extremely positive. He does not anticipate there will be a problem; but if there is, they will be coming back. That is why he would like a formal vote from the Commission.

There was a motion made by Scott McLean that the Commission is authorizing Mr. Mike Perrin to make the DelCarte blog live. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Mr. Russell stated that the Commission's authorization is on record to do it, but he still wants to clear it "upstairs."

Mr. Perrin noted that he has received many suggestions to put maps of the natural areas on the Conservation website or Town website so people could access them on their smartphones or print them out before they arrive.

Mr. Russell stated it would not be an issue to put the maps on the website.

Mr. Perrin noted that when he was at Dacey Fields he noticed an infestation of a fungus/disease that wraps around the branches called black nut. It affects trees such as the black cherry tree and there are many in the Dacey area; more than half of the black cherry trees he saw had the disease. He suggested that someone with experience in tree diseases should look at this as conservation efforts may be needed to prevent the spread. Based on his research, if the trees were severely infected a fungicide was recommended. Trees showing new signs of the disease can undergo pruning and sanitation efforts.

Mr. Russell stated this is new. He stated the Conservation Commission does not have control over Dacey as they do over DelCarte. So, this will probably go through the administration and DPW. He would like to do more research on this and work with Kristen before she leaves to determine what happens if nothing is done.

Ms. Henrichon stated that Mr. Russell could call Doug, a botanist at Stony Brook, and he might be able to go over and offer advice.

Mr. Russell noted this is not something that the wetlands filing fee account could be used for.

Mr. Perrin explained that he had the intention to prepare a second grade class lesson plan, but it became more for a fourth or fifth grade class as an ecology unit. He incorporated questions and answers to interact with the children. It could be used to get kids outside in the environment.

Chairman Batchelor stated it was an outstanding lesson plan.

Mr. Russell stated the next step would be to use the guidebook as a general town guide to what is there. He would like to eventually work with the Board of Education to see what type of interaction could happen. Hopefully, it could form the basis of an educational outreach component. He said they are open to any suggestions on the guidebook the Commission members may have. He stated Mr. Perrin was also working in the town forest regarding where the trails should go, the species out there, where signage should go, and more. This is not in the final format at this time to review. He noted that in the middle of the town forest there is a piece of private property. He stated that in regard to DelCarte, all the signage has been vandalized and most thrown in the pond. The signs have been picked up and trying to repair them to get them back up.

Chairman Batchelor recognized on behalf of the Franklin Conservation Commission the work of Mr. Perrin and the asset the work has turned into for the town and the Commission and the outstanding nature of what he has accomplished.

There was a motion made by Angela Gelineau to formally commend Mr. Mike Perrin. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Discussion Item: Green Communities

Mr. Russell stated the issue of the green communities came up at the last meeting. The status currently is that the town planner has prepared reports and they have gone to the town administrator, but no action has been taken by the administration concerning participation in this program.

Mr. Harrington asked if a recommendation could be made to the administration.

Mr. Russell stated that should the Commission want to go on record endorsing the town's participation, that is within their purview.

Chairman Batchelor stated he believes this program is winding down. He stated one of the reasons for people to install solar was the economics of it and the rebating.

Mr. Russell noted that all of the new town buildings, such as the new high school, are energy efficient; therefore, it will be hard to get the 20 percent reduction from the baseline.

Mr. Harrington stated that if we join this plan it goes back two years to 2014. He stated he believes it is still a worthwhile endeavor.

There was a motion made by Paul Harrington to endorse the proposal to become a member of the Green Communities program. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

Ms. Henrichon asked about the town's energy committee and suggested the town have an active energy committee.

Mr. Russell stated that one of the steps to the program is to establish an energy committee, so he assumes the town does not currently have one.

Discussion Item: Franklin TV Communication Tower at 71 Forge Hill

Mr. Ken Norman, President of Franklin TV, and Mr. Peter Fasciano, Executive Director of Franklin TV, addressed the Commission. Mr. Fasciano provided an overview of the project to build a radio tower for the Town of Franklin. The FCC has given a construction permit. They will take existing antennas on Forge Hill and place on new tower that Franklin TV will construct that would be shared by town services and Franklin TV. The tower would be located along the westerly edge of the DPW water tower site. The Zoning Board of Appeals has approved. He is working on last phase of federal applications. It has already been approved by the FAA. He is currently working on other required approvals. He is here tonight to ask for approval and make Commission aware; he has provided the Commission with the environmental assessment required by the federal government.

Mr. Russell stated that Franklin TV needs a vote of the Commission to accept the environmental report which indicates there are no permitting issues from this body that will go into their federal application. He stated he has done a site visit. He recommended the Commission accept the August 10, 2016 environmental report.

There was a motion made by Scott McLean that the Conservation Commission accept the environmental report for the TV tower for Franklin TV and there are no jurisdictional issues with this Commission for this project. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Signed Minor Buffer Zone Activities, Certificates of Compliance, Extension Permit, Orders of Conditions & Determination of Applicability

Minor Buffer Zone Activity – 758 Union Street – Cadorette

Minor Buffer Zone Activity – 75 Jefferson Road – Laughman

Certificate of Compliance – End of Garnet Drive – Wyllie – CE159-1119

Certificate of Compliance – Jordan Road – Hyldborg – SE159-185

Certificate of Compliance – 19 Colt Road – Maliff – CE159-1048

Extension Permit – Lot 14-1 Lena Circle – Marguerite – CE159-1051

Determination of Applicability (Negative) Electrical Line ROW - Eversource

Orders of Conditions – End of Garnet Drive- Aldo – CE159-1142

Orders of Conditions – 100 Financial Park Warehouse – CE159-1131

Orders of Conditions – 291 Washington Street – Delsignore – CE159-1139

There was a motion made by Angela Gelineau to adjourn the meeting. The motion was seconded by Scott McLean and accepted with a vote of 5-0-0.

The meeting adjourned at 8:32 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary