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Conservation Commission Minutes - 08/04/2016

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Franklin Conservation Commission Minutes of Meeting August 4, 2016

To: Town Clerk
cc: Members
File

Present: T. Henrichon, P. Harrington, S. McLean, A. Gelineau, George Russell, Conservation Agent, Kathleen Celorier, Secretary, M. Perrin, Conservation Intern.

Vice Chair Henrichon announced the meeting would be audio and video recorded.

Mr. George Russell's Agent's Report and Agent's Report Supplemental have been appended to the minutes.

Public Hearing – NOI – 291 Washington Street - Delsignore

Mr. Scott Morrison of EcoTec, Inc. addressed the Commission on behalf of Peter Delsignore, applicant, and Deb Bibault, owner, both present at the meeting, for the removal of tires, debris, trash and regrading. Mr. Morrison provided an overview of the permit application stating it is a commercial site with some debris and materials that were stored in the back. Eight truckloads of material have been removed of which some was within the 100 ft. buffer zone. He then delineated the wetlands and prepared the NOI. At the time of the application the formal plan was not prepared by the surveyor. The plan is now complete showing boundaries, buffer zones, erosion control barriers, and more. It is essentially an after-the-fact proposal to remove all the debris and provide a thin layer of asphalt grindings or crushed gravel to provide stabilization where the debris was removed.

Mr. Russell stated there were a few procedural issues. He received plans via email, but the actual plans were received today; therefore, the plans, along with the photographs were not able to be distributed to Commission members. As well, the correct filing fee has not been received; therefore, the application is incomplete.

Mr. Morrison stated he considered this a minor project for removal of trash and debris; therefore, a \$50 filing fee. There is a second category of a \$500 fee associated with commercial buildings. If the Commission considers this more than a minor project which constitutes the \$500 fee, they are willing to make that payment. He questioned why this would not be a \$50 fee.

Mr. Russell stated the referenced \$50 fee is for single-family homes such as additions, in-ground pools, swing sets, etc. Under the local bylaw the base fee for Commercial/Industrial is \$500; therefore, there is a \$450 fee discrepancy as this is a commercial site.

Mr. Morrison stated they would pay the \$450 difference tonight.

Mr. Russell recommended the hearing be continued to August 18, 2016. In that time frame the new mapping and photographs can be distributed to Commission members and the additional filing fee submitted. He noted that DEP raised the issue of the original mapping and they did not feel it was adequate. The current mapping provided is the revision.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for 291 Washington Street to August 18, 2016 at 7:15 PM. The motion was seconded by Scott McLean and accepted with a vote of 4-0-0.

Mr. Morrison asked if a site walk was needed as he did not want to return to the August 18 continued public hearing to find out that the hearing needed to be continued again for a site walk.

Mr. Russell stated the hearing had already been continued; therefore, the Commission members could no longer discuss the issue. He stated he would contact the Commission members via email and ask them if they wish to do a site walk, and if so, to notify Mr. Russell so he could then notify Mr. Morrison.

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

Mr. Karlis Skulte of EBI Consulting, and Mr. Shawn Hawthorne of Novaya Real Estate, addressed the Commission for minor site modifications. Mr. Skulte stated they wanted to amend the order of conditions. He noted they were before the Commission last December and had presented the proposed drainage changes. The Commission voted that they should come back and formally present the amendment to the order of conditions which they are doing tonight. He recapped the project. It is essentially two pieces of property: a 20.7 acre parcel and a 4.4 acre parcel, both owned by applicant, bisected by railroad tracks. The 4.4 acre parcel is essentially undevelopable as there is no access and the tracks cannot be crossed. The existing site was an industrial development; a 170,000 sq. ft. building with two tenants actively in use. Applicant purchased property with intent to upgrade site. Project was initially presented as a site rehabilitation and improvement. The overall project is a decrease in impervious. Main improvements are on the north side of the building. There are two resource areas on the site: bordering vegetative wetlands and a perennial stream. The changes presented consist of revisions to the drainage system. Trench drain added as grading was changed as trucks were coming in too high to loading dock. Minor modifications made to the type of curb constructed along edge; vertical granite used. Added additional stones along pavement to encourage trucks to not travel off paved area. Except for chain link fence, the rest of the site has been constructed and completed with regular reporting made to Commission. The changes presented in December were deemed to be minor. They are here only to document the revised plans. He stated the abutters were notified and he has the green cards, but not with him.

Mr. Russell recommended the hearing be continued until the green cards are submitted.

There was a motion made by Scott McLean to continue the public hearing for the Amendment for 176 Grove Street to August 18, 2016 at 7:20 PM. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Mr. Russell, in response to Mr. Skulte's question, stated the green cards could be submitted to him electronically, prior to the continued hearing date.

Public Hearing – NOI – End of Garnet Drive – Aldo

Mr. Bruce Wilson, Principal of Guerriere & Halnon, Inc., representing the applicant, and Mr. Richard Schafer, Attorney, addressed the Commission to extend Garnet Drive with one (1) sidewalk and roadway. Mr. Wilson stated members of the Aldo family as owners and applicant were also in attendance at the meeting. He noted the invalidation of the original order, the amendment to the sidewalk, and the stop-work order. He discussed the plans showing the sidewalk highlighted in red. The original order is being invalidated, but there are no other significant changes to the plan. He addressed the location of the sidewalk on the easterly side of the roadway. He stated plans are submitted to the Planning Board. There are two versions of the plans for the road section: one with a 3:1 off-grading and one with a 2:1 off-grading due to the inconsistencies with Planning Board regulations in which a diagram shows a 2:1 grade while the verbiage indicates a 3:1 grade. Both drawings are in the Commission members' packets. He received a letter today from Mr. Russell who stated he feels the Planning Board received different plans from the Commission. Mr. Wilson provided the Commission with both plans highlighting the only change between the Planning Board's plan and the Commission's plan; the Planning Board did not want the word Conservation in the title block of the final plans. He reiterated they are here tonight to try to put in a sidewalk which was part of the original 2005 agreement with the town. He stated they tried, but were unsuccessful in getting it waived.

Mr. Russell stated that when he generated his Supplemental Agent's Report, the Commission's plans were dated July 7; the Planning Board's plans were dated July 28. And, there are two plans dated July 28: version 1 and version 2. One of the biggest problems with this subdivision approval is that for a variety of reasons the plans in front of the Planning Board and Conservation Commission do not line up. There are no comments from the town engineer on the slope issue. He recommended the applicant present to this Commission one of the above plan sets and let the Commission decide which plans they feel best meet the statute of the local bylaw. Then it would go to the Planning Board for approval. He suggested that the Commission not vote on the application, but suggest to the Planning Board which slope requirement they are leaning toward and see what feedback they get from the Planning Board in an attempt to determine who is going to approve what. A request has been submitted to invalidate the first NOI on this development. That is ready to go forward, but it is not on the agenda because it was not received in time. He recommended the hearing be continued. The NOI number has been received.

Mr. Wilson stated they will be before the Planning Board on August 8. He received a few letters from the planning office and the town engineer. Mr. Maglio asked for the 2:1 slope. The applicant prefers the 2:1 slope; the 3:1 slope would require a small retaining wall.

Mr. Russell stated the Planning Board will make a decision after the Conservation Commission does. He stated if the Commission feels the 2:1 slope is in the best interest of the Wetlands Protection Act they should write a letter to the Planning Board indicating such. As well, the hearing should be continued and final plans should be submitted with the revision date showing the 2:1 slope and whatever title block the applicant needs for the Planning Board. The multiple copies of plans are causing immense confusion.

Mr. Wilson stated the Aldo family wants to get the road paved before the winter; therefore, they would like to get this resolved. He referenced the stop-work order. He stated they would like to get the utilities in and start grading the roadway. The modular homes are scheduled to be delivered soon. All of the compost sock is in place. They are trying to work with both committees.

Commission member indicated that if Planning Board makes a decision at their next meeting, this item will return to the Conservation Commission in two weeks. The stop-work order is contingent on the NOI which the Commission does not have.

Mr. Russell recommended one motion to authorize his office to communicate to the Planning Board that the Conservation Commission's preference is for a 2:1 slope and a second motion to continue the hearing to August 18.

There was a motion made by Scott McLean that the Conservation Commission authorizes the Agent to contact the Planning Board with the opinion that the 2:1 slope in the most recent plan for the South Hill Estates NOI is the preferable gradient for the Conservation Commission's purposes. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to continue the public hearing for the South Hill Estates NOI to August 18, 2016 at 7:25 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Public Hearing – RFD – Eversource

Mr. Russell stated the applicant requested a continuation to August 18, 2016.

There was a motion made by Scott McLean to continue the public hearing for the Eversource access maintenance RFD to August 18, 2016 at 7:30 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Public Hearing – Emergency Permit – DelCorte Dams - DPW

Mr. Russell stated that Commission members had received in their packets some photographs and verbiage on this item. The problem is the immediacy of removing the vegetation to get the water flowing. He requested the emergency certification be issued as well as DPW be asked to investigate long-term management so these issues do not become emergencies again. They want to make sure the flow of water continues in a controlled manner. He stated Mike Perrin, Conservation Intern, has been at the location to look at it.

Mr. Perrin stated it has been growing for the past times that he has been to the location. He is not sure if branches are falling off and going with the water flow, or if beavers are putting it there. It looks like beavers may have been chewing on some branches.

Mr. Russell stated the beavers are affecting upstream as well, but it has not reached the point where something has to be done.

Vice Chair Henrichon reiterated there should be a long-term management plan so there does not have to be an emergency certification.

There was a motion made by Scott McLean to request of the DPW that there be a long-term maintenance plan to prevent further beaver dams so that it would not require the DPW to continue to come to the Conservation Commission for continued certifications. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to grant the emergency certification to the Franklin DPW to remove the materials at the lower dams at DelCorte from the beaver dams. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

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

Mr. Harrington stated he would recuse himself from this item.

Mr. Russell stated that due to the above stated recusal, he would ask Mr. Harrington to continue to sit in order to have a motion to continue the hearing. The applicant was notified there would not be a quorum.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 100 Financial Drive, Warehouse, to August 18, 2016 at 7:35 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

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

Mr. William Halsing of Land Planning, Inc., and Mr. Robert Underwood, applicant and owner, addressed the Commission to build an addition to existing single-family house. Mr. Halsing provided the green cards.

Mr. Russell reminded the Commission that this hearing was continued from the last Commission meeting due to a lack of quorum; no testimony was taken. He stated the Commission has been very consistent when vegetative debris is placed in a jurisdictional area. They require the services of a wetland scientist to evaluate whether that material should stay or come out; then appropriate permitting is based on that. There is currently a permit in front of the Commission member. The vegetative debris, which was not an extensive pile, was found in the resource area, the BVW, not the buffer zone; it has been removed. He still thinks a wetland scientist should look at it based on consistency with the past practice of the Commission. He does not know if such a report if forthcoming by the applicant; if not, he would recommend a continuance of the hearing.

Mr. McLean noted that if the hearing is continued there may be the same quorum issue, so it is up to the applicant as to whether or not they want to present tonight.

Mr. Halsing stated a wetland scientist has not looked at the removal. He stated if there is going to be a quorum issue, it probably does not make sense to present tonight.

Mr. Russell noted that his office recommended a wetland scientist evaluate when the application was submitted. This is not brand new.

There was a motion made by Scott McLean that it is the Conservation Commission's official opinion that in order for the NOI at 14 Oxford Drive to proceed, a wetland scientist needs to evaluate the site of the violation. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 14 Oxford Drive to August 18, 2016 at 7:40 PM. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Public Hearing – NOI – 35 Meadowlark Lane - Balcius

Mr. Bruce Wilson, Principal of Guerriere & Halnon, Inc., Mr. Leo Buckley, former owner of 35 Meadowlark Lane and original applicant, and Mr. Balcius, current owner, addressed the Commission for the construction of in-ground swimming pool. Mr. Wilson stated they are here to clean up some title work. The original project was permitted in 2003 with the swimming pool, fence and shed constructed. Inadvertently, the owner had expanded the fence outside the limits of the grass area. There was a tree line shown in pictures from 1995. He provided an overview of the perennial stream, bordering vegetative wetlands, and associated buffer zones. The fence and shed are slightly over the 50 ft. no-disturb zone. He stated that as far back as 1995 that area had been disturbed. He provided photographs of then and now in its current state. It is his opinion that if they tried to move the fence and shed back to where the original order of conditions was it would be more detrimental to the project than what it is now as it has been well established since 2003.

Mr. Russell stated Mr. Wilson summed it up nicely. It is really just an exercise in paperwork. The work is done; the old NOI expired. This is to approve the work that was done and to clean up the title.

There was a motion made by Angela Gelineau to close the public hearing for the NOI for 35 Meadowlark Lane. The motion was seconded by Scott McLean and accepted with a vote of 4-0-0.

Mr. Wilson stated he would submit to Mr. Russell a request for certificate for the next hearing.

There was a motion made by Angela Gelineau to approve the NOI for 35 Meadowlark Lane without any special conditions. The motion was seconded by Scott McLean and accepted with a vote of 4-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activities: 19 Northern Spy Drive

Mr. Douglas Oppelt, addressed the Commission to put a shed next to his driveway; it would be all on the lawn. He stated he has not decided on the patio yet, but it will be either stamped concrete or pavers.

Mr. Russell stated that based on the square footage of the new roofing, it does not meet any increase in stormwater runoff.

There was a motion made by Scott McLean to authorize the MBZA for 19 Northern Spy Drive. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Permit Modification: Dacey Fields Culvert

Mr. Russell stated that in the Commission members' packets is a copy of an educational program that was developed by Mike Perrin as part of his internship. He stated it is his opinion that neither this item nor the next one, Police Station Dumpster Pad, rise to the level of a new NOI. An amendment to the existing NOI would suffice.

There was a motion made by Scott McLean that it is the Conservation Commission's opinion that an amendment to the NOI is sufficient for the Dacey Fields Culvert. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Permit Modification: Police Station Dumpster Pad

There was a motion made by Scott McLean that it is the Conservation Commission's opinion that an amendment to the NOI is sufficient for the Police Station Dumpster Pad. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Discussion Item: DelCarte Educational Information – Mike Perrin

Mr. Russell stated that in the Commission members' packets is a copy of an educational program that was developed by Mike Perrin as part of his internship. He will present it tonight; Commission members may comment and make suggestions. Then a decision will be made as to how it will actually be implemented.

Mr. Mike Perrin, Intern, addressed the Commission to review his report. The goal was to create a lesson plan to get people interested in the DelCarte area. It turned into somewhat of a guidebook. Someone can use the information to go on a walk and it will provide a better understanding of the area. He also created a blog for the Franklin Conservation Commission. The website allows a person to submit the sightings seen around different natural areas. Residents could submit what they see so an index of what is going on in the areas and what happens during the seasons can be created.

Mr. Russell stated Mr. Perrin developed this as part of his internship. He did not want to put this out for the public until the Commission had a chance to review it and determine if any changes needed to be made. He stated the link could be sent to the Commission members and they could offer suggestions and

provide input to make it better. The whole point is to educate and reach the public on the non-regulatory aspects of the Commission.

Vice Chair Henrichon asked who would administer this as Mr. Perrin will be in school this fall.

Mr. Perrin explained how the website works and stated it was relatively easy to keep up with.

Mr. Russell stated Mr. Perrin did a great job. The goal would be to eventually develop an education program that could be run at DelCarte. There are many possibilities of working with the public schools. This is the first step. He noted that DelCarte pond has turned green; the hope is to get in there and treat the invasive species. The bid specs have been drafted and gone to purchasing for review. The hope is to get it out to bid in a few weeks. He does not think the treatment will be able to be done this season.

Discussion Item: Bellingham Dam Removal

Mr. Russell stated the emails received from the Charles River Watershed Association were included in the Commission members' packets. The Bellingham Conservation Commission is still in the active public hearing stage concerning the actual permitting for the dam removal. The estimated time for the dam removal project looks like early October as they are still putting together final bid specs. How does the Franklin Conservation Commission want to handle this issue? Should it be put on Franklin's social media sites? The impact to Franklin at the worst is discoloration of the Charles River. Once that happens, phone calls will start to come in. He does not think there will be biological or chemical contamination.

Vice Chair Henrichon asked whether the Charles River Watershed Association would be open to doing some sort of public program with the Franklin Conservation Commission as dam removal seems to be happening frequently.

Mr. Russell stated there is a concerted effort in the Commonwealth to remove dams. The Charles River Watershed Association will be putting it in the newspaper. He feels there will be a wider audience if put on social media sites. His opinion is that Commission should notify the Charles River Watershed Association that they would like to put it on social media sites. He stated he will reach out to them and ask about joint outreach efforts and what may cause the water discoloration.

Signed Minor Buffer Zone Activity, Orders of Conditions & Emergency Certificate

Emergency Certificate – DelCarte Lower Dams – DPW
Minor Buffer Zone Activity – 19 Northern Spy Road – Oppelt
Orders of Conditions – 35 Meadowlark Lane – Balcius – CE159-1141

There was a motion made by Scott McLean to adjourn the meeting. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

The meeting adjourned at 8:32 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

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