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Conservation Commission Minutes - 05/26/2016

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Franklin Conservation Commission Minutes of Meeting May 26, 2016

To: Town Clerk
cc: Members
File

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

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

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

Public Hearing – RFD – 49 Daniels Street – Roche & Roche

Mr. Bruce Wilson, Principal of Guerriere & Halnon, Inc., representing John Roche of Roche & Roche, addressed the Commission to determine whether the area of work on the plan is subject to the ordinance or bylaw. He provided Commission members pictures of the site. He stated the installed shed was originally permitted in 2003, and was intended to be installed in front of the 100 ft. buffer; it was actually installed between the 50 ft. and 100 ft. buffer. This was recently discovered with the sale of the home. He noted it would probably cause more damage to the environment to move the shed than leave in current location. An RDA has been filed with no work proposed.

Chairman Livingstone referenced the original plan and questioned if the intention was to have the lawn area up to the shed.

Mr. Wilson showed plans from 2001 when property was subdivided. It may have been an established use area. He said he checked the archives and there was no record.

Mr. Russell confirmed no prior records were found. He conducted a field inspection; the shed is well established. To remove the structure would cause more damage. This is an after-the-fact permit to clear up a title issue.

There was a motion made by Bill Batchelor to close the public hearing for the RDA for 49 Daniels Street. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

There was a motion made by Bill Batchelor for a negative determination for the RDA for 49 Daniels Street. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-1 (Mr. Harrington abstained).

Public Hearing – Open Space & Recreation Plan

Mr. Russell stated the public hearing is part of the finalization process for the Open Space & Recreation Plan. All Commission members have received a copy; some members have provided comments which will be incorporated into the document. Formal comments from the State, DCR, Regional Planning Agency, will be incorporated when received. To date, only one public comment received, indicating document was too long. Final document will return to Commission for adoption.

There were no audience members requesting to comment.

There was a motion made by Bill Batchelor to close the public hearing for the Open Space & Recreation Plan. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Public Hearing – NOI – 9 Loretta Road - Adiletto

Mr. Rick Goodreau of United Consultants, Inc. and Michael Adiletto, property owner, appeared before the Commission for the construction of addition to existing single-family house. Mr. Goodreau provided the white and green cards from the certified mailing, an email from DEP with the file number, and additional 11" x 17" plan copies for Commission members. He stated the plan and application were filed for the garage and mudroom addition. The existing asphalt driveway will be extended. A paver patio will be added from the mudroom area. The lot was subdivided in 1995 prior to the Rivers Protection ACT. BVW was delineated. The proposed work is to be done within the 100 ft. buffer zone and in an existing landscaped area. Have shown erosion control area with compost sock and provided for small materials stockpile located outside of jurisdictional area. Minimal excavation expected. He noted the proposed area is relatively flat.

Mr. Russell stated he visited the site and recommended approval with conditions outlined in his agent's report.

There was a motion made by Bill Batchelor to close the public hearing for the NOI for 9 Loretta Road. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

There was a motion made by Bill Batchelor to approve the NOI for 9 Loretta Road with special conditions #20, 24, 27, 28, 34, 35, 38 and 44. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Public Hearing – NOI – 100 Financial Park – CRE Management

Mr. Russell stated peer review is recommended. Should the Commission decide on peer review, the hearing will be continued. He advised the applicant that there were two Commission members not in attendance; if the applicant provides a full presentation, those members may or may not familiarize themselves with the presentation.

Mr. Doug Hartnett 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 stated it may be beneficial to have all Commission members present for the hearing presentation. He asked if peer review would be recommended.

Mr. Russell stated Commission could make a decision whether to recommend peer review for the drainage issues and stormwater impacts on the wetlands so applicant would know.

Mr. Hartnett stated they are going to technical design review with BETA, so continuing meeting for two weeks may not be problematic.

Chairman Livingstone questioned each member for opinion on recommendation of peer review; all members stated Yes.

Mr. Russell stated the Planning Board is doing peer review for the overall project. Peer review for the Conservation Commission would focus on the Wetlands Protection Act as impacted by the project. BETA peer review for the project in total will be made available to the Conservation Commission. ANRAD has been done, so wetlands lines are known.

Commission member asked if there was any overlap between the two ongoing projects at 100 Financial Park.

Mr. Hartnett explained the two projects are separated by the brook. They are working with Planning Board on subdivision for the site; ultimately the Charter School would have its own address. Lot 1 is to the right side of the brook; Lot 2 is to the left side of the brook. He stated the warehouse is not being built for any particular tenant at this time. There is a land swap being worked out between the parties.

Mr. Russell stated hoping that before final approval there will be some division of the land so different street addresses can be assigned. It has not been worked out yet among the property owners.

Chairman Livingstone questioned if voting by Commission should wait until there were independent addresses.

Mr. Russell stated in all probability this issue will work itself out, but will take some time. There are two separate applications on one lot.

There was a motion made by Bill Batchelor for peer review for the NOI for 100 Financial Park project on Lot 1. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 100 Financial Park project on Lot 1 to June 9, 2016 at 7:30 PM. The motion was seconded by Bill Batchelor and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – Map 233, Lots 3, 4 & 5 Lincoln Street

Mr. Russell stated there were many issues still to be worked out between the peer reviewer, applicant and Planning Board. The applicant has requested a continuation of the hearing to the next meeting.

There was a motion made by Paul Harrington to continue the public hearing for the Rolling Brook Estates NOI – Map 233, Lots 3, 4 & 5 Lincoln Street to June 9, 2016 at 7:35 PM. The motion was seconded by Bill Batchelor and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 300 Fisher Street – Site Specific, LLC

Mr. Russell stated the peer review has been done but is not completed. A continuation of the hearing has been requested; the applicant's representative is present.

Ms. Margaret Stofa, Attorney of Gordon & Rees, representing the owner of 300 Fisher Street, addressed the Commission for the demolition of an existing industrial building. She confirmed that continuance was requested.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 300 Fisher Street to June 9, 2016 at 7:40 PM. The motion was seconded by Bill Batchelor and accepted with a vote of 5-0-0.

Public Hearing – Continued - ANRAD – Map 242, Parcel 12 Maple Street

Mr. Russell stated that peer review indicated there are some issues with the ANRAD which are being worked out with the applicant. The applicant is requesting an extension of the hearing.

There was a motion made by Bill Batchelor to continue the public hearing for the ANRAD for Map 242, Parcel 12 Maple Street to June 9, 2016 at 7:45 PM. The motion was seconded by Scott McLean and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activity: 20 James Street

Mr. Mike Collins, property owner of 20 James Street, addressed the Commission for a screened porch replacement; he took down the existing porch due to rot.

Mr. Russell stated he conducted a site visit and does not see any problems with the application or erosion issues.

There was a motion made by Bill Batchelor to approve the MBZA permit for 20 James Street. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Certificate of Compliance: 485 East Central Street – Franklin Retirement

Mr. Russell stated all is ready for the granting of the certificate.

There was a motion made by Scott McLean to release the Certificate of Compliance for 485 East Central Street. The motion was seconded by Bill Batchelor and accepted with a vote of 5-0-0.

Certificate of Compliance: 722 Summer Street – Camp Haiastan

Mr. Russell stated all is ready for the granting of the certificate.

There was a motion made by Scott McLean to release the Certificate of Compliance for 722 Summer Street. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Discussion Item: Fee Structure

Mr. Russell stated the Town Administrator's office requested that all municipal fee structures used by land-use bodies be evaluated; the Conservation Commission has already started this. He stated that provided in the Commission members' packets is information on various communities' fee structures under local bylaws; there is a significant range of fees. For instance, Milford has a local bylaw and charges nothing; Walpole's local bylaw fee is maximized at \$5,700.00. He provided a spreadsheet including communities within a geographic area of Franklin, and some communities outside the geographic area to use for comparison. Looked at what municipalities charge for various applications such as NOI, RDA, MBZA, and Certificate of Compliance. He noted Franklin is the only municipality that has an MBZA permit under the local bylaw. He noted Norfolk will be added to the list. The towns of Needham, Natick, and North Attleboro are used for comparison size, but they do not have a local bylaw. He noted that Franklin does not charge for RDA applications, but review and site visit is required. He recommended \$100 fee which falls within the range of most communities that have local bylaws. He recommended raising NOI fees with some revisions to the calculation methods; suggested eliminating distinctions and simplify. Franklin does not charge for ANRADs, but thinks they should; currently, only the state fee. He recommended \$0.50 per foot per resource area. Although some communities charge for staff site visits, he did not recommend that. He tried to base fees on size and complexity of application, and the amount of staff time and resources needed. Commission will need to vote to recommend these fees to the administration and Town Council, and submit to administration by July 15, 2016.

Commission members discussed the recommended fees.

Chairman Livingstone stated this would be discussed again in two weeks when all Commission members had a chance to review.

Discussion Item: Education and Outreach

Mr. Russell stated RYPOS, Inc. is a Franklin-based company that wants to do some community service work in town. Tara Henrichon will meet with them and bring information to the Commission.

Minutes:

There was a motion made by Bill Batchelor to accept the minutes from the May 12, 2016 meeting. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-1 (Mr. McLean abstained).

CHAIR AND COMMISSION COMMENTS

Chairman Livingstone requested information on the previous issue raised regarding DeICarte and the mulching.

Mr. Russell stated that Public Works said they did not put down the material that is close to the water body. They do not know how it got there, who put it there, and who spread it; they are now trying to find out who did. The DPW did put down the mulch for the playground, but that is outside of jurisdiction. The Director of DPW stated police should be notified if Commission members see anyone other than town putting down materials. The Director also indicated town will not be putting down any more mulch without coming to Commission first. As well, Mr. Russell stated that regarding the herbicide treatments for DeICarte, BETA has informed him there is only one firm in the state that can do it due to licensing requirements, etc. Currently, investigating with state to see if town can be authorized to go with sole source rather than sealed bid. BETA is developing technical specifications for the bid.

Signed Minor Buffer Zone Activity, Orders of Conditions, Determination of Applicability & Certificates of Compliance

Orders of Conditions – 9 Loretta Road – Adiletto – CE159-1129

Certificate of Compliance – Camp Haiastan – 722 Summer Street – CE159-1066

Determination of Applicability (Negative) 49 Daniels Street – Roche & Murphy

Certificate of Compliance – 485 East Central Street – Franklin Retirement – CE159-1042

Minor Buffer Zone Activity – 20 James Street – Collins

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

The meeting adjourned at 8:18 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

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