

**Franklin Conservation Commission
Minutes of Meeting
March 23, 2017**

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, P. Harrington, S. McLean, A. Gelineau, George Russell, Conservation Agent

Members Not Present: T. Henrichon, J. Livingstone, N. Shuler.

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 – NOI – 11 Winding Brook Road – Heller

Mr. Todd Heller and Ms. Emily Heller addressed the Commission for the removal of trees. Mr. Heller stated they would like to take down several large pine trees, an elm tree, and a maple tree for a total of seven trees in the backyard of the property for safety. These are bordering a large wetland and a stream going through the yard. He consulted with Goddard Consultants. He stated that Mr. Russell recommended they file an NOI. All the trees are located in the buffer zone. All the trees are within 50 ft. of the house and large limbs have come down on the deck and fire pit area in the past year. He stated they will be working with Tree Tech, Inc.

Ms. Heller stated Tree Tech will park the truck on the driveway; with a crane, all the trees can be reached. She stated they would not be taking the stumps; the ground would not be disturbed. They have received a list of plants that could be replanted for mitigation.

Mr. Russell stated the trees for removal are significantly large trees and this falls into a safety issue. The trees are at the edge of the lawn and immediately after that is the stream channel. The back of the house is almost in the 25-ft. no touch zone. He stated he is recommending erosion control barriers because although the trees may not be in the resource area, they are up against it; it is important to protect the resource area.

Mr. Harrington asked if the mitigation plan was written into the NOI. He stated that when trees are removed, the buffer and wetland area should be protected with mitigation plants.

Ms. Heller stated they did not have an exact plan yet for mitigation.

Chairman Batchelor stated Mr. Russell has a list of acceptable mitigation plants preferred. He stated the Commission would not mandate the trees, it would be voluntary on the applicant's part.

Mr. Russell stated there is a significant barrier that will remain. He is not concerned with erosion or washout.

There was a motion made by Scott McLean to close the public hearing for the NOI for 11 Winding Brook Road. 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 approve the NOI for 11 Winding Brook Road with special conditions #24, 27, 28, 29, 34, 38, and 44, and an erosion control stipulation that barriers must be installed and then inspected, and approved by the Conservation Agent before any work commences, including any land disturbance and/or vegetation cutting and/or removal. All erosion control barriers must be biodegradable but cannot be hay bales. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Chairman Batchelor reiterated that Mr. Russell must approve the barriers before work commences.

Public Hearing – NOI – 109 Constitution Boulevard – Beaver Solutions

Mr. Mike Callahan of Beaver Solutions addressed the Commission for installation of a flexible pond leveler into outflow structure.

Mr. Russell stated the applicant was present based on a positive determination by the Commission concerning a beaver device that was placed in a resource area.

Mr. Callahan stated the device was working.

Mr. Russell provided a brief history. He stated the structure was placed in the resource area, it was brought to his attention, he contacted the property owner, the owner and applicant came before the Commission for an RDA, and the RDA was determined positive. At the time it was not known what could not be seen in the photographs. Mr. Russell has reviewed the application, conducted a site visit, and talked to DEP about it. In reviewing the application, the piping that could not be seen before can now be seen. The total impact for the land under the water body resource area relative to the whole water body is very small. His only stipulation is that should this device need to be removed and placed in another area or taken in and out for maintenance, that Mr. Russell's office be notified by the property owner or the applicant.

Mr. Callahan stated that once the device is installed, it generally never gets moved. Only if something went wrong would he need to go out into the water. The whole device is plastic; it will not corrode.

Mr. Russell stated that in the long run, this could be a very positive impact on the resource area because, in theory, the beavers will now not block the outlet structure.

There was a motion made by Scott McLean to close the public hearing for the NOI for 109 Constitution Boulevard. 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 approve the NOI for 109 Constitution Boulevard with the stipulations that (1) if there is any change in the location or size of the structure, or if additional structures are to be added, that the Orders be amended, or new orders be issued, prior to said change, and (2) the Conservation Commission be notified prior to any maintenance that is to be undertaken that will require the structure to be moved. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Public Hearing –RFD – Beaver Street Recreational Field – Town of Franklin

Ms. Kimberly Drake of CDM Smith, representing the Town of Franklin Department of Public Works addressed the Commission for a maintenance project. She stated the Town is requesting to replace a synthetic field at the Beaver Pond recreation area. She stated that she feels this is a maintenance activity. The existing field is past its best before date and needs repair and replacement. Part of that work would include putting an overlay over the cracked asphalt pavement that is between the field and the fence, and then refresh the stone that is also between the field and the fence. All work would occur within the fenced area. She stated some areas of the fence have buckled; they would likely be replacing some of that fence fabric, but not pulling out the fence posts. This area occurs within the 200-ft. riverfront zone and within the 100 ft. and 25 ft. buffer of inland waterway. There is no intent to expand the area or expose any soil materials. Compost sock is proposed to be placed around the downstream side of the work. There are no grading changes. She described the procedure of the proposed work. She stated she believes the current field is 13 years old; the warranty was for 8 years. As well, the fields need to be replaced for safety.

Mr. Russell stated his only comments were in his Agent's Report.

There was a motion made by Scott McLean to close the public hearing for the RFD for Beaver Street Recreational Field. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean for a negative determination for the RFD for Beaver Street Recreational Field with special conditions #20, 24, 28, 29, 34, and 44. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activity: 446 Union Street

Mr. Jack Flynn addressed the Commission to add 2 ft. to his deck. He stated there would be no foundation excavation; he will use concrete piers which will be going down 4 ft.

Mr. Russell stated there is a significant slope in the rear going down to the BVW; he recommended that at the edge of the lawn area erosion control be installed.

Chairman Batchelor calculated that Mr. Flynn would need about 30 ft. of erosion sock.

Mr. Russell stated it must be a biodegradable erosion control, but it cannot be a hay bale. He recommended that he must inspect the installed erosion control before the applicant commences work.

There was a motion made by Scott McLean to approve the MBZA for 446 Union Street with the condition that biodegradable erosion control be installed at the edge of the lawn area and that the erosion barriers be inspected and approved by the Agent's office before construction begins. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Minutes:

There was a motion made by Scott McLean to approve the meeting minutes for February 23, 2017. The motion was seconded by Paul Harrington and accepted with a vote of 3-0-1. (Ms. Gelineau abstained.)

There was a motion made by Scott McLean to approve the meeting minutes for March 9, 2017. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Discussion Item: DelCarte Master Plan

Mr. Russell stated that in the Commission members' packets was information provided by Mass Audubon for doing the Master Plan work for DelCarte, as well as copies of an email from Ms. Henrichon with her

issues regarding Mass Audubon's proposal. Mr. Russell stated he has talked to Mass Audubon regarding their proposal. It was agreed to delete the provision for the beaver management which will save \$2,000; the beaver management issue is being addressed by ESS. The revised quote is now \$6,500. However, he would like to have Ms. Henrichon at the meeting to discuss this further. He stated he thinks Mass Audubon can help significantly in the wildlife habitat assessments. With trail maintenance, the Commission knows what needs to be done. The sticking point right now is what should be done with the front of DelCorte; this is the part everyone sees when they walk in. The major issue is the invasive species. He leans toward having Mass Audubon look at that to provide some idea of what can be done to control the invasive and improve the aesthetics. He does not think that some of the items outlined in their proposal, such as volunteer coordination and trail maintenance, need to be done. He noted he was very much in favor of Mass Audubon's first, second, and last bullets in the report: invasive plant management planning, design for the entrance area near the parking, and habitat enhancements. He would need to go over this with Mass Audubon. As well, he would like Mass Audubon to take the booklet prepared by the intern, which was a lesson plan for the elementary schools, and start incorporating it in order to produce one document.

Chairman Batchelor noted that the recreation play area has been damaged and needs to be replaced.

Mr. Russell stated he would like to have further communication with Ms. Henrichon and Mass Audubon, and continue this discussion at the April 6 meeting. He noted delay in getting the contract approved for the beaver management study by ESS; he expects this to be resolved quickly.

CHAIR AND COMMISSION COMMENTS

Mr. Russell stated, in response to a Commission member's question, that the curbside composting item has been turned over to public works. There are some budgetary issues. The person in-charge of it in the DPW is discussing it with the higher-ups in the DPW and the Town Administrator.

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

Orders of Conditions – 109 Constitution Boulevard – Callahan – CE159-1152

Minor Buffer Zone Activity – 446 Union Street – Flynn

Orders of Conditions – 11 Winding Brook Road – Heller

Determination of Applicability (Negative) Beaver Pond Recreation Field – Town of Franklin DPW

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 7:58 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary