

Town of Franklin



Conservation Commission

August 18, 2022
Meeting Minutes

As stated on the agenda, due to the concerns regarding the COVID-19 virus, this meeting will be conducted as a remote/virtual Conservation Commission meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda. This meeting will be held in the Council Chambers of the Municipal Building, for citizens wishing to attend in person.

Commencement

Chair Patrick Gallagher called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: Patrick Gallagher, Jeffrey Milne (via Zoom), Jeff Livingstone, Richard Johnson (via Zoom). Absent: William Batchelor, Michael Rein. Also present: Breeka Li Goodlander, Conservation Agent; Tyler Paslaski, Administrative Staff.

Note: Documents presented to the Conservation Commission are on file.

PUBLIC HEARINGS

Public Hearing – NOI – Beaver Street Interceptor DEP# 159-1256 – Continued

Mr. Doug Martin, Water and Sewer Superintendent, and Ms. Amy Anderson of Arcadis addressed the Commission for the rehabilitation, replacement, and general improvements to the existing interceptor/sewer line as well as a new pump station on the property at 275 Beaver Street. Ms. Anderson reviewed drawings which show where the work is being done in the 25 ft., 50 ft., and 100 ft. buffers zones. She discussed the location of the current interceptor and pointed out the buffer boundaries and wetland flags. She reviewed the proposed locations for the new force main and other structures. She stated that they submitted a formal response to BETA's comments yesterday.

Ms. Goodlander stated that she has not gone out to the location since the first time that she went out. She stated that she plans to do that next week. She stated that BETA should have a response before the next meeting.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for the Beaver Street Interceptor Project to September 1, 2022, at 7:01 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Gallagher-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: 31 Charles River Drive

Ms. Goodlander stated that it does not seem as though the applicant is at the meeting. She stated that this is an after-the-fact filing. She stated that she went to the property; the applicant removed trees within the buffer

zone within existing lawn and fenced area, upgradient of a wetland. She recommended approving with the condition that the applicant revegetates with native species to the greatest extent practicable.

Chair Gallagher suggested keeping this item open until the applicant determines a planting plan. Ms. Goodlander stated that she is okay with continuing this item.

There was a motion made by Jeff Livingstone to continue the Minor Buffer Zone Activity for 31 Charles River Drive. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Gallagher-Yes.

Permit Modifications/Extensions: None.

Certificates of Compliance: Sophia Circle

Mr. Paul Desimone of Colonial Engineering, Inc. stated that the house was built in 1991; it had an Order of Conditions. The driveway crossing created the Order of Conditions because they filled in some areas and they were supposed to do replication. He stated that they went out and reflagged the wetlands; they discovered that the area was bigger in wetlands so the last agent said that they would replicate up to 205 sq. ft. to make up the difference for the crossing on the driveway. He stated that has been done, and the owner took some pictures. He stated that they brought in soil and planted 10 bushes as on the proposed plan.

Ms. Goodlander stated that she reached out for a site visit but did not hear anything back. She stated that she went out on her own. She asked when the plants were planted. She stated that for restoration they like to see two full growing seasons to make sure they are viable. Mr. Livingstone stated that has been a standard condition. He discussed that as the applicant's purpose is to refinance, this would cause undue injury to the applicant to unnecessarily wait. He stated that if the agent went out and looked at the bushes and they seemed to be healthy, in this case, he would be inclined to give the Certificate of Compliance given the situation. Chair Gallagher stated that he agreed especially given the small replication area and how far back this dates.

There was a motion made by Jeff Livingstone to approve the Certificate of Compliance for Sophia Circle. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Gallagher-Yes.

Violations/Enforcement: None.

Minutes: August 4, 2022

There was a motion made by Jeff Livingstone to approve the meeting minutes for August 4, 2022. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Gallagher-Yes.

Discussion Item: DelCarte Fall Event

Chair Gallagher reviewed the discussion from the last meeting on this topic as to whether they wanted to have an event this fall given that last year's event was very successful. He stated that they had discussed a possible date in September/early October. Mr. Livingstone stated that he would still like to do it. Ms. Goodlander stated that DPW offered to attend. Chair Gallagher asked Ms. Goodlander to talk to Roger regarding any particular good weekends. Ms. Goodlander discussed a conference on October 15th and an event in town on that date. She stated that it is equally important that Conservation has a face here in town. Mr. Livingstone stated that he is inclined to go to the conference as it has been so many years since they have been able to go. Ms. Goodlander asked that Mr. Livingstone take notes for her.

Chair Gallagher discussed DelCarte and the unfortunate trees that were cut down. He stated that he did not want to point fingers; the trees were cut down and it is what it is. He stated that he thinks that it is important that there is a process in place going forward. Ms. Goodlander stated that she spent quite a few hours at DPW

this week, and she was at DelCorte for two hours this morning talking about what needs to happen going forward. She stated that she saw photos this morning of what was cut and it was split. She stated that she thinks it would have been approved; they just need to follow the process. She stated that she is putting together an RDA for an after-the-fact filing and a future filing on her big plans which she thinks the Commission will like. She stated that they are working with her to fix it and she needs their manpower and their machines. Chair Gallagher stated that a safety concern trumps everything.

Chair and Commission Comments: None.

Executive Session: None.

There was a motion made by Jeff Livingstone to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Gallagher-Yes.

The meeting adjourned at 7:27 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

From: William Batchelor <williambatchelor@verizon.net>
Sent: Thursday, October 07, 2021 9:25 PM
To: Jeff Livingstone; Jeffrey Milne; Gallagher, Patrick; Paul Harrington; Andrew Mazzuchelli; Richard Johnson
Subject: Recusal as a Commissioner

Commissioners: Clarity on a Commissioner recusing because of a personal relationship or property issue with any applicant or their delegate.

The best recusal is to notify the Chair you will recuse before an item comes up for discussion with the Commission. Leave Council Chambers and sit in the hall until the item has closed. In those cases where the Commissioner is on a remote laptop(Zoom), simply shut off the sound.

OR

If the Commissioner is burdened by the project personally or by property rights, you may ask questions (as a resident) of those providing testimony. At no time may you provide any detail regarding Conservation rules or regulations and/or comment on the larger scope of the project. That interjects your power as a Commissioner.

At any time the Chair may suspend any conversation of the recused Commissioner and that will end any and all dialogue. It's a slippery slope and discretion is paramount.

Finally, at no time may a Commissioner provide any friend, neighbor, person with ConCom documents, emails, information regarding any project or Conservation Meeting. The rule is..... ask the individual to visit the Town Hall Conservation office for documents or go directly to the Conservation Agent.

Appreciate your support on these important issues.

Bill

Bill Batchelor

Sent from my iPad

From: William Batchelor <williambatchelor@verizon.net>
Sent: Wednesday, October 27, 2021 3:06 PM
To: Paul Harrington
Cc: Jeff Livingstone; Jeffrey Milne; Gallagher, Patrick; Andrew Mazzuchelli; Richard Johnson; bsolomon@franklinma.gov
Subject: Re: Meeting Novemembr 4

Interests may only be discussed as they concern your specific property. You may not discuss any conservation issues.

That's the conflict with State ethics and/or municipal restrictions.

If you do I will ask the audio feed be cut.

Thanks

Bill

Sent from my iPhone

On Oct 27, 2021, at 1:55 PM, Paul Harrington <pharrington@gmail.com> wrote:

I'm in, and will have to recuse myself. I'll be muted unless I have to represent my interests as an abutter.

Thanks,

On Wed, Oct 27, 2021, 1:39 PM William Batchelor <williambatchelor@verizon.net> wrote:

Thanks Jeff....

Sent from my iPhone

On Oct 27, 2021, at 1:35 PM, Jeff Livingstone <jrl.pharmagenie@gmail.com> wrote:

Im in. Thx.

Get [Outlook for Android](#)

From: William Batchelor <williambatchelor@verizon.net>
Sent: Wednesday, October 27, 2021 1:10:58 PM
To: jjmilne9@gmail.com <jjmilne9@gmail.com>; jrl.pharmagenie@gmail.com <jrl.pharmagenie@gmail.com>; pgallagher@goulstonstorrs.com <pgallagher@goulstonstorrs.com>; andrewpmazzuchelli@gmail.com <andrewpmazzuchelli@gmail.com>; ddtjohnson@gmail.com <ddtjohnson@gmail.com>; pharrington@gmail.com <pharrington@gmail.com>

Cc: bsolomon@franklinma.gov <bsolomon@franklinma.gov>

Subject: Meeting Novemebr 4

Commissioners: I am asking every Commissioner to let me and Becca know if you cannot participate in the November 4th Conservation Commission Meeting.

Also, any recusal at our meeting I am asking the commissioner to leave Council Chambers upon recusal, or turn on the mute button (laptop, etc.) if they are remote.

We have a robust Public Hearing Schedule for the 4th and need everyone participating.

Thank you,
Bill