

Town of Franklin



Conservation Commission

**December 1, 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**

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

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

**PUBLIC HEARINGS**

**Public Hearing – NOI – 33 Charles River Drive CE159-1258 – continued**

Ms. Susan McArthur of McArthur Environmental Consulting (via Zoom) and Mr. Vance Perone, homeowner/applicant, addressed the Commission for the installation of a proposed 18 ft. x 36 ft. in-ground swimming pool, patio, and pavilion within existing disturbed lawn. Ms. McArthur reviewed that this is their second hearing. Portions of this proposed activity are within the state regulated 100 ft. buffer zone and a portion of the locally regulated 50 ft. buffer zone to a bordering vegetated wetland (BVW). She stated that at the last hearing the abutting homeowner to the southeast had a concern regarding runoff from the newly proposed impervious areas of the patio and pool. She discussed that Mr. Perone contacted his engineer to come up with a design to capture the runoff from a storm event; it is a little rock lined basin which will capture any runoff before it goes anywhere near the neighbor's property.

Commission members asked questions. Ms. McArthur reviewed the location of the property line and confirmed the drainage area was inside the property line. She stated that the applicant spoke with the DPW and got the signoff regarding the easement. Ms. Goodlander stated that she has not received a recent email confirming that it is out of the easement. She reviewed that Town Engineer Michael Maglio requested the plan show items including grade and grade direction. Ms. McArthur reviewed that the numbers for impervious were in the NOI submittal narrative. She reviewed that the basin is on the slope, so it will be dug out to create the basin; it is fairly level until it gets to the fence, and then it steeply slopes. It was noted that the grading is shown in red on the new plans.

Ms. Goodlander stated that she does not think a drainage pit is needed. She stated that they could do a natural berm, plantings, a rock wall or however you can guide that water down and away. She stated that she would be comfortable recommending an approval. Mr. Perone confirmed that he would remove the pit completely from the design. Mr. Rein stated that he was a little leery of approving it before the Commission had the final

plans. Ms. McArthur asked what else was needed; they have provided a stamped plan. Ms. Goodlander stated that the plan Ms. McArthur is showing does not have all the paving; therefore, it is not complete. Commission members and Ms. McArthur reviewed the submitted plans. Mr. Rein stated that he withdrew his concern. Ms. Goodlander stated that an approval be conditioned that the updated plans be received and that she work with the applicant regarding water runoff.

There was a motion made by Michael Rein to close the public hearing for the NOI for 33 Charles River Drive. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes.

There was a motion made by Michael Rein to approve the NOI for 33 Charles River Drive with conditions as stated by the conservation agent. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes.

**Public Hearing – NOI – 74 South Street – continued**

Ms. Goodlander stated that the applicant requested a continuance.

There was a motion made by Richard Johnson to continue the public hearing for the NOI for 74 South Street to December 15, 2022, at 7:01 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes.

**Public Hearing – NOI – 0 Lincoln Street, Franklin Heights Parcel B – continued**

Ms. Goodlander stated that we are at an impasse right now. She stated that since the last hearing, the applicant, BETA, and she met to discuss the latest BETA review letter. She stated that the applicant has not submitted updated information; however, she knows that they are working on it. She recommended continuing.

There was a motion made by Michael Rein to continue the public hearing for the NOI for 0 Lincoln Street, Franklin Heights Parcel B to December 15, 2022, at 7:02 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes.

**Public Hearing – NOI – 803 Washington Street**

Vice Chair Jeffrey Milne stated that he opened the hearing for 803 Washington Street.

Ms. Goodlander stated that the applicant requested a continuance. She stated that the public hearing is for the demolition of an existing single-family home and construction of a new single-family home within the 100 ft. buffer zone to a BVW. She stated that she reviewed the delineation and agreed with the boundary. She stated that the NOI narrative is incomplete, and she communicated this with the applicant; she reviewed the incomplete items and some discrepancies with the total amount of impacts.

There was a motion made by Michael Rein to continue the public hearing for the NOI for 803 Washington Street to December 15, 2022, at 7:03 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes.

**Public Hearing – NOI – Bent Street Lot 1 CE159-1257**

Mr. Norman Hill, civil engineer with Land Planning Inc., representing Mr. Kelliher addressed the Commission (via Zoom) for the construction of one single-family home with a septic system, driveway, and utility connections within the 100 ft. buffer zone to a BVW. He stated that he will be requesting a continuance as he has not heard from the Commission's consulting firm. He provided an overview of the site and stated that it is a one-acre lot; everything slopes to the left. He described the location of the BVW.

Ms. Goodlander stated that she reviewed the delineation on November 27 and agrees with the boundary; however, the NOI narrative is incomplete. Temporary and permanent impacts still need to be quantified, similar to the scope of work and construction sequence. Additionally, the NOI narrative and the Wetland Summary Report present conflicting information as it relates to vernal pools. She stated that after speaking with the contracted wetland scientist, he confirmed that a vernal pool is located onsite. The NOI and associated plans should reflect this resource area and its associated buffer zones. The NOI is also missing an Alternative Analysis as required under the local bylaw with the provisions of 310 CMR 10.58(4) for projects involving structures within the 50 ft. buffer zone and septic components within the 100 ft. buffer zone. She stated that since this is a single-family home project, no stormwater management or drainage calculations are required. She recommended continuing to December 15, 2022, as the legal has only circulated for seven days and it needs to circulate for 10 days. She explained where the vernal pool is located and noted that it is not a certified vernal pool.

Mr. Todd Humphreys, 84 Bent Street, stated that the wetland across the street can get pretty full. He stated that he had significant drainage problems in 2018; he met with Town Engineer Michael Maglio and discussed the drainage culvert that goes under the road which feeds into an underground pipe which is broken and causes drainage problems. He stated that the Town is aware of the problem with the culvert, the pipe, and the drainage. He stated that he fixed his drainage problems and after that, the urgency by the Town to fix the pipe went away. He stated that his concern is that with the new house going in, if there is additional stress put on the wetland and additional runoff, it might be an appropriate time to address the drainage issue under the street. He stated that the culvert is in very bad shape.

Ms. Goodlander explained that the project is being reviewed. She stated that no stormwater or drainage requirements are required under the state regulations; however, this Commission can request that this is looked at.

Mr. Romuald Zulawnik, 95 Bent Street, stated that with all the building going on, his property has become inundated with water. He stated that he is worried that with the house going in which is uphill, the water will run toward his property. He stated concern about the water impact the proposed house is going to have. He explained that there are many frogs around his home.

***Chair Gallagher entered the meeting (via Zoom).***

Ms. Goodlander stated that she suggests soliciting BETA for a review of this, and she can reach out to Mr. Maglio to review this. She stated that she would like the plans to show grading and plantings.

Mr. Hill clarified that the proposed septic system is just over 100 ft. from the wetland. He stated that to build the septic system, they will have to bring in sand, but he does not think any other fill will need to be brought into the site. Ms. Goodlander asked for that information to be provided in the narrative or in a letter.

There was a motion made by Michael Rein to continue the public hearing for the NOI for Bent Street Lot 1 CE159-1257 to December 15, 2022, at 7:04 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes. (Chair Gallagher did not vote on this item.)

## **GENERAL BUSINESS**

### **Minor Buffer Zone Activities: 11 Squibnocket Road**

Mr. Shane Kurtz, owner, addressed the Commission (via Zoom) for a residential tree removal project within the 100 ft. buffer zone but outside of the 25 ft. no touch zone. He described a large tree that is within striking distance of the house. He stated that the back of his property backs up to conservation land. He stated that

there is a zone of trees identified on his application that he would like to take down at some time to get more sunlight onto the property; these are outside of the 25 ft. no touch zone.

Ms. Goodlander stated that she can confirm all the trees are outside the 25 ft. no touch zone. She encouraged the applicant to include all the scope of work as the MBZA lasts for three years. She stated that she told the applicant that for any tree removal, the stumps will be left in place. She asked the applicant to expand on what lawn improvement means. Mr. Kurtz stated that he would like to have grass and that needs tree removal in order for the sunlight to come in. Ms. Goodlander stated that she is comfortable approving with standard conditions and stumps left in place. She stated that she gave the applicant administrative approval to clear out the oriental bittersweet.

Chair Gallagher asked about the size of the 6 to 10 trees in the green zone area. Ms. Goodlander reviewed the approximate size of the trees and noted that she thinks they are not substantial trees. She stated that she could take photos. Chair Gallagher requested that before anything be taken down, except for the large pine tree, the applicant show on a plan the location of the trees and provide photos, and the information be delivered to Ms. Goodlander so it can be on record.

There was a motion made by Jeffrey Milne to approve the MBZA for 11 Squibnocket Road subject to the condition that the owner submit a plan indicating the trees that will be taken down. The motion was seconded by Michael Rein and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Gallagher-Yes.

**Permit Modifications/Extensions: None.**

**Certificates of Compliance: None.**

**Violations/Enforcement: None.**

**Minutes: November 10, 2022**

There was a motion made by Meghann Hagen to approve the meeting minutes for November 10, 2022. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Gallagher-Yes.

**Discussion Item: Lot 18/19 Chestnut Street**

Ms. Amanda Cavaliere of Guerriere & Halnon Inc. addressed the Commission. She stated that she was before the Commission in September. The resources at Lot 18/19 Chestnut Street have been delineated; based on this delineation, the majority of the disturbance is located outside the 25 ft. buffer zone, with approximately 140 sq. ft. within the 25 ft. buffer zone. She stated that she prepared an existing conditions plan. She discussed an area of disturbance where a 14 in. diameter tree was cut down so the excavator could get in and some soil testing was done and some grass disturbance on Lot 19. She stated that she is here tonight to get some feedback from the Commission as far as what their next step will be based on the level of disturbance. She noted that they would come before the Commission for an NOI for any future work to be done on the property. She stated that it was mostly underbrush and small saplings that were disturbed.

Ms. Goodlander stated that this eco system will revegetate on its own; so, she thinks along the roadside and on the access areas where they mobilized through, it is okay. She stated that she would defer to the Commission. She stated that for the area in the 0 ft. to 25 ft., to maintain status quo, she thinks there should be some plantings of what was already there, and she thinks the majority of it was blueberry. She discussed options to go forward with. She stated that considering it is December, it is probably worth considering to come back in the spring.

Chair Gallagher stated that it makes sense to wait until spring to see what is growing out there. All Commission members stated agreement with Chair Gallagher. Ms. Cavaliere stated that she agrees; she would be happy to reach out to Ms. Goodlander in the spring to revisit the site together and determine the next steps.

**Discussion Item: 237 Pleasant Street**

Chair Gallagher discussed that this is a proposal for a Friendly 40B housing development on the property of St. John's Church that abuts DelCarte. He stated that at this time, there is not any wetland jurisdiction. He stated that the Commission had talked about whether it makes sense to give the ZBA some feedback given that DelCarte is under Conservation jurisdiction and it abuts this project. He wanted to get the Commission's thoughts on this. He asked if the Commission wants to weigh in on this as DelCarte is a neighbor to this project, and if the Commission is going to weigh in, what is the appropriate response.

Mr. Milne noted that it was mentioned at the last meeting there may be connectivity such as trails. Mr. Rein stated that if the Commission has no jurisdiction, he has not input. Mr. Johnson stated that if there is a connecting trail, that is a good idea; otherwise, he has no comments. Ms. Hagen asked where they were in the process with the ZBA and where the Commission's comments fit in. Chair Gallagher stated that the potential for connectivity with DelCarte and the potential for right to use parking in that area would be valuable to the Town. Therefore, he thought it would be valuable to have a comment letter coming from the Commission expressing their support for connectivity if the project is developed and the ability for the Town to work with the developer to provide for some parking rights in the area. Ms. Hagen stated that she fully supports that.

**Minor Buffer Zone Activities: 55 Daniels Street**

Ms. Debbie Anderson addressed the Commission (via Zoom) on behalf of the owner Shoshannah Graupen for the construction of a 24 ft. x 38 ft. addition totaling 912 sq. ft. with a crawlspace foundation to a single-family home. The lot is about one acre. The MBZA is being filed because a portion of the work will occur within the 100 ft. buffer zone to a BVW. She stated that she delineated the wetlands about one month ago. She stated that Ms. Goodlander checked the line. She discussed that all the proposed work is located outside the 50 ft. buffer; the closest the work will be is about 70 ft. from the wetland. She stated that there will not be any tree removal for the project. She stated that there is a fence along the edge of the patio which will be removed. She stated that they are proposing erosion control for the project.

Ms. Goodlander stated that she included photos. She stated that it is already existing disturbed area. She stated that she does not think there will be any adverse impact by installing this; it is considered an accessory building and will have to go to ZBA. She stated that she spoke with Building Commissioner Gus Brown who indicated that based on the scale and scope of the project, it would be fine for the Commission to give their approval prior to the ZBA. Chair Gallagher agreed. Commission members had no questions or comments.

There was a motion made by Meghann Hagen to approve the MBZA for 55 Daniels Street subject to standard conditions. The motion was seconded by Richard Johnson and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Gallagher-Yes.

**Chair and Commission Comments**

Chair Gallagher stated that there is one additional item that is not on the agenda that he and Ms. Goodlander wanted to talk about which is the Open Space Plan and trying to iron out some of the schedule as it is very quickly getting to the time that we are going to start having public meetings with the various stakeholder groups and the public hearings that Director of Planning and Community Development Bryan Taberner spoke about at the last meeting. Chair Gallagher stated that he wanted to get some feedback on what is the Commission's thinking on timing as a lot of this is going to be in addition to the Commission's ordinary hearings. Mr. Milne suggested appending this to the beginning or the end of the regular meetings and probably pre-meeting is even better. Mr. Rein, Mr. Johnson, and Chair Gallagher stated agreement. Ms. Hagen stated that she could work before scheduled meetings to make this work. Chair Gallagher thanked

everyone. He stated that they could start all future meetings at 6 PM rather than 7 PM and have the first hour be devoted to the Open Space Plan and being able to have the stakeholder groups come in to weigh in and give presentations on their different pieces. He stated that when talking about stakeholder groups, he is talking about other boards and commissions and other organizations such as the Franklin Downtown Partnership, and Town departments, who we will be inviting in to give their thoughts. He also suggested it could be done every other meeting and to try to start at 5 PM. Mr. Milne stated that he had no preference. Mr. Rein stated that he preferred a 6 PM start. Chair Gallagher stated that the goal is to have a final approved Open Space Plan in September. He explained that the first half of the year will be focused on getting input from folks and three public hearings being held and then the draft plan will be reviewed over the summer. Ms. Goodlander read aloud from a memo regarding the three public hearings on this item and discussed the process including a community survey. Chair Gallagher discussed the start time of 6 PM. He stated that the Open Space Plan is a requirement and he discussed the requirements of what goes into the plan. He discussed some of the themes he thought were important for discussion. Ms. Goodlander stated that she has spoken with Chair Gallagher and has had internal discussions on how to get stakeholder engagement; she noted that one hour is not a lot of time. So, making it so everyone is heard and has a voice, she and Chair Gallagher discussed having Chromebooks so the audience can type in comments if they do not have time to come up to the microphones. She said they can also have comment cards. She stated the webpage has a Google form for this. She said it was suggested to cap people to maybe one minute to speak. Chair Gallagher suggested that there will be more people attending and weighing in on some themes than on other themes; it will depend on the topic. Mr. Rein suggested that the public may want to have different time options as 6 PM may be difficult for some residents. Ms. Goodlander discussed possible meeting locations and times. Chair Gallagher stated that to start the Commission meetings at 6 PM sounds like the right plan; adjustments can always be made.

**Executive Session: None.**

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Michael Rein and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Gallagher-Yes.

The meeting adjourned at 8:39 PM.

Respectfully submitted,

---

Judith Lizardi  
Recording Secretary