

Town of Franklin



Conservation Commission

**December 15, 2022
Meeting Minutes**

As stated on the agenda, due to the concerns regarding the COVID-19 virus, this meeting is available to be attended in person and via the Zoom platform. 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 (via Zoom), Jeffrey Milne, Richard Johnson (via Zoom), Michael Rein, Meghann Hagen (via Zoom), Jeff Livingstone, Mark LePage. Absent: William Batchelor. Also present: Breeka Li Goodlander, Conservation Agent.

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

PUBLIC HEARINGS

Public Hearing – NOI – 74 South Street CE159-1259 – continued

Chair Gallagher stated that the applicant requested a continuance.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 74 South Street to January 12, 2023, at 7:01 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – 0 Lincoln Street, Franklin Heights Parcel B CE159-1260 – continued

Chair Gallagher stated that the applicant requested a continuance.

There was a motion made by Meghann Hagen to continue the public hearing for the NOI for 0 Lincoln Street, Franklin Heights Parcel B to January 12, 2023, at 7:02 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – 803 Washington Street

Chair Gallagher stated that the applicant requested a continuance.

There was a motion made by Mark LePage to continue the public hearing for the NOI for 803 Washington Street to January 12, 2023, at 7:03 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Yes; Gallagher-Yes.

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

Mr. Stephen Balcewicz of Land Planning Inc., (via Zoom) representing the applicant Mr. Kelliher, addressed the Commission 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 believes this item was opened at the last meeting. He stated that there was a review by BETA. He stated that they made amendments and replied with a letter to the Commission. He noted that the changes were mostly locations and summarizing resource buffer zone disturbances and areas. He stated that they have added a stockpile area to the plan. He stated that they added overhead wires to the plan. He stated that the owner of the property is allowed to cross over the 50 ft. strip with the overhead wires. He stated that they added a construction entrance and detail. He stated that a second sheet was added to the plan for ease of readability. He stated that the major details that were added were that they changed to compost sock instead of straw wattles and silt fence. He stated there was a note about catch basins. He stated that they did not believe there were any catch basins within the proximity of the property of the site; however, they added this detail to the plan. He stated that additional notes were added including a mitigation statement which shows the necessary design aspects taken to provide minimal impact and mitigation to adjacent resource areas. He stated that an approximate construction sequence was added. He stated that the impervious coverage calculations between the 50 ft. and 100 ft. zone were added; approximately 2,600 sq. ft. are proposed between the 50 ft. and 100 ft. buffer. He stated that they are only adding 27 percent of that buffer zone area; he stated that the regulation allows up to 30 percent. He stated that they added an erosion and sediment control statement. He stated that these changes were made on the December 13, 2022, revision provided.

Ms. Goodlander stated that the applicant summarized it well. She stated that she is still reviewing the recent submission and does not have comments at this time.

Mr. Jonathan Niro, environmental scientist of BETA (via Zoom), stated that it was summarized very well. He discussed BETA's review. He noted that according to the bylaw, the driveway is considered a structure so a variance is required if it is located 50 ft. of a resource area. He added that Ms. Elyse Tripp of BETA assisted with the review. He confirmed that the wetland boundary was accurately flagged in the field. He noted that BETA made a comment about minimizing the lawn at the site; this project will disturb about .5 acre of forested property. He stated that as they recently received the information, he does not have a formal response at this time.

Ms. Goodlander stated that she was told the vernal pool was added to the buffer zone. Mr. Balcewicz confirmed that they are outside the buffer; the closest point of work is about 125 ft. from the delineation.

Mr. Romuald Zulawnik, 95 Bent Street, stated that he has some concerns about the water issues. He noted that he also attended/spoke at the last meeting. He stated that he has pictures. He stated that years ago when they put in Emily Street, the entire street drained out to the ground which is only 400 ft. from his property. He showed his pictures and explained that it is so wet that he cannot mow his lawn until June. He discussed that any work that is done in that area affects the water tremendously. He stated that his concern is the effect of putting the house in. He asked if the driveway was going to be pitched toward or away from Bent Street. He stated that he is inundated with water now; any more disruption of that area will probably add to it. Ms. Goodlander asked to borrow the photos.

Mr. Johnson asked about culvert work that was mentioned at the last meeting. Ms. Goodlander stated that she and DPW looked at it; they are still working on it internally. She stated that there are basins adjacent to Lot1 Bent Street. She stated that when she was at the site, she noted the pipes detached from the headwall. She stated that the photos are helpful; they are working on it internally. She noted that Mr.

Zulawnik can also contact the builder directly. Commission members asked questions. Mr. Zulawnik explained the location of his property. Ms. Goodlander stated that stormwater is exempt as this is a single-family home. Mr. Balcewicz stated that he pulled up the hydrologic soil group which drainage is based on. He stated that this area is primarily C/D type soils which means it has a lower infiltration rate and a higher runoff rate. So, all the water slowly percolates through the soil. He stated that this is part of the reason why the proposed septic ended up being so large due to the characteristics of the soils in this area. Chair Gallagher asked if Town Engineer Michael Maglio should look at this. Ms. Goodlander said she reached out to Mr. Maglio; she stated that Mr. Maglio, Brooke, Derek and she have been looking at this. Chair Gallagher stated that this hearing would be continued.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Bent Street Lot 1 CE159-1257 to January 12, 2023, at 7:04 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Yes; Gallagher-Yes.

Public Hearing – ANRAD - 121 Grove Street CE159-1261

Mr. Chris Lucas of Lucas Environmental addressed the Commission for an Abbreviated Notice of Resource Area Delineation (ANRAD) at 121 Grove Street to confirm the delineation of resource areas onsite. He reviewed that the property consists of two parcels of land; the larger one is approximately 25.6 acres with forested areas and various structures on it. The second parcel is 0 Grove Street and is approximately 5 acres and predominately wooded. He reviewed the location and adjacent properties. He stated that there are no vernal pools on the property. Onsite wetland resources identified include two bordering vegetative wetlands (BVW), one isolated vegetative wetland (IVW), and inland bank associated with three intermittent streams. He stated that in early April a delineation was completed. He described and reviewed the provided maps/plans and pointed out the resource areas. He reviewed that they did a site walk with Ms. Goodlander to review the boundary delineation of the identified resources. He stated that they are before the Commission to make sure there are no issues with the wetland line.

Ms. Goodlander stated that she and the representative conducted a site visit to review the boundary delineation of the identified resources. She stated that the next steps include BETA to complete their review; they are scheduled for next week. She stated it will then be brought back before the Commission. She noted that the applicant was previously before the Commission for this Friendly 40B. She stated that she noticed a lot more dominant species outside of the previously delineated line. She stated that she agreed that the soils were not hydric. She discussed the Massachusetts regulations. She stated that she would like BETA to chime in and we can have a more collaborative effort.

Mr. Jonathan Niro, environmental scientist of BETA (via Zoom), stated that he was looking at the weather for next week. He stated there may be good conditions potentially next week; he will firm that up by the end of the day tomorrow and let everyone know the days they will be out there. He stated that the applicant is welcome to join them during the latter half of the second day. He stated that in order to provide the Commission with an accurate review, if they find frozen conditions or anything that would prohibit a fair review, they will let the agent know.

There was a motion made by Richard Johnson to continue the public hearing for the ANRAD for 121 Grove Street CE159-1261 to January 12, 2023. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Yes; Gallagher-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: 5 Kate Drive

Mr. Brendan Guthrie, homeowner, stated that he was selling 5 Kate Drive next week. He stated that the attorneys on the buyer's side thought that there was an open permit from 1982 when the house was built. He stated that he purchased the house six years ago; his attorneys did not see it. He stated that Ms. Goodlander came out and inspected the property.

Ms. Goodlander stated that she recommended approval; she stated that Mr. Guthrie is not the responsible party.

There was a motion made by Meghann Hagen to approve the Certificate of Compliance for 5 Kate Drive. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Yes; Gallagher-Yes.

Violations/Enforcement: 305 Union Street

Ms. Goodlander reviewed that per the representative, "For the outstanding work to be completed at the cistern, FSL plans to have the debris removed via a specialized hydraulic grapppler. FSL has received a viable proposal from a contractor to perform said work. A new licensed asbestos designer is also now part of the overall project team. This designer is in the process of reviewing the proposal and determining any additional items that will become part of the non-traditional work plan that is to be submitted to the MADEP for approval. The designer will prepare and submit the plan to MassDEP. FSL's understanding from the designer is that the plan will be ready for submittal in January 2023." She stated that she recommended extending the Enforcement Order for 30 days.

There was a motion made by Richard Johnson to extend the enforcement order for 30 days for 305 Union Street. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Yes; Gallagher-Yes.

Minutes: December 1, 2022

There was a motion made by Jeffrey Milne to approve the meeting minutes for December 1, 2022. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-1. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Livingstone-Yes, LePage-Abstain; Gallagher-Yes.

Discussion Items

Chair Gallagher asked Ms. Goodlander to summarize the meeting schedule for the next year. Ms. Goodlander stated that the next meeting is January 12, 2023, and every other week after that. She stated that at the last meeting, it was agreed to start the meetings at 6 PM and from 6 PM to 7 PM will be the open space meeting portion; all Commission members are encouraged to attend. During that hour, they will be inviting in focus groups and the meetings will have themes. She discussed that the first public hearing will probably be held the fourth week of February, the next one will be the third week of April, and the third public hearing will be in June. She reviewed that they discussed having Friday daytime meetings. She stated that additionally they have a spot at the Winter Farmers Market. She stated that in February they will be presenting at the Senior Center. She stated that she reached out to the Housing Authority to present about Open Space in their Community Room. Chair Gallagher stated that there is a

lot going on next year. He stated that he appreciates Ms. Goodlander's time and effort. He noted that there is not a requirement for a Commission quorum during the 6 PM to 7 PM Commission meeting sessions.

Chair and Commission Comments: None.

Executive Session: None.

There was a motion made by Meghann Hagen to adjourn the meeting. The motion was seconded by Richard Johnson. No roll call vote was taken.

The meeting adjourned at 8:04 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary