

Town of Franklin



Conservation Commission

**April 20, 2023
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

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: Patrick Gallagher (via Zoom), Jeffrey Milne, Jeff Livingstone, Richard Johnson, Michael Rein, Mark LePage (via Zoom). Absent: Meghann Hagen. Also present: Breeka Li Goodlander, Conservation Agent.

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

PUBLIC HEARINGS

Public Hearing – NOI – Spruce Pond Aquatic Management Program

Mr. Jonathan Niro of BETA Group addressed the Commission regarding a Notice of Intent to apply aquatic herbicides at Spruce Pond. He stated that they will be starting their review and will begin with a site visit.

Ms. Goodlander stated that she did not hear from the applicant that they would not be attending the meeting. She stated that she reached out to Derek Adams. She stated that he has his pesticide license and he poked around and the proposed application to treat water lilies says on the label not to apply in water. She said that she wants to bring it to the Commission's attention so the next time the applicant is present we can ask more questions as to why they are proposing that. She stated that DEP has a comment suggesting that 30 percent coverage is still available on native plants on the water body and they target their application in areas that have non-native aggressive invasive species.

There was a motion made by Michael Rein to continue the public hearing for the NOI for Spruce Pond Aquatic Management Program to May 4, 2023 at 7:01 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – 25 Forge Parkway

Mr. Philip Cordeiro of Allen & Major Associates, representing the applicant, addressed the Commission for the project that proposes to construct at 16,000 sq. ft. building addition, 17 additional parking spaces, and a paved contractor yard within the 100 ft. buffer zone to BVW, specifically within the 25 ft. to 100 ft. buffer zone; disturbance within the 25 ft. to 50 ft. buffer zone is limited to grading and disturbance within the 50 ft. to 100 ft. buffer zone includes grading, paving, and the proposed building addition. Mr. Cordeiro reviewed that they were in front of the Commission a few weeks ago and BETA performed their review on the application. He stated that they received BETA's review and provided response comments to that review. He

stated that they responded to MassDEP comments and noted that MassDEP issued the file number. He stated that as of today they have an updated letter from BETA. He noted that they have made mechanical changes relative to drainage. He stated that the only outstanding question from MassDEP and BETA was a question of whether there is an isolated land subject to flooding resource area off property. He stated that they had their wetland consultant review that at the time of the flagging, and they did not find during their preliminary review that it was an isolated land subject to flooding; however, we did not do all of the calculations associated with it given how off site it was. He stated that the suggestion from Allen & Major to the conservation agent is that the calculations may not be necessary given the location is off site.

Mr. Jonathan Niro of BETA Group discussed the MassDEP comment and agreed it would require a topographic survey. He stated that at the end of the day, it would not have much bearing on the project whether or not it is an isolated land subject to flooding. He recommended that any Order of Conditions issued acknowledges that the calculations were not performed. He stated that the applicant has essentially addressed all the comments BETA raised regarding wetlands and regulatory matters. He stated that he defers to the Commission about the appropriate species of plants that are selected and planted. He noted that the applicant is also before the Planning Board and they are under stormwater review; BETA will keep the Commission up to date on that. He stated that there are still some outstanding items on the stormwater side of things. He stated that the primary ones are that there were some discrepancies in rate calculations; there is no major design flaw, but they are recommending that the calculations be rerun. He stated that the wetlands and regulatory side things have largely been addressed with the exception of some questions on plant species.

Ms. Goodlander stated that Mr. Niro summarized it well. She recommended continuing the public hearing. She stated that she has gone out to the site.

Mr. Johnson asked if the conservation agent disagreed with the planting schedule. Ms. Goodlander stated that it is the designation of the species and questioned will it survive in that location. Mr. Rein asked about any feedback on the comments on the plants. Mr. Cordeiro stated that they are willing to converse with the conservation agent and talk about what they have selected. He stated that he has no doubt that they can reach a conclusion quickly; it is a very subjective situation. Mr. LePage asked Ms. Goodlander to review Mr. Niro's suggestion on the isolated vegetative wetland. Ms. Goodlander stated that for isolated vegetative wetland there is a certain size limit and other parameters that would designate it under the Wetlands Protection Act as isolated land subject to flooding. She discussed the protection not afforded by the Wetlands Protection Act to isolated vegetative wetlands, but the Town's local bylaw does. She reviewed DEP's comment in regard to the protection. Chair Gallagher noted that BETA's report was just received the other day and the applicant is still before the Planning Board, so it makes sense to continue the public hearing. Mr. Cordeiro stated he agreed with continuation.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for 25 Forge Parkway to May 4, 2023. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – ANRAD – 1 Paddock Lane

Ms. Goodlander stated that the applicant requested a continuance of the public hearing which is for an Abbreviated Notice of Intent (ANRAD) that the applicant is seeking confirmation of onsite wetland resources identified that include one BVW and one enclosed upland island.

Mr. Jonathan Niro of BETA Group stated that the applicant is requesting confirmation of the delineation. He stated that the site is primarily red maple swamp behind a single-family residence. He reviewed that there were a number of locations along the wetland boundary that they found hydric vegetation and hydric soils. He discussed that in the vicinity of the house there were relatively minor differences, 5 ft. to 7 ft. upgradient; however, as they approached the northeast portion of the site, they started to notice some more significant

deviations from what the applicant had delineated. He stated that there were some areas of hydric soils 10 ft. upgradient. He reviewed the delineation and discussed his concerns. He stated that there were a number of locations around the wetland boundary that they feel some modifications should be made. He noted that the applicant reviewed BETA's comment letter and plans to go back out to the site. He stated that in the interest of the applicant's time, money, and resources, and the Commissions time, we would recommend just having an onsite visit with the applicant's representative as he would have to go back out to the site anyway. He suggested that information be passed along to the applicant. Ms. Goodlander stated that she had no comments. She stated that Goddard Consulting did the original delineation. She recommended a continuance.

There was a motion made by Richard Johnson to continue the public hearing for the ANRAD for 1 Paddock Lane to May 4, 2023. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; LePage-Yes; Gallagher-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: None.

Violations/Enforcement: None.

Minutes: April 6, 2023

There was a motion made by Jeff Livingstone to approve the meeting minutes for April 6, 2023. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; LePage-Yes; Gallagher-Yes.

Discussion

Ms. Goodlander stated that she had three items. She stated that they have 10 more days for their survey; please push it out. She stated that they have lower responses than for the 2016 Open Space Plan. She stated that they have their second public hearing next Tuesday at the Senior Center for the Open Space Plan that is to communicate the identified goals throughout the entire public engagement process and to receive feedback on that prior to drafting the Open Space Plan. She stated that on Wednesday night, April 26, they have been summoned to Town Council, at least Chair Gallagher and her, and the Commission is highly encouraged and invited to attend, to present on open space, the process, where we are, what have we done, and looking forward to the future. She stated that she has 10 minutes to speak and Chair Gallagher has around that long to speak as well and the rest is open up to discussion. She noted one important goal she has heard includes accessibility. Mr. LePage noted signage is important. Chair Gallagher stated that he would send an email to the Commission as what he sees as some of the top line items. He stated that the goal of the public hearing in large part is to hear what other people envision and important priorities of the plan. Vice Chair Milne stated that with the cancellation on Sunday, do we wish to reschedule or roll this into the fall. Ms. Goodlander stated that it is entirely up to the Commission. Chair Gallagher suggested maybe two weeks from this weekend. He stated that he thinks we have a lot of pieces ready to go and to keep it in the spring would be his preference. Ms. Goodlander stated that she would ask if the trail walks could be rolled forward. Mr. Rein asked about Saturday, May 6. Chair Gallagher stated many teams play on Saturdays. Ms. Goodlander suggested early April for next year. Mr. Livingstone stated that too early in April is often too cold. Ms. Goodlander suggested a Friday afternoon instead of a weekend. Mr. Livingstone said that he thought there would not be many people if it were on a Friday. Chair Gallagher agreed with doing a Google form to see what everyone's availability is and aim to try to make a decision on Monday or Tuesday. Vice Chair Milne asked what is the needed lead time to reschedule some of the promotional activities. Ms. Goodlander stated

that it has already been pushed out through the Town's social media that it has been postponed. Discussion commenced on bees. Mr. Rein suggested two weeks out would be good as the next weekend is Mother's Day. Ms. Goodlander stated that at the last office hour meeting a student from Franklin High School came in and wanted an internship with Conservation. She said that they are going to make it happen; she has an email to the Town Administrator.

Chair and Commission Comments: None.

Executive Session: None.

There was a motion made by Richard Johnson to adjourn the meeting. The motion was seconded Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; LePage-Yes; Gallagher-Yes.

The meeting adjourned at 7:42 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary