

Town of Franklin



Conservation Commission

**June 1, 2023
Meeting Minutes**

As stated on the agenda, 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: Jeffrey Milne, Jeff Livingstone, Richard Johnson, Michael Rein, Meghann Hagen, Mark LePage. Absent: Patrick Gallagher. Also present: Breeka L  Goodlander, Conservation Agent; Tyler Paslaski, Administrative Assistant.

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

PUBLIC HEARINGS

Public Hearing – NOI – Spruce Pond Aquatic Management Program

Ms. Goodlander stated that she was not told that the applicant would not be in attendance.

There was a motion made by Michael Rein to continue the public hearing for the NOI for Spruce Pond Aquatic Management Program to June 15, 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; Hagen-Yes; LePage-Yes.

Public Hearing – ANRAD – 1 Paddock Lane

Ms. Goodlander stated that it is not too surprising that they are not in attendance as we only recently rescheduled our site visit to June 8, 2023. She recommended a continuance to June 15, 2023.

There was a motion made by Meghann Hagen to continue the public hearing for the ANRAD for 1 Paddock Lane to June 15, 2023, at 7:02 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; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – Maplegate Solar North

Ms. Goodlander stated that the applicant requested a continuance.

There was a motion made by Mark LePage to continue the public hearing for the NOI for Maplegate Solar North to June 15, 2023, at 7:03 PM. 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; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 2 Elm Street

Ms. Goodlander stated that the applicant requested a continuance. She stated that Ms. Karon Skinner Catrone went onsite yesterday, and they need to remove more stones to accurately find the boundary.

There was a motion made by Mark LePage to continue the public hearing for the NOI for 2 Elm Street to June 15, 2023, at 7:04 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 100 Financial Park

Mr. Doug Hartnett of Highpoint Engineering, representing the applicant Berkeley Partners, addressed the Commission for a Notice of Intent for a proposed 220,000+/- sq. ft. flex-warehouse building and 65,000+/- sq. ft. flex-warehouse building expansion at 100 and 200 Financial Park; the proposed impacts include approximately 67,600 sq. ft. of the 100-ft. buffer zone to BVW and vernal pools. He stated that this is a redevelopment of 100 Financial Park off Washington Street. He noted that Mr. David Cowell, senior wetland scientist of Hancock Associates, and Mr. Brendan Pellerin of Berkeley Partners were in attendance at the meeting. He reviewed other members of the project team joining the meeting remotely. Mr. Hartnett narrated a slideshow presentation which was provided in the meeting packet. He explained that Berkeley Partners is a fully integrated Real Estate Investment firm focused exclusively on Industrial Real Estate. He reviewed that the proposal is to redevelop the 100 Financial Park property that currently supports an existing 180,500 gross sq. ft. office building occupied by Marsh McLennan Companies. The lease is to expire fall 2023. They will demolish the obsolete c. 1980 office building and related site/infrastructure and construct the following: 220,000 gross sq. ft. single load warehouse with potential for one or two tenants, and 65,000 gross sq. ft. flex industrial/warehouse. He stated that they plan to consolidate site access and truck loading/service with existing 200 Financial Park Drive property. The project will reconfigure parking, trailer storage, and access points to new buildings. The project activities are limited to resource area buffer zones only. There are no activities proposed within resource areas and no thresholds are exceeded requiring adherence to performance standards under WPA. He provided a review of the history of the site.

Mr. Cowell showed the provided map and reviewed the wetland resource area inventory which is provided in the slideshow presentation materials. He stated that he has spent many hours on the site flagging the area and providing the delineation. He stated that he believes all the flags in the wetland resources areas are accurate. He reviewed wetland resource areas include bordering vegetated wetlands, riverfront area, inland bank, bordering land subject to flooding, mapped vernal pool habitat, potential vernal pool habitat, and buffer zones. He showed slides which detail these areas and pointed out the described areas.

Mr. Hartnett stated the reality is that they are modify aspects of both 100 and 200 Financial Park. He reviewed that at 100 Financial Park they propose the following: 1. Construct 220,000 gross sq. ft. warehouse building. 2. Construct 65,000 gross sq. ft. warehouse/flex industrial building. 3. Consolidate loading for proposed buildings and 200 Financial Park. 4. 262 surface parking spaces (requires Planning Board parking waiver) 5. 54 dock positions/52 trailer storage spaces 6. Maintain existing surface parking easement for 300 Financial Park. He reviewed that at 200 Financial Park they propose the following: 1. Maintain existing 65,000 gross sq. ft. warehouse building 2. Construct 19 new parking spaces and restripe 6 existing (25 total). 3. Construct 20 trailer storage spaces. He reviewed and showed pre-development buffer zone impacts and post-development buffer zone impacts. As provided on the slideshow presentation, he reviewed the following: No project activity proposed within resource areas including bordering vegetated wetlands, inland bank, flood plain, riverfront area, or vernal pool habitat and their

buffers. He discussed that all project activity is located within previously developed areas, total buffer zone alteration (excluding fire pond meadow restoration) equals 67,600 sq. ft., the total impervious reduction within buffer zone equals 10,324 sq. ft., they will restore grass area around fire/detention pond (Wetland L) to a more natural condition, they will eliminate fertilizer application and reduce weekly maintenance requirements, and they will improve stormwater discharges by incorporating best management practices (BMPs).

Mr. Nick Campanelli, landscape architect of MDLA (via Zoom), reviewed the landscape design attributes as provided on the slideshow presentation. He explained the entry into the campus from Washington Street, he stated that they are looking to maintain as much of the natural buffer as possible, he reviewed foundation plantings and street trees, he discussed the pond path and stone retaining wall, and he noted the Financial Park loop road will remain.

Mr. Hartnett explained that they propose to improve stormwater discharges by incorporating best management practices (BMPs) including: rain garden/bioretenion areas, pervious pavers at building entries, proprietary WQ units/hydrodynamic separators, subsurface stormwater recharge systems (ACF-R-tank HD), provide required TSS removal efficiency for all paved surface stormwater discharges, and provide required phosphorous removal for stormwater discharges. He stated that they will be before the Planning Board on Monday night. He stated that BETA is the peer reviewer for both Planning and Conservation. He stated that they have submitted the filing fee for BETA's services.

Ms. Goodlander stated that BETA will be taking most of this review because she does not have the time for it; however, she had the opportunity to meet with the applicant and so has Chair Gallagher prior to this hearing. She stated that she would like to point out that this application is very conservative. She stated that all this area is existing disturbed. She requested the square footage for each buffer zone. She stated that for the excavated fire pond, it is jurisdictional under local bylaw. She stated that the applicant is working cooperatively with the Commission to acknowledge our bylaws and regulations. She stated that she is waiting for BETA to review.

Commission members thanked the applicants for the presentation.

There was a motion made by Richard Johnson to continue the public hearing for the NOI for 100 Financial Park to June 15, 2023, at 7:05 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – RDA – 585 King Street

Ms. Claire Hoogetboom, wetland scientist of LEC Environmental Consultants (via Zoom), on behalf of the applicant, addressed the Commission for a Request for Determination of Applicability for roadway and transportation improvements on King Street and Constitution Boulevard in relation to the previously approved 585 King Street Project; proposed work includes future access driveway construction, new traffic signal, sidewalks, drainage improvements, utility connections, new traffic lanes (painting), and the intersection will be resurfaced (mill and overlay) once the subsurface work is complete. She stated that the applicant, Mr. Josh Berman of Marcus Partners, will be joining the hearing via Zoom. Ms. Hoogetboom shared her screen and reviewed the plans. She explained the location of the work. She noted a previously approved Order of Conditions dated August 16, 2022. She reiterated the purpose of the project is to improve road conditions at the intersection. She stated that the erosion controls will remain in place for the duration of the work for this project as well. She pointed out the resource areas and a proposed wetland replication area. She stated that no significant grading is proposed, and the proposed work will not extend out of the existing disturbed roadway. She explained that a small portion of work is

proposed within the existing disturbed 25-ft. no-touch zone with the rest partially occurring within the 100-ft. buffer zone to BVW and bank to an intermittent stream. She stated the application package included a waiver request for work within the 25-ft. buffer zone. She stated that the request is for a negative 3 determination for the RDA.

Ms. Goodlander stated that this is associated with the previous NOI that the Commission approved; this is the identified access. She stated that the work proposed within the 25-ft. no touch zone is existing disturbed paved area for roadway improvements. She stated that there are conditions that correspond to the work going on: conditions 53, 54, 55, 56, 58, 61, 62, and 64. She recommended a negative determination noting that the above conditions apply.

Commission members were asked if they had questions. Ms. Hagen confirmed that all work is within existing disturbed area.

There was a motion made by Jeff Livingstone to close the public hearing for the RDA for 585 King Street. 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; Hagen-Yes; LePage-Yes.

There was a motion made by Michael Rein to approve the RDA for 585 King Street with a negative determination with conditions as stated. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: None

Permit Modifications/Extensions: Grove Street Shared Use Path

Mr. Ben Boynton of BETA Group (via Zoom) stated that he was representing Franklin DPW for phase 2 of Grove Street shared use path. He stated that they received the Order of Conditions for this project on April 10. He noted that as we progressed to the final design, they determined that a rock fill slope would be preferable to the originally proposed retaining wall at Station 47+00. A rock fill slope would offer far lower construction costs and present a safer alternative that does not have as abrupt of a drop-off. The proposed slope would result in 58 sq. ft. of BVW fill opposed to the 29 sq. ft. permitted at this location under the original design. He reviewed that under this scenario, the replication area would be increased to 120 sq. ft. to maintain compliance with the 2:1 replication requirement of the bylaw. He stated that they are seeking a minor plan change for the Order of Conditions.

Ms. Goodlander stated that she thinks that it is fine and asked Mr. Boynton about the replication. Mr. Boynton stated that they were originally at 60 sq. ft. of replication and now they are about at 120 sq. ft. Ms. Goodlander stated that she recommended approval of the minor plan change and keep the conditions as is.

Commission members had no questions.

There was a motion made by Meghann Hagen to approve the Permit Modification for minor plan changes for Grove Street Shared Use Path. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Certificates of Compliance: 39 Blueberry Lane CE159-1217

Ms. Goodlander stated that a COC request was filed by a representative. She went out to check the site conditions and she noticed that two dogwoods failed to survive in the restoration area. She noted that when she reached out to the representative, he is no longer representing the applicant. She stated that she, Chair Gallagher, and the applicant have been talking about the best way forward. She stated that she and Chair Gallagher have discussed two options. The first option is that the Commission approves the COC request with the condition, as we did with Margaret's Cove, that the remaining dogwoods are planted and observed over the next growing season. She stated that she would still need to verify next season that they have taken. She stated that this condition would be recorded in the Registry of Deeds. She stated that option two is that we wait to approve the COC until next season giving the property owner sufficient time to plant them and make sure they are taking.

Mr. LePage asked if the applicant has a preference. Ms. Goodlander stated that they said whatever you want us to do. She stated that she did not see a for sale sign. She stated that it was up to the Commission. She noted that she personally would not like something on the Registry of Deeds; she would want to do option two. Commission members asked questions. Discussion commenced on the process for this COC going forward.

There was a motion made by Jeff Livingstone to deny the Certificate of Compliance for 39 Blueberry Lane CE159-1217. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Certificates of Compliance: 226 Daniels Street

Mr. Ray Watstein (via Zoom), attorney for David Finlay and Martha Ramirz, owners, addressed the Commission. He stated that Ms. Amanda Cavaliere of Guerriere and Halnon is attending the meeting via Zoom also.

Ms. Goodlander stated that in this case a COC was never requested and now there is a sale. Ms. Cavaliere stated that they are requesting a COC; from the history of it, it was tagged originally to the Franklin Heights project. She stated that they would be going for a partial as it is for this property.

Ms. Goodlander recommended approval.

There was a motion made by Richard Johnson to approve the Certificate of Compliance for 226 Daniels Street. 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; Hagen-Yes; Gallagher-Yes.

Violations/Enforcement: 305 Union Street

Ms. Goodlander stated that this should be extended month by month per Town Attorney Mark Cerel. She stated that they filed it with DEP and so now we are in the rigamarole with DEP.

There was a motion made by Richard Johnson to extend the violation/enforcement for 305 Union Street to June 29, 2023. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Gallagher-Yes.

Minutes: May 18, 2023

There was a motion made by Mark LePage to approve the meeting minutes for May 18, 2023. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Discussion: CPC Appointment

Ms. Goodlander stated that the Conservation Commission needs to put forth a member for the CPC appointment to be voted at the next Town Council meeting on June 21, 2023. Commission members discussed the appointment. Mr. Livingstone stated that he would be happy to continue to be the appointed member, but if someone else wants to do it, that is fine as well. Ms. Hagen stated that she may be interested next year.

There was a motion made by Richard Johnson to approve Jeff Livingstone as the CPC appointment for another year. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Chair and Commission Comments:

Ms. Hagen stated that tomorrow is the first Farmers Market. She stated that there is no one to do the Commission's table for this Friday, so she sent Roger an email letting him know. She asked if there was a Commission banner. Ms. Goodlander stated that they have a Commission tablecloth. Discussion commenced about the Commission's table set up, the available handouts, and QR codes. Ms. Hagen asked for thoughts on having a craft for kids about once a month. Ms. Goodlander explained that after June 20, she should have more capacity to do things. Mr. Livingstone asked if Ms. Goodlander knew the sizes of other Conservation Commissions. Ms. Goodlander explained some sizes she knows of. Mr. LePage asked for an update on Schmidt's Farm. Ms. Goodlander stated that we are far removed from that process. She stated that it would be discussed at Master Plan. Vice Chair Milne stated that on the campus there was a ballfield created years ago which has deteriorated, but it could be on the open space plan. Ms. Goodlander asked if Vice Chair Milne could send her an email about that. Ms. Goodlander stated that 300 Financial is privately owned and one parcel, not two. Mr. Livingstone talked about the helipad at Financial Park and other helipads.

Executive Session: None.

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

The meeting adjourned at 8:30 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary