

Town of Franklin



Conservation Commission

**June 15, 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

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, Jeff Livingstone, Richard Johnson, Meghann Hagen, Mark LePage. Absent: Michael Rein. Also present: Breeka Li Goodlander, Conservation Agent; Tyler Paslaski, Administrative Assistant.

Chair Gallagher announced that the Open Space & Recreation Plan is now live on the website. He encouraged everyone to read it. He stated that there is a 30-day comment period which opened yesterday when the plan was posted; the plan is a draft. He stated that the comment period is to solicit feedback and comments. He thanked all for their efforts in putting together the plan. He stated that for applicants and their representatives at tonight's meeting, the Commission is very busy right now with lots on the agendas. He asked everyone to be civil and be patient with the Commission. He stated that we are trying our very best to process applications. He explained language/words used by applicants that will not help or speed up the process. He stated that he asks applicants to work with us and above all please be civil and that we are here to work with you and help you to move your projects forward.

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

PUBLIC HEARINGS

Public Hearing – NOI – Spruce Pond Aquatic Management Program

Ms. Goodlander confirmed that the applicant requested a continuance. She stated that we are waiting on the survey. Chair Gallagher stated that we have been working with them for some time; this application is from what could have been an enforcement action but is instead an after-the-fact filing. He asked Ms. Goodlander to reach out to the applicant and let them know that time is of the essence and ask when the applicant will be getting back to us and to BETA.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Spruce Pond Aquatic Management Program to June 29, 2023, at 7:01 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – ANRAD – 1 Paddock Lane

Ms. Goodlander stated that they have not requested a continuance, but she has not heard from them or received anything from them. She confirmed they did have the walk through. She stated that we did extend the BVW boundary quite a bit on the western and eastern sides. She has not received an updated plan.

Mr. John Determan (via Zoom) noted that this matter has been continued for several meetings. He asked that from a procedural standpoint does the item remain open. Chair Gallagher stated that the subject of this application is that the applicant is looking for the Commission to confirm the current delineation of the wetland on their property. He stated that they are going through the process, and there was a site visit with the conservation agent and BETA. The applicant must revise their survey based on that. Once the delineation is approved, they will vote on that, but there is no timeframe for that. Mr. Livingstone stated that theoretically meetings can be continued forever.

There was a motion made by Jeff Livingstone to continue the public hearing for the ANRAD for 1 Paddock Lane to June 29, 2023, at 7:02 PM. 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – Maplegate Solar North

Ms. Goodlander stated that the applicant submitted some updated stormwater information reflecting BETA comments from the Planning Board. She stated that she suggested John present that to the Commission; however, we are waiting for a BETA peer review letter.

Mr. John Kucich of Bohler Engineering (via Zoom) stated that they are going to Planning Board and Conservation Commission at the same time. He reviewed that the resource areas have been reviewed by BETA, but he thinks not fully analyzed yet. He stated that they received a comment letter from BETA on the stormwater for Planning Board, and they have made their response comments. He stated that there are not a lot of changes coming out of the letter, mostly housekeeping items. The letter was recently submitted to the Commission; they are hopeful BETA will review that and the engineering comments would be available from the stormwater side at the next hearing. He commented about the test pits in the proposed basin they are constructing. He stated that they cannot do those yet and are looking to condition digging the test pits. They will review that with BETA.

Mr. Jonathan Niro of BETA (via Zoom) stated that Mr. Kucich is correct. He stated that BETA went out to the site for two days and reviewed all the boundaries. They are now debriefing and writing up their review letter which will be provided to the Commission when ready.

There was a motion made by Mark LePage to continue the public hearing for the NOI for Maplegate Solar North to June 29, 2023, at 7:03 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – 2 Elm Street

Ms. Goodlander stated that Ms. Karon Skinner Catrone was able to go back out. She received an updated plan today and a continuance was requested. She stated that she wanted to reflect the boundary changes which she reviewed. She stated that she thinks it would be replication scenario instead of having him remove the slope.

There was a motion made by Meghann Hagen to continue the public hearing for the NOI for 2 Elm Street to June 29, 2023, at 7:04 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – 100 Financial Park

Ms. Goodlander stated that the applicant requested a continuance; however, she asked Jonathan to speak on this. She stated the peer review letter was received, but she has not had a chance to review it.

Mr. Jonathan Niro of BETA (via Zoom) stated that they wrapped up the onsite review and the regulatory review filing. He stated that it was a relatively straight forward review. He noted that administratively, there are a few things missing from the filing, and he reviewed some of them. He noted that in the field they reviewed the wetland boundaries and flagging was generally still present. He noted a few areas in the field compared to the existing conditions plan. He stated there was one stream BETA observed that was not flagged and since it is an interior stream, he asked the applicant to confirm it is intermittent and not perennial. He stated that they also saw an intermittent stream flagged by the applicant, but they asked for additional boundary flags. He noted there was some work proposed in the 25 ft. no alterations area to the pond for a stone dust walkway, and they asked for a formal waiver/variance request to be submitted for that so the Commission can deliberate on it. He noted that some revisions were needed on the site to come into stormwater compliance.

Commission members asked questions. In response, Mr. Niro explained that on the plans the applicant should revise their buffer zone offsets accordingly. He noted the stone dust path around the pond is a case where it is historically a stormwater feature of sorts, but it meets the regulatory definition of a pond, so it would have the associated 25-ft. alternations concern.

There was a motion made by Richard Johnson to continue the public hearing for the NOI for 100 Financial Park to June 29, 2023, at 7:05 PM. 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – 15 Liberty Way

Chair Gallagher stated that he opened the public hearing. He noted the applicant was not present.

Ms. Goodlander stated that she has not heard from the applicant. Chair Gallagher stated they would table this item for a few minutes to see if the applicant arrives on Zoom.

After the last public hearing ended, Chair Gallagher returned to this public hearing; the applicant was not present. Therefore, Chair Gallagher stated the public hearing would be continued.

There was a motion made by Richard Johnson to continue the public hearing for the NOI for 15 Liberty Way to June 29, 2023, at 7:06 PM. 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

Public Hearing – NOI – 10 Echo Bridge Road

Chair Gallagher stated that he opened the public hearing.

Ms. Goodlander stated that the applicant requested a continuance after a discussion today.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 10 Echo Bridge Road 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; LePage-Yes.

Public Hearing – RDA – 21 Grove Street NuStyle

Mr. Paul McManus of EcoTec, Inc. and Ms. Tracey Costa of Verdantas, LLC addressed the Commission. Mr. McManus reviewed the provided site plan. He stated that it is a small piece of property owned by the Town. He noted that Mine Brook flows along the bottom edge of the site and turns to flow around the back of the site. He stated that Mine Brook is a perennial stream. He stated that this property was formerly an industrial property back to the 1800s. The RDA is to do additional environmental testing. He stated that proposed is testing of the site to include test borings and monitoring wells. Most of the site is mowed and can be easily accessed. He reviewed the areas as shown on the site plan and noted limited clearing needed for the drill rig to do the testing. There is also sediment sampling proposed. Under the state regulations most of the proposed is categorically exempted. He stated that due to the limited scope they felt it was appropriate to seek a negative determination. He noted on the site plan there is a little area of vegetative wetland that bumps off the channel; that is the only such area of BVW on the property and nothing is proposed there. He described the limits of the proposed investigation as shown on the provided site plan.

Ms. Goodlander stated that typically she advocates for flat matting, but because of the size of the drill rig, she is not too concerned and not advocating for that. She asked that the rutting be smoothed out at the end. Mr. McManus reviewed that the excess drill cuttings that come up would be containerized into drums for offsite disposal. Ms. Goodlander stated that this is a brownfield site and Director of Planning and Community Development Bryan Taberner is the applicant for this. She recommended approval with a negative determination.

Commission members asked questions. In response, Ms. Costa noted that she does not have all the history details. She reviewed what the Town has done regarding the site, and stated that this is to do some additional assessment to get our arms around the contamination. She noted that portions of the buildings on the site are collapsing, and the Town proposed demolition of those buildings. Ms. Goodlander stated that she is trying to find the old plot plans. She explained what the old buildings are made of. Ms. Costa stated that this testing will help with baseline conditions and reviewed subsequent possible clean up to remove the contaminants. Chair Gallagher stated that he agreed with approval with a negative determination.

Mr. Jim Finkelstein, owner of 20 Grove Street (via Zoom), asked why are we doing this and what is the ultimate goal. Ms. Costa stated that the data is fairly old, and it is important to understand existing conditions. She stated that the remediation planned is for the western portion of the property, but there is an opportunity for us to understand if there are impacts to other portions of the property. Mr. Finkelstein stated that the problem was that NuStyle went out of business and the building fell apart. He stated that he believes the state came in and cleaned it up and they demolished the building which had a basement; they said the basement was so contaminated that they were just going to fill it in and hope it will go away. He stated that he assumes it did not go away, and the chemicals probably went further down in the ground. He stated that in the back of the property there is a building falling down. He stated that 20 Grove Street in the deed owns a right of way to Old Grove Street through that property. Ms. Costa stated that she believes Mr. Taberner brought that to their attention. She discussed the existing monitoring wells to assess contaminate impacts. She stated that she is expecting to collect samples from the existing wells to really fill some data gaps. She stated that she thinks the Town has a vision of moving this property forward which was addressed in the grant. Mr. Livingstone stated it is unusable and they are trying to make it into a usable piece of property.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for 21 Grove Street NuStyle. 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

There was a motion made by Jeff Livingstone to approve the RDA for 21 Grove Street NuStyle with a negative determination. 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: 4 Cohasset Way ***Chair Gallagher recused himself.***

Mr. Robert Kaufman, owner, stated that he submitted an application for tree work and it turns out that some of the trees were in the 50 ft. buffer. He stated that the trees have already been cut. He noted trees were damaged from a February storm including an 80 ft. pine tree that fell down and just missed the house. He noted that when they had a company look at the trees, other trees with damage and in danger of falling on the house were noted, so they took a total of about 20 trees of which some were very little. He described the photographs he had provided and noted the company needed to remove some of the very little trees to get to the larger ones. He stated that all this was in the area of the pool which was approved about 30 years ago.

Ms. Goodlander stated that this MBZA is an after-the-fact filing for tree removal and reflects what would have been approved had the applicant asked permission before filing. She recommended approval. In response to a question, Ms. Goodlander stated that the tree companies usually know that they need to contact her and they are very good about it and let her know when a tree needs to come down.

There was a motion made by Meghann Hagen to approve the Minor Buffer Zone Activity for 4 Cohasset Way. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Johnson-Yes; Hagen-Yes; LePage-Yes.

Chair Gallagher re-entered the meeting.

Permit Modifications/Extensions: None.

Certificates of Compliance: None.

Violations/Enforcement: None.

Minutes: June 1, 2023

There was a motion made by Meghann Hagen to approve the meeting minutes for June 1, 2023. 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

Discussion: Draft 2023 OSRP/Farmer's Market

Ms. Goodlander showed an old plan titled Whitney Worsted Co. (Unionville) Franklin, Mass. Commission members and Ms. Goodlander discussed the old plan.

Ms. Goodlander noted the Open Space & Recreation Plan meeting next Tuesday, June 20. She noted the upcoming Farmers Market. Ms. Hagen said she and Mr. Livingstone would be attending. Mr. Milne discussed the set up of the tent and table. Ms. Hagen stated that she would drop off the items. She stated the table is hers and the tent was from a neighbor. She suggested the Commission invest in a tent. Mr. LePage stated that he has a tent that he would donate. Ms. Goodlander recommended tent weights. Ms. Hagen reviewed that she would provide some documents for the table. Mr. Milne stated that the people he talked with indicated interest in the town trails.

Ms. Goodlander reviewed that she has informational pamphlets. Ms. Hagen noted that the vendors at the Farmers Market had signs positioned high up on their tents. She suggested the Commission should have a similar sign on their tent. She noted the Farmers Market dates and who would be covering.

Ms. Hagen provided a Master Plan update. She stated they had their first meeting last night. She stated that the committee assignments were given.

Ms. Goodlander stated that Town Planner Amy Love would like to borrow the Commission's gavel. She stated that the intern, Rex, starts next Tuesday.

Ms. Hagen stated that the OSRP draft is amazing. She stated that she is wondering, for more people to look at it, if there could be a shorter more interactive piece for it, such as highlights. Ms. Goodlander stated that she is willing to lay out each section. Ms. Hagen stated she would work on it also.

Commission members discussed conference locations. Ms. Goodlander stated that all Commission members are now members of MACC, and the invoice has been received for this. Discussion commenced on MACC matters and projects.

Chair and Commission Comments:

Executive Session: None.

There was a motion made by Richard Johnson to adjourn the meeting. 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; Hagen-Yes; LePage-Yes; Gallagher-Yes.

The meeting adjourned at 8:23 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary