

Town of Franklin



Conservation Commission

**October 5, 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, second floor of the Municipal Building, for citizens wishing to attend in person.

Commencement

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

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

PUBLIC HEARINGS

Public Hearing – ANRAD – 1 Paddock Lane

Ms. Goodlander stated they are still waiting to survey the flags, so they requested a continuance.

There was a motion made by Mark LePage to continue the public hearing for the ANRAD for 1 Paddock Lane to October 19, 2023, at 7:01 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 100 Financial Park

Ms. Goodlander stated that the applicant requested a continuance as they are still working on traffic design.

There was a motion made by Mark LePage to continue the public hearing for the NOI for 100 Financial Park to October 19, 2023, at 7:02 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 15 Liberty Way

Ms. Goodlander stated that the applicant requested a continuance as they are still waiting to revise information and submit to DEP.

There was a motion made by Jeffrey Milne to continue the NOI for 15 Liberty Way to October 19, 2023, at 7:03 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – Lot 1A Prospect Street

The applicant's representative (who did not identify himself) stated that at the last meeting they were waiting to receive a follow up review by BETA. He stated that they received it today. He said he thinks all the

comments have been addressed. He said that he does not think there is anything else for them to do. He asked that the hearing be closed.

Chair Livingstone stated that there are two outstanding items in Ms. Goodlander's notes. Ms. Goodlander said they have been completed. Chair Livingstone requested Ms. Goodlander read the conditions into the record.

Ms. Goodlander read aloud the following:

Recommend approval with Conditions. Conditions include:

- SC20 Erosion Control Barriers
- SC21 Extra Siltation Barriers
- SC22 As-Built Plan
- SC23 Written Conformance Reports, including information denoting the success of restoration area plantings, plant cover, and recommendations for corrective actions as necessary.
- SC24 Work Performed According to Plan
- SC25 Referencing Order of Conditions
- SC26 Provision of Plans and Order of Conditions
- SC27 Approved Changes
- SC28 Notification Prior to Work
- SC29 Right to Impose Additional Conditions
- SC30 Errata as Changes
- SC31 Compliance Contact Information
- SC32 Weekly Monitor Reports
- SC33 Use of Clean Fill
- SC34 No Straw Bales
- SC35 Stockpile Maintenance
- SC36 Cleaning Vehicles
- SC37 Remedy Upon Problem Identification
- SC38 Barriers as Limit of Work
- SC39 Limit of Work Marked
- SC40 No Construction Materials
- SC41 Inspections and Disposal of Sediment
- SC44 Removal of Barriers
- SC46 Stockpile Location
- SC47 Removal of Sediment
- SC48 No Refueling
- SC49 Emergency Repairs
- SC50 Leaks and Spills
- SC51 Building Permit Sign Off
- SC52 The Applicant shall schedule and have a pre-construction meeting with the Conservation Agent prior to the start of work.

Applicant's representative agreed that he was okay with the conditions.

There was a motion made by Mark LePage to close the public hearing for the NOI for Lot 1A Prospect Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

There was a motion made by Mark LePage to approve the NOI for Lot 1A Prospect Street with conditions as stated. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 0 Upper Union Street Solar

Ms. Goodlander said the applicant requested a continuance to revise information based on a site walk. She said the biggest thing to note is that the IVW onsite is actually larger than what was previously delineated; they reflagged it. She said she should be getting revised information shortly.

Mr. Jonathan Niro of BETA Group (via Zoom) said he wanted to note that with the addition of either the new IVW or the expansion of the boundaries will shift locations of other jurisdictional areas such as the 25 ft. no-disturb zone. He said the applicant is aware and will plan accordingly.

Ms. Colleen DeBenedetto of Valta Energy (via Zoom), on behalf of the applicant VS Union Solar Smart LLC, addressed the Commission. She stated that they are requesting a continuance.

There was a motion made by Mark LePage to continue the NOI for 0 Upper Union Street Solar to October 19, 2023, at 7:04 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – RDA – 121 Grove Street

Ms. Goodlander stated that the applicant requested a continuance. She said she received BETA's peer review today.

Mr. Jonathan Niro of BETA Group (via Zoom) said he would give a brief update. He said the applicant is proposing test pits in upland areas. He said there are two resource area crossings required to access all the test pits they are looking to do. He explained the two crossing areas. He stated they raised a few points because they are crossing resource areas. He said they should send a copy of their RDA to MassDEP for the record. He said they had a few minor notes about stabilizing areas that they dig up and asking a question about one of the crossings. He said it seems like the applicant will be working to address all of those.

Commission members asked questions. In response, Mr. Niro reviewed that this was the site that went through the ANRAD process earlier this year, so we did already confirm the wetland boundaries. Ms. Goodlander stated that not all resource areas were confirmed; wetland boundaries and their limits were. She discussed that when the applicant submitted revised information, they submitted an approximation of where outstanding resource areas were; they have not been officially delineated. She said those resources at some point will need to be identified.

There was a motion made by Mark LePage to continue the RDA for 121 Grove Street to October 19, 2023, at 7:05 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – ANRAD – 124-126 Grove Street

Ms. Amanda Cavaliere of Guerriere & Halnon (via Zoom) stated that they met with the applicant and went over some of the findings from the site walk. She said Goddard Consulting, Ms. Goodlander, and Mr. Niro were able to meet on site on the 19th. She said they have a plan of action moving forward working with Goddard and the applicant. She said additional information should be submitted shortly. She said they would like to request a continuance to the next meeting.

There was a motion made by Mark LePage to continue the ANRAD for 124-126 Grove Street to October 19, 2023, at 7:06 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 3 Mount Street

Ms. Goodlander stated that she received revised information from Amanda Cavaliere, and BETA is in receipt of that; BETA is working on a response.

Ms. Amanda Cavaliere of Guerriere & Halnon (via Zoom) stated that Guerriere & Halnon was okay with a continuance.

There was a motion made by Mark LePage to continue the NOI for 3 Mount Street to October 19, 2023, at 7:07 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 122 and 138 East Central Street

Ms. Hagen recused herself.

Ms. Goodlander said that she would recommend approval overall.

Mr. Rick Goodreau of United Consultants and Mr. Brad Chaffee, owner/applicant, addressed the Commission. Mr. Goodreau said the BETA review letter was received, and they were able to meet to get clarification on some items. He said they have also met with the Planning Board and received peer-review comments from the Planning Board's consultant. He said they have incorporated all wetland and stormwater comments. He said those changes were submitted to BETA, and BETA provided a letter dated October 4, 2023, and they have commented in the affirmative.

Ms. Goodlander said they all met on September 25th for a work session. She reviewed the following from her agent's report dated October 5, 2023:

Current outstanding items include those which must be deferred to the Commission. These items include:

- An invasive species management plan for Japanese knotweed: While, the applicant has noted that herbicide will be applied to the knotweed and that knotweed debris will be managed in accordance with local, state, and federal laws, a detailed invasive species management plan has not been developed. Recommend conditioning a detailed plan prior to the start of work to ensure that the knotweed is managed in a way that facilitates the establishment of native vegetation.
- Pavement within the 25 ft. to 50 ft. buffer zone: Pursuant to Chapter 181 Section 4.3, any applicant proposing a project within this zone shall indicate that there are no impervious areas that would significantly increase runoff; and alteration within this zone is limited to grading and tree clearing. Stormwater management systems shall be allowed by the Commission based on an Alternatives Analysis and review of design and space limitations. However, areas disturbed prior to June 29, 2006, when there is a pre-existing disturbance and the work proposed is entirely within the disturbed area, of which this property qualifies, the applicant may propose impervious surfaces. Considering that this area is already disturbed and there will be an overall net decrease in impervious area within the entirety of the 100 ft. buffer zone, including stormwater improvements, it is recommended that the Commission still approve the proposed work within this zone.
- Alternatives Analysis: the Alternatives Analysis was updated to include an alternative that decreases pavement within the buffer zone, noting that it was not selected in order to comply with local parking requirements. The adequacy of the revised Alternatives Analysis is deferred to the Commission.

Mr. Goodreau reviewed the parking spaces and eliminating some of the pavement closest to the wetland and said they want to revegetate that area rather than repaving.

Chair Livingstone stated that he agreed with Ms. Goodlander regarding the alternatives analysis. He said he thinks it is fine to ask for invasives management plan to be done. Commission members agreed.

Ms. Goodlander read aloud the following:

Recommend approval with Conditions. Conditions include:

- SC20 Erosion Control Barriers
- SC21 Extra Siltation Barriers
- SC22 As-Built Plan
- SC23 Written Conformance Reports, including information denoting the success of restoration area plantings, plant cover, and recommendations for corrective actions as necessary.
- SC24 Work Performed According to Plan
- SC25 Referencing Order of Conditions
- SC26 Provision of Plans and Order of Conditions
- SC27 Approved Changes
- SC28 Notification Prior to Work
- SC29 Right to Impose Additional Conditions
- SC30 Errata as Changes
- SC31 Compliance Contact Information
- SC32 Weekly Monitor Reports
- SC33 Use of Clean Fill
- SC34 No Straw Bales
- SC35 Stockpile Maintenance
- SC36 Cleaning Vehicles
- SC37 Remedy Upon Problem Identification
- SC38 Barriers as Limit of Work
- SC39 Limit of Work Marked
- SC40 No Construction Materials
- SC41 Inspections and Disposal of Sediment
- SC42 No Rock Salt within the 25-foot No Touch
- SC44 Removal of Barriers
- SC46 Stockpile Location
- SC47 Removal of Sediment
- SC48 No Refueling
- SC49 Emergency Repairs
- SC50 Leaks and Spills
- SC51 Building Permit Sign Off
- SC52 The Applicant shall provide an invasive species management plan to the Conservation Agent prior to the start of work to ensure that the knotweed is managed in a way that facilitates the establishment of native vegetation.

Ms. Goodlander stated that she wanted to note that the applicant has denoted on their site plan no snow storage within the 25 ft. which is why she did not condition it.

There was a motion made by Mark LePage to close the public hearing for the NOI for 122 and 138 East Central Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; LePage-Yes.

There was a motion made by Mark LePage to approve the NOI for 122 and 138 East Central Street with the variance request as well as with conditions as stated. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; LePage-Yes.

Ms. Hagen re-entered the meeting.

Public Hearing – ANRAD – Tri-County Regional Vocational Technical HS

Ms. Goodlander stated that there was no DEP number yet. She said she is still waiting for BETA to finish their initial site visit and to provide a peer review letter.

There was a motion made by Mark LePage to continue the ANRAD for Tri-County Regional Vocational Technical HS to October 19, 2023, at 7:08 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Public Hearing – NOI – 230 Grove Street

Ms. Goodlander stated that she coordinated with Town Engineer Michael Maglio who did the stormwater review for the Planning Board as this did not go to BETA. She said there were just a few outstanding comments, most of them have been met, and none of them would prohibit approval tonight. She read aloud and summarized the following from her agent's report dated October 5, 2023:

Outstanding comments include:

- The Commission may request the applicant plant native vegetation on the top of slope for the drainage swale and/or surrounding the swale as part of a mitigation planting plan (SC19).
- The Applicant has yet to provide a Vernal Pool statement as required under Chapter 181 Section 7.7. The Applicant was requested to provide one and may have at the time of the meeting.
- The Applicant has yet to provide a construction sequence and schedule as required under Chapter 181 Section 7.15. The Applicant was requested to provide a sequence and schedule and may have at the time of the meeting.
- The Agent defers to the Commission to accept the site plan at a scale of 1"=30' instead of 1"=40' as required Chapter 181 Section 7.18.1.
- The Agent defers to the Commission to consider the adequacy of the provided Alternatives Analysis for RFA.
- The Agent notes that an erosion control plan and erosion control locations were not provided as erosion control is not proposed. The Agent defers to the Commission if they would still prefer erosion control onsite. Based on the proposed work, erosion control may be foregone provided that all stockpiling occurs in the back (northeast) of the property outside of jurisdictional resource areas and the proposed trench is backfilled by the end of every workday.
 - Maintenance requirements. The Applicant should continue to provide an OMP to the Town (with Conservation cc'd) to ensure upkeep of the stormwater system to prevent any future impacts to the 100 ft. Buffer Zone to BVW, 200 ft. RFA, BVW, and Perennial Stream.

Chair Livingstone asked the Commission if the Commission should make the applicant do additional alternatives or should they just leave it alone. He said his opinion is that they just leave it alone. Commission members agreed.

Ms. Goodlander asked Chair Livingstone if they wanted to talk about mitigation for native vegetation or planting something on top of the swale. She said it is in the guidelines. Mr. Goodreau said the swale is really a pipe at this point. He said some additional vegetation at the riprap area at the pipe outlet would not be a big deal. Ms. Goodlander said that can be conditioned.

There was a motion made by Mark LePage to close the public hearing for the NOI for 230 Grove Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

There was a motion made by Mark LePage to approve the NOI for 230 Grove Street with conditions as read aloud by Ms. Goodlander:

- SC19 Mitigation Planting Plan
- SC22 As-Built Plan
- SC24 Work Performed According to Plan
- SC25 Referencing Order of Conditions

- SC26 Provision of Plans and Order of Conditions
- SC27 Approved Changes
- SC28 Notification Prior to Work
- SC29 Right to Impose Additional Conditions
- SC30 Errata as Changes
- SC31 Compliance Contact Information
- SC33 Use of Clean Fill
- SC35 Stockpile Maintenance
- SC37 Remedy Upon Problem Identification
- SC39 Limit of Work Marked, including the extent of the 200-foot Riverfront Area
- SC40 No Construction Materials
- SC46 Stockpile Location
- SC47 Removal of Sediment
- SC48 No Refueling
- SC49 Emergency Repairs
- SC50 Leaks and Spills
- SC52 The Applicant shall continue to provide an Operations and Maintenance Plan to the Town of Franklin, including the Conservation Department, in perpetuity to ensure the upkeep of the proposed stormwater system to prevent any future impacts to the 100-foot Buffer Zone to Bordering Vegetated Wetlands, 200-foot Riverfront Area, Bordering Vegetated Wetlands, and Perennial Stream.

The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: 3 Natalie Circle

Ms. Goodlander reviewed that this MBZA was a submission requirement for the Enforcement Order. The property owner was required to remove the vegetative debris within BVW of approximately 295 sq. ft., remove the carport with sand/gravel/stone fill within the 0 ft. to 25 ft. buffer zone, permit for the shipping container within the 25 ft. to 50 ft. buffer zone, fence within the 50 ft. to 100 ft. buffer zone, and shed within the 50 ft. to 100 ft. buffer zone. She explained that erroneous tree removal and woody debris and loam stockpiling also occurred within the 0 ft. to 25 ft. buffer zone. She said the property owner said the tree removal was due to storm debris. She said that since the violation occurred, the property owner has removed the carport, removed several inches of sand/gravel/stone fill, removed the loam stockpile, and removed the woody debris stockpile. She said outstanding items continue to include the vegetative debris within BVW and significant sand/gravel/stone fill. She said it is recommended the Commission request that the vegetative debris be removed from BVW, the sand/gravel/stone fill continue to be removed, and loam and reseed with a native seed mix for impacts within the 0 ft. to 25 ft. buffer zone. She said it is also recommended that the Commission continue the MBZA request and extend the existing Enforcement Order 30 days to allow sufficient time for the property owner to become compliant.

Ms. Dharmista Patel, property owner, stated that the carport was there when she moved in. She said she did not know about the buffer zone. She said that when the trees fell, they did not know that they could not touch them, so her husband cut them up and put them out to be collected. She said her husband has dug up as much as he could with the tractor and shovel. She explained that it was just a storage container to put in extra items they had. She said she went to the Town Hall and was told that if the fence is under 6 ft., she does not need a permit. She said it is about 80 ft. away from the buffer zone. She said before they replaced the fence, there was an old fence there; they took the old one out and replaced it with the new one. She said most of the items there were already done. She said all they did was buy a storage container, and it has been there for 10-plus years, and no one has ever said anything, and now she is hearing that she is violating this and that. She said she did not know about any rules or regulations; she was not advised.

Chair Livingstone explained that this is a common situation with older properties when people move in and they assume that it is okay as it was done previously. He discussed pre-disturbed area. He discussed that there is a process for this such as the much more burdensome NOI or the more minor MBZA. He discussed the agent's position in this situation. He said at this point, the agent is saying that you have done as much as you think you can, and the agent would like to see some additional, but you say it will make it worse to mess with it. He asked Ms. Goodlander, given that, what is your feeling about that.

Ms. Goodlander stated that the entire area is already disturbed. She said it has been driven over. She stated there were five-gallon buckets of hydraulic oil and other contaminants and hazardous materials in the carport. She said her concern for removing the sand and gravel fill was to get as much of anything that has spilled out as much as possible. She said that to that point, we do not know how it goes, and she does not want to put an unnecessary burden on them to dig down 10 ft. She said she does not think it goes down that far, but then again, the end goal is to get it loamed and seeded. She said she is curious to see how far down it goes.

Ms. Patel said that it was dug up at least 6 ft. She said she provided pictures to Ms. Goodlander. She said it is clean, and there is nothing left out there. She said they have dug as much as they can. She explained the process. She said if they have to do something, she wants guidance as to where they are to do it.

Chair Livingstone said it sounds like the owners are trying to do what is right and get this remedied. He asked if it would be productive for Ms. Goodlander to get together with them on site. Ms. Goodlander said she has been to the site three times. She said she is unable to delineate for residents. She said she has communicated where the 25 ft. buffer zone is and where things need to be removed. She said it got to a point where she needs the Commission's input on how to proceed. She said there are pictures on the Google drive. Discussion commenced on some of the photos that were shown on the screen.

Ms. Patel discussed the location of the grass clippings. Ms. Hagen said the grass cuttings cannot be within the 25 ft. buffer zone. Ms. Patel said they can try to remove more. Mr. Patel said he would need an excavator to get rid of the grass. Ms. Goodlander said it was 295 sq. ft. of grass clippings, and it is over 1 ft. deep. Ms. Patel said some of the grass was removed, but Mr. Patel ends up pushing it toward the wetland.

Chair Livingstone said the more you mess with it, the more damage there will be; at some point, it becomes ridiculous. He said it is his opinion that there is no proof that the material that is there contains any harmful substance. He said his opinion is that they should loam it and vegetate it. Ms. Patel explained how they could loam and seed it. Chair Livingstone said he would take that as a compromise.

Ms. Goodlander said that regulatorily, if BWV fill stays, they would have to file an NOI, and they would have to replicate, and it is nothing we have local jurisdiction over. She said there are landscaping crews that could get in there with pitch forks who could help instead of shoveling it up. She said she understands it is a burden, but an NOI is more burdensome.

Chair Livingstone explained the dilemma of the Commission due to the regulations and demands that the Commission must follow; he explained the MBZA process and the NOI process. He said the NOI would be very burdensome for something like this. Mr. Rein reviewed that the gravel is in the buffer zone, and the grass clippings are in the wetland. Ms. Patel said they can rent an excavator. She said Mr. Patel needs guidance as to where to dig.

Ms. Goodlander said you dig down to where there is native soil and then you plant over it. Chair Livingstone said that they applicant says they do not know where to dig. Ms. Goodlander said she can help with that. Chair Livingstone asked if the Commission was okay with the applicant excavating what they can to get rid of the stuff because we are trying to avoid the NOI process. Discussion commenced on if they did nothing

and allowed it to decompose which would not be good. Ms. Goodlander said they would not go into the wetland with the excavator.

Ms. Hagen asked with the MBZA process, how does the Commission monitor it. Ms. Goodlander said the MBZA lasts for three years and can be conditioned. Commission members agreed the grass clippings need to be removed. Chair Livingstone agreed that if the applicant already had the excavator, they should explore the sand and gravel area.

Ms. Patel explained that she wanted to be a good neighbor as she does this; she asked for guidance from the Commission. Chair Livingstone said he thinks this is the best plan and that Ms. Goodlander will help them denote the area. Ms. Goodlander said okay. Mr. Patel explained this was on his property and now he has to clean this up. Chair Livingstone said he is sympathetic to the situation because of this. Ms. Goodlander said she recommended a seed mix for stabilization and because it is so close to the wetland. Chair Livingstone explained how they will check again during the MBZA to see if the seed mix has grown.

Ms. Goodlander said she recommended continuing the MBZA and enforcement order for 30 days so we can coordinate. She said the applicant is seeking the container and other items to be permitted. She coordinated with the applicant a time for a site visit.

Chair Livingstone provided a summary. He said the applicant agreed to excavate the grass clippings, they will try to excavate the gravel, they have agreed to use a loam/planting mix, work with Ms. Goodlander regarding the area, and they are going to make sure the plantings are growing. He said there would be two votes: continue the MBZA and continue the enforcement order for 30 days.

There was a motion made by Mark LePage to continue the MBZA for 3 Natalie Circle for 30 days. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

There was a motion made by Mark LePage to extend the Enforcement Order for 3 Natalie Circle for 30 days. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Minor Buffer Zone Activities: 16 Oxford Drive

Ms. Lauren Kloos, property owner (via Zoom), stated this summer with the extensive rain they had a lot of damage to the retaining wall as it collapsed, and a sink hole developed at the end of their driveway. She said they hired a contractor to fix the retaining wall which will start in a week or so, and then they will need to have the driveway paved and the sink hole addressed. She said she thinks they need a drainage system put in place so it does not happen again in the future. She said that Asphalt Engineering proposed a drain pipe in the backyard area to fix the drainage issue in the driveway. She said Ms. Goodlander conducted a site visit.

Ms. Goodlander reviewed that she recommended approval with standard MBZA conditions and two special conditions: the applicant install native perennials, such as Carex and Juncus, at the pipe discharge location to act as a pollution barrier to the resource areas beyond, and the applicant shall provide a planting plan to the conservation agent prior to the completion of installation of the PVC pipe. Ms. Kloos said she would do these.

There was a motion made by Mark LePage to approve the MBZA for 16 Oxford Drive with standard and special conditions as stated. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Minor Buffer Zone Activities: 393 Prospect Street

Ms. Goodlander explained that the applicant is seeking approval to remove three trees, deemed hazardous by Ms. Goodlander, but not a certified arborist, within the 50 ft. to 100 ft. buffer zone to BVW and 200 ft. RFA. She said the trunks are proposed to be left in place approximately 5 ft. to 6 ft. high for forage and shelter which the property owner is amenable to.

There was a motion made by Mark LePage to approve the MBZA for 393 Prospect Street with conditions that the stumps of the removed trees be left 5 ft. to 6 ft. high for forage and shelter and the tree company that is going to remove them notify the Commission/agent before work commences. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Mr. Sparsh Varsani, applicant, asked if he needs to have the tree company send an email before starting work. Chair Livingstone said yes; the email should indicate they have looked at the trees, and they are exactly as has been said.

Request for Determination of Applicability: 69 Charles River Drive

Ms. Goodlander explained that the applicant is seeking approval to remove six trees, three of which are deemed hazardous trees confirmed by Walnut Tree Service. The three hazardous trees are along the boundary of BVW with the remaining three located within the 0 ft. to 25 ft. buffer zone and 50 ft. to 100 ft. buffer zone. She said stumps are proposed to be left in place with the trees located on the boundary of BVW to have their trunks left approximately 12 ft. high for forage and shelter. She recommended a negative determination.

Chair Livingstone said for the Commission, safety usually trumps all else.

Mr. Kent Rohrbach (via Zoom) said that the tree service only addressed the trees that were on the line or that were in the wetlands; however, they are all hazardous.

There was a motion made by Mark LePage for a negative determination for the Determination of Applicability for 69 Charles River Drive with the conditions that the stumps be left in place with the trees located in the boundary of the BVW have the trunks left approximately 12 ft. high. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Permit Modifications/Extensions: 515 West Central Street

Ms. Amanda Cavaliere of Guerriere & Halnon (via Zoom) and Mr. Ben Stone of Stukel Group addressed the Commission. Ms. Cavaliere reviewed the location of the project. She said the proposed daycare is under construction. She shared her screen and reviewed the plan and four proposed field changes. She explained drain manhole 20-6 and drain manhole 20-5 which are existing. She said that due to utility conflicts, they will be shifted over a little; this is in the 25 ft. to 50 ft. buffer. She explained the second change is associated with relocating the existing hydrant and adjusting the water and sewer services. She said these were minor field changes associated with the approved utilities shown on the plan. She said the other two field changes are associated with items not on the approved plans. She said the original proposal was to tie in the power and electrical to the building from the Wendy's transformer. She said National Grid was retained to do the hook up. She said it was determined that it did not have the correct power; however, there is another existing transformer that services the Midas. She explained the location. She said the last field change for tonight is a 9 ft. x 3 ft. monument sign which is in the 50 ft. to 100 ft. buffer that would go to the front of the site. She said they need to go to Design Review for this also. She noted future field changes that would be coming forward. She discussed the drive aisle that goes around the back and noted it was proposed to be pervious pavers. She discussed that it is within the 50 ft. to 100 ft. buffer, and they are looking to change it to pervious pavement based on construction costs. She noted another field change coming up. She said there was a lot of

groundwater during excavation which affects the retaining walls; they are working to mitigate that groundwater and not overload the stormwater system. She said they will be coming back with those two changes.

Ms. Goodlander read aloud an email from Ms. Cavaliere and stated there will be an additional 50 linear ft. within the 25 ft. to 50 ft. buffer zone and 70 linear ft. within the 50 ft. to 100 ft. buffer zone of temporary disturbance for excavation, and they will be backfilled on the same date which is following good construction practices. She said for the record, there are two reasons why she asked them to come back today: it is standard practice for any field changes, and new utilities are not exempt under the Wetlands Protection Act in buffer zones. She asked if there would be stone around the monument or plantings. She said if plantings, she suggested native perennials.

Mr. Stone discussed the monument sign and said they would be okay with plantings. Ms. Goodlander said this could be conditioned.

There was a motion made by Mark LePage to approve the Permit Modifications/Extension for 515 West Central Street with a condition that they install native perennials surrounding the monument sign. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Ms. Cavaliere said most of the underground utility site work is finishing. She asked what the procedure should be if they have another utility conflict as they do not want to delay the work. She asked if it were something that they could work with Ms. Goodlander, Mr. Maglio, and BETA regarding the underground utilities. Ms. Goodlander said she would be comfortable with that if the Commission grants her administrative approval.

Certificates of Compliance: 79 Grove Street SE159-868

Ms. Goodlander stated that this was a previously denied COC; it was the auto facility. She said the property owner has cleaned out the fill and litter. Ms. Amanda Cavaliere of Guerriere & Halnon (via Zoom) said it was litter. Ms. Goodlander said she recommended approval.

There was a motion made by Mark LePage to approve the Certificate of Compliance for 79 Grove Street SE159-868. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Violations/Enforcement: None

Minutes: September 21, 2023

There was a motion made by Mark LePage to approve the meeting minutes for September 21, 2023. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes.

Discussions: None.

Chair and Commission Comments: Master Plan Liaison Comments

Ms. Hagen said the subcommittee met on September 26. She said the Town Council brought up the OSRP which everyone is happy about. She said they jumped into natural, cultural, and historic resources going over the previous goals. She said they are going to come back to finalize the open space plan once they have approval from the state. She said they are working on their citizen engagement plans for natural, cultural, and historic resources.

Fall Events – Touch a Truck, ConCom?, MACC

Ms. Goodlander said Touch a Truck is on October 14, from 10 AM to 2 PM. She said Conservation has a table and a Conservation floatation boat. She reviewed the event and the proposed trucks at the event. She said a Conservation member can come to the table with her at the event. She said it is autumn and Conservation has an event. She said she is available to assist. She said the MACC conference is at the end of the month. She said if a Commission member is attending, please let her know so she can register the member. Ms. Hagen noted potential options to do include a Cider and Stroll. She said they are applying for a potential grant for that. She said she would like to start planning that and put it on the calendar. She said she is thinking of DelCorte. Ms. Goodlander said she would send out a Google spreadsheet for events. She said the turtle habitat needs community service hours.

Commissioner Q & A October 19

Ms. Goodlander said there is an open seat on the Commission. She said at the next meeting she invited all applicants for an informal Q & A. She asked if it should be at the end or top of the agenda. Commission members agreed the end of the meeting would be good. Discussion commenced about if this item is open or closed. Ms. Goodlander said it would have to be open under General Discussion. She said there were seven applications. She said Town Administrator Jamie Hellen said the decision is up to the Commission to select the member.

BG Schedule

Ms. Goodlander discussed that she has some scheduled vacation. She said she wanted to put a bug in their ear to start thinking about scheduling for holidays; she does not want to run into quorum issues. Chair Livingstone asked that people let him know. Ms. Goodlander said she can keep a Google calendar.

Ms. Hagen said the Farmers Market is on October 20. Mr. Rein confirmed he could attend the 2 PM to 4 PM. Mr. LePage said he could attend the 4 PM to 6 PM session. Ms. Hagen said she could be there for part of that session. Ms. Goodlander said that she is drafting some grants to help receive funding for volunteer and outreach, and it is a goal of the open space plan, and it is something she would like to get going as Friends of Franklin Conservation. She said that would be a volunteer group under Conservation Department. She said the Conservation Commission cannot fundraise. She said it would be group for advocacy and possibly helping out at the Farmers Market, remove small trees from trails, do plantings, and things of that nature. She said perhaps a sign-up sheet would be nice at the Farmers Market or other events. Ms. Hagen said she was going to see if Pat would be interested in running that. Ms. Goodlander said the Commission members have the right to do trail maintenance on any conservation area around town.

Ms. Goodlander said she is in a discussion with the intern. She said he is unable to work on Thursdays. She said she asked him to come back during the summer time. She said the Commission was paying for him and it would be a requirement he come to the Commission meetings. She said that he wants it. She said he asked if he could be unpaid on Wednesdays. She said she has to talk to HR. She said she thinks any Town employee must be paid. She said coming back next summer is always on the table. She said Rex is coming back this spring. She said DCR reached out to her and next year they are rolling out an internship program where they actually pay interns; she signed up for that. She said that for master plan, at the subcommittee meetings, they reviewed possible land stewards who would be under the natural resource protection manager side of her position, and they would be the ones who go out and inspect open spaces. She said there is nothing official; it is going into the master plan.

Ms. Hagen said they should look at having an ongoing job posting for interns that we can fund as an opportunity within Conservation. Chair Livingstone stated agreement. Ms. Goodlander said she thinks Tri-County does a career fair yearly at Town Hall. She said she received a lot of students who wanted to intern with her; their requirement is 30-hour weeks. She said she had to say no at this time. She said she thinks it is a possibility in the future. Discussion commenced regarding interns and getting involved. Ms. Goodlander said it would be amazing if they had a friend's group. She discussed service hours and having people just

come in to volunteer. Ms. Hagen asked about having a method at the Farmers Market to have people sign up to volunteer.

Executive Session: None.

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

The meeting adjourned at 9:17 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary