

Town of Franklin



Conservation Commission

**November 16, 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, Richard Johnson, Michael Rein, Meghann Hagen, Mark LePage, Roger Trahan. Absent: None. Also present: Breeka Li Goodlander, Conservation Agent; Tyler Paslaski, Administrative Assistant.

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

Ms. Hagen discussed a conservation event that happened today. Mr. JD Hagen addressed the Commission. He stated that at today's event at the Charles River they talked about wetlands, animals that live in wetlands, and their habitats. He said he learned that there are many kinds of wetlands. Ms. Hagen said they did a scavenger hunt and talked about wetland animals. She said there was a good turnout. She said they would be rolling out more events going forward; she will keep everyone posted on the progress.

PUBLIC HEARINGS

Public Hearing – ANRAD – 1 Paddock Lane

Mr. Mitch Maslanka, wetland scientist of Goddard Consulting (via Zoom), representing the applicant, discussed a few updates. He said they went out to do peer review on the wetland delineation in May or June. He said the flags were re-surveyed; they adjusted some flags slightly. He said they are waiting for new site plans to bring back to the Commission. He apologized for the delay. He said they would like to continue this for one month to give time for the surveyors to get out there.

There was a motion made by Jeffrey Milne to continue the public hearing for the ANRAD for 1 Paddock Lane to December 14, 2023, at 7:01 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Public Hearing – NOI – 15 Liberty Way

Ms. Goodlander confirmed there was no DEP number yet. She said the additional scope and fee got lost in the Internet, so that will be paid shortly. She recommended a continuance.

Mr. Andrew Thibault of Goddard Consulting (via Zoom), representing the applicant, stated that very soon there will be a new invasive species management plan and planting plan. He said a member of his office along with DPW recently conducted a site walk and looked at the restoration areas and reached an agreement

that in the easement there cannot be any woody plantings due to access. He said the Commission will be receiving an updated planting plan where all the woody plantings will be outside of the easement, and the easement will be treated and seeded. He said that otherwise, the work is ongoing, and they will be continuing the hearing to the next meeting.

There was a motion made by Meghann Hagen to continue the NOI for 15 Liberty Way to November 30, 2023, at 7:01 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Public Hearing – NOI – 0 Upper Union Street Solar

Ms. Goodlander said she has no updated information and did not receive a request for a continuance from the applicant. She recommended a continuance.

Mr. Andrew Thibault of Goddard Consulting (via Zoom), representing the applicant, stated that they did not submit an official continuation request. He said they are looking to submit everything to the Commission by tomorrow and have a meeting on November 30. He said they have their DEP file number. He said they will be providing comments to any items for DEP as well.

There was a motion made by Mark LePage to continue the NOI for 0 Upper Union Street Solar to November 30, 2023, at 7:02 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Public Hearing – ANRAD – 124-126 Grove Street

Ms. Goodlander stated that the applicant submitted a soil analysis, but she and BETA have not had time to review it. She said the applicant requested a continuance. She noted that the green cards are still needed. She explained that regarding the soil analysis, they are looking to determine the jurisdictional status of the onsite wetland basins.

There was a motion made by Richard Johnson to continue the ANRAD for 124-126 Grove Street to November 30, 2023, at 7:03 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

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

Ms. Goodlander confirmed there was no DEP number. She said that John and Anna both from BETA and herself and the Tri-County party met onsite two days ago to review the delineation. She said the delineation was mostly accurate; only four flags were removed. She said her comment about the DEP number required potentially local filing only is that there is a network of stormwater drainageways across the property and the applicant has to submit information to show that those were designed accurately and the same thing with basins onsite that the applicant is proposing as being stormwater features. She said they need to determine those drainage channels to determine if the wetlands that abut these drainageways are BVW or not. She said the applicant has their direction to investigate the stormwater infrastructure and then get back to us along with a revised survey for the flags. In response to a Commission member's question, she noted that the solar panels were put in around 2016 to 2018. Ms. Hagen stated that wetlands can change every three years; therefore, things should be reassessed every three years.

There was a motion made by Jeffrey Milne to continue the ANRAD for Tri-County Regional Vocational Technical HS to November 30, 2023, at 7:04 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Public Hearing – NOI – 0 Bent Street

Ms. Goodlander said that BETA submitted a peer review letter this week although she has yet to review it. She said she did not get a request for continuance from the applicant.

Audience member asked if any additional information was submitted by the applicant. Ms. Goodlander stated no, we are still in the peer review process.

There was a motion made by Mark LePage to continue the NOI for 0 Bent Street to November 30, 2023, at 7:05 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Public Hearing – NOI – 100 Populatic Street

Ms. Goodlander stated that while all other conditions she feels comfortable recommending approval for this project, they do not have a DEP number, so it will have to be continued.

Mr. Andrew Thibault of Goddard Consulting (via Zoom), representing the applicant, stated that no DEP number was provided in time. He said they submitted responses to most of the open comments. He said they are happy for the Commission to condition a construction sequence. He said they are just waiting for the DEP number. He said they will be back for the next meeting to hopefully close this out.

There was a motion made by Richard Johnson to continue the NOI for 100 Populatic Street to November 30, 2023, at 7:06 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Public Hearing – OCC Amendment – 137 Mastro Drive

Ms. Hagen recused herself.

Mr. Brandon Carr of DiPrete Engineering addressed the Commission. He stated they are requesting an amendment to the Order of Conditions issued for the construction of a single-family house. He said that what was in the Commission's jurisdiction was the access driveway at a stream crossing with a culvert. He said they were before the Commission a few months ago with an amendment to add the septic system. He provided an update and said the construction of the house is underway. He said the foundation is in and the framing is at about three-quarters done. He said the culvert is in and erosion control is in. He said they are requesting an amendment to add the underground gas and electric services to the property. He said there is an existing main in the cul de sac which they will be tapping off of for the gas. He said the electric will follow a similar path, and he explained the location. He explained that both underground services cross over the culvert. He said all the work has been proposed in the previous limit of work. He explained that the electrical work at the end of the driveway is all within the 200 ft. riverbank which is jurisdictional for the Commission. He explained the composition of the National Grid transformer. He noted the homeowner chose to switch to a well and septic because of cost and proximity. In response to Commission members' questions, he stated that the electric just was not shown on the previous plan. He said they are adding it to the plan. He noted the original plan had been submitted about seven to eight years ago.

Ms. Goodlander said she wanted to confirm for the record that they were not putting in any additional erosion control because there is existing erosion control. Mr. Carr confirmed there is existing erosion control. Ms. Goodlander said the Commission would just need to approve the OCC amendment.

There was a motion made by Richard Johnson to approve the OCC Amendment for 137 Mastro Drive. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Ms. Hagen re-entered the meeting.

GENERAL BUSINESS

Minor Buffer Zone Activities: 74 Elm Street

Ms. Goodlander said this MBZA is for tree removal with several deemed hazardous within the 50 ft. to 100 ft. buffer zone to inland bank/intermittent stream. She said the applicant proposed to leave stumps in place and, where applicable, will leave trunks approximately 6 ft. high. She said all access and work is proposed within existing, disturbed lawn or driveway. She said she wanted to clarify how many trees would be removed.

Ms. Jane DeLuca, applicant, said she does not have that number; she just made the map, but could count the trees on the map. Ms. Goodlander said it was a handful of trees.

Mr. Johnson asked why the stumps would be left 6 ft. high. Ms. Goodlander said snags or snacks. She said it is not required and the Commission does not condition that trucks are left in place. She said the applicant volunteered as she wants to hang bird houses.

Ms. Goodlander showed and explained the map on the screen which showed the trees indicated by red dots. Ms. DeLuca said she has a tree expert come who said they had to cut down one tree to get to the other larger dangerous tree. She said she was going to contact other tree companies as well. She said that if she can leave some up, she will.

Ms. Goodlander said that it is a general condition of all MBZAs that she receive notification prior to start of work, so she can check in with Ms. DeLuca. Chair Livingstone confirmed the applicant agrees to keep Ms. Goodlander apprised of the number of trees and what is going on. Ms. DeLuca said as soon as she knows, Ms. Goodlander will know. She explained the location and size of the dangerous trees.

There was a motion made by Richard Johnson to approve the MBZA for 74 Elm Street. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Minor Buffer Zone Activities: 84 Palomino Drive

Ms. Goodlander said she is not sure if the applicant is in attendance. She reviewed that this MBZA is for the installation of a fence (100 linear ft. with 1 sq. ft. posts) and shifting of a shed within existing, disturbed lawn and the 50 ft. to 100 ft. buffer zone to BVW. She said if the applicant was in attendance, she was going ask them to confirm the square footage of the shed and the number of fence posts to determine the total square footage of impact to buffer zone; however, all work is assumed to be less than 1,000 sq. ft. and de minimis in nature. She recommended approval.

There was a motion made by Jeffrey Milne to approve the MBZA for 84 Palomino Drive. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Minor Buffer Zone Activities: 85 Partridge Street

Ms. Goodlander noted that property owner is not in attendance at the meeting. She reviewed that this MBZA is for tree removal with several deemed hazardous within the 50 ft. to 100 ft. buffer zone to BVW. She reviewed all access and work is proposed within existing, disturbed lawn or driveway. She said the Commission should confirm if the applicant is amenable to leaving trunks in place, otherwise standard conditions apply, with stumps left in place. She recommended approval once the applicant confirms the number of trees to be removed.

Chair Livingstone requested the applicant communicate with Ms. Goodlander the specifics of the trees to be removed. Ms. Goodlander reviewed the location of the trees as shown on the provided photograph. She noted that stumps left in place is advantageous so they do not have erosion.

Mr. Trahan asked about how the tree companies get in there. Ms. Goodlander said she tells the applicants to ask the tree company to bring in mats if they are mobilizing on their lawn to ensure that the tree company is not going to rut up the yard.

There was a motion made by Meghann Hagen to approve the MBZA for 85 Partridge Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Request for Determination of Applicability: Flow Devices – Multiple Locations

Mr. Derek Adams, Franklin DPW Environmental Affairs, stated that he is before the Commission for the installation of a keystone fence at select locations and Flex Pond Leveler at select locations. He said in the previous months, DPW staff have spent much effort and energy breaking up beaver dams all over town. He said access is an issue for these. He said the ones on the sides of the roads are easier to unclog, but they still have to bring in heavy equipment right by the water body. He said he would rather install specific devices that will have long-term viability to solve this problem. He said this has in other situations proved very successful. He explained how the Flex Pond Leveler and the keystone fence work. He said it is a better alternative to what they have now. Ms. Goodlander said they were looking at 12 in. to 15 in. pipes which are above and beyond what is needed for the 100-year storm. She explained the shape, look, and function of the keystone fence. Mr. Adams said there would be two keystone fences and four locations for the Flex Pond Leveler devices. He explained that they have to use some private property locations to get to some of the beaver locations. He noted that the cost of installing these devices is less than the cost of trapping just for one year and this would last for many years. He said they are potentially putting in nine devices; he read aloud the list of locations which is for all town-owned property. He said they would like to work on this through the winter if weather permits.

Ms. Goodlander stated that they are requesting a negative determination acknowledging that this is infrastructure soft temporary infrastructure in resources areas but will not cause adverse impact to resource areas.

There was a motion made by Mark LePage to approve a negative determination for the Determination of Applicability for the Flow Devices for Multiple Locations. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Ms. Renata Gilarova, 38 Palomino Drive (via Zoom), asked about the location of where the devices will go. She said she is aware of places that the beavers dam the culverts under the paths and roads at Beaver Pond. Mr. Adams said he does not have one proposed for that property; he said they have cleaned that one by hand a couple of times. He said he can look into that tomorrow and see where it stands. Ms. Gilarova said it was blocked by large branches, and the water is not flowing. She explained the locations she is referring to.

Permit Modifications/Extensions: None

Certificates of Compliance: Lot 5 Prospect Street CE159-1238

Ms. Goodlander said she recommended approval. She noted that this was before the Commission earlier in the spring. She said the applicant came to file. She said she went out there, and there were some significant drainage issues and some erosion happening. She said the Commission suggested the applicant mitigate that and come back at the end of the year. She said she went out to both Lot 5 and Lot 6, and they are both up to snuff.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for Lot 5 Prospect Street CE159-1238. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Certificates of Compliance: Lot 6 Prospect Street CE159-1239

There was a motion made by Richard Johnson to approve the Certificate of Compliance for Lot 6 Prospect Street CE159-1239. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Violations/Enforcement: 305 Union Street

Ms. Goodlander recommended continuance for another 30 days.

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

Minutes: November 2, 2023

There was a motion made by Mark LePage to approve the meeting minutes for November 2, 2023. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Discussions: Purchase Approval - \$5,100 for DelCarte Dam Inspection

Ms. Goodlander said that every five years the dams at DelCarte need to be inspected. She said we are due for that. She requested the Commission approve \$5,100 from the Wetlands Fund. She said she realizes that the Wetlands Fund is traditionally for things directly related to wetland conservation or the fringe of that. She said although dam inspection may not seem to be on the fringe, she would like to along with Mr. Derek Adams get the dams inspected so they can see the feasibility of them and potentially removing dam #5 which is where beavers routinely block and it is a failing structure. She said she would like to get a report for that failing dam so then she can get funding for it. She reviewed the location of dam #5 as shown on the provided map. She reviewed a few ways from neighboring property to get to that dam. She said it is an area that they want to put in a flow device.

Chair Livingstone explained some of the history of the dams and the reservoir. Ms. Goodlander explained some of the history and the how to get in there. She noted that she hopes to get a grant for the project and this will provide documentation as well. She said this is a conservation area. She showed the Commission members a concrete structure leading into the culvert on her cell phone.

There was a motion made by Richard Johnson to approve the Purchase Approval for \$5,100 for DelCarte Dam Inspection. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

Chair and Commission Comments: Friends of Franklin Conservation Update

Ms. Goodlander said that she created a webpage on the Conservation page. She said it is slim and not much there; the page was shown on the screen. She said Patrick Gallagher was going to make an official meeting for early December for Friends of Franklin Conservation.

Accessibility Working Group

She said that in 2024 with Friends of Franklin Conservation, the Commission of Persons with Disabilities, some DPW grounds crew, and Mr. Ryan Jette, they are going to meet monthly or every other month to start checking off some of the open space goals. She said with those people/groups noted, they will be able to

identify projects on our open space areas and conservation areas where we can improve accessibility. She said more details to follow.

Scheduled Leave

Ms. Goodlander said she will not be at the December 14, 2023 meeting. She will be out of the office and hopes to be back by January 1, 2024.

Master Plan Liaison Update

Ms. Hagen said she did not have much of an update for this meeting; she will have more for the next meeting. She said the next subcommittee meeting is on the 28th and the next larger meeting is on the 29th. She said she will have more updates in the near future.

Ms. Goodlander said she has not yet submitted the Open Space Plan to the state because she is waiting for a review letter from the MAPC. She said she sent them another email asking for the review letter.

Ms. Hagen said that on Sunday they had a community event at DelCorte. She said it was an amazing turnout. She said they did cider and donuts. She said they had two different groups who went out for walks. She said it was a great event, and she is looking to do more of them going forward. Discussion commenced on available parking.

Executive Session: None.

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; LePage-Yes; Trahan-Yes.

The meeting adjourned at 8:12 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary