

Town of Franklin



Conservation Commission

**November 30, 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**

Vice Chair Hagen 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 Lí Goodlander, Conservation Agent; Tyler Paslaski, Administrative Assistant.

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

*Vice Chair Hagen called a five-minute recess.*

*Chair Livingstone entered the meeting.*

**PUBLIC HEARINGS**

**Public Hearing – NOI – 15 Liberty Way**

Ms. Goodlander stated that she recommended continuance. She said the applicant has not paid the scope and fee amendment, and she has passed that along. She said they are waiting for that to be paid to continue review.

Mr. Christopher Frattaroli of Goddard Consulting (via Zoom) stated that they got the peer review scope amendment recently. He said he was told by their client that the check is out their door. He said they have gotten their DEP file number with no technical comments issued. He stated that they submitted an updated invasive species management plan as part of their mitigation for the impacts of the project. He said the site plans continue to undergo some revisions with Planning Board review. He said that in terms of layout of the site and impacts to resource area buffer zones, those things are unchanged. He said he will get the updated plans to the Commission shortly.

There was a motion made by Jeffrey Milne to continue the NOI for 15 Liberty Way to December 14, 2023, at 7:02 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 that she received updated information from the applicant and received a BETA peer review letter today. She said she has not had time to review that.

Ms. Colleen DeBenedetto of Valta Energy, on behalf of the applicant VS Union Solar Smart LLC, addressed the Commission.

Mr. Richard Tabaczynski of Atlantic Design Engineers provided a review of events during the past several months. He said a revised package of materials including site plans, stormwater addendums, and response letters has been submitted which also went to the Planning Board. He said that the onsite review of the wetlands and wetlands line was completed in September. He explained there were some revised wetland flags and the lower wetlands were expanded slightly as well as a discovered isolated wetland. He said there were some minor revisions due to that. He noted mitigation efforts for the isolated wetlands. He said that the project was slightly reduced in size due to the number of panels, and the cleared area increased slightly due to some stormwater measures that were incorporated into the designs. He said the buffer zone impacts for the 0 ft. to 25 ft. and 100 ft. were revised also. He discussed the stormwater and noted they did test pits. He discussed that they were able to meet runoff rates and runoff volumes. He said this was all submitted to peer review along with their response letter. He noted that they do not yet have BETA's sign off on the stormwater. He noted BETA's review of the NOI. He said there were some minor items left. He said this was a summary of the changes made so far.

Mr. Andrew Thibault of Goddard Consulting provided an update. He said that Goddard drafted responses to all the peer review comments that pertain to either the wetland review or wetland impacts. He discussed a comment from BETA regarding the intermittent stream that flows internal of the a-series BVW that is an internal stream that flows offsite. He discussed a BETA comment about the original restoration plan that was submitted regarding that they were preparing to revegetate the cart path. BETA's concern is that it would have been potentially a compacted area having been trafficked for quite a few years. He said a short paragraph was put into the restoration plan about this. He said the two open items are the variance requests that were submitted. One was for the roadway coming in as they now have a little more encroachment into the 25 ft. no disturb zone. He said they tried to find mitigation on site with a 2:1 ratio. Unfortunately, there were no other areas in the northern portion of the lot to provide any more mitigation. He said they proposed mitigation to the extent possible; the variance request was to request relief for the mitigation that they cannot provide. The other request was for the filling and the replication of the IVW which will be done at a ratio of 2:1. He showed and explained the replication area on the provided map. He stated that the square footage of the IVW that is being filled is 1,647 sq. ft.; so, the replication area is 3,294 sq. ft. He confirmed the replication includes some elms; he said they would be willing to substitute if the Commission had any concerns over the elms. Ms. Goodlander noted the hybrid elms are resistant to Dutch elm disease.

There was a motion made by Richard Johnson to continue the NOI for 0 Upper Union Street Solar to December 14, 2023, at 7:03 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 – ANRAD – 124-126 Grove Street**

Ms. Goodlander stated that she is still waiting for revised plans. She said that she recommended to the applicant that all new information needs to be submitted prior to December 7. She said that we are falling back to that week lead time that we have, but it also has to be reviewed, so that December 7 is really December 4, so I can review it, so I can also have a complete agent's report for the Commission prior to December 14.

There was a motion made by Meghann Hagen to continue the ANRAD for 124-126 Grove Street to December 14, 2023, at 7:04 PM. The motion was seconded by Michael Rein 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. Hagen recused herself.***

Ms. Goodlander stated that revised information was received on November 27. She said BETA has yet to provide an amended scope and fee to continue their review of the newly submitted revised information. She said that additionally because it was within that weekly time, she has not yet dug into that revised information.

Mr. Steve Powers of Samiotes Consultants (via Zoom) on behalf of the applicant said he was online with Brad Holmes of ECR who is the environmental consultant. He said they have not received a response back from BETA. He provided a summary of where they were. He said they originally submitted the ANRAD on September 8, 2023. He said that he was before the Commission on September 21. Since then, they received a peer review letter from BETA. He said they had a site walk with the project team, Ms. Goodlander, and BETA. He said they submitted their response to BETA's peer review. He shared his screen and reviewed the site as shown on the map. He pointed out the location of the Tri-County High School, BVW areas, IVW, and the solar farm. He discussed some of the original low impact stormwater features originally approved by the Planning Board. He noted the drainage ditches shown between some of the solar arrays and explained the low impact retention basins were shown and factored into stormwater. He pointed out a depression area and discussed if drainage was coming toward it. He stated that after review, they found a combination of existing structures that were part of the original approved plan and then some structures that were not necessarily part of the approved plans from 1970 when the school was initially built.

Mr. Holmes discussed the areas onsite that were looked at with BETA. He said BETA requested the applicant confirm the water coming out of the pipe is a result of stormwater and not the result of an upgradient wetland resource area. He stated that as Mr. Powers described, the source is stormwater. He said that information was provided to BETA.

Mr. Powers said the rest of the comments from BETA were easily responded to: they moved a few flags and will reflect those in a revised plan.

Chair Livingstone asked about the pipe structure and confirmed it was one of the structures that was not on the original plans from the 1970s. Mr. Powers stated that he has a copy of the 1970s plans and would share those.

Ms. Goodlander stated that previously they discussed IVWs within the solar array. She said they were not approximated on this plan. She said the jurisdictional status of the resource areas in the solar field still need to be determined. She said there is a potential vernal pool and that will need to be approximated and called out on the plan. She discussed the difficulty to finding stormwater information on the infrastructure of the solar array. She said that given the nature of the previously permitted project and the time that it was and staffing, she wanted to put on record that she is not 100 percent certain that those wetlands were not there at that time as well. She said it is difficult to see leaf cover on arials. She stated that this is just an ANRAD process.

Ms. Elyse Tripp of BETA said that for the record, she wanted to correct something mentioned earlier. She said that BETA is still underway with the peer review; they have started doing the second review. She said they do have the funding to continue with the review, so they are just finishing it up.

There was a motion made by Mark LePage to continue the ANRAD for Tri-County Regional Vocational Technical HS to December 14, 2023, at 7:05 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-1. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; LePage-Yes; Trahan-Yes.

*Ms. Hagen re-entered the meeting.*

**Public Hearing – NOI – 0 Bent Street**

Ms. Goodlander said that she recommended that the applicant or representative attend considering at the last two meetings there has not been representation. She said Chris Lucas is online to provide an update.

Mr. Chris Lucas of Lucas Environmental stated that he was not aware that Mr. Steven Kelleher, owner/applicant of KJS Realty, Inc., had spoken to Ms. Goodlander about any revisions to the BETA peer review. He said his understanding is that he is working with the ProTerra Design Group as most of the issues are related to stormwater and the survey of the 1 in. trees. He stated that right now, the plan is to submit a response to the Commission by December 7. He stated that they would like to request a continuance to December 14. Discussion commenced on the date that Ms. Goodlander requires the new information to review. Mr. Lucas said he anticipates the 7<sup>th</sup>.

Ms. Goodlander reviewed the request that was made to survey trees of 6 in. rather than 1 in. She discussed that the applicant did not want to shift the driveway closer to the abutting property. She stated that the applicant had mentioned planting arborvitaes along the drive for screening. She said that we all know I am not a big fan of that. She said she suggested that he actually come back and talk to Mr. Lucas for a plant list to present to the Commission, something with habitat forage and all those things that we are a fan of.

Mr. Lucas said Mr. Kelleher said he plans to be at the next meeting to discuss.

There was a motion made by Richard Johnson to continue the NOI for 0 Bent Street to December 14, 2023, at 7:06 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 – 100 Populatic Street**

Ms. Goodlander stated that a DEP file number was received; there were three comments. DEP wanted the area of invasive species removal more explicitly called out on the plan, the applicant to add the approximated value of flood storage on the WPA form, and the applicant to confirm the riverfront area is not within the area on the project site. She explained riverfront area. She stated that the applicant provided revised information to all three comments. She recommended approval with Standard Special Conditions: 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 48, and 50.

There was a motion made by Meghann Hagen to approve the NOI for 100 Populatic Street with Standard Special Conditions: 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 48, and 50. 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.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities: None.**

**Request for Determination of Applicability: None.**

**Permit Modifications/Extensions: None**

**Certificates of Compliance: None.**

**Violations/Enforcement: None.**

**Minutes: November 16, 2023**

There was a motion made by Mark LePage to approve the meeting minutes for November 16, 2023. 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.

**Discussions: Purchase Approval – Backyard Ecosystem Education (BEE) Program (75/25 - \$2,915.25)**

Ms. Goodlander said that she wanted to review and talk about this program including how it is funded. Information on the program is available on the Commission's webpage under *Join the Backyard Ecosystem Education (BEE) Program in 2024*. She read aloud information provided on the webpage. She said it is essentially training residents of Franklin on how to design native habitat or at least wildlife, plant, and/or soil friendly for the backyard. She said it is a series of five workshops and one field day where residents can be trained by a professional. She reviewed that upon successful completion and attendance of the BEE Program, participants will be considered a "Backyard Ecosystem Advocate" and their habitats, once established, will have the opportunity to become "Certified Wildlife Habitats" through the National Wildlife Federation. She reviewed the participant breakout and said this is open to 40 participants of which 30 can be residents. She reviewed the time and dates as outlined on the webpage. She noted that registration opens in January. She said funding right now is coming through the working force initiative; Mike Downey has some extra funding in his budget, and he would like to give it to Franklin. She said it is a 75/25 match. She discussed the budgeting. She said that at a 25-match rate, it is \$2,915.25, so she would request three grand. She said anything that is not used would stay in the wetlands fund, and it will not be shifted to this other line item. She discussed the expense line items for this program. She discussed how residents of Franklin could become a stop on the tour. Commission members asked questions and made comments. Ms. Goodlander said there is nothing to this scale of a similar program in Massachusetts. She said she would like to offer this every other year. She explained the importance of the program. She discussed that it would be first come, first served for the registration.

There was a motion made by Meghann Hagen for \$3,000 Purchase Approval for Backyard Ecosystem Education (BEE) Program. The motion was seconded by Roger Trahan 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 Liaison Update**

Mr. Rein said the lead, Patrick Gallagher, has organized the first meeting for Monday, December 4, at 9:30 AM at Town Hall in room 205. He said it would be an organizational meeting and to talk about what the priorities are.

**Chair and Commission Comments: Master Plan Liaison Update**

Ms. Hagen said the Master Plan Committee meeting was last night and the subcommittee meeting was the night before. She said they have gone through their objectives for the natural, cultural, and historic resources. She said the next subcommittee meeting is doing the plan for the public outreach. She said the timeline overall looks like their presentation to Town Council will be in September. She said an exciting new objective that they have added is actually creating a conservation department. She said that with the amount of open space and the workload in conservation, they wanted to look at this to have the manpower to do what they need to do in Franklin. She explained that this would involve creating a new line item in the budget. She explained the need for a potential part-time agent and grant writing support. She noted ideas including whether they can create a tree bylaw and noted the state regulations around solar and what restrictions they have to be able to really say no to solar projects. She said they want to look at ways to not restrict solar from building in town, but look at ways that are felt to be environmentally sound for the town.

Ms. Goodlander stated that she is not advocating for one side of the other. She said she spent a copious amount of time with Attorney Mark Cerel, and they have talked about this before. She said there is a

Waltham case that everybody in land court cites where they denied solar, but the town did not have it zoned by right in enough locations, so that is why it is a zoning change.

Ms. Goodlander stated that they are still waiting for MAPC to provide their peer review letter; so, she has not yet submitted the OSPR to the state.

Ms. Hagen said Ms. Goodlander sent her a publication for Green Teacher; she said it was a really good publication. She asked if the Commission would approve \$25 to get an account for the Commission to have access to all this content so we can actually do bi-monthly educational activities.

There was a motion made by Mark LePage for \$25 for the program as stated. 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.

Audience member who did not identify themselves asked if the Commission considered or talked to Boy Scouts and Girl Scouts as they are really involved in conservation. Ms. Goodlander said they would fall into the student list for the program participants; she is talking to the STEM Club. She said the caveat for the younger students is that they require waivers for the bus tour and other considerations.

**Executive Session: None.**

There was a motion made by Richard Johnson to adjourn the meeting. 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.

The meeting adjourned at 8:27 PM.

Respectfully submitted,

Judith Lizardi  
Recording Secretary