

Town of Franklin



Conservation Commission

**January 11, 2024  
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 Meghann Hagen called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: Meghann Hagen, Jeff Livingstone, Jeffrey Milne, Richard Johnson, Michael Rein, Roger Trahan. Absent: Mark LePage. Also present: Breeka Li 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 reviewed that a revised site plan was submitted on November 29, 2023; this site plan reflects changes in the UA series and WF-48 and 49. She said that as discussed at the December 14, 2023 meeting, a site visit was scheduled for January 11, 2024, to review these new boundary lines, but it has been postponed until site conditions including snow improve. She recommended continuance.

Mr. John Determan, 86 Palomino Drive (via Zoom), said he compared the last drawings and the new ones available online. He asked what the differences are. Ms. Goodlander explained the differences are that the UA series and boundary lines have changed which she reviewed. Mr. Determan confirmed the objective of the site walk is to come to a consensus on the changes.

Ms. Joni Magee, 36 Palomino Drive (via Zoom), said the conditions were walkable today, and it was not snow-covered, and she feels the applicant does not show up for meetings since April. She said that the neighbors are constantly coming to meetings, the item is constantly continued, it is frustrating, and it does not show community effort.

Chair Hagen said she understands the frustrations, but it is complicated. She explained the conditions and how the applicant and BETA have schedules. She said they are doing their best to get out there soon. She requested Ms. Goodlander request that the applicant is here for the next meeting.

Mr. Livingstone explained that it is potentially disadvantageous for an applicant to continue a hearing because there is a rule that if over the course of the continuations if there are certain Commission members who are not there for a certain number of meetings, then what happens is that you start to etch away at the quota for a quorum and may not have enough members to vote on the issue, whereby the

matter is typically declined. He said the Commission encourages applicants to attend the meetings. Mr. Johnson stated that if a Commission member misses two meetings, they can no longer vote on it. Ms. Goodlander clarified it is two meetings where there is a discussion.

Ms. Magee asked if the applicant had a discussion. Ms. Goodlander said that last year the applicant attended a meeting, presented the project, and there was discussion on revised site conditions. She noted the applicant filed on March 2, 2023.

Ms. Renata Gilarova, 38 Palomino Drive (via Zoom), asked about the revised plan and the upland area. Ms. Goodlander explained the new plan and the green area as shown on the plan. She reviewed the timeline of events with the project, site visits, and proposed revised boundary lines.

Ms. Blanca Digiacomio, 160 Beech Street (via Zoom), asked how long this process continues if the applicant does not show. Chair Hagen said it can be continued for a long time. She said that is not what the Commission wants to see; however, in this matter, the Commission sees the applicant is continuing to work on the project. Mr. Livingstone said that the Commission has the right to determine if the item is continued or not.

There was a motion made by Michael Rein to continue the ANRAD for 1 Paddock Lane to January 25, 2024, at 7:01 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

Ms. Goodlander reviewed that she outlined outstanding items in her agent's report provided in the online meeting packet, and she noted some of them. She confirmed that the applicant requested a continuance to respond to these comments.

There was a motion made by Jeffrey Milne to continue the NOI for 15 Liberty Way to January 25, 2024, at 7:02 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

#### **Public Hearing – NOI – 0 Upper Union Street Solar**

Mr. Richard Tabaczynski of Atlantic Design Engineers, Mr. Andrew Thibault of Goddard Consulting, and Mr. Dan Solorzaro of Valta Energy (via Zoom), on behalf of the applicant VS Union Solar Smart LLC, addressed the Commission. Mr. Tabaczynski provided an update from the last meeting on December 14, 2023. He said he believes all the issues were addressed at that time except some stormwater comments from BETA's review, and those have since been addressed and completed. He said that the revised set of plans has been submitted. He said there was a Planning Board meeting on Monday, and they were satisfied with the plans and calculations. He said the Planning Board did not close the hearing and continued their hearing until February as they were waiting for Conservation Commission to say they are okay with everything. He said they feel they have addressed all comments.

Ms. Goodlander said that she wanted to disclose that in December she was voted as chair of the Society of Wetland Scientists Outreach Committee and Anderw and John are both on it. She said the applicant has met all outstanding comments on the Conservation side. She said she has drafted conditions as listed in her agent's report.

Chair Hagen said the Commission will recommend approval, and she read aloud the conditions as listed in the agent's report: Standard Special Conditions 19, 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, 49, 50, and 51. Also to include Special Condition 52:

The Applicant shall provide a proposed native seed mixture with species names and ratios to the Conservation Agent and Commission prior to construction. The Agent and Commission shall approve the seed mixture prior to seeding, and Special Condition 53: The internal stream within the A-series Wetland is considered intermittent and its associated Bank was not delineated or approved as part of this Project. The proposed work is not near nor within any jurisdictional boundaries associated with this Bank.

Mr. Tabaczynski said he had no comments on the conditions.

Ms. Goodlander stated that she recommended the Commission also approve the variance request.

There was a motion made by Richard Johnson to close the NOI for 0 Upper Union Street Solar. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

There was a motion made by Richard Johnson to approve the NOI for 0 Upper Union Street Solar. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Public Hearing – ANRAD – 124-126 Grove Street**

Chair Hagen stated that the applicant requested a continuance.

There was a motion made by Jeffrey Milne to continue the ANRAD for 124-126 Grove Street to January 25, 2024, at 7:03 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

*Chair Hagen recused herself.*

Mr. Livingstone stated that there was a request for continuance.

Ms. Goodlander stated that she deferred to Mr. Jonathan Niro of BETA for the update.

Mr. Niro noted the first and second peer review letters that BETA issued. He stated that BETA met in the field, and there were not too many flag issues; they were resolved in the field. He noted the eastern portion of the site and said several resource areas were identified. He noted that some were relic stormwater features. He stated that BETA offered the opinion that all these features could be considered jurisdictional by the Commission under the bylaw, and all the features except one could be considered exempt as wetlands under the Wetlands Protection Act due to their being stormwater features. He said the one to consider jurisdictional under the Act was a basin in the southwestern corner of the solar field based on old records. He said it has converted to a functional wetland. He said the applicant reached out the Director of Planning and Community Development Bryan Taberner for a working session. He discussed the working session and said the meeting went through the outstanding issues with members of the team. He said they talked through some paths going forward. He noted that time is of the essence for the applicant for this project. He reviewed some of the possible options for the ANRAD before the Commission.

Ms. Goodlander said that she mirrors what Mr. Niro said that the applicant is under time constraints. She said she appeals to the Commission about the ANRAD process that it may seem like a long process, but it protects the applicant in the long run.

Mr. Livingstone said at this point it makes sense to continue.

Mr. Steve Powers, civil engineer of Samiotes Consultants, noted that Mr. Brad Holmes of ECR is the wetland scientist on the project and is attending via Zoom. He said he agrees almost entirely with Mr. Niro's summary. He said he wanted to outline the few areas that were noted on the site visit that were intended to be stormwater features. He said they are moving forward with accepting BETA's and Ms. Goodlander's recommendations. He said they want to get a comprehensive ANRAD in place before they move forward with the Notice of Intent. He said this is for the delineation of the site. He noted the working session was to review the recommendations in the review letter. He said the result of that was to come before the Commission tonight to get a little direction for the delineation. He said that the hole in the ground was supposed to be a stormwater management piece of the infrastructure. He discussed the history of that and noted it was moved and never followed up on by the company. He discussed the next steps for the wetland areas and said then they will be able to submit formal and final documentation for the ORAD. He said they will be going out and flagging areas in the near future; he wants to find an equitable solution from the Commission without putting hundreds of flags in the solar field. He said one suggestion is to flag the ends of the drainage ditches that are determined to be isolated vegetative wetlands under the bylaw with say a 3 ft. wide trench, something a little simpler on the plans for the ORAD. Mr. Johnson and Mr. Livingstone said it sounds like a good idea.

Ms. Goodlander said that is fine and pretty standard.

Mr. Powers reviewed the process for the site visit and submitted documentation. Discussion commenced on the cost and the process for the green cards.

There was a motion made by Richard Johnson to continue the ANRAD for Tri-County Regional Vocational Technical HS to January 25, 2024, at 7:04 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-1. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Trahan-Yes.

*Chair Hagen re-entered the meeting.*

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

Mr. Chris Lucas of Lucas Environmental addressed the Commission. He provided an update and said they requested a continuance. He said they need the extra time to survey all the trees which has been completed. He said he hopes to provide a response to comments tomorrow. He said they believe they have adequately addressed all the comments.

Chair Hagen said that once the response letter is received, BETA and the agent will review that, and they will come back for conversation at the next meeting.

There was a motion made by Michael Rein to continue the NOI for 0 Bent Street to January 25, 2024, at 7:05 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Public Hearing – NOI – Proposed Solar Array – Parcel 3, 160 Maple Street**

Mr. Greg DiBona of Bohler (via Zoom), Ms. Allison Finnell of Brown Legal (via Zoom), and Mr. Dan Wells of LEC Environmental (via Zoom) addressed the Commission.

Chair Hagen said BETA submitted their peer review on January 5, 2024. Mr. DiBona said they have spent some time going through it. He said they are pleased with the BETA team who got on site before the

snow fell. He said one element identified does require that they go out to the field to relook at some areas that may need to be rechecked; they are working on that right away. He said they are intending to get those items resolved with updated responses and plans resubmitted. He said there is one item on the letter that he would like some clarity on regarding the tree survey component identifying all trees with 1 in. caliper or greater. He said there are about 10 acres of trees and vegetation being removed. He said when they did the north portion of the golf course, they did not delineate each tree of more than 1 in. caliper; he would like to find out how that worked.

Ms. Goodlander reviewed what the Commission has done historically. She said there is historical precedence of asking the applicant to survey trees of greater than 1 in. She said that sometimes, if the applicant comes to the Commission, they can ask it to be deferred to 3 in. or 4 in. calipers, but the Commission has not gone higher in that. She said she does not recall for the north portion; she said she can go back through the files.

Mr. Livingstone discussed sizes of trees in large areas and that they have given applicants a break for the bigger ones from a practical standpoint. Mr. Johnson said he agreed. Mr. Livingstone reviewed that the reasoning is for remediation. Mr. DiBona confirmed that there are 10 acres to be cleared.

Mr. Jonathan Niro of BETA (via Zoom) referenced the wording in the bylaw. He said he thinks the 10.5 acres was buffer zone and non-buffer zone. Ms. Goodlander said that is correct.

Mr. DiBona said he thinks it was about two acres in the buffer zones of activity. He said they could evaluate those areas to survey. He said he would like to know if it is a count or to identify the area and pinpoint it on a map. Mr. Livingstone said typically they do a statistical survey which he explained. Ms. Goodlander confirmed that a sample is fine. She reviewed how it has been presented in the past regarding a rough estimation.

Mr. DiBona said they will work to get a good delineation for the tree clearing exhibit. Mr. Livingstone confirmed it is for 3 in. and above. Mr. DiBona requested a continuance to the February meeting.

Mr. Wells clarified the stream crossing delineation and noted the defined channel where the cart crossing is. He shared his screen and discussed the visual of the bank. He showed photographs of the crossing in the spring/summer. He discussed that above a certain point, there is no channel to delineate.

Mr. Niro said that when he was out there a few weeks ago, there was substantial standing water in the area. He said after looking at the photo in the regular growing season, there would not be that much growth if there was a constant hydraulic radiant running through there. He said as long as the applicant documents it, from the peer review side, that would be an adequate response to the comment.

There was a motion made by Jeffrey Milne to continue the NOI for the Proposed Solar Array for Parcel 3, 160 Maple Street to February 8, 2024, at 7:06 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

#### **Public Hearing – NOI – Lot 1 at 60 Spring Street**

Chair Hagen said that the applicant requested a continuance. Ms. Goodlander confirmed she recommended a continuance.

Mr. Jonathan Niro of BETA (via Zoom) said that this filing and the next one is relatively straightforward. He said the wetland boundary was delineated well, and they had no comments on it.

There was a motion made by Michael Rein to continue the NOI for Lot 1 at 60 Spring Street to January 25, 2024, at 7:07 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Public Hearing – NOI – Lot 3 at 60 Spring Street**

Chair Hagen said that the applicant requested a continuance and that Mr. Niro and Ms. Goodlander have provided their updates.

There was a motion made by Jeffrey Milne to continue the NOI for Lot 3 at 60 Spring Street to January 25, 2024, at 7:08 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Public Hearing – NOI – 121 Grove Street – Waiver Request**

Mr. John Shipe on behalf of Fairfield Residential; Mr. Brian McCarthy, civil engineer of RJ O'Connell Associates; and Mr. Chris Lucas, wetland scientist of Lucas Environmental, addressed the Commission for an NOI for the construction of five detached apartment buildings of 330 units, including a clubhouse, swimming pool, parking bays and associated parking areas, impervious driveways, dog park with impervious pavement and access drives, landscaping, stormwater infrastructure including two crossings, and utilities and lighting.

Mr. Shipe noted that BETA provided a scope and fee letter today. He provided background on Fairfield Residential. He said the property is under contract with the owner. He reviewed the processes they have gone through already. He said he wanted to recap where they are in the big picture. He said this property is zoned industrial, and they want to build a residential community. He said they need zoning approval for this which is a Comprehensive Permit 40B under the ZBA. He reviewed the documents they have filed for this process. He said their next hearing with the ZBA is in February. He discussed that the local wetland bylaw is covered under the comprehensive permit that the ZBA has purview over. He said all of the local bylaws are within the comprehensive permit which go to the ZBA. He said they are before the Commission under the Wetlands Protection Act. He reviewed the Dean Avenue project, Station 117, which was done by the applicant.

Mr. McCarthy gave an overview of the project. He reviewed the existing conditions of the approximately 31 acres and discussed the project. He showed and described the plans. He noted and pointed out a small portion of the property is located in zone 2 wetlands protection area and water resource overlay district. He said there is no disturbance or development in that area. He said the site is partially developed with a house and some sheds. He reviewed the composition of the site including existing jurisdictional resources including BVW, IVW, intermittent streams, and inland bank. He discussed the topography of the site. He showed and explained the plans for the proposed layout of the project. He noted the existing structures on the site would be removed. He reviewed the location of the proposed four- and five-story buildings. He noted the proposed parking areas and clubhouse. He pointed out the one gated emergency access drive. He discussed the proposed landscaping and pedestrian walkways. He noted that there is approximately three acres of undisturbed wooded area adjacent to the state forest, and they propose walking trails in the site to connect to the state forest. He explained the location of the two stream crossings. He showed and reviewed the stormwater management plan to comply with DEP regulations and Franklin's stormwater bylaw. He explained the groundwater recharge system. He explained that there will be erosion controls and temporary swales during construction.

Mr. Lucas provided an overview of the wetland impacts and regulatory compliance. He explained the plans and the color coding showing the five wetland impact areas which he reviewed. He noted the 25 ft.

no touch area. He reviewed that this project qualifies as a Limited Project under two sections of the Wetlands Protection Act. He explained the proposed crossings. He said all stream crossings comply with the Massachusetts stream crossing guidelines. He explained that there are 580 sq. ft. of permanent BVW impact, and 585 sq. ft. of temporary impact which will be restored. He pointed out and explained a loss of a 2,015 sq. ft. of wetland as agreed in the ANRAD which will be mitigated. He stated that they conducted a wildlife habitat evaluation as required. He said that based on the requirements they do not believe there will be any adverse impacts to wildlife; information is included in their report. He discussed additional temporary impact areas which will be restored in the 25 ft. buffer. He discussed that they are proposing a wildflower mix. He explained an additional 12,000 sq. ft. of BVW restoration being proposed in the project.

Discussion commenced on the location of the project on Grove Street. Mr. Shipe discussed that they are working out details with the ZBA regarding a path to connect trails to the state forest.

Chair Hagen said the ZBA has requested from the Commission a letter with the Commission's opinions on the local bylaw waivers requested.

Ms. Goodlander said she was going to add that even though the applicant is seeking waiver from any replication or mitigation, she recommended the Commission note that the applicant has volunteered on the record they would be willing to replicate and mitigate, and they have included that in their plans. She said tonight the Commission was given an overview of the project, and they can opine on the waiver requests. She said that Chair Hagen's job is to draft the letter to the ZBA, and at the January 25, 2024, meeting, the entire Commission will review the letter and vote on it to go to the ZBA.

In response to Mr. Rein's question, Chair Hagen explained that Franklin is already above the required number of 40B units of 10 percent, so the ZBA gets to decide if this is a friendly 40B and does not need to accept it. Ms. Goodlander said that is correct, and she provided some historical precedent.

Mr. Trahan said that he counted 44 requested waivers and noted an area off Grove Street that he went down recently which had water; he expressed concern.

Mr. Shipe said with the stormwater system they have designed, there will not be an increase in runoff from pre-development. He said they were asked by the ZBA attorney and peer reviewer to elaborate on the waivers. He said for every nuance of the regulations, they were very explicit.

Commission member asked about the current rainfall events. Mr. McCarthy explained how they look at storm events and prepare their stormwater plans based on required calculations. Commission member asked about specific waivers which Mr. McCarthy explained. Chair Hagen asked if the Commission wanted to go through every waiver. She noted that it seems like stormwater is a concern for the Commission.

Mr. Livingstone noted the precedent for a friendly 40B. He said they usually get waivers. He said that sometime pre-covid, the town was erroneously told that we were not at our target when we actually were, and some got in under the wire under a false pretense.

Mr. Shipe said that under the Wetlands Protection Act, the Commission would have all the normal rights and responsibilities to issue a stop-work order. Discussion commenced on the Wetlands Protection Act buffer zone requirements and that all the town's bylaw buffer zones will all be waived. Mr. Livingstone said his opinion is that this requires some study on the Commission's part, and it cannot be done all in this meeting. Commission members agreed.

Ms. Goodlander said the ZBA did not give a specific due date for the Commission's letter; however, the ZBA is meeting in early to mid-February. She said she defers to the Commission on how they want to draft the letter. Chair Hagen reviewed a potential process to draft the letter. Ms. Goodlander said she was advised to tell the Commission that further review of the project should be limited until ZBA renders a decision.

Mr. Niro confirmed that once the scope and fee is paid, BETA will continue to review the project. Chair Hagen said that should the ZBA deny the waiver requests, the scope and fee would change based on local bylaw scope and fee. Mr. Shipe said he agrees with that. Chair Hagen said she agrees this should be reviewed more by the Commission and have additional discussion at the January 25, 2024, meeting.

Mr. Rein asked about impacts as there are bylaws for a reason. Mr. Shipe explained that they have done projects like this right up to the wetlands. He noted that many towns do not have town bylaws.

Mr. Lucas said that they knew the 25 ft. zone would be a concern. He pointed out and reviewed the crossings in the 25 ft. areas and said they would be mitigating for that. He explained said the total permanent impact in the 25 ft. buffer is 9,790 sq. ft. He said they are looking at the entire scope of the project. He said they are trying to work with this Commission.

In response to Commission members concern, Mr. Shipe noted that all the impervious areas are calculated in the stormwater calculations. Mr. McCarthy said that many of the waivers listed under stormwater are related to the fact that under the local bylaw they need to submit the application to the DPW and the DPW has to issue and they are asking for a waiver from those things. He said the big picture is that this is designed in accordance with all the treatment and mitigation requirements of the local bylaw and Mass DEP stormwater policy; this is just specifics related to the local process.

Mr. Thahan discussed that there are many people in town who do not like the stormwater fee, and he questioned why the applicant is requesting waivers for this fee. Mr. Shipe said they asked the ZBA for relief from those requirements. He said they will be making up for those fees with other fees that they pay such as local filing fees. Mr. Rein talked about the impervious fee that everyone has to pay. Mr. Shipe said they asked for a waiver for that for Station 117 in Dean Avenue.

Mr. Shipe said that the scope and fee BETA provided includes a stormwater review. He said that going through the ZBA, they also have a reviewer, Hancock Associates. He questioned the redundancy. Chair Hagen said her thought is that the ZBA has an engineer looking at stormwater and the Commission would request a wetland scientist looking at this for stormwater which is a different perspective which would be valuable for the Commission. Mr. Shipe discussed his request and BETA's scope. He said maybe BETA can explain what they are going to do. Mr. Livingstone said that makes sense to see what BETA is doing.

Mr. Rein asked for clarification on what the recommendation from the Commission is for. Ms. Goodlander said there is significant stormwater infrastructure proposed within the Conservation jurisdiction which is why the packet includes all of it; the Commission has significant say in what is reviewed for stormwater because it is in the Commission's jurisdiction because it is in the state's jurisdiction.

Chair Hagen said the Commission will review and then discuss this again at the next meeting. Ms. Goodlander reviewed the scope and fee. She said the Commission has always charge for stormwater review even with friendly 40Bs which is the historical precedent. She discussed the coordination with in the town's departments regarding the fees.



Mr. Shipe said he is not sure what the Commission is deliberating on right now. He said there is the option of having Hancock, the ZBA's engineer, provide a review. Ms. Goodlander said they still need to delineate some outstanding wetland resource areas, and BETA has been with us since the beginning of the project. Ms. Goodlander said it is possible to ruminate on the scope and fee.

Mr. Shipe said they would be okay with BETA performing the wetland review. He said they would prefer Hancock do the stormwater review and he explained his reasoning and various options which he would prefer.

Mr. Jonathan Niro of BETA said that he understands what the applicant is saying about redundancy in peer reviews, but the difficulty is that BETA would be comprehensively doing the stormwater review for Conservation. He explained that it is hard for professional engineers to parse out some of the review because their name and licensure is on the review. He said so, for them to accurately do the review, they need to go through the calculations and all the aspects for their own review. He noted some avenues to work collaboratively with Hancock.

Mr. Shipe said that he thinks that is right. He said he thinks it is a good idea to provide a copy of the Hancock information to BETA for their review. Mr. Niro said that he works closely with Mr. Gary James of BETA who does most of the reviews for Franklin, and he will discuss this approach with him before the next meeting.

Chair Hagen said we all have our homework and will come back to the next meeting to further discuss this.

Mr. Shipe said that he would request the money from Fairfield be provided. He confirmed they have agreed that most likely the fee would get scaled back however that works out.

There was a motion made by Richard Johnson to continue the NOI for 121 Grove Street – Waiver Request to January 25, 2024, at 7:09 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

## **GENERAL BUSINESS**

### **Minor Buffer Zone Activities: 111 King Street**

Chair Hagen reviewed that this MBZA is a ratification for an emergency authorization during the agent's leave to remove three storm-damaged trees that had fallen on the property's fence; all trees will be cut with stumps left in place. She noted it has been communicated to the resident to ensure that the tree company mobilizes on soft earth with mats, if needed, to prevent rutting.

There was a motion made by Michael Rein to approve the ratification of the Minor Buffer Zone Activity for 111 King Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

### **Minor Buffer Zone Activities: 74 Elm Street**

Chair Hagen reviewed that this MBZA is a modification of a previously approved MBZA on November 16, 2023, and ratification of an emergency authorization. She said the property owner provided revised information on December 12 indicating that a certified arborist identified additional hazardous trees that were in need of removal; a total of 37 trees are considered hazardous and were proposed for removal.

There was a motion made by Jeffery Milne to approve the ratification of the Minor Buffer Zone Activity for 74 Elm Street. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

**Permit Modifications/Extensions: 515 West Central Street**

Chair Hagen said the applicant requested a continuance to January 25, 2024.

Ms. Goodlander said that the applicant has not yet finalized their responses and revisions addressing BETA's stormwater comments for the pervious pavement field change.

There was a motion made by Richard Johnson to continue the permit modification for 515 West Central Street to January 25, 2024. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Permit Modifications/Extensions: 25 Forge Parkway**

Mr. Phil Cordeiro of Allen & Major Associates, representing the applicant, addressed the Commission for the permit modification/amendment to the Order of Conditions for the expansion of the parking area in front of the building to allow for more parking with the majority of the proposed work including the proposed paved parking lot expansion located outside of the 100 ft. buffer zone. He reviewed that the proposed work within the 100-ft. buffer zone would be within the existing disturbed, landscaped area to the east to accommodate a new sidewalk. He reviewed the plans and pointed out the area for the expansion of the parking area. He said to accommodate the sidewalk, they need to grade differently to allow the sidewalk to be installed; a drainage line will be installed under that. He said the grade is about 2:1. He said that apart from volume, all the metrics are met. He noted that the Planning Board will review under their site plan guidelines.

Ms. Goodlander said she thinks this is work that would have been approved anyway in the previous Order of Conditions. She noted that the Commission may want to inquire about replanting native trees at another location on the property to mitigate. Mr. Cordeiro said that he is aware of the comment but explained that they are space challenged. He said he would like to walk the site with the agent to see if they could accommodate that. Ms. Goodlander said that she could do that.

There was a motion made by Jeffrey Milne to approve the permit modification for 25 Forge Parkway. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Certificates of Compliance: None.**

**Violations/Enforcement: 305 Union Street**

Chair Hagen stated that there was a recommendation to continue this item for 30 days. Ms. Goodlander said this was in DEP's hands.

There was a motion made by Richard Johnson to continue the Violations/Enforcement for 305 Union Street for 30 days. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Chair Hagen asked if the Commission would like her to draft a letter to DEP. Mr. Livingstone said yes.

**Minutes: December 14, 2023**

There was a motion made by Jeffrey Milne to approve the meeting minutes for December 14, 2023. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Discussions: 1 Heaton Place/8 Jackson Circle-Fallen Tree Removal**

Ms. Goodlander said that both discussion items regard events that happened while she was on leave. She said the Conservation Department received a phone call/email about a partially fallen tree partially on conservation land, but it is falling toward a resident's property. She said at the request of the Director of Planning and Community Development Bryan Taberner, Mr. Jonathan Niro of BETA went out and looked at it; he believes if the tree continued to fall, it may knock down other trees or continue to fall and possibly hit the property owner's deck. She explained that the Town's tree warden went out to the site and disagreed with Mr. Niro.

Mr. Livingstone said that many trees have come down in Millis and other areas because the ground is so saturated. Ms. Goodlander said this is a discussion item to remove the tree as it is on conservation area; she said she does not have the invoice for the tree removal with her. She said this has been done before. She said the lowest she has received for tree removal is about \$300. Commission members agreed.

**Discussions: 110 Louise Drive**

Ms. Goodlander said that she has sympathy toward this. She said there is a single-family home being constructed, and it is out of jurisdiction, expect that down the street to the left is a buffer zone and a wetland. She said there is a storm drain in front of 110 Louise Drive, and unfortunately, with all the rain, there was a washout at the site. She said there is a thin film of sediment and illicit discharge into the wetland down the road. She said she received plenty of emails including one from the contractor explaining how he was on this within 24 hours. She said he has doubled his erosion controls on the slope. She said he has trenched the sides to the access driveway. She said every night he puts haybales in front of the access drive. She said he has gone above and beyond. She said she put this on the agenda just to let the Commission know. Commission members discussed the past storms and the water in various places.

**Chair and Commission Comments: Friends of Franklin Liaison Update**

Mr. Rein said Pat sent out an email, and he is having a meeting on Friday, January 19, 2024, at 12 noon. Mr. Rein said he can forward the email which has a link to the meeting. He provided a reminder about the Bee program and said there are a few spots left. He said they are going to schedule a clean up event in later January to be determined.

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

Chair Hagen said they are on the section where they are looking for public outreach which she reviewed. She said she received guidance that it is best practice to not have public meetings on weekends. She said she is pushing back a little on that and seeing if she can go around best practice. She noted that a little over 700 people responded to the survey. She noted how a weekend morning may be more convenient for some people.

Ms. Goodlander said it is archaic Massachusetts and a town clerk rule. Chair Hagen noted library events that are to be held on Saturdays and said she feels strongly that the library events are a good idea. She said she will keep the Commission updated. She noted that regarding the survey, the priorities were maintaining open space and recreation activities. She said they are looking at a September wrap up for the Master Plan.

**Chair and Commission Comments: Natural Resource Protection Manager Update**

Ms. Goodlander said that she was sorry her agent's report was late. She said she is starting a lot of initiatives. She said there was a spot for Mr. Rein in the Bee program. She said there are 30 responses right now, but there are several staff that do not count. She said there are technically 40 spots with five for Franklin public school students and five for Town employees who are residents. She said that after speaking with Mr. Mike Downey, they agreed to open it up to the greater Massachusetts state for Zoom. She said that for in person registration, it is important to indicate if you are attending in person.

Ms. Goodlander said February 1 is for the honorarium which is \$400 for residents to apply to be a stop on the bus tour. She said this is from a grant for the forest initiative and the stewardship cooperative through DCR. She said in February, and the first Thursday of each month, Friends of Franklin Conservation, DPW, Ryan Jettee, the Commission for Persons with Disabilities, and she are having their first accessibility working group; anyone can attend. She said she wanted to make a broad educational statement that wetlands have poor infiltrating soil, so that is why you will see flooding and roads are being topped. She said they will be seeing the Prospect Street culvert replacement coming to the Commission down the pipeline. She said she escalated through MAPC to get a response to the Open Space Plan. She said a response back was received, and she hopes to get a review letter in about three months.

**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: Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

The meeting adjourned at 9:51 PM.

Respectfully submitted,

Judith Lizardi  
Recording Secretary