

Town of Franklin



Conservation Commission

**January 25, 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, Mark LePage, Jeff Livingstone, Jeffrey Milne, Richard Johnson, Michael Rein, Roger Trahan (via Zoom). Absent: None. 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**

Mr. Mitch Maslanka of Goddard Consulting (via Zoom) said they have been waiting for the snow to melt to do a site visit with Ms. Goodlander and the peer review members. Now that the snow has melted today, we can set up a site visit for next week. Ms. Goodlander said she was pretty flexible. Mr. Maslanka requested a continuance to the next meeting.

Chair Hagen noted calls have been received from neighboring properties, and she would like to have information from the applicant at the next meeting.

There was a motion made by Jeffrey Milne to continue the ANRAD for 1 Paddock Lane to February 8, 2024, at 7:01 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

Audience member who did not identify himself said he was representing the applicant. He said there was a conflict between the peer reviewer for the Planning Board and the peer reviewer for the Conservation Commission, mostly relating to stormwater; he said they were working that out.

There was a motion made by Mark LePage to continue the NOI for 15 Liberty Way to February 8, 2024, at 7:02 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

Ms. Nicole Hayes of Goddard Consulting said they were here to confirm the wetland resources on the site. She showed and explained the plan on the screen. She said there were bordering vegetative wetlands (BVW) and intermittent stream on the site. She pointed out the area that BETA, the peer reviewer, requested they look at. She said they bumped out the wetland area per BETA's recommendation. She said they made a few changes. She said one of the biggest concerns is to ask the Commission whether or not the stormwater basins on site would be jurisdictional under the state or the Town's bylaw. She said they have done studies which have been provided to the Commission. She said basin 1 was not considered to be jurisdictional under the Act or the bylaw. She said they agree that parts of basin 2 and basin 3 fall under the local bylaw jurisdiction which she pointed out on the plan. She said they received a peer review letter back from BETA in which they agreed that the stormwater basins on site would not be jurisdictional under the state, and they agree that areas of basin 2 and basin 3 are jurisdictional under the bylaw. She said that since they are in agreement with the peer review, they are asking the Commission to issue an ORAD.

Ms. Goodlander said she is in agreement with the information about the basins. She said that the information was submitted within a week of the timeframe, so she has not had time to draft the ORAD; therefore, she would recommend a continuance to draft that.

Ms. Hayes agreed with the continuance.

There was a motion made by Richard Johnson to continue the ANRAD for 124-126 Grove Street to February 8, 2024, at 7:04 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; 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.*

Ms. Goodlander stated that the applicant requested a continuance. She said there is a site visit scheduled for next Tuesday.

There was a motion made by Richard Johnson to continue the ANRAD for Tri-County Regional Vocational Technical HS to February 8, 2024, at 7:05 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-1. Roll Call Vote: LePage-Yes; 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 noted Mr. Stephen Kelleher and a member of the ProTerra Design Group were present via Zoom. Mr. Lucas stated they were working on the tree survey. He said they submitted a revised plan set, and BETA reviewed it. He reviewed the location of the site, the proposed cell tower, and wetlands. He said all work is located outside of the 100 ft. buffer zone. He showed the area for minor stormwater improvements. He showed the location of the proposed access to the site and showed where the utilities would be relocated on the site. He addressed some of BETA's comments and concerns. He said BETA had a comment on A3 regarding a portion of the site not being shown on the plan. He said that sheet A1 shows the site and all the wetlands. He addressed a comment from BETA regarding the 25 ft. buffer zone; he said he recommends a condition

that a planting plan be submitted for approval prior to construction. He said BETA had a comment on erosion controls. He said they have no objection to using the silt socks. He said comment SW1 regarded MassDEP stormwater standards regarding the subdrain system around the tower's footings. He said it is not a subdrain for stormwater; it is a foundation drain. He said there is no requirement to treat that. He said that SW9 is related to stormwater in the vicinity for the tower itself. He said they proposed a basin with an outlet pipe and a rip rap spreader. He discussed the wetland and the delineation. He said BETA said this should involve additional stormwater treatment because they are considering the entire wetland. He said per the regulations, which he reviewed, potential vernal pools do not receive protection under the Wetlands Protection Act; he said at this time it is a potential vernal pool.

Ms. Goodlander confirmed she is still reviewing the peer review. She recommended that between the Commission and applicant, based on abutter comments, that perhaps following down passive stormwater mitigation might be a happy medium.

Chair Hagen said her biggest concern is the abutters' concerns and the amount of water that is in that site and just making sure we are hitting the mark on stormwater management for this site to make sure we are not adding anymore to their troubles than they are already having.

Mr. Lucas reviewed details on the stormwater and discharge.

Mr. Jonathan Niro of BETA (via Zoom) said that Mr. Lucas hit the recommended or suggested special conditions, and it is up to the Commission; they sound appropriate. He said he would add that regarding the presence of a certifiable vernal pool relationship to stormwater, the critical part is having a condition in the Order to assess it prior to construction and get it certified if it is certifiable. Ms. Goodlander said she thinks it is a condition of the previous Bent Street project, so we should continue that condition going forward.

Chair Hagen confirmed with Ms. Goodlander that Ms. Goodlander would like to fully review the BETA review. She said they would continue this to the next meeting. Mr. Kelleher confirmed they would continue for two weeks to get it done so everyone is happy.

Mr. Romuald Zulawnik, 95 Bent Street, said he was the abutter directly involved with all of this mess. He said he had three pictures of all the water; it was so bad that it was running across the house. He said his house is on a slab, and he was afraid it was going to come in the house. He pointed out the location on the map. He said he cannot imagine how this project is going to help him. He said what does he do if it does not help him and he gets water in the house; he asked who is going to be responsible. He said on paper it looks great, but in actuality, it is not for someone who has lived there for 40 years. He said the neighbors will have problems too. He discussed that there was always heavy equipment going in and working in the cell towers near him.

Chair Hagen thanked Mr. Zulawnik for sharing the pictures. She said she understands how wet it was. She said she empathizes with the stress of dealing with that. She explained that the Commission's role is looking at the wetland resources and making sure they are following the guidelines within the resources and following the WPA and the local bylaws. She said that for us to deny a project, the Commission would have to see that the applicant is going against the regulations and bylaws or the WPA. She said she likes to see the applicant come up with ways to try to make the situation better.

Ms. Gail Perciaccante, 20 Emily Drive, explained where Emily Drive is located from the tower. She said she was looking at the conservation agent's report and noted BETA's peer review report dated January

24, 2024, which said they still have concerns. She asked if all of these concerns have been addressed or is that for the February 8 meeting.

Chair Hagen reviewed the submission and discussed the outstanding issues identified in the letter. She said that Ms. Goodlander is going to fully review the report that BETA submitted and compare it to what the applicant has submitted and then present any outstanding issues to the Commission. Ms. Goodlander said that Mr. Lucas responded tonight verbally and will also provide a letter. She explained the review process.

Ms. Perciaccante asked about the certification of the vernal pool. Chair Hagen explained that Ms. Goodlander feels they can phase the sequence of construction along with the vernal pool certification process. Ms. Perciaccante confirmed the Commission will meet again on this in two weeks. Ms. Goodlander reviewed that after the Commission closes the hearing and votes, there is a 21-day appeal period; after that, she issues the Order. She explained the remainder of the process including permits and start of construction.

Mr. Lucas confirmed his deadline was next Thursday to get all information in for the next meeting.

Mr. Danile Stouppe, 20 Emily Drive, said he was questioning the validity of the Bent Street application. He said that on November 16, 2023, he hand-delivered a letter to the town clerk's office concerning the Bent Street development. He said his letter stated that the Bent Street zoning variance had expired by its term. He reviewed when the application was started and approved by the zoning office and the date of an extension. He said he also provided the letter on November 7, 2023, to the town administrator, building commissioner, conservation commissioner, and the town attorney. He said that based on the fact that June 23, 2023, was the last date, the applicant should be starting this process all over again, so all this is null and void. He said he read the BETA reports and discussed W7 concerning the access road proposed to cross over the 25 ft. no disturb zone. He said that regardless if they move the road and the poles and utility lines to the west side, the access road is still going to cross over the wetlands area. He noted that the Lucas Environmental report, section 5.2, states that they are not aware of a private well within 500 ft. of the property which is outlined in blue. He said he has a well, and he would like to have a study done to make sure this is not going to affect his water.

Chair Hagen said the well situation is not something she is familiar with. Ms. Goodlander said she encourages Mr. Stephen Kelleher to reach out to the property owner. Chair Hagen said she hears Mr. Stouppe's concerns about the variance being expired. She encouraged Mr. Stouppe to reach out to Town Attorney Mark Cerel.

Mr. Stouppe reiterated the town departments/staff that he has already reached out to via letter. He reviewed that he did receive a phone call from the Town; however, he said they already made their decision regardless of what the bylaws say, they waved it on. He said he believes in laws and one of the laws says the applicant has a year and then a six-month extension; therefore, it is null and void, and they have to start over again, that is the rules. He reviewed the location of his property on the plan.

Ms. Perciaccante said it is so tall, and it is overwhelming. She said it is like they have no rights left; they are walking all over us and the neighborhood.

Chair Hagen said she would reach out to Attorney Cerel and let him know that Mr. Zulawnik will be contacting him.

Ms. Goodlander said she would double down on contacting Mr. Cerel.

There was a motion made by Jeffrey Milne to continue the NOI for 0 Bent Street to February 8, 2024, at 7:06 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

Ms. Goodlander said that she did not receive a request for continuance. She said that she assumes they are still responding to comments.

Chair Hagen requested that Ms. Goodlander request the applicants attend the next meeting to provide an update.

There was a motion made by Mark LePage to continue the NOI for the Proposed Solar Array for Parcel 3, 160 Maple, Street to February 8, 2024, at 7:07 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

Ms. Goodlander stated that a continuance was requested for both.

There was a motion made by Jeffrey Milne to continue the NOI for Lot 1 at 60 Spring Street to February 8, 2024, at 7:08 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

Chair Hagen confirmed that the applicant requested a continuance.

There was a motion made by Richard Johnson to continue the NOI for Lot 3 at 60 Spring Street to February 8, 2024, at 7:09 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; 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 they were before the Commission two weeks ago. He said he would answer any questions on the requested waivers to the Zoning Board of Appeals and asked about BETA's peer review.

Ms. Goodlander said there are three things of note tonight: waivers, stormwater fees/peer review fees, and schedule site visits for this project. She said she would like to schedule site visits at the minimum to approve the delineation of the two outstanding intermittent streams. She said she would coordinate.

Chair Hagen said that regarding stormwater, Mr. Niro said that regarding stormwater fees, BETA will require an independent review on their end. She said that they will not be able to review another company's work; they will go out and do the work themselves.

Mr. Jonathan Niro of BETA (via Zoom) confirmed that it would be an awkward position to take a peer review from another firm and have to agree or refute it. He said it is up to the Commission the scope of BETA's review. He said if the Commission wants BETA to do a peer review of stormwater for Conservation, they will do their normal peer review, issue it to the Commission, and if there are any glaring contradictions between their letter and Hancock's, they would be amenable to meeting with the applicant and the other peer reviewer to straighten some of those things out. Chair Hagen reviewed with Mr. Niro the timeline of an engineering/stormwater review. Commission members discussed how they want to move forward with this.

Mr. Shipe said he wanted to review his original request. He said that RJ O'Connell is a professional firm and Hancock is a professional firm. He said the Commission would have a very thorough stormwater original design and review. He said a third reviewer has the potential for having conflicting comments, and then there is the cost of a third review. He said it might help to try to discern between the types of review that you might be thinking are stormwater wetland related versus stormwater design otherwise. He discussed a stormwater review and said they should be very much the same wherever the drainage component is near or not near a wetland. He said that in his mind, Hancock's review should in fact be the same as what BETA would perform.

Mr. McCarthy said what Mr. Shipe said is correct, and he explained the process of their review.

Chair Hagen said that it is nothing that they have ever waived for a project before. She said that the Commission always requires an independent stormwater review, and ZBA has their own review; she said that is pretty standard for Franklin policy. She said she feels strongly on maintaining the Commission's independent review by BETA.

Ms. Goodlander confirmed that Hancock is doing their assessment for the ZBA. She confirmed that the Commission has not waived this review in the past, and explained the reviews that each group is doing. She reminded the Commission that their directive is protection of the natural resources and mitigating impacts.

Chair Hagen explained her reasons for feeling comfortable having a more comprehensive review and data. She suggested the Commission members take a vote on this. Commission members made comments and discussed the reviews being done by ZBA and by Conservation.

Ms. Goodlander suggested language such as the following: Conservation Commission retaining an independent third-party reviewer. She said Mr. Shipe already paid for half of the stormwater review. Mr. Shipe questioned the cost of the review. He said he submitted a check for \$14,000. Ms. Goodlander and Mr. Shipe reviewed the scope of the peer review. Ms. Goodlander said she will have to review the payment. Mr. Shipe said he thinks he overpaid to avoid this conversation; he thinks right now the Commission has more money than being requested.

Chair Hagen stated she would like to have the Commission vote on the following: To agree that the Conservation Commission will maintain our right for an independent stormwater review for the NOI for 121 Grove Street, Waiver Request. It was agreed with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes. (No motion or second was made.)

Chair Hagen said she will look at the list of exemptions so she can write that recommendation letter for the ZBA. Mr. Shipe confirmed the affordable units are in perpetuity. Chair Hagen explained that since the

town is above their 10 percent affordability, the applicant can request which regulations and bylaws they would like to be exempt from. She noted it is a long list. She explained that if the town were under the 10 percent, the applicant would be able to get them all; however, the list is more for what we are willing to allow. Commission members commenced discussion on the waivers and why/if the Commission needs to approve any of the waivers. Chair Hagen said they can look through the document and see which ones they feel very strongly about. She said that stormwater does fall under the Commission's jurisdiction. She discussed that she spoke with the DPW about some of the waivers.

Chair Hagen read aloud the waivers and Commission members made comments and discussed. In response to Commission members' comments about the waivers, Mr. Shipe stated that the Commission has authority under the Wetlands Protection Act, and they are not asking for any relief from all of the onerous and lengthy regulations of the Wetlands Protection Act. He said there are local provisions that are actually the same as the Wetlands Protection Act. He said that we did provide a stamped stormwater management plan which the Commission has. He explained the modern way for testing for groundwater which can be done any time of year. He said there are a lot of provisions here; he said I know it sounds like a lot, but these are all nuances. He said we are not sure why the Commission adjudicates on DPW regulations, but that is what your bylaw points us to.

Mr. McCarthy explained how groundwater is determined and that it can be done any time of year. Ms. Goodlander said that is the most current way to do it. Chair Hagen asked Ms. Goodlander about groundwater; Ms. Goodlander discussed the groundwater on the site. Mr. Shipe discussed groundwater, the stormwater calculations, and the infiltration system.

Ms. Goodlander, in response to Chair Hagen's question, explained that the citizens and the bylaw states, and it is there for a reason. She said she is here to empower and support the Commission. Discussion commenced on the precedence that the Commission may be setting if granting these waivers.

Chair Hagen continued to review the requested waivers. In response to Mr. Shipe's comment, Ms. Goodlander stated that she said I believe that you are still seeking a waiver from MS4 based on internal conversations she has had with the town engineer and town administrator. She said that she had a conversation with the town engineer, and the issue with MS4 being waived is that this is a directive from the federal government EPA for the town, so for the town to waive the MS4 permit for any project, the town is then assuming liability. Mr. Shipe said he was going to follow up with Mike because he was sure it was for public streets; he said there is no component of the MS4 program that we would not be doing. He said he is pretty sure it is not applicable to a private property where the roads would never become public. Chair Hagen discussed the town's stormwater utility fees that residents pay. She said it is a fee and not a tax meaning everyone pays it including schools and churches. Commission members discussed why it should not be waived for this applicant as it would not be equitable for the citizens to do so. Ms. Goodlander discussed when the stormwater utility fee would kick in.

Chair Hagen continued to read the list of waivers. Discussion continued on the remainder of the waivers. Ms. Goodlander stated that they are having a team meeting next week and can ask some of these questions on piping to DPW. Ms. Goodlander reviewed ways that the letter Chair Hagen is going to write to the ZBA could be worded regarding waiving all or parts of the waivers and where they are willing to work with the applicant. Commission members discussed that they do not want to give a blanket waiver and said there may be a case here or there that we can bend a little, but to waive the entire bylaw does not make sense. Commission members agreed with some of the waivers to work with the applicant.

Chair Hagen said that she would follow up after the meeting on Monday regarding the outstanding points and then she will draft the letter. Ms. Goodlander confirmed she would send the information to all; she

reminded the Commission members that they cannot talk to each other about this due to open meeting law. Chair Hagen said they can comment on the letter at the next meeting, and they will vote on the letter at the next meeting. She said the Commission members can ask Ms. Goodlander questions.

Mr. Rein asked how many of the 330 units are affordable. Mr. Shipe said 25 percent.

There was a motion made by Jeffrey Milne to continue the NOI for 121 Grove Street, Waiver Request, to February 8, 2024, at 7:10 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

### **GENERAL BUSINESS**

Ms. Goodlander requested the MBZA items be taken next.

#### **Minor Buffer Zone Activities: 853 Pond Street *Mr. Milne recused himself.***

Mr. Mark Depoto from Hillside Nurseries in Franklin addressed the Commission and noted that the property owner, Mr. Guy Wheaton, was in attendance. Mr. Depoto reviewed that this MBZA is for a proposed landscape/hardscape project. He showed pictures of the proposed work. He said most of the work is in the front yard. He discussed the proposed work and noted impacts associated with flagging stones, boulders, stone steps, pavers, nominal increase to imperviousness to existing retaining walls, and installation of a prefabricated pipe to alleviate hydraulic pressure to existing retaining walls. He discussed the trees proposed for removal and pruning. He discussed a specific pine tree they would like to have removed as it could fall toward the house.

Ms. Goodlander stated that her agent's report does not have the most up-to-date information. She said that the trees are out of the no-touch zone but within the 25 ft. to 100 ft. zone. She said that the stumps are proposed to be taken out. She said the Commission can determine if they would like to condition all stumps be left in place; she suggested the ones closest to the wetlands be left in place and the ones further in the lawn be removed.

Mr. Depoto said they are proposing stump grinding, so the stump will still be there but below grade. Commission members discussed the stumps regarding how close they are to the wetlands and if they should be ground, removed, or left in place.

Ms. Goodlander recommended approval with standard conditions for MBZAs which is stumps to be left in place.

There was a motion made by Richard Johnson to approve the Minor Buffer Zone Activity for 853 Pond Street, with standard conditions. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

***Mr. Milne re-entered the meeting.***

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



**Friendly 40B Local Initiative Program (LIP): 444 East Central Street**

Mr. A. J. Alevizos on behalf of the applicant TAG Central, LLC, and Mr. Chris Frattaroli, wetland consultant of Goddard Consulting, addressed the Commission. Mr. Alevizos said they are currently going through the preliminary initial review with the Town, pre-permit filing. He said that they have not applied for the comprehensive permit yet with the Zoning Board of Appeals. He said this process is a collaborative process with the Planning Board and Conservation Commission to present the project and get initial feedback, and then they have a meeting with the Town Council to vote on whether this project proceeds with a comprehensive permit filing at a later date or not. He said they have already had a technical review meeting. He said they took that feedback and revised the design. He said that Mr. Frattaroli will present the wetland aspects of the project. He noted that this is the location of Stobbarts' Nurseries.

Mr. Frattaroli said that as a 40B, they have 25 percent affordable units which is 67 units of the total 265 units with a breakdown of one, two, and three-bedroom units. He showed a conceptual schematic site plan map and described the location of the five buildings and clubhouse. He noted 358 parking spaces. He reviewed planned nature-based initiatives including private walking paths along the river and invasive species managements in native plantings. He noted the site is degraded, and there will be removal of dump piles, construction equipment, and debris, and compliance with stormwater standards. He reviewed a color-plan showing preliminary lines of what they expect to find when they do the delineation. He said there is about 375,000 sq. ft. of riverfront area with existing degraded riverfront area of 175,000 sq. ft. He reviewed the eastern and western sides of the riverfront area and noted current conditions, debris, and vegetation. He pointed out the degraded areas. He showed and explained the location of the proposed buildings. He showed photographs of the current conditions on the site which include construction waste and other debris and invasive species. He reviewed the riverfront standards. He said this will be treated as a redevelopment project. He said the site has been in use as a nursery since the 1960s. He said they believe it will be an improvement over the existing conditions. He said work will not be closer to the river than existing conditions. He said they intend to comply with riverfront redevelopment standards. He said there is ample opportunity for restoration and mitigation, and they plan to provide that. He said the restored and mitigated areas will need to be monitored, and they plan to submit the required reports. He showed and explained the location of the bordering land subject to flooding (BLSF) on the site. He noted that structures will be located outside the BLSF to the greatest extent possible. He said there is one stream crossing on the site. He said the idea is to reuse the crossing. He said it probably needs to be repaired or replaced to some extent; they will probably have some impacts during construction. He confirmed there is a culvert under the crossing. He said it will be replaced with a new concrete box culvert to today's standards. In response to a question, Mr. Frattaroli said the river goes under Rt. 140. He discussed that the south property boundary is all wet. He explained that there will be impacts to the inner buffer zones, but they are already impacted. He said there are a handful of waivers being requested.

Chair Hagen reviewed the process for a Friendly 40B for the Commission to discuss the waivers, write the letter to the ZBA, and vote on the letter. She asked for the applicant's timeline. Mr. Alevizos reviewed the process that they outlined with the Planning Board. He said the Planning Board will issue a comment letter a week after the hearing, and based on that comment letter, they as the applicant will prepare a response letter with revised information/drawings and resubmit prior to the next hearing. Ms. Goodlander reviewed the process for the last applicant and noted that they are way past the LIP process. She reviewed where this applicant is in the process. She said Mr. Alevizos is proposing the Commission draft the letter within the next two weeks that is then delivered to Mr. Alevizos, so at the following meeting they can discuss changes. Mr. Alevizos said he wants to make sure they have time to work together. He discussed his timeline of what he is hoping will happen.

Ms. Goodlander reviewed suggested content of the Commission's letter should be a letter of approval with recommendations which would be a guiding directive.

Mr. Alevizos reviewed the heights of the proposed buildings. He said they would bring sample elevations to the next meeting. He said they have coordinated with the fire department on fire access roads.

Chair Hagen read aloud the waiver requests. As requested, Mr. Frattaroli explained what the applicant is requesting in the waivers. Ms. Goodlander explained that procedurally, the Commission is not at the point of granting waivers. She noted that she likes how this is set up; there is an explanation there. She said that first impressions she feels we can work on this project. Commission members made comments and asked questions about the waivers and said they can work with the applicant. Chair Hagen asked if within the letter they can say they reviewed this and are amenable to working with the applicant. Ms. Goodlander said these are letters of support and are not as technical as otherwise may be required by the Commission. She said that she thinks it is okay to opine and just say you got a good feeling or you have confidence and the Town Council will be reading it. Commission members agreed that currently it is not a pristine site.

Chair Hagen wanted to confirm that the Commission is happy with the thought that has already been put into the restoration of the pre-disturbed area, that they have reviewed the waivers, that the Commission wants to keep their bylaws in place, and they are happy to work with the applicant.

In response to Mr. Rein's question, Mr. Frattaroli reviewed what is planned in the 25 ft. and 50 ft. buffer areas. He explained that it is mostly going to be reuse of previously degraded area. Mr. Rein asked if the applicant can get further from the wetlands. Mr. Alevizos said they have already maxed that out. He explained the use of the degraded areas. He said use of the riverfront area is for the private use of the tenants.

Ms. Goodlander said the town has conservation land to the south of the site plan, so whether or not that means increased impacts, increased recreation, or an opportunity for the future, maybe for public parking, but there is all the same an opportunity there; there would be an opportunity for the applicant to extend their walking paths. Mr. Alevizos said it would be something they would be interested in discussing.

Mr. Alevizos said they may not need a second meeting here. He said to maybe schedule one just in case. He said if the letter is not going to have comments for them to make changes, he does not know if meeting a second time would be productive.

Ms. Goodlander said that there is a 100 ft. buffer zone to BLSF under local regulations, so it might be something to extrapolate on the plans. She recommended Chair Hagen draft the letter and the Commission vote on it at the next meeting on February 8, 2024. Chair Hagen said she would be comfortable having the applicant seeing the letter beforehand in case they have any questions. Mr. Alevizos said they are going to the Town Council, and they are looking for guidance from the Commission and Planning Board whether they think it is a good process to go forward.

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

Ms. Goodlander said the applicant had requested a continuance to today, but they had not reached back out. She said the applicant has been pretty good.

There was a motion made by Mark LePage to continue the permit modification for 515 West Central Street to February 8, 2024. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Certificates of Compliance: None.**

**Violations/Enforcement: None.**

**Minutes: January 11, 2024**

There was a motion made by Mark LePage to approve the meeting minutes for January 11, 2024. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Discussions: Eclipse Soundscapes – AudioMoth Purchase Request**

Ms. Goodlander said that Eclipse Soundscapes is a non-profit organization that is funded through a grant from NASA, and they have been monitoring how eclipses have impacted wildlife. She said that we have a total solar eclipse coming on April 8, 2024. She said we in the path of about 95 percent. She said this non-profit has extra funds to grant AudioMoths which are a data recording device that you put outside two days before and two days after, and it records everything it hears. She said that it is free for those in the path of totality, and if they have extra for those outside the path of totality. She said she applied to see if we could get one; otherwise, they are \$100. Chair Hagen said she applied for one for the Children's Museum. Ms. Goodlander said she has been collaborating with a teacher from Tri-County for other things, and the teacher sent this to her. Ms. Goodlander said she would like to get Tri-County involved in this. She said if they all got one, they could hit a good part of Franklin for this. Chair Hagen explained how the project would work.

There was a motion made by Richard Johnson to approve spending \$100 on the AudioMoth. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

**Discussions: DelCarte Pond Treatment – Year End Report**

Ms. Goodlander said this item can be discussed at the next meeting. She said the report is uploaded in the Commission members' Google drive. She said there has been a decrease in invasive species, but an uptick in density in some of the mats of water chestnut. She said they propose a new treatment, and there is a new contract coming up.

**Chair and Commission Comments:**

Mr. Rein said they had a Friends of Franklin meeting, and they talked about doing some cleanup in an upcoming weekend. Chair Hagen said when they have a date, send it to the full Commission.

Ms. Goodlander said she received comments back from MAPC on the Open Space and Recreation Plan, so her goal is to have all comments implemented in the next 30 days. She said she has to find out if the town administrator wants them to present again in front of the Town Council. She said the Bee Program is open. She noted that February 1, is the resident honorarium for those who have habitats and they will be a stop on the tour; information is on the website. She said the Friends of Franklin Conservation Group is going to be the unbiased third party that is going to review the habitats. She said she met today with DPW and the Recreation Department regarding Earth Day; they are doing their Earth Day celebration on April 20, 2024, from 9 AM to 12 PM, at Beaver Pond. She said she would like to request the Commission, DPW, and the Recreation Department join forces. She said she got a small grant for the Friends of Franklin Conservation Group for \$750, and she will be meeting with Patrick Gallagher tomorrow.

Mr. Rein said that at their meeting they also talked about that they might want to support an Earth Week. Ms. Goodlander said that she would like to get others involved and tie in Arbor Day with Earth Day and have a Franklin Earth Month with rotating events every weekend.

**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 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Johnson-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

The meeting adjourned at 10:32 PM.

Respectfully submitted,

Judith Lizardi  
Recording Secretary