

Town of Franklin



Conservation Commission

**February 8, 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, Michael Rein, Roger Trahan. Absent: Richard Johnson. Also present: Breeka Li Goodlander, Conservation Agent (via Zoom); Tyler Paslaski, Administrative Assistant.

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

Chair Hagen stated that there are many public hearings on tonight's agenda. She stated that there will be seven more public hearings in the coming months. She said if the Commission members are in agreement, she would like everybody to be actively working on their projects. She suggested that if there are more than two hearings in a row with no attendance and no visible work being done on a project, the Commission move forward with closing said project, and they can reapply when they are ready to move forward. She said according to the bylaws, the Commission is supposed to be wrapping up meetings by 11 PM. Commission members gave agreement. She confirmed that there were no objections to starting tonight's meeting with the MBZAs.

GENERAL BUSINESS

Minor Buffer Zone Activities: 99 Highland Street

Engineer on behalf of the applicant and the applicant's son Darren Lang on behalf of the applicant Michael Lang addressed the Commission for an MBZA for the construction of a 44 ft. long wood frame covered patio roof structure on the front of an existing house within the 50- to 100-ft. buffer zone of approximately 89 linear ft. from the closest wetland boundary. He showed and explained the site plan. He reviewed that the ground disturbance is approximately 450 sq. ft., with 90 sq. ft. located within the buffer zone. All work is proposed within existing pre-disturbed areas immediately surrounding the residential structure.

Ms. Goodlander had no comments.

There was a motion made by Mark LePage to approve the Minor Buffer Zone Activity for 99 Highland Street, with standard conditions. The motion was seconded by Roger Trahan and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Minor Buffer Zone Activities: 386 Coronation Drive

Ms. Goodlander said she thought the homeowners would be attending; however, she feels comfortable presenting the project. She explained that this MBZA is for an addition on the back of a residential house within existing, disturbed lawn within the 50- to 100-ft. buffer zone. She said no square foot impact was given at the time of permit submission. The Commission should clarify dimensional/square foot impacts prior to permit approval; however, this scope of work would otherwise still be approved under any other permitting circumstance. She said she would recommend approval. She said she would defer to the Commission on erosion controls as the addition is wetland-facing; however, contours are not steep enough for significant runoff, and there is significant tree cover buffering the BVW and intermittent stream at the property boundary. She recommended approval with standard MBZA conditions.

Chair Hagen said she would like to see erosion control.

Ms. Goodlander said that while the Commission generally requires biodegradable wattles, if you do request erosion and sediment controls, a silt fence may be considered due to cost and season since we are past hard freeze.

There was a motion made by Jeffrey Milne to approve the Minor Buffer Zone Activity for 386 Coronation Drive, with standard conditions in addition to the condition for erosion control with a silt fence or biodegradable wattles if they decide to go that path. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Request for Determination of Applicability: None.

Permit Modifications/Extensions: 515 West Central Street

Mr. Michael Hassett of Guerriere & Halnon (via Zoom) said they were before the Commission previously for some field changes. At the previous hearing the field change for the retaining wall modification was approved, and there were some outstanding comments from BETA that needed to be addressed for the pervious paver replacement with pervious pavement. He said they made the revisions BETA requested. He said they were before the Planning Board on Monday, and the Planning Board approved the field changes. He said they are now requesting the Commission's approval.

Ms. Goodlander said the Planning Board added the conditions for BETA's letter. She recommended approval with conditions as stated in BETA's letter dated February 1, 2024, with the subject "515 West Central Field Changes."

There was a motion made by Mark LePage to approve the permit modification for 515 West Central Street with conditions as stated in BETA's letter dated February 1, 2024, with the subject "515 West Central Field Changes." The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Certificates of Compliance: None.

PUBLIC HEARINGS

Public Hearing – ANRAD – 1 Paddock Lane

Ms. Goodlander said they coordinated and had a site visit. She said that Mr. Jonathan Niro of BETA and she agreed with wetland flags 48 and 49, but as discussed, for the small upland island that Goddard

Consulting delineated, we did not agree with it being consistent with upland. She said she requested the applicant, if they want to contest that, submit data forms to demonstrate that the area is upland. She said no new information has been submitted. She has not heard back from the applicant.

Chair Hagen said if the applicant is going to continue to not be present and not ask for continuances, as she announced at the start of the meeting, the Commission can close the item, and the applicant can refile when they are ready to move forward.

Ms. Goodlander confirmed she was comfortable with this path.

There was a motion made by Jeffrey Milne to close the ANRAD for 1 Paddock Lane. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

There was a motion made by Jeff Livingstone to deny the ANRAD for 1 Paddock Lane. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Mr. John Determan asked that if 1 Paddock Lane becomes active again, will the abutters be notified. Chair Hagen said yes.

Public Hearing – NOI – 15 Liberty Way

Mr. Chris Frattaroli of Goddard Consulting shared his screen and explained the location of the proposed work. He said that they only filed the revisions yesterday, so they know no one has had time to look at them. He said he is here just to give an overview. He reviewed the parking expansion and the isolated wetlands. He reviewed that there is about 2,400 sq. ft. of wetland impact. He noted that there were stormwater comments issued from BETA under the Planning Board review. He said the engineers have proposed a stormwater basin on the western portion of the parking area. He said the proposal is to take the poorly/never maintained stormwater features that have developed wetland characteristics over time and essentially expand, enlarge, and enhance those stormwater features and to replace those in kind. He showed photographs of the stormwater features. He said they would be essentially replacing the lost wetland functionality in terms of vegetation, wildlife habitat, and those sorts of things. He stated there was a planting plan. He said that there are actually no good places on the site to actually replicate wetlands, so what they have is the 1:1 replacement of the stormwater IVWs and also have provided slightly over one acre of invasive species management as additional mitigation.

Ms. Goodlander asked where is the limit of the easement. Mr. Frattaroli reviewed the location on the provided plan. Ms. Goodlander said the DPW opposed any woody vegetation in their easement. She commented that Mr. Frattaroli is correct that they are constrained for their replication, but this will be a stormwater basin, and basins need to be maintained.

Chair Hagen asked if there was already a variance submitted by the applicant for the inability to do the 2:1. Ms. Goodlander said she does not have a revised variance. Mr. Frattaroli said they will provide a revised variance request encompassing this new proposal.

Mr. Jonathan Niro of BETA (via Zoom) asked about future maintenance of the basin. He asked if this was designed as an infiltration basin or if it is intended to be a wet basin. Mr. Frattaroli said he believes the intention was to provide additional infiltration. He said the information should be in the response information to the Planning Board.

Ms. Goodlander asked that regarding the invasive species management, how long they are proposing to monitor that and if the property owner understands what they need to do in the coming years to make sure the invasive species are managed. Mr. Frattaroli said he believes the invasive species management plan calls for three years of monitoring, and he believes the property owner is aware.

Chair Hagen asked about the no woody vegetation in the easement. She asked could it be on the edge. Ms. Goodlander said she would follow up with Jake Stanley. She said she had concerns that if it was one of the guys mowing, they may overshoot the easement. Chair Hagen asked Ms. Goodlander to follow up with DPW.

In response to questions, Mr. Frattaroli discussed the locations and total IVW impacts of about 6,100 sq. ft.; he discussed the locations of the basins. He reviewed the proposed replication and invasive species management. He responded that they have found no information from the original construction of the stormwater features including from the Registry of Deeds. Mr. Trahan asked that for the number of parking spaces eliminated, should they not touch that area. Ms. Goodlander asked if Mr. Frattaroli could calculate that for the Commission and tier it for buffer zones 0 to 25 ft., 25 to 50 ft., and 50 to 100 ft. so they can see full-scale impacts. Mr. Frattaroli said he could do that.

There was a motion made by Mark LePage to continue the NOI for 15 Liberty Way to February 22, 2024, at 7:02 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Public Hearing – ANRAD – 124-126 Grove Street

Ms. Nicole Hayes of Goddard Consulting (via Zoom) said that at the last hearing they were all set and waiting for Ms. Goodlander to draft the ORAD and then vote.

Ms. Goodlander said that is correct. She said the Commission members have the draft ORAD and a special condition for the existing violation for work near BVW flags 10, 11, and 12. She stated a stipulation that if a notice of intent is not filed by June 1, 2024, that the Commission still needs to see the restoration.

There was a motion made by Jeffrey Milne to close the ANRAD for 124-126 Grove Street. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

There was a motion made by Mark LePage to approve the ANRAD for 124-126 Grove Street, with standard conditions in addition to Special Condition 1: The applicant shall provide restoration for the unpermitted work within the 25 ft. buffer zone near BVW flag 10, 11, and 12 upon an Order of Conditions. The applicant shall provide restoration at a 2:1 ratio. If the applicant does not file a Notice of Intent by June 1, 2024, the applicant shall provide restoration for the disturbed area regardless of a filing of Notice of Intent or issuance of an Order of Conditions. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

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

Chair Hagen recused herself.

Mr. Stephen Powers of Samiotes Consultants (via Zoom) said that he contacted Ms. Goodlander today and requested a continuance. He said they do not have any new material. They met with Ms. Goodlander and Mr. Niro last week, and they are proactively working on moving this forward.

Ms. Goodlander said there is some new information in her agent's report.

There was a motion made by Jeffrey Milne to continue the ANRAD for Tri-County Regional Vocational Technical HS to February 22, 2024, at 7:02 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Trahan-Yes.

Chair Hagen re-entered the meeting.

Mr. Mitch Maslanka of Goddard Consulting (via Zoom) said he had something personal come up and was not in attendance at 7:01 PM for the public hearing on 1 Paddock Lane, but he would like to go over some new information. He said he went to a site visit last week with Ms. Goodlander and Mr. Niro and they are in the process of getting site plans over to the Commission.

Chair Hagen said that unfortunately as no one was present and there was no new information, the Commission closed the public hearing and denied the ANRAD for now. She said they could reapply. She suggested he follow up with Ms. Goodlander.

Public Hearing – NOI – 0 Bent Street

Mr. Chris Lucas of Lucas Environmental (via Zoom) addressed the Commission. He noted applicant Mr. Stephen Kelleher and Ben Messersmith of ProTerra Design Group were present via Zoom. Mr. Lucas reviewed that they received the BETA comments. He said this hearing was continued so Ms. Goodlander could review the response letter. He said he reviewed the agent's report which has the conditions. He would like to discuss special condition 55 regarding a construction sequencing for a phased approach. He said it is a small project and will probably only take about three or four months. He said they are about 390 ft. from the vernal pool. He said that due to the distance, they are sufficiently away and do not think it is necessary to provide more detail.

Ms. Goodlander said that at the last meeting, it was brought up about the discharge point location. She said the Commission seemed to agree with a phased approach to ensure that construction on that portion of the property closest to the vernal pool and the BVW holding the vernal pool would either occur outside of the breeding season or be a phased approach to work cooperatively with the applicant if phasing is not an option; she suggests just constructing outside of the vernal pool breeding season. Mr. Lucas said the project will be moving very fast. He noted the area will be protected with the erosion controls. Ms. Goodlander said then maybe they can condition the project to start after the spring breeding season. Mr. Lucas said they do not know when the project will begin and potentially this spring. He said if they have proper erosion controls, they would prefer not to have a condition.

Mr. Kelleher (via Zoom) said they were doing some erosion controls. He reviewed with Ms. Goodlander the plan for doing the project. Mr. Lucas said the breeding activity usually takes place in March and April. Mr. Kelleher said as long as we can do the foundation and the base of the road and hit the other stuff on the way out. Mr. Lucas said he thinks they are on the same page now. Ms. Goodlander said she could tweak the language.

Ms. Goodlander stated aloud the following:

- Special Condition 55: A construction sequence and schedule indicative of a phased approach that refrains from development and/or construction on the western portion of the property (i.e., near the Vernal Pool) during vernal pool breeding season (e.g., Spring 2024) shall be provided and

approved to and by the Conservation Agent and Commission prior to the start of work. The applicant may begin construction on other portions of the property prior to this approval.

Mr. Milne asked if this item went to town counsel for review.

Mr. Romuald Zulawnik, 95 Bent Street, said he had some concerns regarding the revised plan and some items that Stephen Kelleher said were going to be there and on the revised plans it is not. He said a gate was supposed to be placed 20 ft. from the street with boulders on either side to prevent people from coming in or dirt bikes having access to the property. He said that according to the November 18, 2021, minutes, Stephen Kelleher said the tower was going to be 450 ft. from his house. He said it looks like it is more like 300 ft. So, if this is a revised plan, who approved this. Chair Hagen said she believes it is the Planning Board that would approve the site; they look at the site project and the compliance with bylaws and regulations. She said the Commission just looks at the wetland resources.

Mr. Kelleher said that they will have a construction drawing that they will submit for their building permit that will include a gate. He noted this was a Zoning Board of Appeals project, not a Planning Board application. He said originally, they were about 400 ft. away from Bent Street, but because of the wetlands, we went back to the Zoning Board which they approved the relocation of the facility up about 100 ft. to where it was originally proposed to get away from the buffer. He said that during the process they got an extension, and they have been working on the project for the last couple of years.

Mr. Zulawnik said the mosquito breeder going in was not proposed in 2021. He said he noticed the runoff from the tower platform from the west will runoff where it pools at Bent Street. He said there is an ancient drain under the street that failed. He discussed the water that runs across his house and said he is concerned not just for himself but for the neighbors whose basement floods. He said this is just redirecting the water.

Ms. Goodlander said regarding the water, she would defer to Stephen, Chris, and Ben. She said they will have to come for a building permit for the gate. She said she has to sign off on the building permit too. She said she diligently tracks her notes. She said that plans and projects do change as they move through the permitting process. She discussed the original plan that she saw from Mr. Kelleher. She said that for stormwater, this project is required to have stormwater; if it were a house, it would not have to have stormwater.

Mr. Lucas explained the project was designed to meet the Massachusetts stormwater management standards. He said the design went through a peer review with BETA who said the project is good.

Mr. Zulawnik asked what happens if he ends up with more water on his property. Mr. Lucas said they do not control the climate. Mr. Messersmith explained the way the site drains from the south to the north and that the tower compound itself will drain towards a stormwater basin that will provide detention and continuation to slow release the stormwater to meet existing conditions. He reviewed the location of the swale and said the stormwater is based on the MassDEP standards.

Mr. Zulawnik said someone will be responsible if it does not go the way you are saying it is going to go.

Chair Hagen said she knows this has been a difficult project for the neighbors and abutters, and we certainly empathize with the amount of water that you currently have on your property and your concern for what a project on this site will do. She said she wanted to reiterate the agent's comments that this project does have stormwater management where if you put house or multiple houses on that property, they would not be afforded that same condition. She said hopefully this will not make anything worse for

you. She said the project itself does meet all the requirements for our local bylaw and the Wetlands Protection Act; so, she does not see any reason to deny the project.

Chair Hagen read aloud the conditions as outlined on Ms. Goodlander's agent's report. Approve with Conditions:

- Special Conditions 19-41, 44, 46, 47-51.
- Special Condition 52: A restoration plan, inclusive of native plantings and seed, for the approximate 1, 205 square foot disturbed areas within the 25-foot Buffer Zone shall be submitted and approved to and by the Conservation Agent and Commission prior to the start of work.
- Special Condition 53: A signed Operations and Maintenance Plan shall be provided and approved to and by the Conservation Agent and Commission prior to the start of work.
- Special Condition 54: The Potential Vernal Pool (PVP) to the west of the project site shall be field surveyed and certified during the spring of 2024. Certification documentation shall be provided to the Conservation Agent and Commission.
- Special Condition 55: as stated previously in this meeting by Conservation Agent Ms. Goodlander.

There was a motion made by Jeffrey Milne to close hearing for the NOI for 0 Bent Street. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

There was a motion made by Mark LePage to approve the NOI for 0 Bent Street, with conditions as stated previously. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-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) said they plan to seek an additional continuance. He said he wanted to touch base to give a quick status. He said they have revised the site, did some additional wetland delineation, and the line did shift. He said they intend to get the plans and formalized changes back in for the next meeting. He shared his screen and said the area in blue is the portion of Maplegate Country Club that was previously approved under a separate application; the current project is shown in black and white. He explained the four areas highlighted in red on the plan which were brought up in BETA's letter. He said their engineer reset flags out there. He showed and explained the locations of the changed flags for the wetland adjustment. He said they just got the survey back today, and they are working on getting everything in.

Ms. Goodlander said that Bohler has been quite communicative.

Mr. Jonathan Niro of BETA (via Zoom) said he appreciates that what was roughly sketched out matches up with what he observed in the field. He said he looks forward to seeing the revised documents.

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 22, 2024, at 7:03 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Public Hearing – NOI – Lot 1 at 60 Spring Street

Mr. Stephen O'Connell of Turning Point Engineering (via Zoom) addressed the Commission for the construction of a single-family home, inclusive of septic and well, and associated grading within the 100 ft. buffer zone to BVW; approximately 5,291 sq. ft. of alteration is proposed with no mitigation. He said

he was requesting a continuance because they have had some personal circumstances. He said they have no objections to the comments received by BETA around the new year. The bulk of the work has been completed. There were some delays due to weather. He said the revisions are a few days away from being submitted.

Mr. Bruce Wilson said he had been on vacation.

Ms. Goodlander said that this project, all things aside, did open December 14, 2023. She said she had not received a notice of any continuation and here we are in February. She said it has come to her attention that work has already started on the property; they have already started expanding the end of Spring Street and have started removing trees. She said the applicant is currently working with DPW in lieu of DPW fining or enforcement to mitigate that. She said she is obligated to bring this to the Commission's attention.

Mr. O'Connell said Spring Street is a public way, but good luck driving it. He explained that there are three lots proposed right beyond the existing gravel parking area. He said the applicant met with DPW and the town engineer and got some specifications for what they wanted for the continuation of the construction of Spring Street and proceeded with the work then learned that Spring Street is actually a scenic road. They ceased work immediately. He said he learned about the requirements necessary to comply with the Scenic Road bylaw. They got the abutter's list and will proceed forward with the Planning Board. He said that work does not actually happen on any of those lots, and it is outside any jurisdictional areas of the Commission. He said he thinks it is important that Ms. Goodlander brought it up, but he is not aware of any jurisdictional areas for the Commission.

Ms. Goodlander said there is a wetland to the east probably right on the line of the limit of work of the gravel road. She said the town engineer is pulling back some of the stone to poke a few holes because that area is notoriously wet. Mr. LePage said the lots have been cleared. Mr. O'Connell said they should not have been cleared. Mr. Wilson said the front lot was cleared long ago when they did the solar project. Mr. LePage noted that the middle lot was fine and lots 3 and 1 had the wetlands. Mr. Wilson said they were going to add the tree line to the plans and existing conditions. Ms. Goodlander said she would take a drive out. Mr. O'Connell said he would be happy to go out there to look. Chair Hagen confirmed worked has ceased until there are permits for the scenic road.

Ms. Goodlander said that for the record, she wanted to put in that the property does abut the town forest, and she also received a call from some DCR folks as well just notifying her of this work.

Mr. O'Connell said that was correct that it abuts the state forest. He said they are requesting a continuance.

There was a motion made by Michael Rein to continue the NOI for Lot 1 at 60 Spring Street to February 22, 2024, at 7:04 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Public Hearing – NOI – Lot 3 at 60 Spring Street

Chair Hagen confirmed this is the same thing as for the previous item.

There was a motion made by Mark LePage to continue the NOI for Lot 3 at 60 Spring Street to February 22, 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: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Public Hearing – NOI – 121 Grove Street – Waiver Request

Chair Hagen recused herself.

Mr. Chris Lucas, wetland scientist of Lucas Environmental (via Zoom) and Mr. Michael Capachietti of RJ O'Connell Associates (via Zoom) addressed the Commission.

Mr. Lucas asked why Chair Hagen recused herself as she has been attending the hearings. Vice Chair LePage said that she felt that for this evening it was appropriate to recuse herself.

Mr. Lucas said there were three main points tonight. He said the Commission will be voting on their letter to the ZBA. He said they conducted a site walk with Ms. Goodlander and BETA to review the streams, and they were confirmed and reflected in the agent's report. He said the only other item tonight was when they could anticipate an update on completion of BETA's peer review. He said that otherwise they will be requesting a continuance.

Ms. Goodlander said that Mr. Lucas summarized it well. She said they had the site visit. She said she deferred back to the Commission for their discussion.

Vice Chair LePage said he wanted to summarize and vote on the letter. He said that they should read aloud the draft response letter to the ZBA that was written by Chair Hagen. Ms. Goodlander said the four-page letter is available in the meeting packet online as an attachment.

Vice Chair LePage, in referencing the draft letter, provided a summary of the contents of the letter and explained/reviewed the specific bylaw waivers the Commission is recommending. He said this letter would be issued to the ZBA. He said he would like them to vote to accept the letter to submit to the ZBA. Commission members discussed the letter. Mr. Rein said he was wondering that they were changing the submission process. He said more work was being put on Ms. Goodlander. He asked would not it better to follow the standard process. Ms. Goodlander said it saves the applicant filing fees. She said it is circling the drain, but it is the filing fees, and there is merit in that.

There was a motion made by Jeff Livingstone to accept and approve the submission of the existing letter to the ZBA regarding the waiver requests for the NOI for 121 Grove Street, Waiver Request. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Trahan-Yes.

Ms. Goodlander said that the letter needs to be signed, and she recommended a continuance. She said she will follow up with Building Commissioner Gus Brown on the next ZBA meeting.

Mr. Capachietti said the next ZBA meeting is on February 15, 2024. He asked if BETA could give an update.

Mr. Jonathan Niro of BETA (via Zoom) said things are crazy. He said they are hoping to get something out end of next week/beginning of the following week; he will keep Ms. Goodlander apprised. He asked if they should continue with the assumption that the waivers requested by the applicant are going to be provided. Mr. Lucas discussed how the applicant would like BETA to proceed and move forward on the Wetlands Protection Act review because that is not dependent on the waivers. Mr. Niro said that was fine on BETA's end.

There was a motion made by Michael Rein to continue the NOI for 121 Grove Street, Waiver Request, to February 22, 2024, at 7:06 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Trahan-Yes.

Chair Hagen re-entered the meeting.

Public Hearing – NOI – 100-110 East Central Street

Chair Hagen recused herself.

Mr. Brad Chaffee, owner/applicant, and Mr. Rick Goodreau of United Consultants (via Zoom) addressed the Commission for the deconstruction of an existing house and removal of associated utilities, and the construction of a new multi-use building with commercial space and apartments, inclusive of new utilities and new parking areas; tree planting, turf lawn and landscaping are also proposed. Mr. Chaffee said they do not have any letters from BETA yet, so they were going to give an introduction to the project. He provided some pictures of the buildings to the Commission members.

Mr. Goodreau noted their previous project at 132/138 East Central Street. He said this application was filed based on the isolated vegetated wetland of which they will be working in the buffer zone. He said the project consists of demolition of the existing house at 110 East Central Street and the construction of a 20-unit residential building with commercial space on the first floor. He said the project will add a stormwater system to the front portion of the site. He said they provided a stormwater report. He said they met with the Planning Board on Monday, and as of today, they have not received any review comments from the Planning Board. He said the Planning Board and Conservation Commission reviews will be done by BETA.

Ms. Goodlander noted the filing fees. She discussed that the applicant is seeking clarification on local filing fees and buffer zone impacts. As the Commission has enforced applicants pay for buffer zone impacts, the applicant would like clarification if the Commission does consider buffer zone a “wetland resource area” and if the Commission would differentiate between disturbed versus undisturbed buffer zone. The applicant did not pay a filing fee for previously approved projects for disturbed buffer zone; however, the Commission has been enforcing filing fees for buffer zone impacts for all recently submitted projects. She said buffer zone is considered a resource area under local bylaw and regulations.

Vice Chair LePage noted that in the past, they did not differentiate between disturbed and undisturbed buffer zone. Mr. Livingstone said buffer zone resource area, they have done that for years. He said to not have that done is to miss on our part. However, apparently, we have been inconsistent and that is on us.

Ms. Goodlander said it was with the changeover of agents. She said now it is consistent. She said she personally reviews all of the filings; it was confirmed that we missed the applicant’s previous project. Mr. Trahan asked about how much in dollars would this be. Ms. Goodlander said Mr. Goodreau or Mr. Chaffee would have to determine that based on their square footage of impacts and give it to her. Mr. Trahan said he has seen the projects Mr. Chaffee has done; they have been a plus for the town so whatever we can do to work with him.

Vice Chair LePage said we need to be consistent for everybody. Ms. Goodlander said while she agrees Mr. Chaffee does a lot of good projects for the town, that for Maplegate’s second bill for their filing it was \$17,000. She said Mr. Chaffee’s bill will not be that much as it is a smaller site.

Vice Chair LePage confirmed this is pre-disturbed buffer zone.

Mr. Chaffee said they will be keeping and refacing the apartment building.

Audience member of 39 Cross Street who did not identify herself said she was behind the big project that is going to be built. She said she remembers she came to a meeting in 2019 prior to covid and she gave her concern about the wetland. She said that last month her grandchildren skated on the frozen lagoon. She said the weather has been changing. She said she wants to protect her property. So far, the water has not gotten to her basement. She said her neighbor is also concerned. She said she is worried what can happen to her house and the value of her property. She thanked Ms. Goodlander for her help.

Ms. Goodlander showed on the screen the pictures that the audience member had sent showing water in the area.

Mr. Chaffee reviewed the location of the audience member's property and pointed out the wetlands. He said they have to look at both pre-construction and post-construction stormwater, and they cannot make it worse. He said the plan would improve this and not make it worse. He said he would reach out to the audience member, and they could talk about it and/or walk the area.

There was a motion made by Jeffrey Milne to continue the NOI for 100-110 East Central Street to February 22, 2024, at 7:07 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Trahan-Yes.

Chair Hagen re-entered the meeting.

GENERAL BUSINESS (continued)

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

Chair Hagen said she has a draft letter for the Town Council. She read the letter aloud which sets forth the Commission's recommendations with respect to the project. She said the Commission recommends the project as it is currently presented and recommends the Town Council adopts the Commission's recommendations as set forth and outlined in the letter which she continued to read aloud. The items she read aloud included, but were not limited to, that the applicant should be required to provide further clarification as to which sections of the stormwater management bylaw they are requesting waiver from as a blanket waiver from the entire bylaw is not recommended, that the project should be subject to peer review by BETA with the submission of an ANRAD or future NOI, and the applicant should be required to submit a construction sequence and schedule to the conservation agent. She said the letter she just read aloud covers all the waiver requests with the Commission still saying they recommend the project going forward.

Commission members had no comments or questions.

There was a motion made by Jeffrey Milne to approve the letter to Town Council as read for the Friendly 40B Local Initiative Program (LIP): 444 East Central Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Violations/Enforcement: 305 Union Street

Ms. Goodlander said there was no update on this item.

There was a motion made by Jeffrey Milne to continue the enforcement order 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: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Ms. Goodlander said they did submit the non-traditional work plan to DEP; DEP has not approved it. She said, however, if DEP responded back to the property owner for revisions, she is not aware of that, and she is not aware of a timeline for those revisions. She said the site is for sale. She explained that there have been developers coming in asking for information about the property. She said there is good incentive for them to wrap up the enforcement order. She said if someone purchases the property, this is something they are going to have to take care of it. She reiterated it is in DEP's hands.

Minutes: January 25, 2024

There was a motion made by Jeffrey Milne to approve the meeting minutes for January 25, 2024. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Discussions: DelCarte Pond Treatment – Year End Report

Ms. Goodlander shared her screen and showed maps of the pre-treatment of July 23, 2023. She said the Commission hired third-party Solitude Lake Management to begin treatment at DelCarte for invasive species for water chestnut and milfoil. She said milfoil has been successfully eradicated. She said we now only treat for water treatment. She explained the color legend on the map. She showed maps of the treatment of August 29, 2023, which showed the northeastern pond is clear. She said there are more patchy and dense areas in the southern pond areas. She noted that there was a decrease from 21.3 acres to 7.7 acres this season; however, it was noted there was persistence in the southern pond. She said she has not figured out why this is. She said this year-end report is something the Commission paid for. She confirmed the brown area on the map is the denser area. She said she just received this information. She said she received a new contract for FY25. She showed the contract to the Commission. In response to Mr. Rein's question, she said that the Commission is paying for specific treatments with a year-end report. She said that she has not dug too deep into the new contract yet. She noted that if the Commission were to want to seek other services, any price over the \$10,000 limit has to go out to bid which will probably be over 60 days.

Mr. Livingstone confirmed that any talk about contracts would be an executive session. Chair Hagen asked for that to be on the agenda for the next meeting.

Discussions: Riverbend FSP – Purchase Approval

Ms. Goodlander said that the Conservation Department will be having its own operational budget for FY25, but until then, she has a purchase approval for a stewardship plan on the Riverbend property. She explained that stewardship plans for municipalities are a reimbursement cost share program through DCR, but because it is reimbursing, we have to pay the money first and then provide receipts, and we will get the money back. She said the forester we contract with, Tom Ashton, rates went up, but the cost share program from DCR does not cover his full rate that he would need to be able to do the work required. So, the total quote from Mr. Ashton is \$1,600; the reimbursement approval from DCR is \$1,205.60. The difference is \$394.40. She said she is seeking a purchase approval for \$1,600 knowing that the Commission will be getting the \$1,205.60.

Chair Hagen said this is conservation land and exactly what our funds are for.

There was a motion made by Jeffrey Milne to approve the expenditure for Riverbend FSP. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

Chair and Commission Comments: Friends of Franklin Liaison Update

Mr. Rein said there was no update.

Chair and Commission Comments: Master Plan Liaison Update

Chair Hagen said they had their first outreach session at the library this past Saturday. She said it was not quite as busy as had been expected. She said they did get some great input from some residents who stopped by. She said they are having another on Saturday, February 24 at 10 AM at the SNETT rail trail head at Grove Street. She said the first public hearing on the Master Plan is on February 14 at 6:30 PM in the Council Chambers. She noted they are planning another public outreach to be held at Dean College.

Chair and Commission Comments: Natural Resource Protection Manager Update

Ms. Goodlander said the BEE program is still open for registrants to attend remotely. She said the honorarium is open as well, which is for residents with established habitats, which is a stop on the bus tour at the end of the BEE program. She said we had our first accessibility working group meeting last Thursday, which is a working group between Ryan Jette, two folks from DPW on the grounds crew, herself, and two folks from the Commission on Persons with Disabilities, and Pat Gallagher. She said we met for an hour and had a stimulating discussion identifying the areas around town, whether rec or open space areas, that could stand some love for some true accessibility. She said they will start working through the checklist that was required under the Open Space Plan for accessibility and really just brainstorming things we can do now and grants we could go for. She said it is an informal working group and is open for anyone to attend. She said it is the first Thursday of every month from 9 AM to 10 AM in room 205. She said it is available remotely as well. Chair Hagen said that it is excellent that we are making progress and making this a priority.

Ms. Goodlander said that Rex will be coming back in April.

Chair Hagen said that she would love to do another woods walk with kids and a story. She said they will figure something out for early March.

Executive Session: None.

There was a motion made by Jeff Livingstone to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes.

The meeting adjourned at 9:57 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary