

**Franklin Conservation Commission
Minutes of Meeting
March 15, 2018**

To: Town Clerk
cc: Members
File

Members Present: Bill Batchelor, Angela Gelineau, Paul Harrington, Jeffrey Milne, George Russell, Conservation Agent
Members Not Present: Tara Henrichon, Jeff Livingstone, Staci Dooney.

Chairman Batchelor announced the meeting would be audio and video recorded.

Mr. George Russell's Agent's Report has been appended to the minutes.

Public Hearing – NOI – 31 James Street – Rosen/Outback Eng.

Mr. Tom Morris addressed the Commission for a septic upgrade. He stated there was only one option for the location due to the well setbacks. He reviewed the plans for the project.

Mr. Russell stated he reviewed the application and requested some revisions to the plans; the biggest one was the erosion control location. His concerns have been addressed. He recommended the stipulations indicated in his Agent's Report be attached to the approval. He noted this permit has been approved by the Health Department.

Commission members asked questions regarding the revisions to the plans Mr. Russell had requested.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 31 James Street. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Jeffrey Milne to approve the NOI for 31 James Street with stipulations #20, 24, 27-30, 34, 37, 41, 44 and 51. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Public Hearing – NOI – 1725 Union Street – Four Square Development

Mr. Russell requested proof of the certified mailing for the abutter list. He was handed the green cards. He stated the normal course of events for an application such as this would be to go to the Planning Board and the Conservation Commission on a parallel track. However, the application was not filed with the Planning Board. The only pending applications are with ZBA and this Commission. Normally, the

Planning Board submission would automatically require peer review on the drainage; the Conservation Commission would use that peer review as drainage is the major issue for this application. Therefore, he recommended the Commission authorize peer review for the drainage and continue the public hearing until the peer review is received. He noted there is also some work within the 50 ft. and 100 ft. buffer.

Chairman Batchelor strongly recommended no testimony be taken for two reasons. First, there is a minimum Commission this evening. There are only four members, which is a standard quorum; there are normally seven members. He stated that if the applicant wishes to give testimony, and any one of these individuals are out at the next meeting, that could cause a problem. The second reason is by issuing peer review it may or may not have an impact on the testimony to be given versus giving testimony now and having that being negated by future reference of peer review.

Mr. Scott Rogers of J. K. Holmgren Engineering addressed the Commission. He stated he has no problem coming back at a future date but would like to ask that the Commission consider holding off on the peer review for a little while. Right now, they are before the Zoning Board of Appeals and will be meeting with them again in two weeks. He stated that hopefully a positive recommendation will be received from them, but if that does not go forward, I am not sure what will happen.

Mr. Russell stated if the Commission authorizes peer review, that does not mean it has to happen; but if the Commission does not authorize it, then when the applicant comes back the next time, they have to go through it again in order to authorize the peer review.

Mr. Rogers stated that was acceptable.

Ms. Christine Olsen, 50 Quince Landing, stated she lived at Spruce Pond. She asked when the hearing would take place.

Mr. Russell stated the hearing would probably be April 5, 2018; the Commission will vote on the continuance date and time.

There was a motion made by Paul Harrington to authorize peer review for the drainage component of the project for the NOI for 1725 Union Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 1725 Union Street to April 5, 2018, at 7:20 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Public Hearing – Continued - NOI – 834-860 West Central Street – Padula

Mr. Russell stated peer review is not complete on this item and the applicant has requested an extension to April 5, 2018.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for 834-860 West Central Street to April 5, 2018, at 7:25 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Public Hearing – NOI – 5 Crystal Drive - Quinn

Mr. Scott Heim of Northeast Ecological Services and Mr. Tom Quinn, owner, addressed the Commission for an NOI for grass clippings deposited at the edge of a wetland. Mr. Heim stated they are proposing in the NOI no further deposition of grass clippings in the wetland. The wetland in this backyard is a

manmade, excavated area with steep banks. He stated the grass clippings in the bank area should decompose rather rapidly. As well, they were to remove some debris within or adjacent to the wetland including a plastic lawn chair and some wooden fencing. The mitigation proposed is to control some of the invasive plant species within the wetland which would involve some clipping, to be followed up with repeated clippings.

Mr. Russell stated the DEP number has been assigned. He recommended the application be approved with the conditions noted in his Agent's Report as well as the special conditions also noted in his Agent's Report. He requested that it all be based on the attached report from Northeast Ecological Services as it outlines very well the process through which they will go.

Chairman Batchelor asked the applicant if they understood the special conditions Mr. Russell was recommending.

Mr. Heim stated he had not seen the Agent's Report; Mr. Russell handed him a copy. Mr. Heim and Mr. Mr. Quinn read the report. Mr. Heim stated the conditions were fine.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 5 Crystal Drive. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Jeffrey Milne to approve the NOI for 5 Crystal Drive with special conditions #23, 24, 27-30, 33, 34, 37, 39 and 46, as well as the following:

- Items 1, 2 & 4 on page 2 from the "Attachment to the Notice of Intent" prepared by Northeast Ecological Services, must be completed as part of the Order of Conditions and a report from Northeast Ecological Services outlining that the removal and restoration was successfully undertaken, and outlining any problems encountered must be submitted prior to the request for a certificate of completion; and
- Should erosion control be deemed necessary in the opinion of Northeast Ecological Services or the Conservation Agent, biodegradable erosion control shall be installed and not removed until authorized by the Agent of the Issuance of a Certificate of Completion by the Commission.

The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

GENERAL BUSINESS

Minutes:

There was a motion made by Jeffrey Milne to approve the meeting minutes for March 1, 2018. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Certificate of Compliance: 2 Maria Circle

Mr. Russell stated all is ready for the release to be granted.

There was a motion made by Paul Harrington to release the Certificate of Compliance for 2 Maria Circle. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Discussion: Earth Day

Chairman Batchelor stated the Earth Day discussion would be continued as Ms. Henrichon is a very important part of that discussion. He stated he gave Mr. Russell the number 50 for supplies of bags, gloves, etc.; this is based on the number of children and adults that attended for the last few years.

Commission members informally agreed to move this discussion item to the next agenda when Ms. Henrichon is in attendance.

Discussion: Nuisance Vegetation

Mr. Russell pointed out that the applicants for 5 Crystal Drive paid an application fee of \$50 based on nuisance vegetation; this is the first time this has ever happened. There is no definition of what nuisance vegetation is.

Ms. Gelineau stated she looked this up. In several Massachusetts state government pdfs it is mentioned and in the town's Vegetative Management Plan 2012-2016 it is mentioned. It means more like something that can cause harm. Is it removal or is it treatment? Many other towns include both treatment with herbicides and removal as control.

Mr. Russell stated he is not looking to go one way or the other; he would just like a guideline as to when someone can go for nuisance vegetation for a \$50 permit versus a \$200 permit. The way the bylaw is written is for control of nuisance vegetation. Mr. Russell stated he would like to put caveats under control of nuisance vegetation on the application sheet. He is trying to make it clearer.

Commission members and Mr. Russell discussed nuisance vegetation, removal, control, and the cost of the application fee, as well as the wording to put on the application sheet.

Mr. Russell stated he just wanted to run this by the Commission; it does not need a vote. He agreed to revise the application sheet with a notation and show it to Commission members at the next meeting.

Discussion: Forest Cutting Plan, Summer Street

Mr. Russell stated the Commission members received an informational packet on a forest cutting plan on the Wrentham/Franklin town line, and a letter from Mr. Russell to Jennifer Fish asking why we are getting to review a plan that has already been approved by DCR before we have ever seen it. They responded via email saying they extended the timeline for review. As of today, we still do not have the plan. He passed out to Commission members a draft letter he would like to send to Ms. Fish on Monday. It basically says we have not gotten the plan or any information yet; therefore, we cannot really comment on the plan. Mr. Russell noted the second paragraph of the draft letter. He noted it is his opinion that DCR should not have approved a forest plan without evidence the applicant had filed it as they are supposed to statutorily.

Commission members discussed then informally and agreed with the draft letter.

Mr. Russell stated he would send it out.

Signed Certificate of Compliance & Orders of Conditions

Orders of Conditions – 5 Crystal Drive – Quinn – CE159-1178

Orders of Conditions – 31 James Street – Rosen – CE159-1177

Certificate of Compliance – 2 Maria Circle – Giancioppo - CE159-1127

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

The meeting adjourned at 7:54 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary