

## Town of Franklin



## Conservation Commission

TOWN OF FRANKLIN  
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### Minutes of Meeting May 9, 2019

Members Present: Bill Batchelor, Paul Harrington, Staci Dooney, Jeffrey Milne, Alan Wallach, Braden Rosenberg. Members Not Present: Jeff Livingstone.  
Also Present: Bryan Taberner, Acting Conservation Agent/Director of Planning and Community Development.

Chairman Batchelor announced the meeting would be audio and video recorded. He stated that Bryan Taberner, Director of Planning and Community Development, will be acting as the conservation agent.

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

#### **Public Hearing – Continued - NOI – 38 Pond Street – G&H**

Mr. Taberner stated that this permit is for the expansion of the parking on site as well as a retaining wall and drainage improvements. Some of the work is on adjacent property; that issue has been resolved. A wetland peer review is not required for the project. BETA did a review for the Planning Board related to stormwater and all issues related to stormwater and wetlands have been resolved. However, the Site Plan still requires some minor modifications. He recommended waiting for those revisions before making a decision. He stated that the Planning Board continued the project to their June 3, 2019 meeting.

Ms. Amanda Cavaliere, consulting engineer of Guerriere & Halnon, Inc., representing the applicant, stated that the remaining issues have no impact on any resource areas.

Chairman Batchelor stated that until everything is buttoned up, he does not know that the remaining issues have no impact on any resource areas. He asked Ms. Cavaliere to be patient. He said that once the Planning Board gives approval at the June 3, 2019 meeting, she can return to the Commission to give testimony. He does not want to take testimony as there may be substantive changes from what is presented tonight; he wants to wait until all reports and approvals are in.

Ms. Cavaliere asked when the Commission meeting after the June 3, 2019 Planning Board meeting was.

Mr. Taberner stated June 6, 2019.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 38 Pond Street to June 6, 2019 at 7:00 PM. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

#### **Public Hearing – Continued - NOI – Amego School – Washington Street**

Mr. Taberner stated that the Planning Board asked the applicant for a change on the drainage; the Planning Board continued the project until their June 3, 2019 meeting. Therefore, the applicant is requesting a continuance of this public hearing.

There was a motion made by Staci Dooney to continue the public hearing for the NOI for Amego School, Washington Street, to June 6, 2019 at 7:05 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

**Public Hearing – Continued - NOI – Upper Union Street Solar**

Mr. Taberner confirmed there was no applicant present for this agenda item; the public hearing would be continued. He stated that the most recent revision to the Planning Board was not fully reviewed by BETA. He recommended waiting for BETA's full review and final Site Plan revisions before making any decisions. He stated that the Planning Board continued the project to their June 3, 2019 meeting.

Mr. Kerry Hearn and Ms. Elena Hearn, 4 Mount Street, stated that their property is right next to where the solar farm is going. They would like to know when the next meeting is.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Upper Union Street Solar to June 6, 2019 at 7:10 PM. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-0.

**Public Hearing – Continued - NOI – Spring Street Renewables – Andrews Eng.**

***Mr. Milne recused himself.***

Mr. Taberner stated that to the best of his knowledge, the Commission has received everything and everyone has signed off. There are no additional comments from BETA's review and the Planning Board seems satisfied.

Mr. Alan Clapp, Development Manager of Nexamp, Ms. Natasha Meehan of Nexamp, and Mr. Stephen O'Connell of Andrews Survey & Engineering addressed the Commission. Mr. O'Connell stated that the application for the NOI is for a large-scale ground-mounted solar facility located on three parcels of land with access off of Spring Street. He reviewed the plan sheets and explained the location. They will be making some improvements to an unimproved section to provide access to the solar facility from Spring Street. He explained that the Rail Trail and a neighborhood is to the south. There are residential neighborhoods to the west. There is a wetland crossing. He reviewed the proposed access road leading to the solar arrays. He stated that they have reviewed the access road with the Fire Chief. Stormwater will be handled in two central stormwater basins. This is an overland collection system. There is an oversized grass swale which feeds into the basin. The stormwater management requirements, in addition to local stormwater requirements, have been integral in the design of the stormwater basins. There is no increase in peak flow runoff and no increase in peak or total volume. He stated that any water that leaves the site today under current conditions will be the same or less as a result of the completion of this project.

Chairman Batchelor confirmed that the applicant was suggesting that the topography remains the same even with the array; there is no noticeable difference in pitch.

Mr. O'Connell continued with his general overview. He stated that another important aspect of the project as it relates to conservation is landscaping. He reviewed the landscaping plan sheets. There is a project fence around the perimeter. Inside the project fence there will be a popular and successful seed mix used. They have proposed as part of the project outside of the fence that the trees will be cut and the stumps will remain; this will allow for a regrowth process which is healthy from a forest standpoint. It will also provide a nice vegetative buffer for any abutters. He noted the access roads will be gravel. As part of the wetland crossing, they are required to have wetland replication. He reviewed that there will be three large culvert pipes to help maintain hydrology from both sides of the wetland. He explained this has been approved by the Commission's consultant, Wetland Strategies. The entire project from an engineering



standpoint has been reviewed and signed off by BETA and the Town Engineer, Mr. Maglio. They have had good success in working out details with the Planning Board and other department heads. They feel that most, if not all, of the issues have been addressed.

Mr. Rosenberg asked if they were going to use any fertilizers for the seeding and if there were any plans to leave any erosion control barriers after the construction phase.

Mr. O'Connell stated that it would just be natural. He stated the erosion controls would be removed once 100 percent stabilization occurred, after the vegetation was well established. He reviewed the gravel parking area they are creating for passive recreation for the state forest land. He reviewed the planned erosion controls.

Ms. Dooney asked for clarification on how close the project is to the Trunkline Trail.

Mr. O'Connell described Exhibit 1 which shows the location of the arrays to the Trunkline Trail. He discussed the distances of the arrays from the abutting houses. He stated it is 205 ft. from the house at 5 Depoto Drive to the proposed tree line, over 300 ft. to the project fence, and about 350 ft. to the closet solar module. From the house at 16 Bubbling Brook, it is 237 ft. to the mature tree line, about 350 ft. to the project fence, and 375 ft. to the closet solar module.

There was a motion made by Braden Rosenberg to close the public hearing for the NOI for Spring Street Renewables. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Braden Rosenberg to approve the NOI for Spring Street Renewables with special conditions #20-24, 27-30, 32, 34, 37-41, 44 & 51. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

*Mr. Milne re-entered the meeting.*

### **GENERAL BUSINESS**

#### **Minor Buffer Zone Activities: 3 Rachael Circle**

Ms. Jean Etzel, 3 Rachael Circle, stated that she was here for tree removal and is concerned they may fall on the house. She confirmed there are three white pines and a clump of maple trees for a total of six trees.

Mr. Taberner stated he was on site today; there are a couple of streams in the area. He asked Ms. Etzel if she had talked to a contractor about the tree removal. Will they use a crane in the driveway or go into the area? That is missing information.

Ms. Etzel stated that she received some quotes in the fall. One tree company that has cranes was going to set up on the driveway. She does not recall how the other tree companies were going to approach it. She said the placement of the house is an issue, so they really cannot drive to the trees. She confirmed the trees are very tall.

Mr. Taberner recommended that the contractor who is going to take down the trees show how they are going to protect any wetland resources as this information is missing in the document.

Mr. Harrington stated the tree contractor could detail the information in a written report.

Chairman Batchelor suggested the applicant obtain a contractor's report on how they are going to cut and remove the trees and submit it to Mr. Taberner. If Mr. Taberner agrees with the methodology, the

Commission could approve it with an amendment that if it is not with a crane, then the Commission would need to see a full removal plan including barriers for the wetlands.

Mr. Harrington reviewed that usually when an applicant is taking down a few trees, they replace/replant a few trees for mitigation. It is about a 3 to 1 ratio.

Chairman Batchelor stated he does not like to tell people they have to replant unless it is really necessary.

Mr. Taberner stated the southern portion of the applicant's property is all trees and a forested area.

There was a motion made by Jeffrey Milne for a conditional approval of the MBZA for 3 Rachael Circle with a plan submitted to Mr. Taberner for either crane removal or a suitable plan for barrier placement and removal type. The motion was seconded by Braden Rosenberg and accepted with a vote of 6-0-0.

**Minor Buffer Zone Activities: 35 Quince Landing**

Mr. Chris Campbell, contractor, stated that three decks will be replaced at Spruce Pond Village: 35 Quince Landing, 57 Bayberry, and 58 Bayberry. The decks will be removed and then replaced in the same footprint with composite decking and pressure treated framing. They will not be using concrete footings; they will use a helical screw type. He stated the decks are currently on sonotubes about 8 in. deep. The footings will go in the same place.

Mr. Taberner stated that he visited all three sites today. It is a one-to-one replacement of the decks with the same location of the footings. He stated his only issue is that once they pull the decks down and start drilling, they create little piles of dirt here and there. If it starts to rain heavily, it could be an issue as they are only 25 ft. from water bodies. How are they going to protect the water body?

Mr. Campbell stated that with the screw pile, there is almost no disturbed area. Hand-dug footing holes end up with a pile of dirt, but doing these, there is almost nothing. He stated that they have done other decks on the property with the screw piles.

Mr. Taberner asked what equipment will be needed to get to the back of the building.

Mr. Campbell stated they will probably have to hand carry or use carts to bring the equipment. There will not be any heavy equipment.

There was a motion made by Jeffrey Milne to approve the MBZA for 35 Quince Landing. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

**Minor Buffer Zone Activities: 57 Bayberry and 58 Bayberry**

Mr. Campbell stated that this was the same process as presented for 35 Quince Landing. He stated that the decks at 57 Bayberry and 58 Bayberry would be done together; they are attached.

Mr. Taberner stated that it is a different water body, but the same issues.

Mr. Rosenberg asked about the item in the photograph of 58 Bayberry that looked like a drainage ditch.

Mr. Taberner stated he was at the site; it is actually where a vehicle went through the area.

There was a motion made by Braden Rosenberg to approve the MBZAs for 57 Bayberry and 58 Bayberry. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.



**Minor Buffer Zone Activities: 4 Dover Circle**

Ms. Sara Dmytryck of Oakwood Landscape & Construction, on behalf of the homeowners, stated they are proposing to take down an existing unsafe deck, replace it, and extend it out 4 ft. There is a slope in the backyard; they are proposing two retaining walls and steps. They are also proposing a patio from the corner of the house, under the deck, and to the retaining walls. The wetlands are 23 ft. from the end of the house.

Mr. Taberner stated he was at the site today. He spoke with the property owner. He noted there is a slope and substantial wetlands in the area. He stated that the project description indicates silt sock will be used around the area. If that is done in the flatter area, it should be sufficient to control any erosion. He confirmed they are using a pervious type of patio.

Ms. Dmytryck stated that she proposed impervious for the project, but she could do a permeable patio if that is required.

Mr. Taberner stated that it is an area that, ideally, as much infiltration as possible is wanted. He stated that he mentioned the pervious type of patio because it is better for the environment. The deck is off the ground so extending it out a little further is not going to cause any impact. He requested that Ms. Dmytryck make sure the erosion control barrier is the right type and is in place.

Mr. Milne asked where they would be staging the construction materials and how close to the wetland would they be bringing equipment.

Ms. Dmytryck stated that they will be staging on the driveway and only going to the corner of the house. They will be using a compactor.

Commission members discussed the exact location of the proposed deck.

Chairman Batchelor stated that they cannot dictate if the applicant uses impervious or permeable patio material.

Ms. Dmytryck stated that she will present it to the homeowners.

There was a motion made by Jeffrey Milne to approve the MBZA for 4 Dover Circle. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-0.

**Permit Modifications/Extensions: 880 West Central Street (Update)**

Mr. Taberner confirmed the report was submitted; therefore, the applicant is in compliance for the permit modification.

Mr. Frederick Wise, applicant, confirmed that was correct.

There was a motion made by Jeffrey Milne to approve the permit modification for the request for a one-year permit extension for 880 West Central Street. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

**Chair and Commission Member Comments**

Chairman Batchelor thanked everyone who worked tirelessly on the Earth Day event. It was clearly the most successful they have ever had in his experience being on the Commission. He was surprised by the participation from the schools. He noted that on the "All About Franklin" blog, there were over 475

comments on the pictures taken by Mr. Wallach about how wonderful it was for what they were doing with the young people and the DelCarte park. He stated that Jamie Hellen reached out and said that next year the Commission will come in earlier and be part of the planning session so that they will have T-shirts for the young people that come. He is delighted at the donations from Starbucks who was sensational with their crew and even cleaned up. He thanked the generosity of the Big Y supermarket chain who also was very generous in their donations. He thanked the DPW, town officials, and everyone involved and made this the best DelCarte clean up yet; that is something we should all be proud of. He thanked Mr. Milne for giving up his Saturday morning as well as Mr. Rosenberg and Mr. Wallach. He stated that DelCarte is one of the crown jewels of Franklin and it is important to keep it as such.

There was a motion made by Braden Rosenberg to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

The meeting adjourned at 8:07 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary