

**Franklin Conservation Commission
Minutes of Meeting
May 18, 2017**

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, P. Harrington, T. Henrichon, S. McLean, J. Milne, George Russell,
Conservation Agent
Members Not Present: A. Gelineau, J. Livingstone.

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 – Amendment – 74 Elm Street - DeLuca

Ms. Jane DeLuca, homeowner, addressed the Commission for addition of 10 additional feet to screen porch. She stated the extension will be no closer to the wetlands.

Mr. Russell stated the Commission decided at the last meeting this would be an amendment to the existing NOI. The addition is not encroaching any further into the buffer or jurisdictional areas than what is approved. He recommended the amendment be granted.

There was a motion made by Scott McLean to close the public hearing for the NOI Amendment for 74 Elm Street. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean to approve the NOI Amendment for 74 Elm Street with all the original stipulations still in force. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minutes:

There was a motion made by Scott McLean to approve the meeting minutes for April 20, 2017. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean to approve the meeting minutes for May 4, 2017. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

Public Hearing – NOI – 31 Hayward Street – Moseley Realty

Mr. Russell requested the Commission authorize peer review for the reasons stated in his Agent's Report. He requested the hearing be continued for two reasons: the peer review and there are two open Order of

Conditions on this site which he feels should be closed; there are some issues dealing with those before any new Orders are granted.

Mr. George Mihov of Guerriere & Halnon, Inc., on behalf of the owner of 31 Hayward Street, addressed the Commission for addition of 29 parking spaces.

Chairman Batchelor recommended that the applicant not give testimony due to the open issues as there may be difficulty with having the same Commission members present at a future meeting.

Mr. Russell stated it was his understanding that the plans that were submitted tonight with the NOI are going to be changed; so, they have not been delivered to BETA. He recommended the applicant get the plans to peer review as soon as possible. There are some items to be done with the open Orders. He recommended the public hearing be continued to the second week in June.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 31 Hayward Street to June 15, 2017 at 7:20 PM. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Public Hearing – NOI – 8 Addison Avenue - Orr

Mr. Paul DeSimone of Colonial Engineering, Inc., on behalf of Mr. Scott Orr, also in attendance, addressed the Commission for the construction of swimming pool and pool house. He described the proposed plans provided to the Commission. He stated that everything in red on the plans was proposed; the wetlands line was marked on the plans. There are seven trees in the area that need to be taken down. The stumps of two trees will be excavated; the stumps of the remaining five trees will be ground for no disturbance. A fence as shown on the plans is proposed. Also, proposing nine shrubs at about 2 ft. height outside the 25-ft. buffer. No proposed grading as surface is relatively flat. Pool fill will be removed off site. Pool house will have a kitchen and possibly a bath; they would tie into the sewer. All the work will be on pre-existing lawn.

Mr. Russell stated his concerns have been met. In his Agent's Report, he listed the recommended stipulations of approval.

There was a motion made by Scott McLean to close the public hearing for the NOI for 8 Addison Avenue. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean to approve the NOI for 8 Addison Avenue with stipulations #20, 22, 23-30, 34, 38, and 44. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 115, 119, 125, 129 Dean Avenue – Fairfield Residential

Mr. Russell stated the wetlands peer review has not been completed; he has not yet received the revised plans. In light of that, the applicant has agreed to extend the public hearing to June 1, 2017.

Mr. David Blanchard, 132 Dean Avenue, asked if the peer review can be viewed prior to June 1, if it is completed.

Mr. Russell stated that as soon as it is received, it is public record. The engineering review has been done which would address all stormwater and drainage issues. There are some wetlands issues concerning the delineation of the wetlands lines which is still outstanding. Initial report from peer reviewer from WSI indicated that she questioned some of the flaggings and she needs clarification and revised mapping of it. Waiting for those plans to be sent to her so she can look at them.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 115, 119, 125, 129 Dean Avenue to June 1, 2017 at 7:30 PM. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

GENERAL BUSINESS (continued)

Violations: 7 Briarwood Road

Mr. Russell stated he provided the Commission members with an updated history and executive summary of the latest actions regarding 7 Briarwood Road. The court ordered fines were not paid; therefore, a criminal complaint has been filed. And, the subsequent fines issued after April 28, 2017 have not been paid; so, a request for hearing has been issued on those. The Commission will be notified of a hearing date. He stated the erosion control barriers have been installed, but they have not been certified; so, the stop-work order issued by Mr. Russell's office is still in place. The engineer, G & H, has to certify them. He stated no action is required by the Commission; this is strictly informational.

Discussion Item: DelCarte

Mr. Russell stated there are three issues on DelCarte. First, the beaver study is going into the second phase. They have collected their data and are in process of writing preliminary findings. Second, he has received the tentative date, June 28, 2017, of the first pond treatment. That will be confirmed based on weather. Having technical issue with billing, but working to straighten that out. And third, the contracts for the master plan have been executed by Mass Audubon and have come back to the Town. The insurance issues are being reviewed by the Town attorney. Expecting to have that contract in place and issue notice to proceed in a week or two. He noted the new playscape is up. Mr. Russell discussed the buried refrigerator and barrel. Mass Audubon will be giving recommendations on what to do with the front of DelCarte; he will be discussing these items with them. A backhoe will be required to remove the refrigerator; more damage may be done to the buffer with the backhoe going in and out. It is possible there could be Freon in it, but he doubts that. Only the top 2 in. of the refrigerator can be seen. The barrel is deteriorating rapidly; it will come apart when taken out. He asked when Commission wanted Mass Audubon to come in to talk.

Commission members discussed that Mass Audubon should come in at the beginning and the end.

Mr. Russell noted the last dumping of woodchips has not been removed.

Discussion Item: Annual Report

Mr. Russell stated the first draft has been provided to the Commission members. He asked Commission members to get back to him with any comments. He said he would like to include a few new pictures. He thought he would take a picture of the posted signs during the pond treatment. If Commissioners have ideas, please let him know. He is going to reach out to the former intern to see what photographs he may have in his inventory. The annual report is due in July.

Chairman Batchelor stated he would like to see something pictorial regarding DelCarte.

Commission members discussed ideas for pictures.

Mr. Harrington asked about the purchase by the Town of the property off Washington Street.

Mr. Russell stated the purchase is going forward. He stated his office was in process of doing an update in evaluating all Chapter 61A and 61B parcels as the Town gets the right of first refusal. If they come on the

market, what are the pros, cons, etc. He noted Maple Preserves, a 10-lot subdivision on Maple Street, was approved by the Commission and the Planning Board; it is technically a Chapter 61A parcel.

Commission members discussed the Maple Preserve parcel.

CHAIR AND COMMISSION COMMENTS

Chairman Batchelor stated, "We recognize that it is work to be a Commissioner. It is a volunteer position. It takes time; it takes a lot of effort and it requires our attendance. We have come dangerously close to not having a quorum on a number of occasions, and will do so in the future. If Commissioners cannot make meetings on a repeated basis, unfortunately, the Chair will choose to ask for resignations on such because it serves no purpose. We need Commissioners here to discharge our duty to the public. So, I know it is difficult, a lot of work, but I am asking everybody to consider the investment in time and to make as many meetings. I am not saying that if you miss one meeting, or even two meetings, but repeated use of lack of making meetings really creates havoc for us and especially the public that we serve. So, I would like us all, including the Chair, to keep that in consideration as we discharge our duties. Any questions on that? Unfortunately, I will be asking someone to step down."

Signed Orders of Conditions

Orders of Conditions – 74 Elm Street – DeLuca – CE159-1105

Orders of Conditions – 8 Addison Avenue – Orr – CE159-1158

There was a motion made by Scott McLean to adjourn the meeting. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

The meeting adjourned at 7:57 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary