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Town of Franklin



Conservation Commission

**July 11, 2019  
Meeting Minutes**

Chairman Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Jeffrey Milne, Staci Dooney, Braden Rosenberg, Alan Wallach. Members absent: Paul Harrington, Jeff Livingstone. Also present: Bryan Taberner, Director of Planning and Community Development; Jen Delmore, Conservation Agent.

**Commencement**

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

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

**Public Hearing – NOI – 373 Summer Street**

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Arthur Guray, on behalf of the applicant, addressed the Commission. Ms. Cavaliere stated it is an existing house currently on septic in excess of 30 years old. The house is in the process of being sold. The proposed work is to connect directly to the sewer line that runs in front of the house on Summer Street; it is over 600 ft. from the house. There is an existing gravel driveway they plan to stay within. The driveway directly cuts through the wetlands; the wetlands are on either side. She confirmed the driveway is pre-existing and in a no-touch zone. She stated DPW requested they put in a sewer manhole as it is such a long distance. This would be within the 50 ft. buffer and be a temporary disturbance. Due to the distance and other criteria, they chose to request an NOI so they could get the Order of Conditions. The application was submitted on June 10, 2019. They have a DEP number and are looking for authorization to move ahead.

Commission members asked questions.

Ms. Delmore stated she performed a site visit and found some of the flags questionable. She would like to schedule a time to meet someone onsite to review the flags. There was also a small portion of the driveway caving into the wetland; this would need to be fixed.

Ms. Cavaliere noted this is a pre-disturbed area and questioned if the flags were a major concern as they were planning to stay within the pre-disturbed area. Erosion control would be placed on both sides.

Chairman Batchelor stated he felt if there are questions raised and certain issues need to be attended to, he would prefer to have that happen rather than take a vote. He wants the satisfaction of the Agent that everything is done appropriately.

Mr. Rosenberg asked if the location of the flag is relevant or if it changes the work going on as the work is still going to be within the pre-disturbed 25 ft. no-touch zone.

Chairman Batchelor stated issues such as this have been raised before regarding pre-existing conditions.

Ms. Delmore stated this Order of Conditions would be valid for three years; therefore, the flags on the plan would be valid for three years. She expressed concern that for the next three years if someone wanted to do anything else on that lot, those flags would hold their positions.

Chairman Batchelor stated it could be put as a condition that the Commission could approve subject to the flags.

Ms. Cavaliere stated they would be amenable to a condition that the flags be re-evaluated or discussed prior to any further work that may have to be done.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 373 Summer Street. The motion was seconded by Braden Rosenberg and accepted with a vote of 5-0-0.

There was a motion made by Braden Rosenberg to approve the NOI for 373 Summer Street with special conditions #20, 24, 27-30, 34, 37-41, 44 and 51, and the stipulation that the wetlands flags be evaluated and reviewed and any changes be incorporated in the Certificate of Compliance. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

#### **Public Hearing – RDA – 400 Washington Street**

Mr. David Newhall, on behalf of Columbia Gas of Massachusetts, addressed the Commission for a proposed gas service installation. He stated this work has already been completed. He tried to get someone from the gas company to attend tonight's meeting, but they were unable to make it. He extended an apology from them; this was a miscommunication. He stated they have done hundreds of projects similar to this in the past and this happens once in a while.

Ms. Delmore stated she visited the site and was not expecting to see it done. It looked okay. Everything was stable and the flags were located correctly. She does not see a problem with it.

Chairman Batchelor stated this is a high-risk maneuver regarding the work already being completed. He noted that luckily the Agent feels all is fine.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for 400 Washington Street. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

There was a motion made by Staci Dooney to approve the RDA for 400 Washington Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

#### **Public Hearing – RDA – 5 Forge Parkway**

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., reviewed the proposed project for expansion of parking areas and construction of a drain line within the existing parking lot to connect proposed drainage to existing drainage. She stated that only the proposed drainage line is within the 50 ft. to 100 ft. buffer zone to the detention basin wetland. All other work is outside of the 100 ft. buffer to the BVW and the detention basin wetland. She stated this project is currently going before the Planning Board. She stated they are hoping to receive a negative determination from the Commission. Showing the prepared plans, she reviewed the location of the work. She stated erosion control will be in place during construction.

Ms. Delmore stated she completed the site visit and everything looked fine. She noted only the drainage is within the buffer. She stated she had no issues.

Ms. Cavaliere, in response to a Commission member's question, stated she did not believe the Planning Board was going to change any of the plans from the way it is seen presently. Currently, they are in



discussions with the Planning Board to wrap up some of the stormwater requirements, but that does not have anything to do with any of the work taking place in the discussed area. The Planning Board is more concerned with the biobed that is outside the jurisdiction of the Commission.

There was a motion made by Braden Rosenberg to close the public hearing for the RDA for 5 Forge Parkway. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

There was a motion made by Staci Dooney to approve the RDA for 5 Forge Parkway. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

**Public Hearing – NOI – 216 Prospect Street**

Chairman Batchelor confirmed there was no DEP number at this time. He stated this throws up a yellow caution flag for him as it is a public hearing with no DEP number; that leaves a piece of the relevance out. He does not want to misinform the public if something should change. He stated that generally speaking, if there is peer review, DEP, or something missing, the Commission goes for continuance. He stated the State and the law does grant you the right to give testimony, but the Chairman feels it is his responsibility to anyone, residents, etc., that may have questions. He stated it is the call of the applicant; however, it is subject to a continuance anyway. He asked if the applicant prefers to hold his testimony until that time.

The applicant, who did not identify himself, stated he thinks that makes the most sense.

There was a motion made by Alan Wallach to continue the public hearing for the NOI for 216 Prospect Street to July 25, 2019 at 7:10 PM. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

**Public Hearing – NOI – SNETT (Southern New England Trunkline Trail) Tunnel at Prospect Street**

Chairman Batchelor confirmed there was no DEP number at this time.

Ms. Diana Walden, BSC Group, stated she would like to present testimony as a good majority of the work is only in the local jurisdiction's bylaw. The other side of the project is in State jurisdiction.

Ms. Kathryn Eagan, BSC Group, was also in attendance.

Chairman Batchelor stated it is their legal right to present, but it will make it tougher if there are changes when they come back because this will be continued.

Mr. Paul Jahnige, Department of Conservation and Recreation, a state agency, stated SNETT is a 22-mile corridor running to Douglas and connects to another trail in Connecticut. They have been working over the last several years to make improvements to the corridor. They have also constructed 3.5 miles of a bikeway. It is a very popular trail. When people use it and come to Prospect Street, they have to turn around or go on private property. They are here to propose the underpass to Prospect Street to make a continuous trail from Grove Street into Bellingham.

Ms. Delmore stated she and Mr. Michael Maglio, Town Engineer, conducted a site visit. She stated that on the left side of the provided map there were wetlands indicated as a closed system and she saw that they continue on. She recommended the applicant move the line connecting WF#2-1 and WF#2-8 and add a note to the plan stating the wetland ditch extends further west. She stated that Mr. Maglio commented on adding a sediment forebay on the right side.

Ms. Walden stated they did the permitting for the project as well as the engineering and design. She stated they did take off the connecting line and revised the sheets that had shown the wetland as a closed system. She stated they added a note that Mr. Maglio had requested that the new catch basins going in have hoods and deep sumps. They also prepared a CAD drawing of a proposed sediment forebay as an option. They do not see a way to get the forebay up and out of the wetland. It would have to be determined if the improvements to stormwater outweigh the additional 150 sq. ft. of impact to the isolated wetland. She provided revised drawings to Ms. Delmore.

Ms. Delmore stated she was not aware of this as it is new information.

Mr. Anthony Dasilva, 34 Cassandra Avenue, asked how many feet on each side of Prospect Street would be impacted by this tunnel. Are they proposing to get the equipment to Prospect Street via the Spring Street entrance? How is the heavy equipment going to come in?

Ms. Eagan stated the trail is about 320 ft. long and the tunnel is about 60 ft. so there would be about 100-plus ft. on either side. She stated they do have a detour plan which was not included. She is not sure which direction they would come from.

Chairman Batchelor stated that is a question he would like answered at the next meeting.

Mr. Jahnige said they will not have a contractor until it goes out to bid. Therefore, they will not know the answer to this question. There will be a lot of excavation from Prospect Street and the installation of the culvert from Prospect Street. He guessed it would be the Spring Street side that they would use.

There was a motion made by Braden Rosenberg to continue the public hearing for the NOI for SNETT (Southern New England Trunkline Trail) Tunnel at Prospect Street to July 25, 2019 at 7:15 PM. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

#### **Public Hearing – Continued - NOI – 1256 West Central Street**

Mr. Rick Goodreau of United Consultants and Mr. Jemin Patel, a proponent of the project, addressed the Commission. Mr. Goodreau confirmed the DEP number was received today. He stated the review comments from the peer reviewer, Wetland Strategies Inc., appear in agreement with the wetland delineation, disturbances, erosion controls, and compliance with State and Town standards. He also has a review comment letter from BETA Group and town departments for the stormwater portion. They have been in discussions with the town engineer regarding stormwater concerns. He provided an overview of the project and asked for feedback from the Commission. He stated they are working with the Planning Board, as well. He anticipates the Commission hearing will be continued. He stated there is an approximately 15,000 sq. ft. building currently located on the site as well as a parking area. He reviewed the changes being made to the exiting area as shown on the Site Plans including parking striping and dumpster pad location. He discussed the proposed construction of the two parking areas for the change of use of the building and two stormwater systems with landscaping within the buffer zone of bordering vegetative wetlands. Portions of the work would be located in the 100 ft. buffer zone. The area to the south of the building where an additional parking area is proposed will have a stormwater system. He described the system and the discharge area. He noted they are working on some possible additional stormwater upgrades as indicated by BETA and the town engineer. He noted they have met the rate criteria for pre- and post-runoff for the town's regulations. They are working with the Planning Board and are asking for relief of the volume criteria to comply with the town's stormwater regulations. He is going to work with BETA and the town engineer regarding the existing drainage system and it may require some additional work within the detention basin.



Ms. Delmore said a letter was received from BETA/WSI stating there were no more issues with the NOI, the plans, or the delineation. Now that she is just receiving the DEP number, she sees that they had some comments.

Mr. Goodreau stated one item brought up by the reviewer regarded how they interpreted the TSS removal rates for the infiltration basin. He explained the process and approach of how the rates were determined in the past to satisfy BETA.

Ms. Delmore asked if the rest of the DEP comments were addressed in the BETA review or if they were new.

Mr. Goodreau stated he had the comments and would go through them if the Commission would like. He stated there was a review letter from BETA.

Mr. Taberner stated when BETA is doing a review for the Planning Board, Wetland Strategies Inc. is additional work because it is wetlands specific. For the next meeting, he will make sure the Commission members have the BETA review in their packets.

Mr. Goodreau confirmed there are outstanding issues being worked on with the appropriate people to satisfy all the issues.

There was a motion made by Alan Wallach to continue the public hearing for the NOI for 1256 West Central Street to July 25, 2019 at 7:20 PM. The motion was seconded by Braden Rosenberg and accepted with a vote of 5-0-0.

#### **Public Hearing – Continued - ANRAD – Prospect Farms**

There was a motion made by Jeffrey Milne to continue the public hearing for the ANRAD for Prospect Farms to July 25, 2019 at 7:25 PM. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

#### **Public Hearing – Continued - NOI – New England Power Company Transmission Line ROW**

Ms. Lenore White, peer reviewer for Wetland Strategies Inc., and Ms. Alison Milliman, BSC Group, addressed the Commission for general utility maintenance. Ms. Milliman stated much of the work is considered exempt with the exception of some enlarged structure foundations that are being installed as well as some riverfront area access road improvements.

Ms. Delmore said that yesterday she received the applicant's response to Ms. White's initial review.

Ms. White stated she reviewed the response and has many comments on it. She proceeded to address the comments one by one. She stated she was confused whether there were three acres or seven acres of proposed temporary disturbance as it was noted differently in two places. She indicated she wanted to see if some of those impacts could be reduced. She reviewed a copy of the plans. As an example, she reviewed a section to be repaired where there is access along the power line and noted the area of temporary alteration to be done around the repair was quite large. She stated this is a similar situation in all of the 45 sheets of plans where the poles would be repaired. Is there some way to reduce those impacts?

Ms. Milliman stated the work setup space required to do transmission work is based on safety standards and the type of equipment needed to be brought in to do the work. She stated the work to be done will be done while the lines are energized. She stated she looked at reducing the work impacts, but they said it is not possible.

Ms. White stated concern that the proposal indicates the woody vegetation was going to be cut and allowed to regrow. There will be no revegetation effort after the work is done which might be a condition the Commission considers. She stated that in the response, there was mention of an EM, environmental monitor, being onsite. She thinks that would be very helpful to have someone looking out for the Commission's interests while the work is being done. She stated that maybe the Commission could get a scope of work that the EM is charged with doing, or whatever reporting the EM does for NEP, the Commission could get a copy of.

Chairman Batchelor stated the Commission could make a condition of approval that it be monitored by an environmentalist.

Ms. White stated there could be an attempt to do some restoration out there. She does not know if seeding will be enough. Maybe there could be a special condition that if the seeding does not take or the shrubs do not regrow, these areas get restored. Or, the applicant could prepare a more robust narrative and state what they plan to do for restoration.

Ms. Delmore stated that ideally the applicant should provide more on the application stating what they plan to do to restore the wetlands, and if one measure does not work, such as seeding, what the next measure will be to restore the wetlands.

Ms. Milliman clarified her previous response and stated the woody vegetation could be cut by hand if necessary, but the matting will be placed on existing vegetation which is usually the case. The mat is extremely heavy. There will be no ripping out of existing vegetation where the mats are placed. They did commit to ensuring 75 percent vegetative cover, which is a requirement under DEP.

Ms. Delmore confirmed this information was in Ms. Milliman's response.

Ms. White suggested the 75 percent vegetation should be qualified in writing by the applicant or as a special condition. For instance, if shrubs are being taken down, it should be shrubs that are replaced. She noted a third concern was identification and clarification of some of the resource areas such as the isolated areas. She stated that was done satisfactorily by the applicant. She stated her fourth point was about vernal pools and said BSC has addressed that. Her fifth point regarded staging equipment and swamp mats. She was asking for something more specific about the erosion control methods to be used and where the staging areas would be; this has not been addressed on the plans or in the narrative.

Ms. Milliman asked for clarification on what Ms. White is requesting.

Ms. White explained her concern.

Ms. Milliman explained how the equipment will be getting and putting down the mats. She is not sure if they, as an environmental consultant, can tell a contractor this is where you have to put your stack of mats.

Ms. White said maybe it is good enough that they will not be located anywhere in designated wetlands.

Chairman Batchelor stated there could be a condition of no staging in any wetlands.

Ms. White stated she was concerned that no stormwater information has been submitted. Although she understands this is not a typical construction project, the stormwater standards in the regulations are very specific about what is exempted and there is nothing to exempt this project from the stormwater



standards. The narrative she received today indicated there is going to be some impervious area created. Any time impervious area is created, the stormwater standards are triggered. At a minimum, she stated she thinks the applicant should provide the checklist of the stormwater stating here is how we meet these standards to the extent practical. She noted this is a limited project, but they should still be held to the standards and provide explanation about the stormwater. She noted she is hoping to coordinate a time with the applicant to go out to the site.

Ms. Milliman said they can do that.

Ms. Delmore stated she would also like to attend the site visit.

Chairman Batchelor noted there are a number of issues that need to be addressed.

Ms. Milliman requested that after her responses have been reviewed, would a succinct list of the additional items needing to be addressed be prepared so she can make sure everything is addressed for the next meeting.

There was a motion made by Staci Dooney to continue the public hearing for the NOI for New England Power Company Transmission Line ROW to July 25, 2019 at 7:30 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

#### **GENERAL BUSINESS**

##### **Minor Buffer Zone Activity: 3 Glenwood Road**

There was a motion made by Braden Rosenberg to continue the MBZA for 3 Glenwood Road to July 25, 2019. The motion was not seconded. It was accepted with a vote of 5-0-0.

##### **Minor Buffer Zone Activity: Trooper Paul Barry Way – Fire Lane**

There was a motion made by Braden Rosenberg to continue the MBZA for Trooper Paul Barry Way – Fire Lane. The motion was not seconded. It was accepted with a vote of 5-0-0.

##### **Minor Buffer Zone Activity: Trooper Paul Barry Way – Tree Removal**

There was a motion made by Braden Rosenberg to continue the MBZA for Trooper Paul Barry Way – Tree Removal. The motion was not seconded. It was accepted with a vote of 5-0-0.

##### **Permit Modifications/Extensions: 100 Financial Park – Warehouse - Extension**

Mr. Matthew Mui, Highpoint Engineering, representing the property owner, addressed the Commission for an extension of an Order of Conditions that will expire on August 18, 2019. He stated the school is set to finish and open in September. The warehouse structure is up, but there is still more work to be done. They are set to finish before 2020. He is requesting a one-year extension.

Ms. Delmore stated she had no issues with the extension.

There was a motion made by Jeffrey Milne to approve the one-year permit extension for 100 Financial Park – Warehouse. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

**Minutes: June 6, 2019**

There was a motion made by Jeffrey Milne to accept the meeting minutes for June 6, 2019. The motion was seconded by Braden Rosenberg and accepted with a vote of 5-0-0.

**Discussions: 2019 Meeting Schedule Change & 2020 Meeting Schedule**

Commission members agreed the 2019 Meeting Schedule Change and the 2020 Meeting Schedule provided at the last meeting were acceptable.

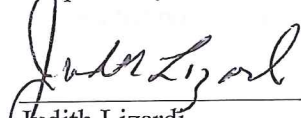
**Chair and Commission Member Comments:** None.

**Executive Session:** None.

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 5-0-0.

The meeting adjourned at 8:24 PM.

Respectfully submitted,

  
Judith Lizardi  
Recording Secretary