

Town of Franklin



Conservation Commission

TOWN OF FRANKLIN
TOWN CLERK

2019 AUG 27 A 9:37

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July 25, 2019

Meeting Minutes

Chairman Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Jeffrey Milne, Paul Harrington, Jeff Livingstone, Alan Wallach. Members absent: Staci Dooney, Braden Rosenberg. Also present: 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 – Margaret's Cove, Subdivision Modification

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., on behalf of Whitman Homes, addressed the Commission to proceed with a subdivision modification of a previously developed area. She stated this is the last part of the subdivision to be built. The DEP file number has been issued. She noted it has been peer reviewed and they are waiting for comments from BETA.

Chairman Batchelor stated that by law the applicant is entitled to give testimony. But, without the peer review, because this is a public hearing, it is unfair to the residents and the public if they do have questions to get what could be a 100 percent or what could be a 50 percent picture. He urged Ms. Cavaliere to do more of a global review rather than get into the technical and stated that is often where the sticky points are with peer review.

Ms. Cavaliere stated that was fair. She provided a brief overview of the project. She asked if the Commission will need to vote to authorize peer review on the wetlands side of things.

Ms. Delmore stated she would be recommending peer review.

Ms. Cavaliere stated that as of now the applicant is looking to develop the last portion of the Mine Brook Estates subdivision. It was previously approved as a nine-lot area out of about 80 lots. The applicant is looking to reduce that to six lots of single-family homes. The applicant is proposing to improve drainage and stormwater mitigation. They are proposing some work within the 50 ft. to 100 ft. buffer zone in the resource areas which have grown in size since the subdivision was approved in 1981. They are seeking an Order of Conditions to install the road as originally approved in 1982. She stated the changes they are proposing to make to the previously approved plans are to reduce the number of lots and perform stormwater improvements. Stormwater is going through BETA review, currently. She asked the Commission to review the flag locations, the submitted NOI, and the submitted proposed scope of work.

Ms. Delmore stated Ms. Cavaliere provided a good summary. She recommended the Commission vote for peer review and continue the public hearing.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Margaret's Cove, Subdivision Modification to August 8, 2019 at 7:10 PM. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

Ms. Delmore reiterated the Commission needs to authorize the peer review for the wetland delineation and NOI review, which is separate from the peer review being done for the stormwater for the Planning Board.

Chairman Batchelor, after discussion, requested an amendment to the previous motion to continue the public hearing in order to include the request for peer review for the wetland delineation and NOI.

There was a motion made by Paul Harrington to amend the previous Motion to continue the public hearing in order to include the request for peer review for the wetland delineation and NOI for Margaret's Cove, Subdivision Modification. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

Public Hearing – RDA – 35 Reid Street

Mr. Daniel Mausolf, homeowner, addressed the Commission for tree removal. He requested to remove five trees in the buffer zone in the rear of the property for safety purposes. He said a certified arborist stated the trees have significant rot and are in danger of falling on the house or property.

Ms. Delmore stated she conducted a site visit. She recommended approval.

Commission members asked questions about the tree removal.

Mr. Mausolf stated the trees will be cut to ground level and removed from the property.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for 35 Reid Street. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne to approve the RDA for 35 Reid Street. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 216 Prospect Street

Mr. Scott Fanara, Grady Consulting, addressed the Commission for a septic repair. He stated they were restricted as to the location. There are some wells in the front of the property and wetlands essentially surrounding the entire property. They are proposing to put the septic system in the same location as it is presently located. He stated there was a question as to why it could not be moved closer to the house; five test holes were dug and the results prohibit moving the system closer.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 216 Prospect Street. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

There was a motion made by Alan Wallach to approve the NOI for 216 Prospect Street with special conditions #20, 24, 27-30, 34, 37-41, 44 and 51. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

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

Ms. Diana Walden, BSC Group, and Mr. Peter Reed, BSC Group, addressed the Commission. Ms. Walden reviewed the project. She stated DCR is looking to place a pedestrian and bike tunnel under Prospect Street to continue the Trunkline Trail that is there. A cast concrete culvert with a 10 ft. to 12 ft. clearance is proposed.

Mr. Reed reviewed the current trail. He stated the gravel would be continued to the culvert underpass. They will pave the 14 ft. underpass to keep it stable; it is designed to have a 10 ft. width with 2 ft. shoulders on each side. He noted they encountered an isolated wetland on the east side.

Ms. Walden stated that since the original submittal, they have proposed to raise the elevation of the trail by 3 in. in an effort to keep some of the water that ponds during the wettest time of the year off the trail. That increased the impact to the isolated wetland by about 250 sq. ft.

Mr. Reed reviewed the sediment forebay requested by Town Engineer Michael Maglio. He noted Mr. Maglio also wanted deep sump catch basins and hoods. This has been incorporated in the plan.

Ms. Walden stated they presented those changes to Ms. Delmore and the town engineer. They are currently looking for an Order of Conditions to work within the local bylaw.

Ms. Delmore stated the applicant addressed her concerns and Mr. Maglio's concerns. The revised plans have been received and were provided in the Commission members' packets.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for SNETT (Southern New England Trunkline Trail) Tunnel at Prospect Street. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne to approve the Order of Conditions for the NOI for SNETT (Southern New England Trunkline Trail) Tunnel at Prospect Street with special conditions #20, 24, 27-30, 34, 37-41, 44 and 51. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 1256 West Central Street

Ms. Delmore stated the applicant formally requested a continuance to the August 8, 2019 meeting.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for 1256 West Central Street to August 8, 2019 at 7:00 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Public Hearing – Continued - ANRAD – Prospect Farms

Ms. Delmore stated the applicant formally requested a continuance to the August 8, 2019 meeting.

There was a motion made by Alan Wallach to continue the public hearing for the ANRAD for Prospect Farms to August 8, 2019 at 7:05 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minutes: June 20, 2019

There was a motion made by Jeffrey Milne to accept the meeting minutes for June 20, 2019. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – New England Power Company Transmission Line ROW
Mr. Harrington recused himself.

Ms. Lenore White, peer reviewer for Wetland Strategies Inc., and Ms. Alison Milliman, BSC Group, addressed the Commission for general utility maintenance. Ms. White summarized where they are to date. She stated a site inspection was conducted on Monday, July 22, 2019; she and Ms. Milliman were present. They looked at 10 to 12 different areas. Her goal was to make sure the delineation that was done was adequate. She stated she did not review every flag; she looked at the areas where there would be some impact. Most of the sight had been refreshed in terms of the flagging. She stated that ultimately, she agreed with the delineation that was done. She stated there was only one area that needs to be looked at that did not get refreshed and that is the area where they are proposing to do the wetland replication. That area had not been flagged so she thought they could condition an Order of Conditions so that before any work is done in that one area, she could make a site visit to confirm it is adequate. Another way to handle it would be to continue the meeting until there is time to go back out there. She noted her other issues as presented in a memo to Ms. Milliman and the Commission and stated BSC responded to that memo.

Ms. Milliman reviewed the responses to the issues that Ms. White outlined in her second memo. She reiterated the mats would be placed on top of existing vegetation. The large woody shrubs, if need be, will be cut by hand. Any debris that may fall into the wetland can be removed if requested. Also, putting brush in certain amenable places to allow for habitat enhancement is an option. She discussed the rules they must abide by for NEP and DEP when they use mats. When the mats are picked up, they provide documentation, photographs, and a quarterly report to DEP to show that things are growing. If they are not growing, the inspections are continued for another quarter. If they need to, they can do restoration measures such as seeding with a native seed mix.

Ms. White recommended the suggested conditions just discussed be added to the Commission's Order of Conditions to make sure the work gets done properly.

Ms. Delmore confirmed a condition should be that any documentation such as reports and photographs provided by the environmental monitor after the construction will be submitted to the Commission. Another condition should be that the Commission has the right to require any additional restoration measures.

Ms. White reiterated the area proposed for replication had not been reflagged. Therefore, during her site visit on Monday, she was not able to confirm the flagging. She does not want to sign off without seeing it. She suggested a condition should be that she will be notified when it is flagged, and she will conduct a site visit to confirm the flagging. She suggested the original narrative by BSC be included in the Order of Conditions as it discusses how the replication area will be constructed and monitored.

Ms. Milliman confirmed the replication area was 586 sq. ft.

Ms. White stated a stormwater checklist was submitted by BSC. However, it was not complete and items were missing, but she does not think they need to hold the project up for that. The stormwater information has been submitted to EPA and DEP and they have to comply to those standards. She asked does the Commission really want to hold the project up for another copy.

Chairman Batchelor stated the Chair is inclined to move this for a vote tonight.

Ms. White stated there were many culverts out there any many looked to be in tough shape. She stated BSC said if they have to replace any culverts, they will. She noted she is concerned about that. If you take a culvert out and replace it, that triggers an additional review. She suggested the Commission should have

the right to review this because it might trigger stormwater standards or other standards. To say the applicant can replace whatever they need to makes her cautious. She would rather have it conditioned to say if you have to replace a culvert, we want to see what you are going to do and how it is going to get done, and we reserve the right to add additional conditions.

Ms. Milliman stated that was very reasonable.

Ms. Delmore stated that makes sense. She suggested a condition be that if any culvert work is to be done, they come back to the Commission to discuss the best way to get it done.

Chairman Batchelor stated if replacement of any culvert is appropriate, approval must be received by the Agent and by the Commission prior to the activity.

There was a motion made by Jeff Livingstone to close the public hearing for the NOI for New England Power Company Transmission Line ROW. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

There was a motion made by Jeff Livingstone to approve the NOI for New England Power Company Transmission Line ROW with the following Special Conditions:

- That the Commission require copies of any documents prepared by the Environmental Monitor during the post construction restoration,
- That the Commission has the right to require additional restoration measures as needed.
- Special conditions #20, 24, 27-30, 34, 37-41, 44 and 51,
- That Lenore White of WSI can check the wetland replication area of 586 sq. ft. after the flags have been refreshed before work starts, and
- That any culvert replacement work to be done has to be approved by the Agent and Commission before it is done.

The motion was seconded by Alan Wallach and accepted with a vote of 4-0-0.

Mr. Harrington re-entered the meeting.

GENERAL BUSINESS (continued)

Minor Buffer Zone Activity: 3 Glenwood Road

Ms. Delmore stated the applicant has withdrawn this application. They have changed the system; it is larger and they believe it has prompted an RDA. They are coming back before the Commission with an RDA.

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

Ms. Delmore stated the applicant has requested continuance to August 22, 2019. However, with the tree removal project, because of the danger involved with the trees, she will be emailing the applicant tomorrow that it is approved to clear those trees as long as he uses a crane with no machinery inside the wetland or in the immediate buffer zone.

Chairman Batchelor reminded the Commission that the Commission approved last year the ability of the Agent to on MBZAs or any situations outside of a public hearing where it is considered to be either imminent danger or rather simplified process that they have the approval authority to let it be started and then come back to the Commission with a report on exactly what occurred.

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

Chairman Batchelor noted the Agent has taken over this piece of the MBZA.

Permit Modifications/Extensions: None.

Certificate of Compliance: 5 Maple Brook Lane

Mr. Thomas Rebula, Goddard Consulting LLC, representing the applicant, reviewed the project and stated it was built in compliance to what was originally proposed. He stated a patio was built at the rear of the property and a wood retaining wall on the property was replaced with a stone wall. A terrace with wooden stairs was also replaced with stone. The driveway was totally repaved. The front walkway was replaced and additional landscaping was done around the house. The lawn is stable at this point. He stated they are ready for a COC. He noted the originally proposed gazebo was not built. He asked if the 12 in. mulch wattles can be sliced and the mulch put out or should they be removed from the site.

Mr. Livingstone stated typically they have them cut it.

Ms. Delmore said it looks great; she recommended approval.

There was a motion made by Jeff Livingstone to approve the Certificate of Compliance for 5 Maple Brook Lane. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

Certificate of Compliance: 85 Elm Street

Mr. Dave Constantino, contractor representing the homeowners, stated he was done with the project and had adhered to all the conditions.

Ms. Delmore stated she was satisfied with the work; she recommended approval.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 85 Elm Street. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

Violations: None.

Discussion Items: None.

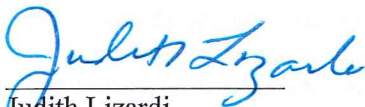
Chair and Commission Member Comments: None.

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 vote of 5-0-0.

The meeting adjourned at 7:56 PM.

Respectfully submitted,



Judith Lizardi
Recording Secretary