

Town of Franklin



Conservation Commission

**October 3, 2019
Meeting Minutes**

TOWN OF FRANKLIN
TOWN CLERK
2019 NOV 13 A 10:53
RECEIVED

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. He stated the next Conservation Commission meeting on October 17, 2019, will be held in the Training Room on the third floor.

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

Public Hearing – RDA – 800 Washington Street

Mr. Joe O’Koren, homeowner, addressed the Commission for the construction of a 30’ x 26’ two-car garage addition onto the existing home.

Ms. Delmore stated she conducted a site inspection. She observed a mulch/soil-like mixture in the wetland in the backyard, as well as a stack of wood in the wetland, as shown on the photographs provided in the Commission members’ packets. Stacks of milled wood and a pile of logs are within the 25’ no-touch buffer zone. The wetland was not flagged. She recommended an NOI be filed for the work to take the fill out of the wetland. She stated the plan submitted with the NOI should have a recently, professionally delineated wetland line.

Mr. O’Koren stated he has a surveyor who is going to mark the wetlands, but he was waiting for the property to freeze. He contacted him this week and is waiting to hear back.

Ms. Delmore stated the winter is not the best time to flag a wetland.

Mr. O’Koren stated he put the stacks of wood that look like they are milled on the edge in order to burn as they were in his way; he will move them. He stated he put the stacks of wood on the grassy area. He stated that when he was before the Commission in 2017 about the fence, the Commission said he could do something on the grassy area as long as he was not building a structure. He could not find this information in the meeting minutes. He plans to use the stacked milled wood to build the garage. He stated the area was grass before the mulch was put there; it is natural, not treated, mulch.

Chairman Batchelor asked if more problems would be created in removing the natural mulch from the wetlands. Should the mulch be left there to rot?

Mr. Harrington suggested that would be a question for a professional wetland scientist.

Chairman Batchelor stated that since a wetland engineer will be on the site, they can provide a recommendation on leaving or removing the mulch; he stated the wood in the 25' no-touch zone must be removed.

Ms. Delmore confirmed a wetland scientist should make a recommendation. She recommended a positive determination 1, and the applicant return with an NOI with a wetland line recently delineated and a restoration plan for the area. She suggested the applicant indicate on the NOI where the milled wood currently located in the 25' no-touch zone would be stored.

Chairman Batchelor confirmed the applicant must file the NOI and move said materials before he can build the garage, and the addition needs to be shown on the plan.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for 800 Washington Street. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

There was a motion made by Jeff Livingstone to approve a positive determination 1 for the RDA for 800 Washington Street. 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 requested a continuance of the public hearing.

There was a motion made by Jeffrey Milne to continue the public hearing for the ANRAD for Prospect Farms to October 17, 2019 at 7:00 PM. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activities: 10 Garnet Drive

Mr. Scott Galvin, homeowner, addressed the Commission for installation of a 14' x 28' in-ground pool with a concrete patio around the pool area, and the removal of two pine trees.

Ms. Delmore stated she conducted a site inspection. All the work is within previously disturbed area. The two pine trees are on the edge of the lawn. Erosion control will be installed.

There was a motion made by Alan Wallach to approve the MBZA for 10 Garnet Drive. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Permit Modifications/Extensions: None.

Certificates of Compliance: 71 Charles River Drive

Ms. Delmore stated she conducted a site inspection for the completed installation of an in-ground pool in the back yard. It is all stable. She recommended approval.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 71 Charles River Drive. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

Certificates of Compliance: 21 James Street

Mr. Philip Brunelli Jr., homeowner, addressed the Commission.

Ms. Delmore stated she conducted a site inspection for the completed construction of a single-family house. She recommended approval.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 21 James Street. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Violations: None.

Minutes: September 5, 2019 and September 19, 2019

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

There was a motion made by Jeffrey Milne to accept the meeting minutes for September 19, 2019. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-1. (Mr. Harrington abstained.)

Discussion: MBZA Regulation Amendment

Ms. Delmore stated there were many places in the MBZA regulations with the wording for determination of applicability; however, this is not the case in an MBZA. When an applicant submits an MBZA filing, the Commission replies with a separate approval document, not a determination of applicability. She recommended amending the wording as indicated. She stated this should have no impact on past filings.

There was a motion made by Paul Harrington to approve the MBZA regulation amendment as stated. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Discussion: Local Filing Fee Form Amendment

Ms. Delmore stated none of the fee amounts are changing. She explained this amendment regards adding wording for an MBZA to the form. As well, under Notice of Intent, the wording was revised to not indicate MBZA. These changes will reduce confusion for applicants using the form.

Commission members discussed that this will help to make the process easier to understand.

There was a motion made by Paul Harrington to approve the Local Filing Fee Form amendment as stated. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Chair and Commission Member Comments

Mr. Livingstone asked if there was a way to obtain access to the information on the town's GIS system as a login is now required.

Ms. Delmore stated the link is located on the Assessor's page on the town website. She will check into the login information required. She provided information about the state's MassGIS system named Oliver.

Chairman Batchelor requested Ms. Delmore email the Commission members about how to log into the town's GIS system and how to access the state's GIS system.

Commission member asked if someone from the state who manages the Oliver site could provide the Commission members with a tutorial/training.

Ms. Delmore stated she could reach out to who is in charge of the state's website to determine if they could provide training. She would be happy to review the state's website with the Commission members during a scheduled meeting time in her office or after a Commission meeting. She said she would get back to the Commission members on this.

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 7:38 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary