

Town of Franklin



Conservation Commission

November 21, 2019
Meeting Minutes

TOWN OF FRANKLIN
TOWN CLERK

2019 DEC 23 P 2:48

RECEIVED

Chair Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM at the Franklin Municipal Building, Training Room, Third Floor, 355 East Central Street, Franklin, Massachusetts. Members in attendance: Jeff Livingstone, Paul Harrington, Jeffrey Milne, Staci Dooney, Alan Wallach, Braden Rosenberg. Members absent: None. Also present: Jen Delmore, Conservation Agent.

Commencement

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

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

Public Hearing – NOI – 49 Hutchinson Street

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., on behalf of Beth Kennedy, property owner of 49 Hutchinson Street, addressed the Commission for the removal of brush and debris that had been pushed into the 25' buffer zone of an intermittent stream by a machine. She stated the applicant who filed for this is the owner of 326 Union Street. She stated a letter was issued by the Conservation Agent on September 4, 2019 to the owner of 326 Union Street requesting action be taken to fix this wetland violation on the abutting property of 49 Hutchinson Street. She stated the owner of 326 Union Street has been working to resolve the issue; the owner indicated he was not aware the land was under Conservation jurisdiction. Ms. Cavaliere noted about 1,200 sq. ft. of land was disturbed. They are asking for permission to clean up those areas through an NOI. She noted there are downed trees over the stream and disturbed soil. They would like to clear out the area by hand and remove some of the trees that are down and disposed of them offsite. They will re-seed the disturbed area and erosion control will be installed after the debris piles are moved to ensure no sediment migrates into the stream during stabilization and re-establishment of the site. She confirmed most of it is vegetative debris.

Ms. Delmore stated Ms. Cavaliere summed up the situation clearly. Regarding the fallen trees over the stream, she requested cutting just the section of tree that is blocking the stream.

Commission members asked questions.

Ms. Cavaliere confirmed the property borders a parking lot and there are no trees in danger of falling on vehicles. She stated they were not requested to obtain a wetland biologist; they have been working with the Conservation Agent on this situation.

Ms. Kennedy stated she was previously before the Commission because someone else also disturbed the land and she had a pile of debris in her backyard. In the current situation, the owner of 326 Union Street bulldozed from the parking lot to the stream, pushed the debris into the stream, and a tree fell over. She does not want the stream to backup and flood. As well, she stated she does not want the runoff with oil from the parking lot to go into the stream as it is her property, and she does not want someone to say the stream is being polluted.

Chair Batchelor stated that is a larger issue which this does not handle; right now, they are only dealing with vegetative debris and trees, not topological problems. That is a different issue. That would require more than what is going on right now. For the sake of this NOI, it does not touch it.

Ms. Delmore stated the stream will be cleared and the re-seeding will help to stabilize it. When the erosion control is installed, she will, as is routine, check to confirm it is installed correctly.

Ms. Cavaliere stated they are going to work with the property owner at 326 Union Street and stake out the property line.

Mr. Livingstone stated usually when we look at a project like this, we are really interested in where they are putting the snow, particularly if it is salted.

Ms. Delmore stated she is not sure of the snow storage location on this parking lot.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 49 Hutchinson Street. The motion was seconded by Alan Wallach and accepted with a vote of 7-0-0.

There was a motion made by Alan Wallach to approve the NOI for 49 Hutchinson Street with special conditions #20, 21, 24, 27-30, 34, 41, 44 and 51. The motion was seconded by Jeffrey Milne and accepted with a vote of 7-0-0.

Public Hearing - ANRAD – Map 309 Parcel 18 Prospect Street

Mr. Arthur Allen of Eco Tec, Inc. addressed the Commission. He stated this is a three-acre parcel on the Bellingham line; they simultaneously filed an ANRAD in Bellingham.

Ms. Delmore stated the Town's bylaw indicates that the abutter mailings must be mailed Certified; therefore, the public hearing must be continued.

Mr. Allen stated he would do that.

There was a motion made by Jeff Livingstone to continue the public hearing for the ANRAD for Map 309 Parcel 18 Prospect Street to December 5, 2019 at 7:00 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 7-0-0.

Public Hearing – Continued - ANRAD – Prospect Farms

Mr. Byron Andrews of Andrews Survey & Engineering addressed the Commission for a project requesting confirmation of 7,632 linear feet of Bordering Vegetated Wetland, a potential vernal pool, and top of bank to a perennial stream. He stated Ms. Lenore White of Wetland Strategies had some questions about the line delineation. They reviewed the locations and reset four flags. The plans reflect the correct changes.

Ms. Delmore stated Ms. White recommended approval of the revised plan.

There was a motion made by Jeffrey Milne to close the public hearing for the ANRAD for Prospect Farms. The motion was seconded by Alan Wallach and accepted with a vote of 7-0-0.

There was a motion made by Staci Dooney to approve the ANRAD for Prospect Farms. The motion was seconded by Jeffrey Milne and accepted with a vote of 7-0-0.

Public Hearing – Continued - Amendment – New England Power Line Refurbishment Project

Mr. Harrington recused himself.

Ms. Alexandra Echandi of BSC Group, Inc., on behalf of National Grid, addressed the Commission to request an amendment to an Order of Conditions issued July 25, 2019. She reviewed that since the issuance of the Order of Conditions, the Army Corps of Engineers issued a Section 404 Permit requiring permanent protection of sensitive resources at structures 391 and 393. The activity is within the 50' and 100' buffer zones to the Bordering Vegetated Wetland, but not within the 25' no touch. In the previously approved permit, these work pad areas were approved for mowing only, and now they are required, by the Section 404 Permit, to be protected through the placement of geotextile fabric overlain with gravel, loam, and seed. The avoidance measures will impact 6,467 sq. ft. within the 100' ft. buffer zone (249 sq. ft. in the 0-50 ft. and 6,218 sq. ft. in the 50-100 ft.). She discussed the provided diagrams and the overall location.

Chair Batchelor stated he had no difficulty with this.

There was a motion made by Jeffrey Milne to close the public hearing for the Amendment for New England Power Line Refurbishment Project. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-0.

There was a motion made by Braden Rosenberg to approve the Amendment for New England Power Line Refurbishment Project. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

Mr. Harrington re-entered the meeting.

GENERAL BUSINESS

Minor Buffer Zone Activities: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: None.

Violations: None.

Minutes: None.

Discussions: None.

Chair and Commission Comments: None.

Executive Session: None.

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Jeff Livingstone and accepted with a vote of 7-0-0. The meeting adjourned at 7:32 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary