

## Town of Franklin



### Conservation Commission

#### January 2, 2020 Meeting Minutes

Chair Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Members in attendance: Paul Harrington, Jeffrey Milne, Staci Dooney, Alan Wallach. Members absent: Jeff Livingstone, Braden Rosenberg. 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 – RDA – 416 Maple Street**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., on behalf of Mr. Donald Spears, owner/applicant, addressed the Commission for a septic system upgrade within 100 ft. of Bordering Vegetated Wetland. She stated there is not much space on the property based on the wetland line location. The wetlands were flagged in October 2019 and are outlined on the plan. The new system will be placed in the same location as the existing system. The soil, tank, and distribution box will be replaced. The system is approximately 60 ft. from the wetland edge and erosion control will be installed between the activity and the resource area.

Ms. Delmore stated she performed a site visit on December 23, 2019. She recommended a negative determination #3.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for 416 Maple Street. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Staci Dooney for a negative determination #3 for the RDA for 416 Maple Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

#### **Public Hearing – NOI – 55 A Street Extension**

Mr. Rick Goodreau, United Consultants, Inc., on behalf of the applicant, addressed the Commission for the construction of a two-family home with garages, driveways, municipal water and sewer service, and site grading within 100 ft. to an Isolated Vegetated Wetland. The lot is approximately 21,000 sq. ft. He reviewed the provided plans. He discussed the topography and stated minor grading is proposed within the 25 ft. no-touch buffer and part of the building and garage are within the 50 ft. no-build area. Erosion control is proposed between the activity and the resource area. He stated that 217 sq. ft. of buffer zone disturbance in the 0-25 ft. buffer zone is proposed to the Isolated Vegetated Wetland.

Ms. Delmore stated she performed a site visit on December 23, 2019. She clarified flag placement with Mr. Goodreau; a few minor changes were discussed and revised plans were submitted. She recommended approval.

Chair Batchelor stated he is concerned about the 25 ft. no-touch zone; he would like that area to not be disturbed at all. As well, the 50 ft. no-build is proposed to be violated.

Mr. Goodreau discussed the need to lower the grade in the backyard area; he stated the existing grades extend into the buffer zone. As requested by a Commission member, he discussed the general information and alternate analysis narratives that were included in the submitted NOI packet. He stated that because this was not a Bordering Vegetated Wetland, the project did not need to be filed with the State; this is only a local bylaw matter.

Commission members discussed that possibly the lot is too small for the proposed project.

Mr. Goodreau suggested that with reconfiguring of the house, the disturbance in the 25 ft. no-touch zone could be eliminated. He does not think the project could be reconfigured with respect to the 50 ft. no-build zone.

Chair Batchelor stated he is not in favor of anything touching the 25 ft. no-touch zone. He stated he is worried about runoff, contamination, disturbance, and other things. He asked if a plan could be developed that does not sacrifice both the 25 ft. no-touch zone and 50 ft. no-build zone. He stated this project should be reassessed as to how it is built; he is not in favor of the current proposal. He requested the opinions of the Commission members.

Commission members informally stated they agreed with Chair Batchelor.

Ms. Delmore stated she discussed the 25 ft. no-touch and 50 ft. no-build bylaw with Mr. Goodreau. She noted this is not a previously developed lot.

Chair Batchelor stated it would behoove the applicant to reconsider this project and ask for a continuance, rather than have the Commission deny the request, and redraft a plan that would meet with the bylaw requirements.

Mr. Goodreau asked that with respect to the 50 ft. no-build zone, are there any stormwater controls that would make the Commission feel better.

Chair Batchelor stated no and stated this is a new development, not a previously developed lot.

Mr. Goodreau stated he would bring this information back to his client.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 55 A Street Extension to January 16, 2020 at 7:00 PM. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

**Public Hearing – Continued - NOI – 800 Washington Street**

Mr. Russell Waldron of AES on behalf of Mr. Joe O’Koren, applicant/owner, addressed the Commission for the construction of a two-car garage in the buffer zone to Bordering Vegetated Wetland and within Riverfront Area to Miscoe Brook. He stated that since the last meeting, erosion control was revised. A variance request was submitted for the garage being in the 50 ft. no-build buffer and paving of the existing gravel driveway within the 25 ft. no-touch buffer.

Ms. Delmore stated she performed a site visit on December 18, 2019. She stated all concerns listed in her review letters had been addressed with the exception of the 25 ft. no-touch area in the back being used as a storage area. Along with other issues regarding wetland flags and erosion control, the applicant made



changes to the plans and submitted revised plans dated December 24, 2019. No DEP file number has been received; therefore, continuance of this public hearing to January 16, 2020 is recommended.

Chair Batchelor reviewed the history of this project. He stated the applicant was using crushed stone to stop the erosion into the wetland. The property was purchased this way by the current owner. It was an existing situation exacerbated by the repaving of Washington Street. He stated that as this was an existing situation, the Commission may make exceptions or the situation may get worse. Paving the driveway would be an option; it is not an option to leave it as is. He would like everything else removed from the no-touch area. He reviewed that at the last meeting it was agreed that there was some mulch that would be better spread than removed. He would be in favor of the exception for the driveway and the garage. He would like each step in the process to be checked by the Conservation Agent.

Ms. Delmore confirmed the items in the 25 ft. no-touch zone must be removed. She stated that she does not see a problem with the garage as it is in an already pre-disturbed area.

Mr. Waldron agreed.

Chair Batchelor stated the meeting will be continued based on the DEP number being provided with no alterations.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 800 Washington Street to January 16, 2020 at 7:05 PM. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

#### **Public Hearing – Continued - ANRAD – Map 309 Parcel 18 Prospect Street**

Ms. Delmore stated the applicant requested a continuance of the public hearing to January 16, 2020.

There was a motion made by Jeffrey Milne to continue the public hearing for the ANRAD for Map 309 Parcel 18 Prospect Street to January 16, 2020 at 7:10 PM. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

#### **GENERAL BUSINESS**

**Minor Buffer Zone Activities:** None.

**Permit Modifications/Extensions:** None.

#### **Certificate of Compliance: 109 Constitution Boulevard**

Ms. Delmore stated she performed a site visit on December 23, 2019. She stated this project was for a pond lever installation using PVC piping and netting in a retention pond that had beaver issues. She noted she was only able to look from the shore. She recommended approval.

There was a motion made by Staci Dooney to approve the Certificate of Compliance for 109 Constitution Boulevard. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

#### **Violations/Enforcement: Emergency Certification – 12 Juniper**

Ms. Delmore stated that a home heating oil tanker rolled over in front of 12 Juniper Road on December 30, 2019. Less than 10 gallons of oil were estimated to have spilled, but there was some runoff into stormwater catch basins that went into a nearby wetland. Cleanup was performed. A Licensed Site Professional was onsite on December 31, 2019 taking samples. She has not heard back. She stated she conducted a site visit. She discussed the cleanup, placement of absorbent pads, and placement of erosion controls. She stated she recommended ratification of an Emergency Certification.

Chair Batchelor requested an update on this item be provided at the next Commission meeting.

Commission members signed the Emergency Certification.

**Minutes:** None.

**Discussion Item: Regulations Section 4.3.1 Variance Reference Revision**

Ms. Delmore stated the reference to the variance section was incorrect. The eighth line of Section 4.3.1 references variance procedures in "Section XVII." The variance procedures are in Section 5. She recommended revising.

There was a motion made by Jeffrey Milne to correct the Regulations Section 4.3.1 Variance Reference as discussed. The motion was seconded by Alan Wallach and accepted with a vote of 5-0-0.

**Chair and Commission Comments:** None.

**Executive Session:** None.

There was a motion made by Staci Dooney to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0. The meeting adjourned at 7:53 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary