Town of Franklin



Conservation Commission

**May 28, 2020
Meeting Minutes**

***As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, this meeting will be conducted as a Remote/Virtual Conservation Commission meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda***.

Chair Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM as a **Remote Access Virtual Zoom Meeting**. Members in attendance: Jeffrey Milne, Paul Harrington, Jeff Livingstone, Alan Wallach, Braden Rosenberg. Members absent: Staci Dooney. Also present: Jen Delmore, Conservation Agent; Kathleen Celorier, Administrative Assistant.

**Commencement**

Chair Batchelor announced this meeting will be conducted as a Remote Access Virtual Zoom Meeting. This meeting will be video recorded.

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

**PUBLIC HEARINGS:**

**Public Hearing – NOI – 176-210 Grove Street**

Mr. Garrett Horsfall of Kelly Engineering Group; Mr. Levi Reilly and Mr. Josh Berman of Marcus Partners; and Mr. Edward Cannon, Attorney for the project, addressed the Commission for the construction of a 150,000 sq. ft. industrial building with associated parking, utilities, and stormwater management system. Mr. Horsfall stated the two existing parcels at 176 and 210 Grove Street are to be combined. He described each parcel including parking spaces and curb cut access drives. The site is located in the Industrial Zoning District and the Water Resource Overlay District. They are filing an NOI as there are two wetland areas on the site: Wetland A is a Bordering Vegetated Wetland and Wetland B is an Isolated Vegetated Wetland. He reviewed his presentation and pointed out the delineated areas including the buffer zones. He discussed the drainage and water quality device that was installed a few years ago during a parking lot upgrade. Primarily, 210 Grove Street drains through a swale system to a detention basin. He discussed the construction of the proposed warehouse and noted it will have 107 parking spaces with 31 docks. All parking will be located on the north side of the building. Marcus Partners bought 176 and 210 Grove Street parcels and have sited this proposed construction approximately half way between the two. He referenced the complete landscaping plan and stated they tried to maintain the large existing buffers as shown on the plan. He reviewed the proposed drainage and recharge system. There are four water quality devices planned on the site. He discussed the drainage system design; they are proposing a corrugated pipe system. The system will fully comply with DEP and Franklin’s stormwater requirements. He discussed the Commission’s jurisdiction area which incorporates the parking lot area. Erosion control measures will be installed. He stated the NOI has been reviewed by Lenore White of Wetland Strategies, Inc.; the applicant received and responded to the peer review letter. Planting mitigation was proposed. BETA reviewed the stormwater; the applicant believes they have addressed all BETA’s comments.

Mr. Cannon stated they are before the Planning Board for Site Plan approval.

Ms. Delmore stated that no DEP file number has been issued yet. She recommended continuing the public hearing to wait for the State to comment on the project.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 176-210 Grove Street to June 11, 2020, at 7:00 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes.

**Public Hearing – NOI – Maple Hill – To Be Continued**

Ms. Delmore stated the applicant requested a continuance to July 16, 2020.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Maple Hill to July 16, 2020, at 7:00 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes.

**Public Hearing – NOI –** **Meadowlark Lane – Infiltration Area**

Mr. Greg Avenia of Wood Massachusetts, Inc., representing Franklin DPW, addressed the Commission for the construction of a 11,109 sq. ft. infiltration area at the end of Meadowlark Lane. He discussed that this infiltration area is designed to improve water quality in the Chicken Brook-Charles River sub-watershed. This project to improve stormwater runoff in Franklin is possible due to a grant from MassDEP for stormwater improvements awarded to the Franklin DPW in 2018. He stated that the staging would be done on the Meadowlark Lane cul de sac. He discussed the site’s current drainage and the proposed drainage design. With this design, they are accomplishing 97 percent treatment of phosphorus for the water quality volume. He stated a few comments were received from MassDEP which were addressed.

Ms. Jen Delmore said she has no issues and recommended approval.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for Meadowlark Lane-Infiltration Area. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for Meadowlark Lane-Infiltration Area with special conditions #20, 21, 24, 27-30, 34, 41, 44 and 51. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes.

**Public Hearing – NOI – Griffin Road - Bioretention Area**

Mr. Greg Avenia of Wood Massachusetts, Inc., representing Franklin DPW, addressed the Commission for the construction of a 3,642 sq. ft. bioretention area at the end of Griffin Road. The bioretention area is designed to improve water quality in the Chicken Brook-Charles River sub-watershed. This project to improve stormwater runoff in Franklin is possible due to a grant from MassDEP for stormwater improvements awarded to the Franklin DPW in 2018. He explained the existing wetland complex in the area and the current drainage. He noted there are two existing catch basins that will be repurposed to catch overflow. He stated that DEP commented about TSS removal. It was clarified that because it is a redevelopment project, they are required to meet the standards (44 percent TSS removal) for stormwater pretreatment to the maximum extent practicable, which is 25 percent in this case. He reviewed the proposed plantings.

Ms. Jen Delmore said she has no issues and recommended approval.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for Griffin Road-Bioretention Area. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for Griffin Road-Bioretention Area with special conditions #20, 21, 24, 27-30, 34, 41, 44 and 51. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes.

**Public Hearing –** **Continued - NOI – 160 Grove Street – Land Planning**

Ms. Delmore stated the applicant requested a continuance to June 11, 2020.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 160 Grove Street to June 11, 2020, at 7:01 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities: 29 Charles River Drive**

Ms. Marcella Dichiara, homeowner/applicant, addressed the Commission for a 24 in. diameter above-ground pool within the 50 ft. to 100 ft. buffer zone to a Bordering Vegetated Wetland. The area is currently lawn. Erosion control is proposed between the construction and the resource area.

Ms. Jen Delmore performed a site visit on May 20, 2020. Grass clippings were observed dumped into the wetland area and the 25 ft. buffer zone at the back of the lawn. The homeowner stated the grass clippings would be removed. Ms. Delmore recommended approval with the following condition: Grass clippings are to be removed and disposed of off-site prior to construction; the applicant should contact the conservation agent for inspection after the grass clippings are removed and prior to construction.

Mr. Harrington asked if it would be a salt water or chorine pool. Ms. Dichiara stated they have not yet determined, but are leaning toward a salt-water system.

There was no motion or second made. A roll call vote was taken for approval of the Minor Buffer Zone Activity for 29 Charles River Drive with the condition that the grass clippings are to be removed and disposed of off-site prior to construction; the applicant should contact the conservation agent for inspection after the grass clippings are removed and prior to construction. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes. Vote: 6-0-0.

**Permit Modifications/Extensions: Extension Permit – ORAD – 469 Maple Street – CE159-1165**

Ms. Delmore stated this extension request is for an Order of Resource Area Delineation issued on July 13, 2017, for the resource areas associated with the Maple Hill Subdivision NOI which was filed with the Conservation Commission on March 10, 2020, but due to the COVID-19 virus, has not yet been heard. She recommended a one-year extension which would expire on July 13, 2021.

There was no motion or second made. A roll call vote was taken for approval of the Extension Permit for the ORAD for 469 Maple Street. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes. Vote: 6-0-0.

**Certificate of Compliance: 1111 Pond Street**

Property owner of 1111 Pond Street addressed the Commission for a Certificate of Compliance for the construction of a single-family house with associated amenities.

Ms. Jen Delmore performed a site visit on May 20, 2020, and noted the site is vegetated and stable. She recommended approval.

There was no motion or second made. A roll call vote was taken for approval of the Certificate of Compliance for 1111 Pond Street. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes. Vote: 6-0-0.

**Certificate of Compliance: 326 Union Street/49 Hutchinson Street**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. representing the applicant addressed the Commission for a Certificate of Compliance for the cleanup of debris that was pushed into the stream and associated buffer zone next to the parking lot of 326 Union Street. The work was conducted at 49 Hutchinson Street which abuts the homeowner’s property at 326 Union Street. She stated the grass looks like it has been established and the debris has been removed.

Ms. Jen Delmore stated she performed a site visit on May 20, 2020. The section of debris and fallen trees within the stream channel have been removed to allow natural water flow, and the debris and soil disturbance within the buffer zone has been disposed of off-site and stabilized with vegetation. She recommended approval.

There was no motion or second made. A roll call vote was taken for approval of the Certificate of Compliance for 326 Union Street/49 Hutchinson Street. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes. Vote: 6-0-0.

**Violations/Enforcement:** None.

**Minutes: April 30, 2020**

There was no motion or second made. A roll call vote was taken for approval of the meeting minutes for April 30, 2020. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Abstain; Milne-Yes; Livingstone-Yes. Vote: 5-0-1.

**Discussion Items: Administrative Approvals**

Ms. Delmore stated that two administrative approvals have been issued: 907 Washington Street was for a 120 sq. ft. shed outside the 50 ft. buffer zone within lawn area, and 21 Echo Bridge Road was for the removal of four hazardous trees within a children’s play area. She stated that she went to both sites and spoke with both homeowners.

There was no motion or second made. A roll call vote was taken to ratify the Administrative Approvals for 907 Washington Street and 21 Echo Bridge Road. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes. Vote: 6-0-0.

**Chair and Commission Comments:** Ms.Kathleen Celorier, Administrative Assistant, announced she was retiring as of June 30, 2020. Chair Batchelor thanked Ms. Celorier for her years assisting the Conservation Commission; she will be missed. Commission members thanked Ms. Celorier for her support and help, and wished her the best in her retirement.

Commission members discussed problems with the link for the remote access virtual Zoom meeting. Ms. Delmore stated she will review this concern for the next meeting.

**Executive Session:** None.

There was a motion made by Jeffrey Milne to adjourn the Remote Access Virtual Zoom Meeting. The motion was seconded by Jeff Livingstone. Roll Call Vote: Wallach-Yes; Harrington-Yes; Rosenberg-Yes; Batchelor-Yes; Milne-Yes; Livingstone-Yes. Vote: 6-0-0.

The Remote Access Virtual Zoom Meeting adjourned at 8:11 PM.

Respectfully submitted,

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Judith Lizardi

Recording Secretary