Town of Franklin



Conservation Commission

**June 11, 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, Alan Wallach. Members absent: Jeff Livingstone, Braden Rosenberg. 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. He confirmed via roll call Conservation Commission members and Administrative personnel who were present.

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

**PUBLIC HEARINGS:**

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

Ms. Delmore stated the applicant requested a continuance of the public hearing to the June 25, 2020, meeting.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 176-210 Grove Street to June 25, 2020, at 7:02 PM. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes.

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

Mr. Adam Braillard, Attorney of Prince Lobel Tye LLP on behalf of the applicant; Mr. Jim Stukel of Stukel Group, construction/project manager; Mr. Bill Halsing, engineer of Land Planning; and Mr. Scott Heim of North East Ecological Services addressed the Commission for the construction of a marijuana cultivation and production facility. Mr. Braillard reviewed their last Commission meeting on May 14, 2020, and stated the Commission had some questions. He stated that the Commission’s consultant WSI provided correspondence dated June 2, 2020, which the applicant responded to and provided additional information.

Ms. Delmore discussed that Wetland C has fill and debris throughout the wetland itself and requires restoration. The applicant has agreed to remove the debris and plant a New England Wetmix seed blend. As recommended by WSI, she suggested a condition within the Order of Conditions for a two-year bi-annual monitoring plan to ensure the restoration is successful. She explained that this is separate from special condition #23.

Mr. Braillard stated he had no objection.

Mr. Stukel asked for clarification on this special condition confirming that it does not withhold a Certificate of Occupancy as it will take time for the seed to grow, and the applicant will be requesting a Certificate of Occupancy prior to full growth.

Ms. Delmore stated she realizes the restoration will take some time; she sees no problem with the Certificate of Occupancy as long as the restoration is going forward.

Chair Batchelor reminded the applicant that the filing of the reports on a timely basis is critical

Mr. Stukel stated he understood the requirement of timely reports.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 160 Grove Street. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for 160 Grove Street with special conditions #20, 21, 23, 24, 27-30, 34, 41, 44 and 51, with special condition that Wetland C’s restoration of removing debris and planting of Wetmix seed be monitored for at least two years and until successful and a report included in the bi-annual (special condition #23) report. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities:** None.

**Permit Modifications/Extensions:** None.

**Certificate of Compliance: 27 Forge Parkway**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Commission for construction of additional parking and stormwater systems. She stated the applicant was before the Commission approximately 1½ months ago. They have since been before the Planning Board and received a Form H; all items have been completed.

Ms. Delmore stated she visited the site again; everything looks 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 27 Forge Parkway. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes. Vote: 4-0-0.

**Violations/Enforcement: 11 Mount Street – Restoration Plan**

Ms. Delmore stated an Enforcement Order was issued by the Commission on April 30, 2020, to ensure a restoration plan be submitted to the Commission showing a resource area delineation and a proposal of tree, shrub, and groundcover plantings and removal of debris in the disturbed area. She stated a restoration plan has been submitted. She noted that Mr. Greg Surdi, homeowner, and Mr. Ron Strohsahl, wetland scientist of Oxbow Associates, Inc., were in attendance at the Zoom meeting.

Mr. Surdi provided an overview of the situation. He stated he moved to the property last September. There were no signs of water. He cleared and overgrown field. The water began to flow at the end of March; now the water is gone. He did not know it was a wetland. Ms. Delmore conducted a site visit. It was agreed that the wetlands needed to be restored. Mr. Strohsahl prepared and submitted a restoration plan.

Ms. Delmore stated she agreed with the submitted restoration plan. Regarding the proposal of an herbicide, she recommended that Mr. Surdi discuss the intended herbicide with the Conservation Agent prior to use to make sure it is acceptable. She recommended keeping the goats out of the area when the proposed new plantings are installed. She recommended the Commission vote to approve the restoration plan, and Mr. Surdi would work with the Conservation Agent on the herbicide to be used.

Mr. Surdi agreed to work with the Conservation Agent on the herbicide.

Mr. Harrington asked if mowing was a concern.

Ms. Delmore said she recommended against mowing within the wetland and in the 25 ft. buffer. She discussed that mowing is not the way to remove invasives.

Discussion commenced about the best way to remove invasive species.

Mr. Strohsahl confirmed the herbicide should be used as a type of spot treatment and targeted directly to have minimal spread to other plants in the area.

There was no motion or second made. A roll call vote was taken for approval of the 11 Mount Street Restoration Plan with special conditions that the herbicide used in the project will be reviewed with the Conservation Agent before application and the disposition of that project would be checked at different stages. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes. Vote: 4-0-0.

**Minutes: May 14, 2020**

There was no motion or second made. A roll call vote was taken for approval of the May 14, 2020, meeting minutes. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes. Vote: 4-0-0.

**Discussion Items:**

Ms. Delmore stated that currently BETA Group has been subcontracting Wetland Strategies, Inc. as the Commission’s wetlands peer reviewer. BETA Group has recently acquired a wetlands firm; as such, they have wetlands professionals on staff. She requested the Commission members thoughts about continuing to use Wetland Strategies, Inc. as the Commission’s peer reviewer, or using BETA Group’s new peer reviewer. She noted that Ms. Lenore White, wetland scientist of Wetland Strategies, Inc., offers to attend the Conservation Commission meetings, but Ms. Delmore usually declines the offer as Ms. White’s reports are so well prepared. After discussion, Commission members agreed that they would prefer to continue to use Wetland Strategies, Inc. as their wetlands peer reviewer. Chair Batchelor stated that Ms. Delmore should communicate with BETA Group that the Commission has confidence in Wetland Strategies, Inc., and the Commission does not want to break that relationship. Unless there is a compelling reason to consider otherwise, it is his expectation that Wetland Strategies, Inc. will continue to be used by the Commission.

**Chair and Commission Comments:** None.

**Executive Session:** None.

There was a motion made by Jeffrey Milne to adjourn the Remote Access Virtual Zoom Meeting. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes.

The Remote Access Virtual Zoom Meeting adjourned at 7:45 PM.

Respectfully submitted,

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Judith Lizardi

Recording Secretary