

Town of Franklin



Conservation Commission

**November 12, 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: Bill Batchelor, Jeffrey Milne, Paul Harrington, Alan Wallach, Patrick Gallagher. Members absent: Jeff Livingstone. Also present: Jennifer Delmore, Conservation Agent.

**Commencement**

Chair Batchelor announced this meeting will be video recorded.

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

**GENERAL BUSINESS**

**Minor Buffer Zone Activity: 15 Grace Lane**

Mr. Edward Ensor, owner, addressed the Commission for the removal of nine pine trees partially within the 75' to 100' buffer zone to the BVW. The wetland is shown on GIS maps at 100' to 125' away from the activity; however, he would like to be on the conservative side and is requesting approval to remove the nine pine trees which block the sun where he would like to install solar panels on the roof of his barn.

Ms. Delmore stated she performed a site visit on September 8, 2020, to discuss the project and review wetland lines. The wetland appeared to be closer to the property line than GIS showed, so an MBZA filing was recommended. She recommended approval. She stated the applicant proposed to leave the stumps and replant native trees in the spring.

There was no motion or second made. Roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**Permit Modifications/Extensions:** None.

**Certificate of Compliance: 646 Lincoln Street-CE159-1214**

Mr. Fred Bostrom, owner, addressed the Commission for a septic system upgrade and replacement.

Ms. Delmore stated she performed a site visit on October 20, 2020. She stated the grass is growing and the area is stable. She recommended approval of a complete Certificate of Compliance.

There was a motion made by Jeff Milne to approve the Certificate of Compliance for 646 Lincoln Street. The motion was seconded by Allan Wallach and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**Certificate of Compliance: 674 Pleasant Street-CE159-966**

Ms. Delmore stated that she does not believe the applicant needed to be present at the meeting for this item. This project was for the construction of a house and associated amenities such as pool area, deck, barn, etc. within the outer riparian zone to Miller Brook. She stated that it was not constructed in accordance with the approved plans, and the applicant received an Enforcement Order. The applicant returned to the Commission under a new NOI in 2015 for the differences in the project and for removal of items being stored too close to the resource area. A new Order was issued (the next agenda item at this meeting) rendering this Order void. Therefore, she recommended the issuance of an invalid Order of Conditions. She noted that the next agenda item for this meeting is for the same address, and the applicant should be present. As the applicant is not present, that item should be continued to the next Commission meeting.

There was a motion made by Jeff Milne to approve an Invalid Order of Conditions for the Certificate of Compliance for 674 Pleasant Street-CE159-966. The motion was seconded by Paul Harrington and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**Certificate of Compliance: 674 Pleasant Street-CE159-1104**

Ms. Delmore stated that this project covered the house and amenities such as the septic and driveway that were built from the original Order (see agenda item above). It also covered relocation of stockpiled materials such as wood, ladders, trailers, etc. out of the immediate buffer zones to the wetland and stream. She stated that she performed a site visit on October 29, 2020, and November 11, 2020 and noted there are still some materials being stored close to the stream and wetland. James Thornhill, not at the meeting, notified the agent that he will clean up the area and requested being continued. However, the items have not yet been properly removed. She stated the applicant requested a continuance to the next Commission meeting.

There was a motion made by Patrick Gallagher to continue the Certificate of Compliance for 674 Pleasant Street-CE159-1104. The motion was seconded by Alan Wallach and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**Certificate of Compliance: 12 Green Street-CE159-981**

Ms. Delmore reviewed this partial Certificate of Compliance request. She stated that it is due to an Order that got recorded on a once larger lot that had jurisdictional activity approved on part of it. Since the approval, the lot was subdivided, and the applicant is asking for the lot that was cut off be released from the original Order (Parcel ID: 245-021-001). No work was ever proposed on this lot, and it is the only portion which is under the Commission's consideration for release. The current owners are looking to close on selling the property on November 11, 2020. She recommended issuance of a partial Certificate of Compliance for Parcel ID: 245-021-00.

There was a motion made by Paul Harrington to approve the partial Certificate of Compliance for 12 Green Street-CE159-981. The motion was seconded by Jeff Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**Violations/Enforcement:** None.

**Minutes: August 27, 2020, September 17, 2020, October 1, 2020, and October 15, 2020**

There was a motion made by Jeff Milne to approve the meeting minutes for August 27, 2020. The motion was seconded by Paul Harrington and accepted with a roll call vote of 3-0-1. Roll Call Vote: Milne-did not vote; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Abstain.

There was a motion made by Patrick Gallagher to approve the meeting minutes for September 17, 2020. The motion was seconded by Alan Wallach and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

There was a motion made by Alan Wallach to approve the meeting minutes for October 1, 2020. The motion was seconded by Jeff Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

There was a motion made by Jeff Milne to approve the meeting minutes for October 15, 2020. The motion was seconded by Alan Wallach and accepted with a roll call vote of 4-0-1. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Abstain.

**Discussion Items: Hearing Schedule for 2021**

Chair Batchelor noted the hearing schedule created for 2021 as provided in the meeting packet.

There was a motion made by Alan Wallach to approve the hearing schedule created for 2021. The motion was seconded by Jeff Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**Chair and Commission Comments:** None.

**Executive Session:** None.

There was a motion made by Jeff Milne to adjourn the Remote Access Virtual Zoom Meeting. The motion was seconded by Paul Harrington and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

The Remote Access Virtual Zoom Meeting adjourned at 7:30 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary