

**Franklin Conservation Commission
Minutes of Meeting
June 15, 2017**

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, P. Harrington, S. McLean, J. Milne, George Russell, Conservation Agent

Members Not Present: A. Gelineau, T. Henrichon, J. Livingstone.

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

Mr. George Russell's Agent's Report has been appended to the minutes.

Presentation – Mass Audubon

Mr. Russell stated the Commission has retained Mass Audubon to do a large portion of the DelCorte Master Plan; the Commission had asked the representative to present a brief overview of the project.

Ms. Amber Carr of Mass Audubon addressed the Commission regarding the DelCorte Master Plan project. She stated that she and a colleague did a first field visit to DelCorte earlier this week to conduct an initial assessment. She reviewed with the Commission that she was contracted to do an invasive management plan, design for the entrance area near the parking, trail maintenance activity and cost estimates, and habitat enhancement. She asked if anything could be done around the play area regarding the current fence. She recommended the woodchips be brought up to the pine trees and native grass seed for the rest of the area. She confirmed the boat dock should remain handicapped accessible. She stated the entrance road is too steep for ADA compliance. The rain garden did not look functional, possibly a hydrology issue. She stated that most of the invasive species were around the entrance areas. She walked the trails and performed a superficial assessment; she will do a more in-depth inventory and mark all trails. She noted a few sinkholes. Overall, the trail systems look very good.

Chairman Batchelor stated the fencing around the play area is required by law.

Mr. Russell suggested Ms. Carr look at what is there regarding the rain garden and provide the best assessment of what is there and what are the issues. He stated the trail from entrance to other dock is not needed to be ADA compliant. He stated engineering recommended against a proposed footbridge due to stability of the slope. One important concern is that when first coming into DelCorte where the woodchips are, the vines are starting to take over. The Commission would like to improve the aesthetics, eliminate the invasives, and enhance habitat in entrance area. The focus would be on the visual impression when entering the area.

Chairman Batchelor mentioned that a lot has been done in the past three years to improve DelCorte.

Ms. Carr asked if the cement slab in the entrance area could be removed.

Mr. Russell stated that was there from the original owner. There is some significance to it; therefore, it will probably stay.

Ms. Carr stated she will have a draft with design plan graphics for the area prepared for the June 29, 2017 meeting. She will return to a future Commission meeting after July 10, 2017.

Mr. Russell suggested July 27, 2017 for her return presentation to the Commission.

Chairman Batchelor stated his concern was invasive species and the entrance appearance.

Mr. Russell suggested Ms. Carr remember that her plan may be the basis for capital improvement requests for funding. The plan should be detailed and rational; time line and cost estimates are very important.

Public Hearing – NOI – Garelick Farms – 1199 West Central Street

Mr. Jesse Arroyo of Antea Group, on behalf of Dean Foods, parent company of Garelick Farms, addressed the Commission for the removal of two 10,000 gallon fuel oil underground storage tanks. They are within the 200 ft. boundary of an underground stream. The plan is to evacuate the contents, remove the concrete above them, and dispose of them as construction debris. There is no intent at this time to put in new tanks. Upon completion of removal, they will backfill area with ½ in. or ¾ in. stone and then pave it over. The entire process will take approximately three days.

Mr. Russell stated it is a relatively straight forward project. He recommended approval with stipulations indicated in his Agent's Report.

There was a motion made by Scott McLean to close the public hearing for the NOI for Garelick Farms, 1199 West Central Street. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the NOI for Garelick Farms, 1199 West Central Street, with stipulations #20, 22, 27-30, 33-35 and 44. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Public Hearing – Continued - NOI – 31 Hayward Street – Moseley Realty

Mr. Russell stated he recommends this hearing be continued for the reasons outlined in his Agent's Report; as well, he has authorization from the applicant.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 31 Hayward Street to June 29, 2017 at 7:40 PM. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Public Hearing – Continued - RDA – 604 Maple Street - Dmytryck

Mr. Russell stated he recommends this hearing be continued to the next meeting pending the receipt of the wetland scientist's report.

There was a motion made by Scott McLean to continue the public hearing for the RDA for 604 Maple Street to June 29, 2017 at 7:45 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Public Hearing – Continued - ANRAD – 469 Maple Street – Carroll Construction

Mr. Russell stated he recommends this hearing be continued to the July 13, 2017 meeting as the peer review report has not yet been received and the applicant's wetland scientist and the Commission's peer reviewer wetland scientist will be out of town for the June 29, 2017 meeting.

There was a motion made by Scott McLean to continue the public hearing for the ANRAD at 469 Maple Street to July 13, 2017 at 7:20 PM. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activity: 21 Echo Bridge Road

Mr. Thomas Brunner, applicant, stated he had the wetlands on his property re-delineated and would like to convert approximately 400 sq. ft. of a currently mulch area to a grass area.

Chairman Batchelor confirmed that Mr. Brunner wanted to convert a non-vegetated area to a vegetated area. He stated that Mr. Russell had recommended approval.

There was a motion made by Scott McLean to approve the MBZA for 21 Echo Bridge Road. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Minor Buffer Zone Activity: 17 Echo Bridge Road

Mr. Bruce Herreilers, applicant, stated he is applying for an MBZA to create a compost area in the rear of the lawn. He had assumed because there was wetland that it would not be permitted. But, after discussion with Mr. Russell he realized it was possible. He provided pictures and explained the proposed location.

Mr. Russell stated that the compost pile will be in an area that was previously an NOI for the removal of dangerous trees. The pile will not be visible from the street, but will be in the 25 ft. no touch zone. Due to the environmentally friendly nature of the compost pile, he recommended the waiver of the buffer zone requirement.

Mr. Harrington asked about the size of the pile.

Mr. Russell stated the applicant requested a specific size; if it becomes bigger than that, it would become a violation.

There was a motion made by Scott McLean to approve the MBZA for 17 Echo Bridge Road with the understanding that the dimensions of the compost pile are to be 10 ft. x 10 ft. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Minor Buffer Zone Activity: 2 Cassandra Avenue

Mr. Robert Gilstein, applicant, stated that a few weeks ago he had applied for permission to put in a small deck expansion. The Commission ruled that he was not eligible to be an applicant. Since then he has contacted his Board of Trustees who contacted the attorney who hopefully straightened that out.

Mr. Russell stated that technically the Board is the applicant. He noted that there had been much discussion between the members of the Board of Trustees, the town attorney, the attorney for the Board, the town assessor's office, and the conservation office. The Board giving the authorization for the application is meeting the legal test for the applicant to go forward. He stated that the Commission has a

standing policy that MBZAs cannot be used when there is an existing NOI unless there is a threat to health and safety. There is an existing NOI; there is not a threat to health and safety. However, the instant deck is outside of jurisdiction. In addition, the NOI for the whole project is going to expire in four to five weeks. To make sure the policy of MBZAs and NOIs remains in force, he requested that the Commission make a specific finding. Due to the facts of the existing NOI and that this project would be outside of jurisdiction under normal circumstances, the Commission will waive its policy and grant the MBZA, but the overall policy would remain in force. He stated that the original applicant was the developer. He noted that there have been different legal opinions as to who owns the property.

Mr. McLean noted that the distinction for this MBZA is that the applicant for the deck is not the applicant for the original NOI which seems to be the underlying thread of the current policy. He stated that the Commission does not want applicants to come in and use an MBZA as an amendment tool.

There was a motion made by Scott McLean to approve the MBZA for 2 Cassandra Avenue with the understanding that the Conservation Commission's policy that MBZAs not be used to amend NOIs is still in effect, and that this is a situation distinct from that policy. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Permit Modification: Lots 1, 2, & 3 Marine Way

Mr. Russell stated this has been put on the agenda as a single item, but this is technically three NOIs; there is an NOI for each lot.

Mr. Mounir Tayara, Manager for Franklin Hills LLC, stated that this property was recently acquired with an existing NOI. From those approved plans, they would like to vary that design and are proposing modifications to the house locations including changing the footprints, adding decks, and adding retaining walls which will improve the grading. They proposed a 500-gallon underground propane tank for each unit. He stated that the limit of work will not change.

Mr. Russell noted the site work on these projects has started; they are clearing land and doing some infrastructure work. The basic modifications involve the structures, retaining walls, and propane tanks. The overall impact to the project is really not going to change. He recommended that this does not rise to the level of new NOIs, but only an amendment to each one. He stated that the applicant understands this requires abutter notifications and public hearings.

There was a motion made by Scott McLean that it is the Conservation Commission's opinion that the new work at Lots 1, 2, & 3 Marine Way rises to the level of an amendment, not a new NOI. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Certificate of Compliance: 22 Garnet Drive

Mr. Russell stated all is ready for the release to be granted.

There was a motion made by Scott McLean to release the Certificate of Compliance for 22 Garnet Drive. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Discussion: Beaver Study, DelCarte

Mr. Russell stated the author of the study, ESS, will do a presentation about their findings at the next meeting. He has reached out to DPW to see if they would be able to provide the necessary labor. He

stated that removing the dams will involve a lot of permitting, not only through the Conservation Commission, but through DEP and Mass Wildlife. He noted that one of the dams is approximately 15 ft. high and 20 ft. wide at the base.

Discussion: Use of Conservation Commission Land

Mr. Russell stated a request has been received to access land that the Commission controls off Plain Street by representatives of the firm doing the gas pipeline study to find and tag any turtles on the site to study migration and habitat.

There was a motion made by Scott McLean to allow the representatives of the proposed gas line to use Commission land for turtle tagging for their environmental impact study. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Signed Minor Buffer Zone Activity, Orders of Conditions & Certificate of Compliance

Orders of Conditions – Garelick Farms – 1199 West Central Street – CE159-1161

Minor Buffer Zone Activity – 2 Cassandra Avenue – Gilstein

Minor Buffer Zone Activity – 17 Echo Bridge Road – Herreilers

Minor Buffer Zone Activity – 19 Echo Bridge Road – Brunner

Certificate of Compliance – 22 Garnet Drive – Macneil – CE159-1101

There was a motion made by Scott McLean to adjourn the meeting. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

The meeting adjourned at 8:04 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary