

Town of Franklin



Conservation Commission

**November 19, 2020  
Meeting Minutes**

*As stated on the agenda, due to the 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 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, Jeff Livingstone, Paul Harrington, Patrick Gallagher. Members absent: Alan Wallach. Also present: Jen Delmore, Conservation Agent.

**Commencement**

Chair Batchelor announced this meeting will be video recorded.

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

**PUBLIC HEARINGS:**

**Public Hearing – Continued - NOI – 469 Maple Street – Maple Hill Subdivision**

Mr. Bill Buckley of Bay Colony Group, representing the applicant, addressed the Commission for the construction of a 58-lot residential subdivision which includes 7,255 ft. of roadway, driveways, grading, drainage, and utilities that lie partially within the 100 ft. buffer zone to a bordering vegetated wetland and within the 100 ft. buffer zone to two isolated vegetated wetlands. This filing is solely for the roadway and infrastructure associated with the subdivision; proposed houses that are within the buffer will file individual NOIs. He reviewed the plans and focused on the wetland areas where changes were made. He explained the locations of drainage basin B and drainage basin F and discussed the modifications. He stated that BETA recommended basin B be made as large as possible to fit on the lot. As such, the applicant expanded the basin which result in about 900 sq. ft. more of alteration in the buffer zone. He stated there would be no activity in the 25 ft. buffer zone. He noted that basin F was originally on Lot 18. After it was moved to its current location, BETA requested a low-flow swale be added to make sure the runoff during low flow conditions will drain out and not stay in the pond. He stated that they are scheduled to meet with the Planning Board in December.

Ms. Delmore stated that BETA issued a letter stating all of the changes within Conservation jurisdiction are okay, and there are no outstanding comments. A DEP file number has been received. She recommended that along with the usual special conditions, additional special conditions #23 and #32 be included as they are special reporting conditions. As well, she recommended additional special condition #52: Applications for each individual house lot within Conservation jurisdiction must be filed separately to this Order of Conditions.

Mr. Gallagher asked how changes to basin F are anticipated to affect the homes on Sherwood Lane. Mr. Buckley stated that he did not think it was a concern based on the topography. He explained that they must control for both the rate and volume of runoff which cannot be any greater at the end of the project than what is currently there.

Ms. Delmore confirmed that BETA and Ms. Lenore White of WSI have reviewed all of the proposed changes.

Mr. John Cetrano, 64 Bridle Path, confirmed the drawings show representations of the possible locations for the houses and septic systems. Mr. Buckley confirmed the plans are not true engineering drawings for the septic systems at this time.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 469 Maple Street – Maple Hill Subdivision. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for 469 Maple Street – Maple Hill Subdivision with special conditions #20, 21, 23, 24, 27-30, 32, 34, 41, 44, and 51, and additional special condition #52: Applications for each individual house lot within Conservation jurisdiction must be filed separately to this Order of Conditions. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

#### **Public Hearing – ANRAD - 515 West Central Street**

Ms. Nicole Hayes of Goddard Consulting, on behalf of the applicant, addressed the Commission for the confirmation of 600 linear ft. of Bordering Vegetated Wetlands.

Chair Batchelor confirmed a letter from peer reviewer Wetland Strategies, Inc. dated November 4, 2020, that states that the wetland might extend more eastward of wetland flags GC21 and 22. Additional review of that area was suggested.

Ms. Delmore confirmed that the applicant submitted a response with additional information, but it was not submitted in time to be in tonight's meeting packets. BETA/WSI is requesting to meet the applicant's botanist on site to clear up the flag placement disagreement which would require the applicant pay more for an additional site visit. She asked if the Commission would like to wait to see the applicant's additional information before requesting additional services from WSI. She stated that she is willing to meet the applicant on site. She recommended continuing the public hearing to allow time for further review.

There was a motion made by Jeffrey Milne to continue the public hearing for the ANRAD for 515 West Central Street, to December 10, 2020, at 7:00 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

#### **Public Hearing – Continued - ANRAD - 0 Cottage Street, 0 Cottage Court, 21 Peck Street**

Mr. Dan Wells of Goddard Consulting, on behalf of the applicant, addressed the Commission for the confirmation of 40 linear ft. of Bordering Vegetated Wetlands and 910 linear ft. of bank of an intermittent stream. He reviewed that the ANRAD was filed in September, and a letter from Wetland Strategies Inc. was received reviewing the wetland delineation which indicated everything was acceptable as presented on the plan. The DEP file number was received along with two comments. DEP requested a revised plan be submitted with the lots highlighted differently to include all subject parcels. The revised plan, dated October 16, 2020, has been submitted. He stated that DEP's questions regarding flags have been addressed.

Ms. Delmore stated that she agreed with Mr. Well's summation, and all is ready to be issued. She recommended approval of the Order of Resource Area Delineation.

There was a motion made by Jeffrey Milne to close the public hearing for the ANRAD for 0 Cottage Street, 0 Cottage Court, 21 Peck Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

There was a motion made by Jeffrey Milne to approve the ANRAD for 0 Cottage Street, 0 Cottage Court, 21 Peck Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

#### **Public Hearing - NOI - 919 West Central Street - Detention Basin**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., on behalf of the applicant, addressed the Commission for the removal of a beaver dam which is currently obstructing the flow of water exiting the pond through a drainage structure; they are proposing to perform maintenance on the existing detention pond. She reviewed the location and noted the MBTA and several industrial sites surround the area. She stated that it was noticed that the detention pond is not operating as it should. With further investigation, it was discovered that there is an outlet control structure that is blocked by a beaver dam. She reviewed pictures of the detention pond and beaver dam. She explained the proposed process to breach the beaver dam in a humane manner. She requested a perpetual condition be added to the approval and future Certificate of Compliance that maintenance of the area be allowed ensuring this problem will not come up again.

Ms. Delmore stated that she performed a site visit on November 17, 2020. She recommended approval with special conditions #20, 21, 24, 27-30, 34, 41, 44, and 51, as well as additional special condition 52: Applicant may continue to maintain the area where water drains from the basin, under the road. The Certificate of Compliance is to reflect this perpetual condition so that the damming issue does not arise again.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 919 West Central Street - Detention Basin. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for 919 West Central Street - Detention Basin with special conditions #20, 21, 24, 27-30, 34, 41, 44, and 51, and additional special condition #52: Applicant may continue to maintain the area where water drains from the basin, under the road. The Certificate of Compliance is to reflect this perpetual condition so that the damming issue does not arise again. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

#### **Public Hearing – NOI – Lot 34 Mastro Drive**

Mr. Daniel Lewis addressed the Commission for a wetland crossing associated with a single-family house and barn, which are proposed outside of the 100 ft. buffer zone to the Bordering Vegetated Wetland. The access driveway is proposed to cross the wetland by using a box culvert made out of concrete about 6 ft. in width. About 2,350 sq. ft. of wetland disturbance is proposed with 4,900 sq. ft. of wetland replication. About 1,960 sq. ft. of 25 ft. buffer zone area is proposed to be disturbed with 4,450 sq. ft. of "no-disturbance" buffer zone replacement. He noted a previous Order of Conditions issued in March 2014. Work started this past fall; however, due to coronavirus, the work ended. He stated that after discussion with the Conservation Agent, a new filing was submitted. He stated that the area has recently been reflagged.

Ms. Delmore asked if the applicant was going to request a Certificate of Compliance on the old Order of Conditions. Mr. Lewis stated he would do that. Ms. Delmore stated that in regard to the new application, the

peer reviewer BETA/WSI is currently reviewing the project. She recommended continuing the public hearing to allow time for peer review and the DEP file number.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Lot 34 Mastro Drive, to December 10, 2020, at 7:01 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

## **GENERAL BUSINESS**

### **Minor Buffer Zone Activity: 7 Dover Circle**

Ms. Cathy, Donghong Zeng, homeowner, addressed the Commission for the removal of five pine trees, all of which are either on the edge of the 25 ft. buffer line or closer to the perennial stream. She stated that last month during a windstorm a pine tree fell on her house and caused great damage. This prompted the application to remove the remaining hazardous trees. They are top heavy with most branches on the side facing the house. She stated a tree professional stated the roots are rotten, and the trees should be removed.

Ms. Delmore stated she performed a site visit, and there does not appear to be much of a bordering vegetated wetland associated with the stream. There is a significant drop of at least five feet from the edge of the lawn to the stream. Because there are multiple trees and they are so close to the stream, she recommended approval of removal leaving the stumps and disposing of the debris offsite, as well as planting at least three native trees to mitigate.

Chair Batchelor confirmed the recommendation to leave the stumps and plant three trees to mitigate any possible erosion. Ms. Cathy stated she agreed to plant the three native trees in the spring. She requested a sixth tree to be taken down within this approval as well. Ms. Delmore stated that any trees on the neighbor's lot would need a separate application. Chair Batchelor suggested this MBZA be continued to December 10, 2020. In the meantime, Ms. Delmore would perform a site visit to review the specific trees that Ms. Cathy is requesting to remove so the MBZA can be specific. Ms. Cathy said the trees applied for are already very dangerous; she will file in the future for any additional trees and will move forward with the trees that are currently on this MBZA.

There was a motion made by Jeffrey Milne to approve the Minor Buffer Zone Activity for 7 Dover Circle. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

**Permit Modifications/Extensions:** None.

### **Certificate of Compliance: 100 Financial Park – Warehouse**

Mr. Mathew Mui of Highpoint Engineering, on behalf of the applicant, addressed the Commission for a Certificate of Compliance for construction of a warehouse building with associated parking lots and drainage.

Ms. Delmore stated that she performed a site visit on November 11, 2020. The only deviations from the project were not within Conservation jurisdiction; the area is stable and grass is growing. She recommended issuance of complete Certificate of Compliance.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 100 Financial Park – Warehouse. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

**Violations/Enforcement:** None.

**Minutes:** None.

**Discussion Items:** None.

**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 Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Gallagher-Yes; Batchelor-Yes.

The Remote Access Virtual Zoom Meeting adjourned at 8:00 PM.

Respectfully submitted,

*Judith Lizardi*

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Judith Lizardi  
Recording Secretary