

Town of Franklin



Conservation Commission

**February 4, 2021  
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, Alan Wallach, Patrick Gallagher. Members absent: None. Also present: Jen Delmore, Conservation Agent; Maxine Kinhart, Administrative Staff.

**Commencement**

Chair Batchelor announced this meeting will be video recorded.

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

**PUBLIC HEARINGS**

**Public Hearing – NOI – 515 West Central Street**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Commission for the construction of a 5,200 sq. ft. day care facility with a 3,790 sq. ft. playground area and associated utilities, parking, etc., within the 100 ft. buffer zone to a Bordering Vegetated Wetland. She reviewed that the original Site Plan included the Wendy's parcel, the applicant's parcel which is Lot 3, and the Midas parcel. She stated that it has transitioned to a private subdivision. She stated that on their lot, a roadway was put on the plan pictorially, but was not intended to be constructed. She stated that the wetlands have been delineated. There are limits of clearing and limits of work that extend into the cul de sac. She stated that the areas that are within the picture of a cul de sac are fairly unchanged from what was previously approved in March 2011; time has gone by and the wetlands line has not changed significantly. She stated that she believes the impacts are about the same as in 2011. She reviewed the plans showing the proposed day care facility and parking and stated that the majority of work proposed is outside the 25 ft. buffer. She noted areas of confusion seem to be with discrepancies on work proposed within the 25 ft. buffer. She reiterated that the cul de sac was never intended to be constructed; it was intended to create three individual lots so they could sell them off. She noted they are going through Planning Board, as well. She explained that there is an existing transformer built as part of the Midas project that is not intended to be moved. She stated that within the 25 ft. buffer to the BVW there is a little encroachment with the proposed road that was previously approved; she discussed the possible need for a waiver.

Chair Batchelor asked if the cul de sac is paved or pre-disturbed. Ms. Cavaliere explained the existing tree line and reviewed the pre-disturbed area. She stated a covenant was signed off from the Town regarding the rights of the road that indicate the cul de sac was never intended to be constructed. She stated clarification was requested by the peer reviewer and the conservation agent regarding the work to be done in the 25 ft.

zone and the work to be done in the 25 ft. to 50 ft. zone. She stated that they have tried to have most of the work outside of the 50 ft. zone.

Ms. Delmore stated that she recognizes it is just a tiny bit of work proposed within the 25 ft. no-touch zone. Her main concern is the paved access road and a retaining wall going in between the 25 ft. and 50 ft. zones. She stated that by the regulations, a variance is required for the work in the 25 ft. and the work in the 25 ft. to 50 ft. A variance request was not received. She questioned if there was any room on site to do some mitigation for the disturbance within the buffer zones. It was noted that she sent a request for the following information to the applicant's representative: 1. A NHESP map and a topo map with the site clearly marked; 2. A storm water checklist; 3. A Function and Characteristics Statement (Section D in our town instruction packet); and 4. Variance request and mitigation proposal for the work within the 50 ft. no impervious buffer zone and 25 ft. no disturbance buffer zone. She noted there is no DEP file number yet. The peer reviewer issued their initial report; however, it was not in time to be provided in the Commission members' meeting packet. She recommended continuing the public hearing.

Commission members asked questions. In response, Ms. Cavaliere stated that when doing the design, they looked at making sure vehicles have room to turn around and make the curve work. She believes they have a 30 ft. radius; she will look into it. Right now, what is constructed is an existing sidewalk from the Wendy's exit. They were looking to match the existing sidewalk. It may be difficult to shift it down, but she will take a look to see if it could be shifted. She reviewed the turning plan for a fire truck. Mr. Harrington stated that it looks like they are trying to put a big project in a small space; he would look forward to seeing what mitigation they could do. Ms. Cavaliere responded to additional questions and stated the 25 ft. access is a requirement for the fire department; originally, it was proposed as an 18 ft. access. She explained that the Wendy's and this project will be separate owners. She will look into whether the entrance to the property and the access easement could be used for egress and if the entrance could be made any narrower to get further outside the 25 ft. buffer. Chair Batchelor suggested the Commission receive the peer review report and DEP comments. He noted that what was looked at 10 years ago may have changed; this should be looked at as a fresh project.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 515 West Central Street to February 18, 2021, 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: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

#### **Public Hearing – Continued - NOI – 380 Beaver Street – Chilson Park Playground Expansion**

Ms. Delmore stated that Ms. Brooke Cotta, Assistant Town Engineer, representing the Town as the applicant, requested a continuance to the next Commission meeting.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 380 Beaver Street, Chilson Park Playground Expansion, to February 18, 2021, at 7:02 PM. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

#### **Public Hearing – Continued - NOI – Beaver Street Sidewalk and Drainage Improvements**

Ms. Delmore stated that Ms. Brooke Cotta, Assistant Town Engineer, representing the Town as the applicant, requested a continuance to the next Commission meeting.

There was a motion made by Patrick Gallagher to continue the public hearing for the NOI for Beaver Street Sidewalk and Drainage Improvements to February 18, 2021, at 7:03 PM. The motion was seconded by Alan Wallach and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities:** None.

**Permit Modifications/Extensions:** None.

**Certificates of Compliance:** None.

**Violations/Enforcement:** None.

**Minutes: January 21, 2021**

There was a motion made by Alan Wallach to approve the meeting minutes for January 21, 2021. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-1. Roll Call Vote: Livingstone-Yes; Harrington-Abstain; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**Discussion Items: Best Development Guidebook - update to reflect storm water policy changes**

Ms. Delmore stated that Town Engineer Michael Maglio and the Department of Public Works have been working on proposed changes to the Stormwater bylaw which are required under the Town's current MS4 Stormwater Permit issued by the Environmental Protection Agency. A letter, originally sent to the Planning Board, from Mr. Maglio is in the Commission members' meeting packet. Mr. Maglio prepared the changes that need to be made to the Best Development Guidebook. She requested a vote from the Commission to approve these changes; she will then update the guidebook on the website.

There was a motion made by Alan Wallach to approve the Best Development Guidebook update to reflect stormwater policy changes. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

**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 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Batchelor-Yes.

The Remote Access Virtual Zoom Meeting adjourned at 7:43 PM.

Respectfully submitted,

*Judith Lizardi*

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Judith Lizardi  
Recording Secretary