Town of Franklin



Conservation Commission

**March 18, 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***.

**Commencement**

Chair Batchelor announced that due to technical difficulties, he will invoke a five-minute delay.

Chair Batchelor called the above-captioned meeting to order this date at 7:05 PM as a Remote Access Virtual Zoom Meeting. Members in attendance: Bill Batchelor (at Town Hall), Jeffrey Milne (at Town Hall), Paul Harrington (via Zoom), Alan Wallach (via Zoom), Patrick Gallagher (via Zoom), Andrew Mazzuchelli (via Zoom). Members absent: Jeff Livingstone. Also present: Jen Delmore, Conservation Agent (at Town Hall); Maxine Kinhart, Administrative Staff (at Town Hall).

Chair Batchelor announced this meeting will be video recorded.

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

**PUBLIC HEARINGS**

**Public Hearing – NOI – 620 Lisa Lane**

Mr. Joseph Leonida, owner, and Mr. Russell Waldron of Applied Ecological Sciences (AES) addressed the Commission. Mr. Waldron provided an overview for the construction of an in-ground pool and pervious paver apron, 4’ fence, and 9’x12’ shed within 100’ to a Bordering Vegetated Wetland and a jurisdictional detention basin. He stated that this can all be kept out of the 25’ zone, but it is not possible to keep it all out of the 50’ zone; therefore, they are requesting a waiver. He reviewed the proposed location of the pool which contains four existing trees. He noted the yard is flat so no filling will be needed. He stated the total proposed disturbance is 2,415 sq. ft. of which 753 sq. ft. is in the 25’ to 50’ zone.

Ms. Delmore stated that Mr. Waldron has submitted application documents that were originally missing. She stated that she had recommended the proposed plantings be revised which Mr. Waldron did. She noted that the original plan showed the fence cutting across the drainage easement; that has since been revised. She stated that she conducted a site visit on March 4, 2021, and all wetland flags are accurate. She discussed that there is a swing/play set with a stone base within the 25’ buffer zone to the resource areas; the house was purchased in 2012 with that already in place. She noted that around wetland flag WA 11, yard waste deposits were observed. She was going to recommend requiring the applicant to remove the yard waste piles and recognize there is no dumping allowed in a resource area or within the buffer zone without permission; however, the applicant has already removed the yard waste piles. She stated that no DEP file number has been received from the state; therefore, she is recommending to continue the public hearing.

Commission members asked questions. Mr. Leonida confirmed the debris pile was moved off the property. Mr. Waldron discussed the proposed mitigation for the four mature trees that will be removed for the pool. Ms. Delmore stated that the 25’ no-touch bylaw came into effect in 1997; the play area was installed in the 2000s. It was noted that the applicant purchased the house in 2012 with the play area already installed. Ms. Delmore explained that the Commission can request that the applicant move the play area out of the 25’ no-touch zone so it can revegetate naturally. Chair Batchelor questioned why the Commission would ask the applicant to move the play area closer to the road as it is used by children; this would not be productive. He requested Commission members’ input. Mr. Waldron reviewed the pervious paver application. He discussed that trees are usually removed near a planned pool area.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 620 Lisa Lane to April 1, 2021, at 7:00 PM. The motion was seconded by Paul Harrington and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Public Hearing – Continued - NOI – Lot 34 Mastro Drive**

Mr. Rick Goodreau of United Consultants Inc., representing the applicant, addressed the Commission for a wetland crossing associated with a single-family house and barn, which are proposed outside of the 100’ buffer zone to the Bordering Vegetated Wetland (BVW); the access driveway is proposed to cross the wetland and stream by using a box culvert. He provided an update to the project and stated that review/comment letters were received by the Commission’s wetland consultant BETA/Wetland Strategies, Inc. A site walk was conducted with the conservation agent and the wetland consultant, Lenore White. As part of that, the existing stream was delineated on both banks, and some revisions were made to the wetland boundaries. With the snow cover, the location of the approximately 300 flags has taken some time to accomplish. He stated that they are now in the process of amending the plan which will be filed with the Commission. He requested a continuance of the public hearing to the next meeting.

Ms. Delmore noted that Ms. White and BETA will be submitting an amendment to the scope and fee as it will require more review with the additional flags and new plan. Commissioners stated that they did not have any issue with the revised fee.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for Lot 34 Mastro Drive to April 1, 2021, at 7:01 PM. The motion was seconded by Alan Wallach and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

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

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., representing the applicant, 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’ buffer zone to a Bordering Vegetated Wetland. She stated that they are currently working with the Planning Board regarding items including recommended parking. She stated that before they return to the Commission, they would like to get some items ironed out as they could have the potential to impact the wetland resource areas and the buffer work originally proposed. She stated that they are trying to iron out whether the cul de sac for the subdivision should be paved; it is currently in front of legal counsel. She suggested that she would review some of the issues being discussed with the Planning Board.

Chair Batchelor stated that what other boards do is their domain; the Commission’s central issue is do we meet the wetlands and building strategy that we are empowered with. He stated that the Planning Board should not look to us for guidance, and we should not look to the Planning Board for guidance. He stated that we look at the merits of the project solely from a conservation standpoint. Mr. Gallagher requested to hear the background information from Ms. Cavaliere. Chair Batchelor stated that the Commission is not an advisory committee for other boards. He stated that he looks to Conservation Agent Jen Delmore to navigate through various issues and present them to the Commission for vote. Mr. Milne stated that he would like to hear Ms. Cavaliere’s presentation. Mr. Harrington and Mr. Wallach stated they were not averse to hearing it. Mr. Mazzuchelli stated that he would be inclined to hear it; however, he would not be willing to make any comment on it before an official plan has been approved. Chair Batchelor stated that he would make a ruling on this; Ms. Cavaliere will make statements on the thinking, and he will ask the Commissioners to not make judgmental calls on any of the testimony given. There were no objections.

Ms. Cavaliere said that she is comfortable with no feedback from the Commission; she just wants to give an overview of the differentiating areas on the site. She showed the site modification plan and described the layout they are trying to do. She discussed the existing transformer in the cul de sac and the issue of whether the cul de sac should be paved or not paved. Chair Batchelor confirmed that Ms. Cavaliere is repeating information that she had provided a few meetings ago.

There was a motion made by Alan Wallach to continue the public hearing for the NOI for 515 West Central Street to April 1, 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; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities:** None.

**Permit Modifications/Extensions:** None.

**Certificate of Compliance: Fairfield @ Dean Ave. CE159-1155**

Ms. Delmore stated that she recommended continuance to the next meeting on April 1, 2021, as she has not been able to properly review the project with a site inspection and is waiting until the herbaceous layer starts growing; she stated that the applicant agreed.

There was a motion made by Andrew Mazzuchelli to continue the Certificate of Compliance for Fairfield @ Dean Ave. CE159-1155 to April 1, 2021. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Violations/Enforcement:** None.

**Minutes: March 4, 2021**

There was a motion made by Jeffrey Milne to approve the meeting minutes for March 4, 2021. The motion was seconded by Paul Harrington and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Discussion Item: 340 East Central Street Highbush Blueberry and Red Maple Mitigation**

Ms. Delmore stated that Wetland Engineer Mark Arnold of Goddard Consulting who submitted the revised mitigation letter is at the meeting via Zoom; she is in agreement with what Mr. Arnold submitted. Mr. Arnold stated that he is speaking on half of the applicant regarding the mitigation of an 8” diameter red maple tree within the proposed wetland replication area that was accidently cut at the start of construction. He reviewed his revised mitigation plan which included nine highbush blueberry bushes which have already been installed and two red maple 2” caliber trees. Commission members had no questions. Ms. Delmore stated she was satisfied with the discussion on this item.

**Discussion Item: Earth Day**

Chair Batchelor stated that he requested this item be put on the agenda. He stated that Earth Day is in April at which time the Conservation Commission usually holds a project to clean up DelCarte and the surrounding area. He stated that with COVID, the Commission has been unable to get this going; the question is whether or not this is something we want to do this year. He stated that the timing in not good as we are still in the pandemic. Mr. Mazzuchelli stated that the way we are trending shows that fall would be a better time for this event; Earth Day is important and the general involvement for most people would be better at that time. Mr. Milne agreed with Mr. Mazzuchelli. He asked what the Town is going to do for Earth Day as in the past the Commission has coordinated their efforts with other Town efforts. Ms. Delmore stated that the Parks and Recreation Department is planning to do their annual cleanup of multiple sites around town this spring. They plan to have people pick up a bag and gloves and go to an assigned site to clean up; there will be no food, drinks, or T-shirts. She stated that the DPW is planning to plant some trees. If the Commission wants to have food and T-shirts, fall would probably be best. Chair Batchelor opined that fall would be best. He announced that he is working with some residents who will conduct a walk-along at DelCarte with trash bags that they will supply on their own, and they will bring the bags back to their homes for trash pickup. He stated that there is $1,000 for T-shirts allocated for the Commission’s cleanup event. He suggested that the Commission could contact Starbucks and Big Y to supply some food. He stated that this is all based on the progress of the vaccination and herd immunity. Commission members commented on the suggested plan and informally agreed that the fall is the best time for the cleanup event.

**Chair and Commission Comments:** None.

**Executive Session:** Chair Batchelor stated that he would like to go into executive session for five minutes. He read aloud the executive session statement.

There was a motion made by Chair Batchelor to enter Executive Session to discuss pending litigation. The motion was accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

The Open Session of the Remote Access Virtual Zoom Meeting ended at 8:19 PM.

Respectfully submitted,

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Judith Lizardi

Recording Secretary