Town of Franklin



Conservation Commission

**April 15, 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 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, Andrew Mazzuchelli. Members absent: Patrick Gallagher. Also present: Jen Delmore, Conservation Agent.

Chair Batchelor announced this meeting will be video recorded.

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

**PUBLIC HEARINGS**

**Public Hearing – NOI – 0 Cottage Street, 0 Cottage Court, 21 Peck Street (Madalene**

**Village)**

Mr. Dan Wells of Goddard Consulting on behalf of the applicant addressed the Commission for the construction of an affordable housing development including infrastructure, drainage, and relocation of the existing intermittent stream and bordering vegetated wetlands (BVW) on the property. He noted that he was before the Commission in the fall for an ANRAD on this property which he reviewed. He noted that this 40B project was approved by the ZBA; therefore, the local wetland bylaw is not applicable. This NOI is filed under the Wetlands Protection Act only. He reviewed the existing conditions plan of what was approved in November 2020 by the Commission. He discussed the intermittent stream and pipe that goes under Fletcher Field. He discussed the jurisdictional areas under this NOI. He explained that the resource areas were confirmed by an ORAD by the Commission. He showed photographs of the existing conditions of the stream and noted it was highly vegetated by invasive species. He provided an overview of the residential project with 32 individual units. He stated that only a portion of the project is in the jurisdictional area. The existing stream that is underneath the development is proposed to be relocated; the stream would wrap around to the south of the houses and then join back to the existing stream. He explained and showed the proposed plan and stated it would be an improvement over the existing conditions. He explained the resource area impacts and proposed mitigation of the redesigned stream system including grading and stormwater management system. He reviewed that there is 180 sq. ft. of BVW alteration proposed with 400 sq. ft. of mitigation, 869 linear ft. of bank alteration proposed with 1,200 linear ft. of mitigation, and 4,789 sq. ft. of land under water bodies alteration proposed with 7,000 sq. ft. of mitigation. There will be 50 trees and 126 shrubs planted. He pointed out that there will be a 52 percent increase in the length of the stream which creates significant increase in bank resource area. He stated that he performed a DEP wildlife evaluation for the project; there are not any obvious or significant wildlife habitats in the stream area that will be altered.

Ms. Delmore stated that she is waiting for the applicant to submit the fee for peer reviewers BETA and Wetland Strategies in order to start the review. BETA will do a full stormwater management review and WSI will complete a wetlands protection review. She stated that she is waiting for DEP to issue a file number and comments. She recommended continuing the public hearing.

Mr. Harrington requested if one of the peer reviewers would discuss if the water flow will be enough for the stream once it is enlarged.

Ms. Jennifer D’Angelo, 34 Wachusett Street, stated that she aligned with Mr. Harrington regarding the flow of the water and as she lives nearby; she noted concern about the potential for water to dump onto her property. She hopes some of the forthcoming reports will talk about the flow modification to clarify some of her concerns regarding the project.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 0 Cottage Street, 0 Cottage Court, 21 Peck Street (Madalene Village) to May 6, 2021, at 7:00 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; Mazzuchelli-Yes; Batchelor-Yes.

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

Ms. Delmore stated that the applicant requested a continuance of the public hearing to the next Commission meeting on May 6, 2021.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for Lot 34 Mastro Drive to May 6, 2021, at 7:01 PM. The motion was seconded by Paul Harrington and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-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 day care facility with a playground area and associated utilities, parking, etc., within the 100 ft. buffer zone to a bordering vegetated wetland. She stated that since the last meeting with the Commission changes were made based on comments from WSI and the conservation agent. She pointed out that they checked the calculations within the 50 ft. to 100 ft. buffer zone to the BVW and found they were over in their calculations. Therefore, they have made efforts to minimize the impacts. As well, they had a parking analysis done which indicated parking was sufficient. They did not get the documents in time for tonight’s meeting; however, the information has been submitted. She discussed the cul de sac area. She reviewed that the three parcels were set into a subdivision of Wendy’s, Midas, and the proposed day care facility. She reviewed the variance request that was submitted today for work within the buffer zone and the access area for vehicles. She noted that this was originally designed as a site plan with three different buildings and explained where access was proposed. She stated that without being allowed to pave within the 25 ft. to 50 ft. buffer, the property will be significantly more difficult to access.

Chair Batchelor requested that Ms. Delmore and Ms. Lenore White of WSI review the variance request prior to Commission members’ comments. Ms. Delmore stated that the applicant has taken into consideration previous Commission members’ comments. She confirmed the variance request and updated calculations were received today. Chair Batchelor requested Ms. White attend the next Commission meeting on May 6, 2021. Commission members noted that they may have questions, but would wait until the report is received.

There was a motion made by Alan Wallach to continue the public hearing for the NOI for 515 West Central Street to May 6, 2021, at 7:02 PM. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activity: 17 Echo Bridge Road**

Mr. Bruce Herreilers, property owner, addressed the Commission for the installation of an irrigation well within the 50 ft. to 100 ft. buffer zone. No shrubs or trees are proposed to be removed, and there will be less than 10 sq. ft. of permanent disturbance.

Ms. Delmore stated that she performed a site visit on April 7, 2021. She does not see any issue; it is a previously disturbed area.

There was a motion made by Jeffrey Milne to approve the Minor Buffer Zone Activity for 17 Echo Bridge Road. 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; Mazzuchelli-Yes; Batchelor-Yes.

**Minor Buffer Zone Activity: 3 Sewall Brook Court (emergency hazardous tree removal approved)**Mr. Manuel Romero, property owner, addressed the Commission for the removal of nine hazardous trees that are close to the house.

Ms. Delmore reviewed that she performed a site visit on April 7, 2021, and determined that seven of the trees are actually within the 25 ft. buffer zone. She explained that the homeowners expressed concern that they did not want to wait until the meeting for fear the trees would come down on their house sooner. Due to the status of the trees according to Tree Tech Inc. in their letter which is included in the Commission’s meeting packet, and the proximity of the trees to the home, she stated that Chair Batchelor made the decision to have the conservation agent issue an emergency approval to remove the trees under the condition the applicant appear at this meeting to answer questions the Commissioners may have or respond to mitigation requests.

Chair Batchelor confirmed Ms. Delmore spoke to him regarding this item and the emergency approval to remove the trees. Mr. Milne asked about mitigation for the removed trees. Chair Batchelor stated the trees could not be replaced in that area. Mr. Livingstone stated agreement with the tree removal. Mr. Wallach agreed it was the right thing to do.

There was a motion made by Jeffrey Milne to approve the Minor Buffer Zone Activity for 3 Sewall Brook Court (emergency hazardous tree removal approved). 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; Mazzuchelli-Yes; Batchelor-Yes.

**Permit Modifications/Extensions:** None.

**Certificate of Compliance: Fairfield @ Dean Avenue CE159-1155**

Ms. Delmore stated that the applicant agreed to request a continuance until the cinnamon fern plantings are successful.

There was a motion made by Andrew Mazzuchelli to continue the Certificate of Compliance for Fairfield @ Dean Avenue, CE159-1155. 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; Mazzuchelli-Yes; Batchelor-Yes.

**Certificate of Compliance**: **Maple Preserve (Maple Street and Laurinda Lane) CE159-1154**

Mr. Bob Baker, Project Site Contractor, addressed the Commission for the construction of a 10-lot subdivision with associated roadways, driveways, utilities, grading, drainage, and landscaping; some portions of the project fell within the 100 ft. buffer zone to three different wetland areas.

Ms. Delmore stated that she has the approved plans and the as-built that she can share on the screen. She noted that as discussed at the last Commission meeting, a section of rip rap was added in the 25 ft. to 50 ft. buffer zone to the Isolated Wetland (downhill of the basin) and added as a field change to better stabilize the steep slope.

Mr. Baker stated that he spoke with Town Engineer Michael Maglio and Matthew Crowley of BETA Group to review this. He stated that Mr. Crowley said he did not see it as significant, and Mr. Maglio did not have a problem with this, as well. He stated that the engineer, Mr. Bill Buckley, wrote a letter to Chair Batchelor regarding the slope. Mr. Harrington reviewed the previous discussion at the last meeting regarding the rip rap.

Ms. Delmore stated that from a conservation standpoint, more vegetation is desirable. She noted that originally it was planned to be a lawn area with no plantings. She stated that it is stabilized now. She stated that going back in there would de-stabilize it. Mr. Livingstone explained the possible erosion that could occur and that there would be more damage by removing the rip rap than leaving it there.

There was a motion made by Paul Harrington to approve the Certificate of Compliance for Maple Preserve (Maple Street and Laurinda Lane) CE159-1154. 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; Mazzuchelli-Yes; Batchelor-Yes.

**Violations/Enforcement:** None.

**Minutes: March 18, 2021**

There was No motion or Second made to approve the meeting minutes for March 18, 2021. Roll Call Vote Was Taken: Milne-Yes; Livingstone-Abstain; Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Batchelor-Yes. Vote of 5-0-1.

**Discussion Item: Eagle Scout Kiosk Project at DelCarte**

Scout Zach Beaupre stated that he is working toward achieving Eagle Scout rank. He narrated a slideshow presentation regarding his Eagle project for improving functionality of the maps and map kiosks that are on the trails to enhance the trail system at DelCarte; a full explanation is provided in the Commission’s meeting packet. He proposed adding five to six more kiosks in locations that are currently missing signage. The kiosks could model the existing kiosks for a consistent look. He stated that he plans to build and install the kiosks with his family/father and troop volunteers. He reviewed the potential locations for the proposed kiosks. He would also like to add “You Are Here” markers to all the kiosks. He suggested other potential ideas such as having separate QR codes for different kiosks, making one that uses GPS that shows the position, plotting on the map the locations of the kiosks, or plotting landmarks on the map. He reviewed how his project benefits the Town of Franklin, the community, and the Franklin Conservation Commission. His goal is to prevent people from getting lost in DelCarte. Commission members asked questions. In response, Mr. Beaupre stated that he could make the kiosks out of wood and plexiglass, but he could make them the same as the first kiosk. Chair Batchelor stated he would like uniformity of the kiosks. Mr. Livingstone stated that long ago kiosks were put in, but they were vandalized. What is there now is from an Eagle Scout project. He discussed that using QR codes to link to information about location is a great idea. Mr. Beaupre reviewed that his next steps were to finalize the design, obtain material prices, and prepare a project proposal for the BSA. Chair Batchelor stated that once Mr. Beaupre’s proposal was approved by the BSA, he should send it to Ms. Delmore who will bring it back to the Commission. Mr. Beaupre stated that he needed approval from the Commission before he could go forward with the project proposal to the BSA. Commission members agreed it is a great project. Ms. Delmore stated agreement that the kiosk should have information on it regarding the wildlife or history information. She questioned who would maintain the QR codes. She discussed an MBZA permit depending on where the kiosks will be located. Chair Batchelor stated that he applauded this activity. He asked Mr. Beaupre to keep as many materials for the kiosks made out of natural materials. He stated that Mr. Beaupre should put in his final review a maintenance plan indicating the date the project and maintenance would be handed over to the Conservation Commission.

There was No Motion or Second Made to approve the Eagle Scout Kiosk Project at DelCarte. Roll Call Vote Was Taken: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Batchelor-Yes. Vote: 6-0-0.

**Chair and Commission Comments:** Chair Batchelor noted that this is Mr. Wallach’s last Commission meeting; he thanked Mr. Wallach for his contribution to the Commission and to the Town of Franklin. Mr. Wallach thanked everyone for their work on the Commission.

**Executive Session:** None.

There was a motion made by Jeffrey Milne to adjourn the Remote Access Virtual Zoom Meeting. Roll Call Vote: Livingstone-Yes; Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Batchelor-Yes. Vote: 5-0-0.

The Remote Access Virtual Zoom Meeting adjourned at 8:39 PM.

Respectfully submitted,

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Judith Lizardi

Recording Secretary