Town of Franklin



Conservation Commission

**May 6, 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, Patrick Gallagher, Andrew Mazzuchelli. Members absent: None. Also present: Jen Delmore, Conservation Agent; Maxine Kinhart, Administrative Staff.

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 confirmed the stormwater review has not yet been conducted. A peer review report has been received from Ms. Lenore White of WSI; however, they have not provided a formal report to the Commission. He requested continuance of the public hearing.

Ms. Delmore stated that a memo was received from WSI in which Lenore White states the project as currently proposed does not meet the performance standards set forth in the Wetlands Protection Act 310 CMR 10.54 and 10.56. The stormwater review has not been conducted yet, and a DEP file number and comments have not been issued. Therefore, she recommended continuing the public hearing.

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 20, 2021, at 7:00 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; Gallagher-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 June 3, 2021, to gather additional materials and information.

There was a motion made by Patrick Gallagher to continue the public hearing for the NOI for Lot 34 Mastro Drive to June 3, 2021, at 7:00 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; 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 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 they have addressed comments from WSI; the comments were associated with mitigation for the areas of disturbance. They provided a plan that was approved in 2014 that had mitigation measures with plantings and removing some of the invasive species. She stated that they also provided additional information to BETA regarding the stormwater and proposed porous concrete on the 25 ft. access road as part of the mitigation. She stated that they meet the requirements for stormwater. She stated they are not proposing any changes to the plans that the Conservation Commission has seen to date.

Ms. Delmore stated that the invasive species removal and planting list that was on the old plan that Ms. Cavaliere referenced would only be used for the invasive species and plantings. The new plan set would be used for everything else. She started that regarding stormwater, if there are going to be any changes near the wetland, she would recommend waiting. She noted that Mr. Matt Crowley of BETA noted that there are three minor items and stated that currently, they meet the stormwater regulations, and he would feel comfortable if it were a condition of the Order of Conditions. She stated that she is comfortable with the issuance of the Order with the condition that Ms. Cavaliere provides the drainage report which lists the three minor items that Mr. Crowley was looking for. She stated that if there are any additional changes to the three items that Mr. Crowley requested and Ms. Cavaliere agreed to, then an amendment would be needed.

Ms. Cavaliere summarized the three minor comments from Mr. Crowley: update the calculations of the area under the porous concrete to confirm that it would drain within 72 hours, revise the Operations and Maintenance Plan narrative to include more of a reference to the required maintenance of the proposed porous concrete, and revise the Operations and Maintenance Plan to include estimated costs for the required vacuum sweeping of the proposed porous concrete. Chair Batchelor stated that it appears that everything is in order.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 515 West Central Street. 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; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

There was a motion made by Jeff Livingstone to approve the NOI for 515 West Central Street with special conditions #20, 21, 23, 24, 27-30, 34, 41, 44, and 51 and a copy of the final drainage report be supplied to the Conservation Agent and the Commission. 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; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activity: 0 Alexandria Drive**

Mr. Michael Morin, homeowner, addressed the Commission for the removal of a pine tree within the 25’ buffer zone and a maple tree within the 50’ to 100’ buffer zone. He noted the cedar trees in the application will not be taken down at this time.

Ms. Delmore stated that she conducted a site visit on April 20, 2021. The maple tree is diseased and well outside the 25’ no disturbance zone. She recommended removal of the maple tree and asked the applicant if it is possible to just remove the hazardous branches of the pine tree instead of removing the whole tree based on how close it is to the wetland. Mr. Morin stated that was not an option given by any of the three tree companies consulted.

Chair Batchelor asked why they would not want to take down the tree if it were dropping branches; when a pine tree starts dropping branches, it usually should be taken down. Mr. Morin stated the tree is about 15’ from the house. After discussion, Commission members agreed the pine tree should be removed based on the potential hazard.

There was a motion made by William Batchelor to approve the Minor Buffer Zone Activity for 0 Alexandria Drive to remove the maple tree and pine tree. 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; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Minor Buffer Zone Activity: 14 Leanne Way**

***Chairman Batchelor recused himself.***

Ms. Delmore stated that this for the removal of one pine tree in the wetland. She performed a site visit on April 28, 2021. She stated that the tree is leaning on three other pine trees gently but did not appear obviously dead and hazardous. All the trees are covered in bittersweet vine. She recommended the applicant obtain a professional tree service to assess the situation and determine if the tree is dead, and if it did fall, if it could cause damage to the home. She recommended continuing the MBZA. Commission members agreed a professional tree service should be consulted.

There was a motion made by Patrick Gallagher to continue the Minor Buffer Zone Activity for 14 Leanne Way. The motion was seconded by Paul Harrington and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Gallagher-Yes; Mazzuchelli-Yes.

***Chair Batchelor re-entered the meeting.***

**Minor Buffer Zone Activity: 715 Lincoln Street**

Ms. Susan Connolly, homeowner confirmed this is for the installation of a 24’ diameter above ground pool within the existing lawn area with a surrounding fence, and she has agreed to move the pool another 20’ to 25’ away from the wetland edge to maximize distance from the resource area. No vegetation will be removed.

Ms. Delmore confirmed the proposed pool location is outside the 25’ no disturbance buffer zone. She stated that she performed a site visit on April 28, 2021. She recommended approval.

There was a motion made by Andrew Mazzuchelli to approve the Minor Buffer Zone Activity for 715 Lincoln Street. 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; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Permit Modifications/Extensions:** None.

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

Mr. Brian McCarthy, representing the applicant for the construction of the new apartments off Dean Avenue with associated amenities, stated that they have been waiting for the cinnamon fern to start growing; that has now occurred. Otherwise, the site has been completed and stabilized.

Ms. Delmore stated that she performed a site visit today. The cinnamon fern plantings are successful; therefore, she recommended approval.

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

**Certificate of Compliance**: **Villages at Oak Hill, Washington Street, SE159-739, SE159-921, and CE159-1164**

Mr. Mark Allen of Allen Engineering representing the applicant addressed the Commission for this project consisting of multiple new roads and buildings off Washington Street which started in 2004 and has continued under three different DEP file numbers due to the previous ones expiring and work not being finished. He stated that as-built plans have been submitted for the entire project. All of the units have been built. The drainage has been working properly. They are looking to close out the project.

Ms. Delmore stated that she performed an initial site visit on April 28, 2021, but would like the applicant’s representative including the wetland scientist to join her on a site visit to investigate the replication areas and to go over minor notes from her first visit. She recommended continuing.

There was a motion made by Jeff Livingstone to continue the Certificate of Compliance for Villages at Oak Hill, Washington Street, SE159-739, SE159-921, and CE159-1164 to June 20, 2021. 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; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Violations/Enforcement: Town Owned Conservation Land off Metacomet Lane/Wampanoag Drive/Lost Horse Trail**

Ms. Delmore stated that she performed a site visit on the Town-owned conservation land between Metacomet Lane, Wampanoag Drive, and Lost Horse Trail (Parcel ID 282-027-000-000) on April 28, 2021. She reviewed that at least seven locations were observed behind the abutters’ homes to have piles of yard waste debris being dumped on the Town’s land within 100’ to the wetland on site. In April 2020 a letter was sent to all the adjacent abutters informing them that this dumping is not allowed and how to depose of their debris properly. Since then, the issue has gotten worse and at least one abutter has expressed concern to the Conservation Department on the matter. She stated the challenge is determining who is dumping the debris. She stated that she is looking for direction from the Commission on how they want to handle the situation. Chair Batchelor stated that it is apparent there are violations. He stated that it would be best to send something in writing to the homeowners. Ms. Delmore agreed to send specific letters to the abutters dumping debris on town-owned land.

Chair Batchelor asked for a vote to approve the violation letter. Roll call vote of 6-0-0. Roll Call Vote Was Taken: Milne-Yes; Livingstone-Yes; Harrington-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Minutes: April 1, 2021 and April 15, 2021**

Roll Call Vote Was Taken: Milne-Yes; Livingstone-Yes; Harrington-Yes; Mazzuchelli-Yes; Batchelor-Yes. Vote of 5-0-0.

Roll Call Vote Was Taken: Milne-Yes; Livingstone-Yes; Harrington-Yes; Gallagher-Abstain; Mazzuchelli-Yes; Batchelor-Yes. Vote of 5-0-1.

**Discussion Item: Administrative Approvals**

Ms. Delmore reviewed the administrative approvals as follows.

* Dacey Disc Golf Course: Relocation of basket #14 due to a noise complaint. Only debris and minor pruning will be allowed to create the path to new basket location which is outside of the 25' buffer zone. She stated that she and Parks and Recreation Director Ryan Jette walked the site on April 20, 2021.
* 326 Union Street (1 Crossing Plaza): Removal of three trees behind George's Pizza building, in mulched area, which is in the 50' to 100' buffer zone. She stated that she performed a site visit on April 28, 2021.
* 37 Elm Street: Trimming of a large branch of a maple tree over a tennis court within the 25' buffer. She stated that she performed a site visit on April 28, 2021.

Ms. Delmore recommended ratification of the above listed administrative approvals.

Roll Call Vote Was Taken: Milne-Yes; Livingstone-Yes; Harrington-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes. Vote: 6-0-0.

**Discussion Item: Signatures for Commissioners**

Chair Batchelor stated that it is critically important that the Commissioners use best efforts to sign the approvals of all items that the Commission votes on. The State allows 20 days to obtain the signatures. He asked for the Commissioners’ support on providing their signatures in a timely manner. Ms. Delmore confirmed that there are no outstanding items to sign; however, tonight’s approvals will need to be signed. She suggested the Commissioners call the office to advise staff when they will be arriving to sign documents.

**Discussion Item: Alternatives for Mosquito Spraying**

Commissioner Jeff Livingstone noted his daughter manages a large portion of an organic farm in Natick. She brought to his attention that the Northeast Organic Farming Association put together as a lobbying activity mosquito spraying alternatives. They have joined forces with two members of Congress. They are proposing in their legislation a more scientific based way for mosquito management. They want to create a small commission to review new methods and scientific means and bring that information back to Massachusetts to make an intelligent program for state-wide mosquito control. This is something that is ecologically based and promoting public health at the same time. He thought this would be of interest to the Commission and possibly they would want to get behind this. He stated that if the Commission feels united in this, the Commission could write a letter to either of the representatives telling them the Commission supports this bill: Senate bill #SD1202 and House bill #2383.

**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; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

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

Respectfully submitted,

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Judith Lizardi

Recording Secretary