Town of Franklin



Conservation Commission

**May 20, 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 (via Zoom), Patrick Gallagher, Andrew Mazzuchelli. Members absent: None. Also present: Jen Delmore, Conservation Agent.

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

**PUBLIC HEARINGS**

**Public Hearing – Continued - 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 stated that he received a report from Ms. Lenore White, peer reviewer of WSI, to which he provided a response on May 13, 2021. He stated that he was expecting to discuss that report and have a DEP file number and DEP comments at this meeting; however, there is still no DEP number. He stated that he received BETA’s stormwater peer review a few days ago but has not yet prepared a response. As such, it is his preference to continue the public hearing.

Chair Batchelor stated that continuance would be the appropriate step to take. However, he will take testimony from Ms. Lenore White, peer reviewer of WSI. Ms. White stated that she received a response from Mr. Wells, but has not yet prepared a letter as she has not received comments from Mr. Crowley of BETA regarding the stormwater response. She stated that her more immediate concern regards the concerns outlined in her first memo indicating this project is not compliant with the Wetlands Protection Act. To pick up 800’ to 900’ of an intermittent stream and move it to a different location is not consistent with the Wetlands Protection Act. She stated that Mr. Wells submitted a second letter, but it did not result in any project changes. Her concern is that the entire project design must change. She stated that as there has been no design change, her initial comments from her first memo remain. She reiterated that it is not a permissible project under the state’s Wetlands Protection Act. She is waiting for DEP to issue their file number and comments.

Ms. Delmore stated that she agrees with Ms. White. She recommended continuing the public hearing. Mr. Wells agreed.

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 June 3, 2021, at 7:02 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; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**GENERAL BUSINESS**

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

***Chairman Batchelor recused himself.***

Ms. Delmore reviewed that this filing is for the removal of one pine tree in the wetland. At the Commission’s last meeting, the applicant was not present, and the Commission continued the MBZA with the recommendation that the applicant hire a professional tree service to assess the situation. Stanley Tree Service issued a letter stating that the root system is damaged, and they recommend removal as soon as possible due to the proximity to the homes. She stated that the removal process would utilize a crane from the road and remove any debris. She recommended approval.

There was a motion made by Jeff Livingstone to approve the Minor Buffer Zone Activity for 14 Leanne Way. The motion was seconded by Patrick Gallagher 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.***

**Permit Modifications/Extensions:** None.

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

Ms. Delmore stated that the applicant requested a continuance to June 17, 2021 to have time to submit additional materials.

There was a motion made by Jeffrey Milne to continue the Certificate of Compliance for Villages at Oak Hill, Washington Street, SE159-739, SE159-921, and CE159-1164 to June 17, 2021. 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.

**Violations/Enforcement:** None.

**Minutes:** None.

**Discussion Item: Administrative Approvals**

Ms. Delmore reviewed two administrative approvals. The first was for 3 Crystal Drive for the installation of fence in the 50' to100' buffer zone. Only dead material, branches, and bittersweet will be removed to weave fence along the property edge. She performed a site visit on May 11, 2021. The second was for 121 Country Club Drive for the removal and grinding of a stump of two fungus ridden trees within the 100' buffer zone in the lawn area; this is outside the 25' no disturbance zone. She performed a site visit on May 6, 2021. She recommended ratification of both administrative approvals.

There was a motion made by Patrick Gallagher to ratify the two administrative approvals listed above. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Made Second, but did not state vote to approve; Harrington-Yes; Gallagher-Made Motion, but did not state vote to approve; Mazzuchelli-Yes; Batchelor-Yes.

**Discussion Item: Future Meetings Update**

Mr. Gallagher provided an update on future Commission meetings based on the governor’s COVID-19 State of Emergency Order which is set to be rescinded on June 15, 2021. He discussed the law that had allowed municipalities to meet remotely and suspended the open meeting law during the state of emergency. Therefore, on June 15th, that portion of the law expires. There has been discussion that the legislature is going to amend the law to allow certain components such as remote public hearings and submittal of application materials online to continue even after the law is lifted on June 15th. He stated that the status quo for Commission meetings will probably continue after the emergency order is lifted, but that depends on the legislature. Commission members discussed future meetings. Ms. Delmore stated that she would keep the Commission updated regarding any procedural changes.

**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 7:30 PM.

Respectfully submitted,

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Judith Lizardi

Recording Secretary