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**Franklin Conservation Commission
Minutes of Meeting
August 24, 2017**

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, A. Gelineau, P. Harrington, J. Livingstone, J. Milne, Staci Dooney, George Russell, Conservation Agent
Members Not Present: T. Henrichon.

Chairman Batchelor announced the meeting would be audio and video recorded.

Mr. George Russell's Agent's Report has been appended to the minutes.

Presentation of Draft DelCorte Master Plan – Mass Audubon

No presentation was given.

Public Hearing – Amendment – 15 Grace Lane - Massucco

Mr. Robert Massucco addressed the Commission and stated he is trying to find out what is required and if an amendment will suffice.

Mr. Russell stated this issue arose when a request for a Certificate of Compliance was submitted. The field inspection and as-built plan indicated a pool and associated pavers had been constructed. Neither the pool nor pavers, etc., were shown on the original permit approved by the Commission. He stated it is his opinion that the Certificate of Compliance should not be granted because there was work in the jurisdictional area that was not approved. He noted the applicant was originally scheduled for the last Commission meeting; however, there was no quorum. He recommended the Commission take a two-step approach: a vote that the installed pavers constitute an amendment, not a new NOI; then a vote on an amended NOI.

Mr. Massucco stated he feels good about this recommendation. He stated his original engineer had assured him the pavers and the fencing were in the scope of the work permitted, but that was incorrect.

There was a motion made by Paul Harrington that the pool and area at the property at 15 Grace Lane fall within an amendment to the Notice rather than a new NOI. The motion was seconded by Staci Dooney and accepted with a vote of 6-0-0.

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There was a motion made by Angela Gelineau to close the public hearing for 15 Grace Lane. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

There was a motion made by Paul Harrington to approve the activity with no stipulations required for 15 Grace Lane. The motion was seconded by Staci Dooney and accepted with a vote of 6-0-0.

Public Hearing – Continued - NOI – 10 Briarwood Road – Cloonan

Chairman Batchelor stated he would continue this public hearing as no one was present to discuss it.

Mr. Russell stated his agreement.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for 10 Briarwood Road to September 7, 2017 at 7:20 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

Public Hearing – Continued - NOI – Villages at Oak Hill – Erik Bazzett, Heritage Design

Mr. Russell stated the application has been presented by the applicant's representative. The meeting was held open waiting for an NOI number from DEP; the number has been received. The applicant's representative, Mr. Erik Bazzett, is present at this meeting. He recommended the hearing be closed and the Notice be voted on if there is no further testimony or questions.

There was a motion made by Paul Harrington to close the public hearing for the NOI for the Villages at Oak Hill. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

There was a motion made by Paul Harrington to approve the NOI for the Villages at Oak Hill with stipulations #20-30, 34, 38-40, 44 and 51, as well as the following condition:

The Commission shall receive a report prepared by a wetlands scientist each year for the 2018, 2019 & 2020 growing seasons which shall outline the health and viability of all wetlands replication areas. No certificate of completion shall be granted until all wetlands replication areas are deemed in the opinion of the wetlands scientist to be successful and viable.

Mr. Livingstone stated that the Commission has been plagued with people making timely reports, thus constantly chasing people for the reports which is a waste of time and money. He suggested a timing provision be included when asking for reports.

Mr. Russell agreed with Mr. Livingstone and suggested a date of October 30.

Chairman Batchelor stated the report date of October 30 was now added to the stipulations.

The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

Public Hearing – Continued - NOI – 31 Hayward Street – G & H

Mr. Russell stated the peer review for this application had just been received today by his office. It is going to require extensive revisions to the plans and reporting documents. He recommended the hearing be continued to the next meeting. He stated that the applicant is aware of this.

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There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 31 Hayward Street to September 7, 2017 at 7:25 PM. The motion was seconded by Staci Dooney and accepted with a vote of 6-0-0.

Public Hearing –RFD – 61 Palomino Drive – Gill

Mr. Gary Kidd, representing Mr. Gill, addressed the Commission to install a 24-sq. ft. bulkhead. He stated that it was thought to be in a designated wetland, but it is not.

Mr. Russell stated the proposed construction is not in a jurisdictional area; it is, however, within the 100-ft. buffer zone from the BVW across the street. He recommended a negative #3 determination.

There was a motion made by Angela Gelineau to close the public hearing for 61 Palomino Drive. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

There was a motion made by Angela Gelineau to assign the RFD a negative #3 determination for 61 Palomino Drive. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

GENERAL BUSINESS

Certificate of Compliance: 20 Liberty Way

Mr. Russell stated all is ready for the release to be granted.

There was a motion made by Paul Harrington to approve the Certificate of Compliance for 20 Liberty Way. The motion was seconded by Staci Dooney and accepted with a vote of 6-0-0.

Certificate of Compliance: 162 Grove Street

Mr. Russell stated all is ready for the release to be granted.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 162 Grove Street. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

Public Hearing –NOI –39 Miller Street - Bisson

Mr. Russell stated that the activity in the rear yard of the applicant's house was originally approved by an RDA which was for fill and extension of the driveway. On a routine site inspection, he observed that a concrete patio had been erected in the rear yard. He issued a stop work order. The applicant came before the Commission; the Commission voted that the new activity required an NOI. This is the NOI for that activity. He stated there was significant discussion between himself, the applicant, and DEP on the need for a Notice; it was felt the Notice was the way to go.

Mr. Mark Bisson, applicant, stated he had no questions.

There was a motion made by Paul Harrington to close the public hearing for 39 Miller Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

There was a motion made by Paul Harrington to approve the NOI for 39 Miller Street with stipulations #20 (if any additional work is to be done on site), 22, 27, 29, 30, 34, 44 and 51. The motion was seconded by Staci Dooney and accepted with a vote of 6-0-0.

GENERAL BUSINESS (continued)

Minor Buffer Zone Activity: 62 Elm Street

Mr. Russell stated the Commission members received a history of the issue in their packets. This has been ongoing for some time. An enforcement order and citations were issued to the property owner. The property owner then filed the proper permit to come before the Commission. On the advice of Town Counsel, the citation was withdrawn. This is a skating rink that goes up in cold weather and is removed in warm weather. However, it is in about four jurisdictional areas. He recommended the permit be approved with the condition that his office be notified when it is to be put up.

Ms. Amanda Cobb, applicant, stated that the rink was placed in her front yard last year and asked if it could be placed in the backyard this year.

Mr. Russell stated his opinion is that it can go in either place as the entire lot is jurisdictional as long as it is basically the same structure that was originally put up.

Mr. Livingstone requested that there is an actual time given for the notice required before the rink goes up such as a 30-day notice.

Chairman Batchelor stated he recommended the applicant notify the Agent 30 days before the rink will be put up.

There was a motion made by Staci Dooney to recommend approval of the permit with the stipulation that if erected again in the next three years, that the Conservation Office be notified with a 30-day calendar notice of when the structure is to be erected. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

Minor Buffer Zone Activity: 7 Spring Street

Mr. Russell stated that with the lengthy agenda the applicant may have thought they did not need to be at the meeting until later. He recommended this item be held until later in the meeting.

Minor Buffer Zone Activity: 67 Prospect Street

Ms. Dooney recused herself.

Mr. Scott Dooney addressed the Commission for the removal of about 12 trees.

Mr. Russell stated that when he inspected the site some of the trees needed to be removed for health and safety as they were dead; therefore, he suggested the applicant apply for the MBZA. He stated that as part of the original notice there were about three dozen plantings planted.

There was a motion made by Jeffrey Milne to grant the MBZA for 67 Prospect Street. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Ms. Dooney re-entered the meeting.

Minor Buffer Zone Activity: 3 Peters Lane

Mr. John Dolan addressed the Commission for a 10 ft. x 14 ft. shed located within the 100 ft. buffer zone, but on established yard. It will sit on gravel. He stated a lawn mower, tools, and bikes will be stored in it.

Mr. Russell stated he had no issues with the approval of the MBZA.

Mr. Livingstone stated that historically the Commission had a policy that if a shed is in a jurisdictional area, the applicant could not store chemicals, gas, and things of that nature in the shed.

Mr. Dolan stated he did not object to that.

There was a motion made by Jeffrey Milne to approve the MBZA for 3 Peters Lane with the stipulation that chemical, solvents, and gasoline cannot be stored in the shed. The motion was seconded by Jeff Livingstone and accepted with a vote of 6-0-0.

Minor Buffer Zone Activity: 573 Pleasant Street

Ms. Elayne Fournier, applicant, addressed the Commission for a replacement fence around the yard which includes a pool. She stated she is replicating the exact footprint of the old fencing.

Mr. Russell stated he happened to be driving by and noticed fence people there for a new fence replacing an existing fence.

There was a motion made by Jeffrey Milne to approve the MBZA for 573 Pleasant Street. The motion was seconded by Angela Gelineau and accepted with a vote of 6-0-0.

Minor Buffer Zone Activity: 13 Evergreen Drive

Chairman Batchelor confirmed there was no one present for this item.

Mr. Russell stated the Commission should jump to Discussion Items while waiting for the applicant to possibly enter the meeting. In response to a Commission member's question, Mr. Russell stated the applicant started work on this deck without either a building permit or conservation permit. It came to his attention when asked to sign the building permit and went out to look at it and saw that the proposed deck expansion was within the 50 ft. to 100 ft. buffer zone. He stated they have also erected an above ground pool which they erect every summer and take down every fall; it is also within jurisdiction. They have amended the permit to include the pool.

Ms. Theresa McEachern and Mr. Daniel McEachern addressed the Commission for a permit for a deck. She stated that they would like to extend by 10 ft. the existing deck on the house. She stated that she was informed that as this is in the buffer zone they needed an MBZA. In response to a Commission member's question, she stated that they drain the pool with a hose out to the street.

Mr. Russell stated this application has changed as after it was submitted it was realized there is also an above ground pool on the lot. Although temporary/seasonal, it is still in the buffer zone. Nothing is in the 25-ft. no-touch zone. He recommended in the stipulations that the pool can go no closer to the BVW than currently shown.

Ms. McEachern stated they have no objections.

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Mr. Livingstone stated that historically when a pool came before the Commission, a common stipulation was put in place for the use of non-chlorine based materials in the pool, in case there was ever a breach. This was done to prevent the leakage of corrosive materials into the wetlands.

There was a motion made by Angela Gelineau to approve the MBZA for 13 Evergreen Drive with the stipulations that the pool not be moved any closer to the BVW than it is presently located, that when it is drained it is drained to the street, and the use of non-chlorinated products is mandated. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

Discussion: Policy for Filling Commission Vacancies

Mr. Russell asked for continuance of this item.

Discussion: DelCarte Master Plan

Mr. Russell asked for continuance of this item.

Discussion: Strategic Priorities

Mr. Russell asked for continuance of this item.

Discussion: Annual Report

Mr. Russell stated that the Annual Report the Commission members received is the final version.

Chairman Batchelor stated that he goes to DelCarte every weekend; he has noticed a significant decrease in weeds.

Ms. Gelineau stated she viewed a few typos in the Annual Report.

Mr. Russell stated he would incorporate Ms. Gelineau's edits and send it to the Town Clerk.

Minutes:

Mr. Russell requested the word "Natural" be inserted before "Heritage" in the Item for the Public Hearing for 10 Briarwood Road, third paragraph from the bottom, of the July 13, 2017 meeting minutes.

There was a motion made by Jeffrey Milne to approve the meeting minutes for July 13, 2017 with the modification as indicated by Mr. Russell. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-2. (Ms. Gelineau and Mr. Livingstone abstained.)

Minor Buffer Zone Activity: 7 Spring Street

There was a motion made by Jeffrey Milne to continue the MBZA for 7 Spring Street to September 7, 2017. The motion was seconded by Angela Gelineau and accepted with a vote of 6-0-0.

Chair and Commission Comments

Ms. Gelineau asked that in future meetings if a little more time could be taken to ask for comments and engage with the people. It is good to streamline the process, however, people put time into preparing for the meeting and they should be asked questions to feel like part of the process.

Signed Minor Buffer Zone Activities, Orders of Conditions, Determination of Applicability & Certificate of Compliances

Amended Orders of Conditions – 15 Grace Lane – Massucco – CE159-1023

Orders of Conditions – Oak Hill Villages – Franklin Mews – CE159-1164

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Determination of Applicability – 61 Palomino Drive – Gill
Orders of Conditions – 39 Mill Street – Bisson – CE159-1166
Certificate of Compliance – 20 Liberty Way – Stannah Property
Certificate of Compliance – 162 Grove Street – Doering – SE159-177
Minor Buffer Zone Activity – 3 Peters Lane – Dolan
Minor Buffer Zone Activity – 62 Elm Street – Cobb
Minor Buffer Zone Activity – 67 Prospect Street – Dooney
Minor Buffer Zone Activity – 13 Evergreen Drive – McEachern
Minor Buffer Zone Activity – 573 Pleasant Street – Fournier

There was a motion made to adjourn the meeting. The motion was seconded and accepted with a vote of 6-0-0.

The meeting adjourned at 8:16 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary