

Town of Franklin



Conservation Commission

**October 7, 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. This meeting will be held in the Council Chambers, second floor of the Municipal Building, for citizens wishing to attend in person.

Commencement

Chair Batchelor called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: William Batchelor, Jeffrey Milne, Jeff Livingstone, Patrick Gallagher (via Zoom), Paul Harrington (via Zoom), Richard Johnson (via Zoom). Absent: Andrew Mazzuchelli. Also present: Jen Delmore, Conservation Agent (via Zoom).

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

PUBLIC HEARINGS

Public Hearing – NOI – Washington Street (Map 304 Lot 064)

Mr. Harrington recused himself.

Mr. Rick Goodreau of United Consultants, Inc.; Bill Hommel, applicant; and Peter Genta, applicant, addressed the Commission for the construction of three buildings with associated access driveway, parking, drainage structures, utilities, and grading. A portion of the parking, retaining walls, and stormwater systems are within the buffer zone to a Bordering Vegetated Wetland and within Bordering Land Subject to Flooding. Mr. Goodreau stated that the proposed buildings would be for rental space for various types of businesses. He reviewed the access driveway and parking along the front of the building and on the westerly side. He reviewed the proposed retaining walls and proposed re-vegetation of disturbed areas in the buffer zone. He discussed the proposed temporary erosion control. He stated that there is no buffer zone disturbance within the 0' to 25' area; there is 3,061 sq. ft. within the 0' to 50' area, and 43,851 sq. ft. in the 50' to 100' area. He stated that they are proposing 60.6 percent impervious, and they believe the plantings for stabilization proposed for mitigation are adequate for the minimum requirement. He stated that they have provided an erosion control plan; they propose to construct one building at a time. He stated that the project has been designed to meet or exceed the State's stormwater standards, and they have met Franklin's stormwater bylaw regulations. He said that they have not received any peer review comments, and they do not yet have a DEP file number; however, they have received comments from the Town engineer and planning staff.

Ms. Delmore stated that the numbers provided on the plan set for disturbance area are not the same as on the NOI application. She recommended that the applicant determine the correct numbers and make sure the plan set and NOI narrative are the same. She confirmed that the project is currently under review by the Town's peer reviewers BETA and WSI; no DEP file number has been received. She recommended continuing the public hearing. Commissioner members asked questions. Mr. Hommel stated that they plan to occupy 70

percent of the building before they begin the next building. Mr. Goodreau stated that there is a construction sequence identifying what is going to take place at each phase on sheet 6 of 10.

Ms. Mary Lou Costello, 3 Teris Way, asked about wildlife protection guidance. She stated that she looked at the plans and did not see where they were protecting the wildlife, the mediation, or the turtle nesting areas. Chair Batchelor stated that consultants BETA and WSI will examine the site to look at impacts on the wetlands, endangered species, or any other wildlife; all the records will be made public. Ms. Costello asked for the building heights. The applicant stated that all three buildings would be one story.

Ms. Karen Miller, 246 Washington Street, stated that there is much nature in the area; she wants to make sure the wetlands are not disturbed. She stated concern about the large retaining walls and their impact to nature. She asked how will a 27' wall protect a deer running across the area. Chair Batchelor reviewed what the Conservation Commission can protect. He reiterated that consultants BETA and WSI will examine the site to look at impacts on the wetlands, endangered species, or any other wildlife.

Mr. Richard Ciccone, 185 Chestnut Street, stated that he remembered this site being looked at for development years ago. He stated concerned about the aquifer tied into Beaver Pond. He commented that the last plan showed septic above the aquifer. He discussed fire trucks getting through the site. Chair Batchelor stated that BETA and WSI will look at impacts on aquifers.

Mr. Paul Guarino, 7 Teris Way, asked about the radius used to determine notification to abutters. Chair Batchelor confirmed it was 300'. Mr. Guarino asked about impervious coverage and if the buffer zones were shown on the plans. Mr. Goodreau stated that impervious coverage calculations are provided on page 1. Chair Batchelor reviewed the 25', 50', and 100' buffer zones. Ms. Delmore stated that the GIS maps used by the State and Town can be very off. That is why applicants must have a wetland scientist go to the site to the place the flags. The location of the wetland flags will be verified by the peer reviewer's wetland scientist. Mr. Guarino noted his disappointment that this larger project does not seem to be getting the same attention as when he was doing smaller projects.

Mr. Matthew Garlock, 4 Taft Drive, asked if there was any consideration given to the increased traffic flow this would bring; he asked about sidewalks along Washington Street. Mr. Livingstone stated that was a question for the Planning Board.

Mr. Paul Harrington (speaking as an abutter, not as a commissioner), 241 Washington Street, stated that a great deal of the work takes place in the 25' to 100' buffer. He stated that the buffers are there to be a buffer for the wetland; this would be totally demolishing that buffer zone which is a big concern. He stated that if the applicant is held to the regulations, it does not look like it should be built as is. He noted that although it is private property, recreational paths have been created in that environment. The septic tank is set to be built within the 100' buffer which is generally not permitted. He stated things like that should be looked at.

Mr. John Cooke and Ms. Carmela Cooke, 7 Taft Drive, reviewed that the property has a very steep slope. There is a lot of water that runs down Washington Street. Mr. Cooke stated concern about the runoff from the property and how the applicant proposes to control that from running down into the wetlands. Mr. Goodreau reviewed the proposed curbing at the entrance as shown on the plans. Chair Batchelor stated that scientists from BETA and WSI will look at waterflow from all areas. Mr. Cooke stated that he is concerned about protecting the wildlife in the area. He asked if there are any additional grading plans. Chair Batchelor stated that residents can go to the Conservation Office as all the plans are public records. Ms. Delmore stated that Mr. Cooke could email her and she will send him electronic copies of all the plans they have.

Mr. Ciccone asked if the septic system was proposed to be in the 100' buffer. Mr. Goodreau stated yes. Chair Batchelor stated it was allowed. Ms. Delmore stated that these are the types of things that she is waiting for

BETA and WSI to check on. Mr. Ciccone stated concern about the tightness of the site. He noted that this was originally on Town sewer.

Mr. Blake Peters, 16 Taft Drive, reiterated concern on the size of the project. He stated that it seems the project is trying to maximize the site with some variances and some of the work happening in the buffer zones. He stated that he thinks the size of the project is excessive; he does not think any variance should be allowed due to the location of the wetlands. He stated that some of the slopes proposed are very excessive. He stated concerns about some of the locations proposed for snow storage.

Mr. Gallagher stated that he appreciates the comments and concerns from the public. He reviewed that the Conservation Commission is constrained by regulations; the Conservation Commission takes a science and regulatory approach. The Commission does not have the same type of discretion over the project as some other boards may have. Chair Batchelor stated that the Conservation Commission does not make law; they only enforce wetlands law and the use of the land to make sure it does not damage the wetlands.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for Washington Street (Map 304 Lot 064) to October 21, 2021, at 7:04 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Johnson-Yes; Batchelor-Yes.

Mr. Harrington re-entered the meeting.

Public Hearing – NOI – Lot 4 Prospect Street

Mr. Louis Petrozzi of Wall Street Development Corporation addressed the Commission for the construction of a single-family home with associated grading, driveway, septic, and utilities; only a portion of the project, specifically the grading and the proposed well, falls within the 100' buffer zone to wetlands or the 200' outer riparian zone to the stream. He reviewed that the proposed well and grading on the back side of the lot are in Bellingham, and therefore require a filing with the Town of Bellingham, as well. He stated that at the last Conservation Commission meeting, the public hearings for this lot and the next two lots were continued as there were no DEP numbers. DEP numbers have been received. He discussed that an alternatives analysis was done. He noted that they have 70 acres; approximately 8 acres are in Franklin, with the balance of the land in Bellingham. He stated that there are areas at this site that have riverfront associated. He discussed the alternatives analysis and stated that alternative 1 is the most practical alternative at this point. Since the last plan, they have reduced the size of the house, shifted the house forward, and reduced the grading proposed in the riverfront area. He reviewed that there is a total of 4,625 sq. ft. of disturbance within the buffer zone to the wetland and 1,410 sq. ft. of disturbance within the Riverfront Area, or 8.91% of the Riverfront Area on site, which is allowable under the Wetlands Protection Act.

Ms. Delmore stated that the applicant changed the design a little so the disturbance in the riverfront area is now under the maximum allowable amount. She stated that all of her questions have been answered, and the DEP file number has been received. She pointed out that the erosion control must be biodegradable. She recommended approval with special conditions.

There was a motion made by Jeff Livingstone to close the public hearing for the NOI for Lot 4 Prospect Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

There was a motion made by Jeff Livingstone to approve the NOI for Lot 4 Prospect Street, with special conditions 20, 21, 24, 27-30, 34, 41, 44, and 51. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-2. Roll Call Vote: Milne-Not asked for his vote; Livingstone-Not asked for his vote; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

Public Hearing – NOI – Lot 5, Prospect Street

Mr. Louis Petrozzi of Wall Street Development Corporation addressed the Commission for the construction of a single-family home with associated grading, driveway, septic, and utilities; there is some minor grading proposed within the 50' buffer zone to the wetland and all other work is proposed in the 50' to 100' buffer zone or outside jurisdiction. He stated that essentially this is a buffer zone project; the house is outside the 50' no-build area. He stated that there are no real impacts to the resource area.

Ms. Delmore stated that the DEP file number has been received and all her questions have been answered. She pointed out that the erosion control must be biodegradable. She recommended approval with special conditions.

There was a motion made by Jeff Livingstone to close the public hearing for the NOI for Lot 5 Prospect Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 4-0-2. Roll Call Vote: Milne-Not asked for his vote; Livingstone-Not asked for his vote; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

There was a motion made by Jeff Livingstone to approve the NOI for Lot 5 Prospect Street, with special conditions 20, 21, 24, 27-30, 34, 41, 44, and 51. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

Public Hearing – NOI – Lot 6, Prospect Street

Mr. Louis Petrozzi of Wall Street Development Corporation addressed the Commission for the construction of a single-family home with associated grading, driveway, septic, and utilities; there is some minor grading proposed within the 50' buffer zone to the wetland and all other work is proposed in the 50' to 100' buffer zone or outside jurisdiction. He stated that this is similar to Lot 5; it is strictly a buffer zone project with no impacts to the resource areas.

Ms. Delmore stated that this is similar to Lot 5. She stated that the DEP file number has been received and all her questions have been answered. She pointed out that the erosion control must be biodegradable. She recommended approval with special conditions.

There was a motion made by Jeff Livingstone to close the public hearing for the NOI for Lot 6 Prospect Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

There was a motion made by Jeff Livingstone to approve the NOI for Lot 6 Prospect Street, with special conditions 20, 21, 24, 27-30, 34, 41, 44, and 51. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

Public Hearing – NOI – 900 Washington Street, Olam Estates

Ms. Delmore stated that the applicant requested a continuance of the public hearing to October 21, 2021.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for 900 Washington Street, Olam Estates, to October 21, 2021, at 7:05 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activity: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: 1256 West Central Street

Mr. Jemin Patel, a member of the ownership of the property, addressed the Commission for this project that was approved in September 2019 for the expansion of the existing parking lot with associated drainage; no activity was permitted within the 25' buffer zone.

Ms. Delmore stated that the requested restoration plan was submitted, and the plantings are on the plan. She checked with the applicant that the snow storage is not going to be put on the plantings. She stated that the applicant assured her that the plantings would be protected in order to take root during the winter months. She stated that the restoration plan includes a requirement that a report be submitted after the plantings are installed. She recommended approving the restoration plan but not issuing the Certificate of Compliance until the completion report referenced in the restoration plan has been submitted.

There was a motion made by Jeff Livingstone to approve the restoration plan but not issue the Certificate of Compliance until the completion report referenced in the restoration plan has been submitted for 1256 West Central Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

Violations/Enforcement: None.

Minutes: September 9, 2021

Ms. Delmore announced that the Town Attorney stated that a committee member does not need to have attended the meeting in order to approve the meeting minutes. Discussion commenced on approving meeting minutes.

There was NO MOTION or SECOND made to approve the meeting minutes for September 9, 2021. Roll call vote taken 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

Discussion Items: Administrative Approvals

Ms. Delmore reviewed two administrative approvals. The first was for 11 Corey Way for removal of one half of a red oak tree that fell in a storm within the 25' buffer zone in the backyard just missing the house. She approved the removal of the other half of the comprised tree; debris will be disposed of offsite. The second was for 310 Washington Street for installation of a gas line between the 25' to 100' buffer zone to a wetland in the front yard with 150 sq. ft. of temporary disturbance; erosion control will be used. She recommended ratification of the two administrative approvals.

There was NO MOTION or SECOND made to ratify the two administrative approvals listed above. Roll call vote taken 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Harrington-Yes; Johnson-Yes; Batchelor-Yes.

Chair and Commission Comments

Chair Batchelor reminded the Commission members to attend, if possible, on October 16, 2021, at DelCorte for Earth Day; the event starts at 9:00 AM. Mr. Gallagher stated that all is ready to go. Ms. Delmore reviewed that starting today Ms. Becca Solomon will be filling in for Ms. Delmore while she is out. Chair Batchelor reminded the Commission members who attended tonight's meeting via Zoom that they need to go to Town Hall to sign documents voted on at tonight's meeting.

Executive Session: None.

Tel: (508) 520-4929

Fax: (508) 520-4906

There was a motion made by Jeff Livingstone to adjourn the meeting. The motion was seconded by Jeffrey Milne. No roll call vote was taken.

The meeting adjourned at 8:28 PM.

Respectfully submitted,

Judith Lizardi