

Town of Franklin



Conservation Commission

**November 18, 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, Andrew Mazzuchelli, Patrick Gallagher (via Zoom), Richard Johnson (via Zoom). Absent: Jeff Livingstone. Also present: Becca Solomon, Conservation Agent; Tyler Paslaski, Administrative Assistant.

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

PUBLIC HEARINGS

Public Hearing – NOI – 10 Populatic Street

Mr. Gregory Drake of Outback Engineering representing the applicants addressed the Commission for a bank stabilization project along the Charles River to address erosion and provide additional parking for the facility. He reviewed that they propose to install stone filled gabion baskets at the base of the slope to act as stabilization and reduce erosion of the bank. The fallen trees are proposed to be removed from the site, and the eroded area would be back filled with loam and seed and covered with coir mat erosion control blankets to further repair the erosion and stabilize it prior to establishment of vegetation. He noted some temporary disturbance to Land Under Water Bodies and Waterways as well as Bordering Land Subject to Flooding and Riverfront Area will occur as the gabion baskets are installed. After the project these areas will be restored to where they currently are.

Ms. Solomon stated that this item is to be peer reviewed; a report should be issued soon. She stated that she will refrain from commenting until the peer review is provided. She confirmed there is no DEP number, yet.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 10 Populatic Street to December 2, 2021, at 7:03 PM. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Public Hearing – Continued - NOI – 455 Maple Street

Ms. Nicole Hayes, professional wetland scientist with Goddard Consulting, addressed the Commission. She stated that this project was under an enforcement order for some tree clearing that was done in the buffer zone to a Bordering Vegetative Wetland. An after-the-fact NOI was issued for this tree clearing and the additional work of minor grading along the driveway and the removal of a stone wall. She stated that the resource area impacts and proposed mitigation were provided to the Commission. She noted that three trees were cut in the

no-disturb buffer zone; to mitigate for those trees, two red maples and one red spruce is to be planted. She stated that since the last meeting, Natural Heritage has certified a vernal pool located within the wetland. She explained that fairy shrimp would not be impacted by the removal of trees or proposed grading. She stated that erosion control has been proposed, and all items have been issued to the Commission as requested. She stated the applicant is requesting an Order of Conditions for the project.

Ms. Solomon stated that concerns raised at the last meeting have been addressed by the applicant including to change the blue spruce plantings to native plants more suitable to the area, such as red maple, include the proposed grading listed in the narrative on the Resource Area Impact Summary, provide the supplemental plan showing the erosion control as stated in the narrative, and change the erosion control from straw bales to compost socks to reduce potential for spreading invasives. She confirmed that the vernal pools were certified by Natural Heritage. However, with the work not being so significant to affect the wetland and vernal pool, and the plantings are to restore the area, she recommended approval with stated conditions.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 455 Maple Street. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for 455 Maple Street with the following standard conditions #20, 21, 24, 27-30, 34, 41, 44, and 51. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Public Hearing – Continued - ANRAD – King Street Map 313 Lot 053

Ms. Claire Hoozeboom with LEC Environmental Consultants representing the applicant addressed the Commission. She stated that they have been issued a DEP file number. She stated that Wetland Strategies peer reviewed the wetland boundaries. She stated that a memorandum was received from the peer reviewer on November 3, 2021, with a few suggested revisions for the wetland boundaries. She stated that she agreed with all the suggested revisions. She explained that the plans have been adjusted; as such, new plans dated November 11, 2021, have been provided. She stated that the peer reviewer agrees with the revised plans and is satisfied with the addressed comments.

Ms. Solomon stated that she has no further comments on this item.

Ms. Karen Miller, 246 Washington Street, asked if this hearing is just to determine the boundaries of the wetland. Ms. Solomon stated yes that is correct. She reviewed what an ANRAD filing is.

There was a motion made by Patrick Gallagher to close the public hearing for the ANRAD for King Street Map 313 Lot 053. The motion was seconded by Richard Johnson and accepted with a roll call vote of 3-0-2. Roll Call Vote: Milne-Yes; Gallagher-Not asked to vote; Mazzuchelli-Yes; Johnson-Not asked to vote; Batchelor-Yes.

There was a motion made by Jeffrey Milne to approve the ANRAD for King Street Map 313 Lot 053. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activity: 90 Populatic Street

Mr. Gregory Papakyrikos, 90 Populatic Street, addressed the Commission for the proposed project intended to create a driveway for the property and remove hazardous trees, as well as plant some new shrubs and ornamental trees to replace them. He stated they propose to cut down seven (7) trees and leave the roots. He

stated that the majority of the trees are pine trees. He discussed each of the seven trees and the reason for requesting to cut each down.

Ms. Solomon stated that the proposed project is for the seven trees in addition to a driveway and the repair of an existing deck. A letter was received by a certified tree professional stating trees 1, 2, 3, and 4 were hazardous; however, the letter did not reference trees 5, 6 and 7. She discussed that the primary concern with trees 5 to 7 seem to be the blocking of sunlight as per the provided narrative and that they have not been confirmed to be hazardous by a tree professional; therefore, it is not recommended to remove these trees. She discussed that the concern over tree 6 being tangled in the powerlines, and the branches from tree 7 hang over the house, can both be addressed through pruning of branches, rather than complete removal of the trees. She recommended approving the MBZA with the condition that trees 5, 6, and 7 are not to be removed, but may be pruned where overhanging the house or wires.

Chair Batchelor confirmed the applicant understood Ms. Solomon's recommendation regarding trees 5 to 7. Commission members asked questions. Ms. Solomon reviewed possible reasons why trees 5 to 7 were not listed as needing to come down.

Homeowner of 90 Populatic reviewed his reasons for wanting the trees removed and his plan to beautify the property with new plantings in the front yard. He would like to plant fruit or flowering trees to replace the trees proposed for removal. Mr. Gallagher stated he had no problem with removing trees 1 to 4. He suggested the homeowner provide a plan for mitigation/replacement of the removal of trees 5 to 7. Mr. Mazzuchelli stated that the applicant's intention is to improve the property, and he is in favor of the removal of trees 5 to 7. Ms. Solomon confirmed all the trees are in the 25 ft. to 50 ft. zone. Mr. Milne and Mr. Johnson agreed that they had no objections to removing trees 5 to 7. Chair Batchelor stated that he is leaning towards the same and agrees to approving the MBZA including the removal of trees 5 to 7.

There was a motion made by Jeffrey Milne to approve the Minor Buffer Zone Activity for 90 Populatic Street, including the removal of trees 5 to 7. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Permit Modifications/Extensions: None.

Certificates of Compliance: 0 Pond Street Map 258, Parcel 004

Ms. Solomon reviewed that this filing is for a request for a Certificate of Compliance for the "Brookview" residential development located off Pond Street. The original NOI was for the construction of the multi-unit residential buildings with associated access road, driveways, utilities, stormwater infrastructure, landscaping, lighting, and appurtenances. She stated that during her recent site visit, she did not see any pressing issues, and everything looks to be in order. She recommended issuing a Certificate of Compliance.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 0 Pond Street Map 258, Parcel 004. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Violations/Enforcement: 27 Sophia Circle

Ms. Solomon reviewed that this project was previously before the Commission as a discussion item on September 23, 2021. The Order of Conditions for the property, issued in 1991, has expired, and no Certificate of Compliance had been issued. The work for the OOC was completed with the following exception: 207 ft² of the required 1,000 ft² wetland replication was not completed. At the meeting it was advised that the homeowner file a new Notice of Intent for the completion of the wetland replication prior to the COC being issued for the original. The Commission received on October 19, 2021, a request for a Certificate of Compliance from the homeowner with an attached letter from Colonial Engineering stating that the DEP

typically frowns upon multiple file numbers for the same project and asked that a COC be issued prior to a new NOI being submitted. Ms. Solomon stated that in a conversation with DEP, it was advised the Commission issue an Enforcement Order rather than require a new NOI be filed, as the Order would allow for the work to be completed regardless of the expiration of the OOC. It was further advised that such action would only apply for uncompleted wetland restorations. The representative from Colonial Engineering was contacted, and they agreed an Enforcement Order would be preferable, and the COC request put on hold. She stated that she recommended issuing an Enforcement Order to 27 Sophia Circle with the following required action: The wetland replication for the remaining area must be completed as outlined in the original approved Notice of Intent and the associated Order of Conditions with the file number SE159-307. A new restoration plan will be filed with the Commission due to the significant change in area from the original plan. The Conservation Department must be notified when work is completed, and a new Certificate of Compliance request must be filed.

Chair Batchelor reiterated Ms. Solomon's above stated recommendation.

There was a motion made by Jeffrey Milne to recommended issuing an Enforcement Order to 27 Sophia Circle with the following required action: The wetland replication for the remaining area must be completed as outlined in the original approved Notice of Intent and the associated Order of Conditions with the file number SE159-307. A new restoration plan will be filed with the Commission due to the significant change in area from the original plan. The Conservation Department must be notified when work is completed, and a new Certificate of Compliance request must be filed. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Minutes: None.

Discussion Items: None.

Mr. Romuald Zulawnik, 95 Bent Street, requested to speak on the proposed cell tower. He was told that he should be attending tonight's ZBA meeting, not the Conservation Commission meeting, for this item.

Ms. Solomon stated that they received notice that the Commission's hearing schedule for May might need to be changed as there are other people who have already reserved the Council Chambers. The options are to change the meeting dates or relocate to a different room. Chair Batchelor asked Ms. Solomon to make this a note on the agent's report and the agenda.

Chair and Commission Comments: None.

Executive Session: None.

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

The meeting adjourned at 7:46 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary