

Franklin Conservation Commission
Minutes of Meeting
September 7, 2017

To: Town Clerk
cc: Members
File

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

Vice Chair Henrichon 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 DelCarte Master Plan – Mass Audubon

Ms. Amber Carr of Mass Audubon addressed the Commission and provided an overview of the Draft DelCarte Master Plan. She requested that all Commission members' comments be given to Mr. Russell and he will provide them to Ms. Carr; she will make edits electronically. She presented the main ideas and overall assessment of the property. She stated that the conservation area is in good shape with few invasives; the largest infestation was bittersweet on the edge of the northern pond. The trails are in pretty good shape; some redundant trails could be closed off. The biggest issue with the trails was that no paper map or electronic scan is available for people to bring with them. Habitat improvements include boxes for some bird species. The rain garden was not draining properly and should be looked at. She reviewed the replanting process necessary after the invasive bittersweet is removed. She suggested fixing the entrance sign which is currently just an empty frame. Bigger projects included making the entrance ADA compliant which would require a trail with a more gradual slope down to the water; she explained the requirements and design. She stated that the general area is currently woodchips; she would remove almost all of them down to the bare soil and then seed with a special seed mix. She suggested a roofed pavilion for a picnic area. She stated that the boat dock is not ADA compliant and provided an estimate to make it ADA compliant. In response to Commission members' questions, she reviewed ADA compliance specifics.

Commission members and Mr. Russell discussed and commented on Ms. Carr's information.

Public Hearing – RFD – 129 Conlyn Avenue - Fontana

Mr. Russell stated that due to a lack of information and a death in the family, the applicant has requested a continuation to the next meeting.

There was a motion made by Paul Harrington to continue the public hearing for 129 Conlyn Avenue to September 21, 2017 at 7:25 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 6-0-0.

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

Mr. Matt Schweisberg of Wetland Strategies and Solutions on behalf of the applicant address the Commission. He stated this is a Notice for an after-the-fact order. The landowners cut down five trees within the outer edge of the buffer zone without knowledge of the bylaws. He stated the trees were cut down because two of them had blown down and crushed part of a hen house and were within falling distance of the house. As well, the home had moisture and rotting so the homeowners were trying to open the area to allow in sunshine. A letter from Natural Heritage declined jurisdiction. The landowners would like to get the order and whatever conditions are imposed to remove the trees which remain on the property. He stated he submitted proof via email to Mr. Russell that the streams are intermittent.

Mr. Russell stated that perennial streams are shown on the rear of the property as well as across the street, both of which put this activity within a riverfront zone. The applicant's representative indicated that he could prove the streams are intermittent and submitted the required photographs and stream statistics. He recommended three votes from the Commission: close the hearing, approve intermittent stream status, and approve the NOI for the tree cutting. He noted that Natural Heritage had no negative comments on this application.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 10 Briarwood Road. The motion was seconded by Angela Gelineau and accepted with a vote of 6-0-0.

There was a motion made by Paul Harrington to approve that the stream status is intermittent and that the NOI be approved for the work outlined in the item for 10 Briarwood Road. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

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

Mr. Russell stated that the revised plans as requested by the Commission's peer reviewer have not yet been submitted to the Conservation Commission or the peer reviewer. Therefore, he recommended the hearing be continued for the eighth time.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for 31 Hayward Street to September 21, 2017 at 7:30 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

GENERAL BUSINESS

Ms. Gelineau left the meeting.

Minor Buffer Zone Activity: 7 Spring Street

Mr. Mike Kelley of Mass Renewables Inc., a solar contractor from Bellingham, addressed the Commission for the installation of a solar panel, and trenching for electrical to the house which will go through the buffer zone. Trenching will be approximately 20 in. deep x 20 in. wide. It is roughly an 8kW system. In response to a Commission member's question, he stated that the trenching will be going

through an area that is not currently used. The dirt will be placed next to the trench when digging and put right back.

Mr. Russell stated they have worked with the consultants on this. The actual disturbance to the buffer is basically one day; trench it, put in electrical, and fill the trench back up. No trees are being cut.

There was a motion made by Paul Harrington to approve the RDA for 7 Spring Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Mr. Russell noted that the signed application will go to the property owner. But, since it has been approved, conservation can sign off on any building permits.

Permit Modification: Request for Exemption to Wetlands Protection Bylaw, Franklin Code at Chapters 181 and 271- Shepard's Brook Sewer

Ms. Magdalena Lofstedt of CDM Smith Inc. representing the Charles River Pollution Control District addressed the Commission requesting an exemption to the Franklin Wetlands Bylaw for sewer manhole rehabilitation. She stated that this work is exempt from the Mass Wetlands Protection Act. She provided a plan that showed the proposal to rehabilitate five existing manholes along the Shepard's Brook interceptor that runs along Shepard's Brook. The interceptor is located outside the wetlands resource areas. The manholes will be cleaned and lined. No excavation is required for three of the five manholes; all work is interior. For the other two, minor excavation is needed because the existing brick chimney must be removed and two grade rings installed. This is usually done in one day; compost logs will be installed as a preventative measure. She confirmed there will be no clearing of trees or brush.

Mr. Russell stated that this is the first time since he has been here that an exemption has been requested. He opined that given the amount of excavation and time frame, it is not going to be a negative factor. He recommended that the Commission grant the waiver with the caveat that biodegradable erosion controls be maintained between the actual work and the resource area at all times that work is going on.

Vice Chair Henrichon questioned if it should be noted that although this exemption is being made, it is not to be a precedent for future requests of exemptions on similar work.

Mr. Russell stated it could become part of the motion that all similar exemption requests would be handled on a case-by-case basis.

There was a motion made by Jeff Livingstone to exempt the work being done on the Shepard's Brook sewer under the local bylaw. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

Certificate of Compliance: Stone Ridge Road Sidewalk Construction, 19 Echo Bridge Road, and 15 Grace Lane

Mr. Russell stated that all is ready for these three releases to be granted.

There was a motion made by Paul Harrington to approve the Certificates of Compliance for Stone Ridge Road Sidewalk Construction, 19 Echo Bridge Road, and 15 Grace Lane. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Certificate of Compliance: Lots 2, 3, 4, 5 & 6 Clearview Drive – Rolling Brook

Mr. Russell stated that all is ready for the partial release to be granted. He noted that these particular lots in this subdivision have no jurisdictional areas on them.

There was a motion made by Paul Harrington to approve the partial Certificate of Compliance for Lots 2, 3, 4, 5 & 6 Clearview Drive – Rolling Brook. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

Minutes:

Mr. Livingstone stated that he had two suggestions in terms of wording for the August 24, 2017 meeting minutes. He stated that there were a couple of places where his comments were referenced and the way that they read is a little bit awkward and he would like to make changes to the actual wording of them to make them more clear. He will submit his changes for the August 24, 2017 meeting minutes in writing to Mr. Russell.

Discussion: Draft 2018 Con Com Schedule

Mr. Russell noted that he tried to schedule as many Commission meetings as possible in this meeting room rather than in the Training Room. As well, there are a couple of three week gaps in the schedule. He noted that 310 CMR 10.05 requires that a hearing must be opened within 21 days of filing an application; however, an applicant can sign a waiver of the 21 days.

There was a motion made by Jeffrey Milne to approve the 2018 Conservation Commission Meeting Schedule. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

Discussion: DelCarte Master Plan

Mr. Russell stated that the preliminary communications from the contractor doing the aquatic invasive plant treatment indicates that it looks on target, possibly exceeding target; all is moving forward very well. A report from them should be forthcoming in the next couple of weeks. The consultant looked at the beaver activity. Mr. Russell stated he has had conversations with the town administrator and DPW. The town engineer feels strongly that the beaver dam should be removed and that the earthen berm with all the vegetation on it be evaluated by a structural engineer because it is not clear if removing the vegetation will weaken the berm to point that it will not be stable and will fail. If it fails, it could lead to flooding; the structural engineer must evaluate that. The public works department is going to get cost estimates and determine based on timing if they can do the physical beaver dam removal and possibly trap and remove some of the beaver population that is presently living there. The problem with the removal of the structure is accessibility; they may have to get machinery in there and they do not want to destroy any eco system. There is an estimate from a peer consultant to do the permitting and it is very high. He stated they have a contract with a licensed beaver trapper and there is an existing permit; they can trap the animals and relocate them. The probability is that the beavers will probably come back. He noted that DPW is treating some of the explosive invasive growth happening between the parking lot and the pond.

Commission members discussed the removal of the beavers, the probability of the dam being made again, and if this should become an annual line item for maintenance.

Mr. Russell stated that he plans to take the Master Plan that was presented by Ms. Carr and sit down with his boss, the town administrator, and DPW director to formulate a game plan. He stated that a task he has been given is to evaluate all land that is under the management of the Conservation Commission and owned by the municipality. There were some errors that Mr. Russell did not catch in the last Open Space and Recreation Plan regarding some land that was thought the Conservation Commission managed and owned and vice-versa. For instance, the playground and parking lot at DelCarte are under the control of DPW.

Commission members and Mr. Russell discussed land, budgeting for ongoing maintenance, funding received from the Town for the aquatic plants, funding needs for capital improvements, money that the

Conservation Commission has in their funds, wetlands filing fee account, costs for the activities needed, priorities, and long-term planning to attach projects to dollars and to funding sources.

Discussion: Policy for Filling Commission Vacancies

Vice Chair Henrichon asked if there could be an associate commission member or junior commission member-in-training that could come to meetings, listen, and ask questions.

Commission members stated there used to be associate members; they could go through all the training so by the time something opened, they were up to speed.

Mr. Russell stated he would like to clear this with the town attorney.

Discussion: Strategic Priorities

Vice Chair Henrichon stated this item was talked about a little when talking about the budget. She stated that she was more hopeful they would have had an opportunity to look at all the things they wanted to do next year and work the budget, but it seems the Commission does not work that way; they do not have a budget to work from.

Mr. Russell reviewed the wetlands filing fee account.

Commission members and Mr. Russell discussed parcels under the control of the Conservation Commission. Where these parcels are located and the current physical conditions must be noted; this is being worked on right now.

Mr. Russell stated that another part is to determine if there are parcels in town that should be protected by a CR that currently are not. If so, should funding be allocated to do that. Studies and legal activities would have to be done. He stated that in a few meeting he will present a finalized list to the Commission members of all land owned by the Conservation Commission.

Vice Chair Henrichon stated it is not uncommon for a Commission to have sub-committees and indicated the Commission members would be willing to help as needed.

Signed Minor Buffer Zone Activity, Orders of Conditions & Certificates of Compliance

Certificate of Compliance – Lots 2-6 Clearview Drive – TNT Building Corp. – CE159-1124

Certificate of Compliance – 15 Grace Lane – Massucco – CE159-1023

Certificate of Compliance – 19 Echo Bridge Road – O'Rourke – CE159-1069

Certificate of Compliance – 54-57 Forge Hill Road – Younis – CE159-1135

Minor Buffer Zone Activity – 7 Spring Street – Trahan

Orders of Conditions – 10 Briarwood Road – Cloonan – CE159-1163

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

The meeting adjourned at 8:34 PM.

Respectfully submitted,
Judith Lizardi
Recording Secretary