

Town of Franklin



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Conservation Commission

**May 23, 2019
Meeting Minutes**

Chairman Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Paul Harrington, Staci Dooney, Jeff Livingstone. Jeffrey Milne, Braden Rosenberg, Alan Wallach. Members absent: None. Also present: Bryan Taberner, Director of Planning and Community Development; Jen Delmore, Conservation Agent.

Commencement

Chairman Batchelor announced the meeting would be audio and video recorded. He announced Jen Delmore as the new conservation agent.

Ms. Jen Delmore and Mr. Taberner's Agent's Report has been appended to the minutes.

Public Hearing – Amendment – Order of Conditions – 6 Alexandria Drive – G&H

Ms. Amanda Cavaliere, consulting engineer of Guerriere & Halnon, Inc., representing the applicant, stated the applicant is looking to expand their patio a little further and relocate the roof drainage accordingly. Based on the last public hearing, the Conservation Commission approved to amend the Order of Conditions pending a review. She confirmed some of the work was already performed before the conservation agent's site visit. She is not sure how much work remains. The as-built is not done.

Mr. Taberner confirmed most of the work they are trying to permit today for the expansion of the project has been done. He stated that he and the conservation agent conducted a site visit yesterday; the project looked completed and was already seeded.

Commission members discussed the location of the project expansion.

Chairman Batchelor stated it appears that the heavy work has been done; it sounds like site work is being finished in terms of landscaping and seeding.

Ms. Cavaliere stated there is a replication area that has been planted.

There was a motion made by Braden Rosenberg to close the public hearing for the Amendment for the Order of Conditions for 6 Alexandria Drive. The motion was seconded by Paul Harrington and accepted with a vote of 7-0-0.

There was a motion made by Braden Rosenberg to Accept the Amendment for the Order of Conditions for 6 Alexandria Drive. The motion was seconded by Paul Harrington and accepted with a vote of 7-0-0.

Public Hearing – NOI – 907 Washington Street

Mr. Vincent Forte Jr., biologist for the project of GW Site Solutions, addressed the Commission for 8,800 sq. ft. of work in the buffer zone for construction of a single-family house with garage and driveway. He discussed that most of the disturbance will be outside of the 50 ft. mark. There will be disturbance when razing the sheds. He stated the silt sock was put behind the 25 ft. line. Part of the shed slab is in the 25 ft. no-touch zone. They will use an excavator to pull it out. The sheds will go into a dumpster. He noted he proposed septic system is outside of the 100 ft. buffer.

Chairman Batchelor stated that since the shed is in the 25 ft. no-touch zone, the applicant must be very careful with the excavator to remove the slab. He asked about the driveway as it is proposed to touch inside the 50 ft. area.

Mr. Forte stated at the very corner the driveway will be about 18 ft. from the 25 ft. no-touch area. The driveway will be asphalt.

Mr. Taberner stated he and Ms. Delmore were at the site yesterday, and Ms. Delmore returned to the site today. He confirmed that Mr. Forte flagged the wetlands.

Ms. Delmore stated around flag A7 near the sheds was skunk cabbage and jewelweed. Therefore, she requested the applicant move the flag about 2 ft. off the closest corner of the existing shed.

Mr. Forte stated when he did the flagging several months ago, he did not see any skunk cabbage. He stated he can relocate flags A7 and A8.

Mr. Taberner stated they were considering having this peer reviewed, but if Mr. Forte is willing to work with Ms. Delmore regarding moving the flags, it should be fine.

Chairman Batchelor recommended Mr. Forte contact Ms. Delmore at the office.

Commission members asked questions.

Mr. Forte stated the lot size is 143,367 sq. ft.; the 8,800 sq. ft. of proposed disturbance is less than 10 percent. He discussed the location of the lot and the wetlands. He confirmed the silt sock would be put in before the demolition of the sheds, then construction would proceed.

Mr. Thomas Strawn, 7 Bald Hill Drive, stated he believes the back of his property abuts this property. He explained the current ground water runoff path near his house. He asked for clarification of what is happening with the wetlands. Are there going to be homes built there?

Chairman Batchelor stated he is not aware of any petition to build anything but one single-family house there. He stated that since it is a single-family residential, probably we are going to take a lighter look depending on what is going to be done than if it were a development. He stated if this were a development, we would not pass it. There is too much activity within the buffer zone, within the 50 ft. mark, and certainly the 25 ft. no-touch. We have a situation here where there are already fixtures and paths. So, it is not like we are creating a new disturbance. We are removing something which is the sheds which are in the 25 ft. If this house were to shift back more, we would not approve it. If it were a development, we would probably get peer review and we would make this more difficult.

Mr. Strawn asked about the ranch home that abuts this and noted the surveying that was done.

Mr. Livingstone asked Ms. Delmore if she no longer recommended a peer review of this project.

Ms. Delmore stated she had expressed concern about only flag A7 as she saw wetland plants. She stated that she had said they would talk about flags A6, A7, and A8, and would look at the flags together to make sure they are in the right spot.

Mr. Livingstone stated that in historical context, this would classically be the type of project that would be sent to BETA for review.

Chairman Batchelor stated WSI would probably be involved, but they are no more than a wetland scientist which we have with Mr. Forte.

Mr. Livingstone stated WSI would be independent. For the record, he stated the Commission has done things in the past to prevent the appearance of conflict of interest.

Chairman Batchelor stated he would let the conservation agent make a decision as to whether we want WSI to take this. He stated WSI will take more time and we will have to get a continuation on this until we get delineation on the wetlands.

Ms. Delmore stated that with this project, as long as she and Mr. Forte go out there to review the noted three flags, A6, A7, and A8, and they can come to an understanding--as her real concern was whether flag A7 should be moved or not--she would be happy with that. She said she looked at the rest of the line and thinks it looks okay.

Mr. Forte reviewed the current flags and stated he would be happy to review it with Ms. Delmore.

Chairman Batchelor confirmed Mr. Forte would work with the conservation agent and the delineation would have to meet her satisfaction.

Mr. Taberner stated that in addition to this, he would like to see the plans changed, and this continued to the next meeting to have time to go through the special conditions that we want to apply to the Order of Conditions.

There was a motion made by Braden Rosenberg to continue the public hearing for the NOI for 907 Washington Street to June 6, 2019 at 7:25 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 7-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activities: 860 West Central Street

Mr. Braden Barry of Bohler Engineering, on behalf of the applicant, addressed the Commission for the installation of a large grease trap adjacent to the building in an area currently paved for parking.

Chairman Batchelor stated this is where Incontro was located; the property has been sold and this is a new owner. He stated that he, Mr. Taberner, and Mr. Wallach, met onsite and inspected the property and the work. There is really no disturbance as to what is existing.

Mr. Barry stated the interior work is very ambitious, but the exterior work near Mine Brook is very simple. He stated the DPW strongly recommended grease traps. On their recommendation, this is the plan to install a 3,000-gallon grease trap at the exterior of the building and the associated piping. All the work

will be done in the existing paved area. He reviewed the installation plan, explained the two exterior tanks on the plans which will be located outside of the buffer zone, and discussed the model of the grease trap.

Mr. Livingstone asked if there is any potential for overflow.

Mr. Barry stated not that he is aware of. He said they have put together a maintenance plan in accordance with DEP's recommendations to make sure it is being inspected and pumped out properly.

Mr. Taberner stated this has been an issue with the previous owners for a long time. The plan in front of the Commission has been reviewed by the building commissioner, the previous conservation agent, and the Planning Board. He reviewed the plans for this installation. If they put in the erosion controls, there is nothing to worry about. It will be inspected.

There was a motion made by Jeffrey Milne to accept the MBZA for 860 West Central Street. The motion was seconded by Braden Rosenberg and accepted with a vote of 7-0-0.

Permit Modifications/Extensions: End of Garnet Drive

Ms. Amanda Cavaliere, consulting engineer of Guerriere & Halnon, Inc., representing the applicant, addressed the Commission.

Mr. Taberner stated this is a request for an extension of the Order of Conditions. Ms. Delmore conducted a site visit today and took some photographs.

Ms. Delmore confirmed she conducted a site inspection. She stated the erosion control on the first basin on the left was degraded. Across from the DEP file # sign, a pile of sediment had been washed over the erosion control and headed into the woods. And, the soil being stockpiled between the road and the erosion control has spilled over the erosion control completely covering it. She said these spots need to be fix; everything else looked good.

Chairman Batchelor recommended a continuance until that was all corrected. He asked Ms. Cavaliere to work with Ms. Delmore.

Ms. Cavaliere stated she would.

There was a motion made by Jeffrey Milne to continue the permit extension for End of Garnet Drive to June 6, 2019. The motion was seconded by Alan Wallach and accepted with a vote of 7-0-0.

Permit Modifications/Extensions: 15 Bald Hill Drive

The applicant was not present.

Chairman Batchelor stated he had questions on this: why there was no silt sock as it was a pool, and how did the permit get pulled without our knowing it. He asked Ms. Delmore to contact the applicant and let them know this item is being continued to June 6, 2019.

Ms. Dooney asked if the applicant could tell the Commission what type of pool filter is being used.

There was a motion made by Braden Rosenberg to continue the permit extension for 15 Bald Hill Drive to June 6, 2019. The motion was seconded by Paul Harrington and accepted with a vote of 7-0-0.

Violations/Enforcement: 12 Addison Avenue

Mr. Tom Rebula of Goddard Consulting, representing the applicant, addressed the Commission and provided a brief overview of the violation. He stated there was some tree trimming and clearing done on the property. The leftover debris was placed at the edge of the wetland. The debris has been cleared out by hand and removed from the site. The approved plantings have been installed.

Ms. Delmore stated she conducted a site visit and it all looked good.

Mr. Taberner confirmed all work was performed satisfactorily.

There was a motion made by Staci Dooney to accept 12 Addison Avenue as being finalized and correct. The motion was seconded by Braden Rosenberg and accepted with a vote of 7-0-0.

Minutes: April 25, 2019 & May 9, 2019

There was a motion made by Braden Rosenberg to accept the meeting minutes for April 25, 2019. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-1. (Ms. Dooney abstained.)

There was a motion made by Jeffrey Milne to accept the meeting minutes for May 9, 2019. The motion was seconded by Staci Dooney and accepted with a vote of 6-0-1. (Mr. Livingstone abstained.)

Discussion: Proposed DelCarte Property

Mr. Taberner stated that before George Russell retired as the conservation agent, he communicated with Jeremy Barstow from Tri-County Regional Technical High School regarding construction of a picnic pavilion at the DelCarte property. He reviewed the diagram of the proposal. Jeff Nutting asked Gus Brown to act as the Town's project manager for the improvement project. Assuming there is no objection, there is a concrete slab that is in place. The pavilion will be constructed on top of the slab. He stated the norm is that the Town buys the materials. He is not sure of the construction timeline.

Chairman Batchelor stated it is a terrific project that will enhance the DelCarte area.

Commission members discussed the project and location.

Discussion: Union Street Solar – Process

Mr. Taberner discussed that Union Street Solar and some other projects have been continued several times in recent months. All three applicants are concerned that the permitting process is taking much longer than hoped, and each have expressed concerns. He stated Town staff that provide support to the Planning Board and Conservation Commission are attempting to coordinate final reviews/comments and final plan revisions in order to get these projects voted on during the first week in June. We will update you on the status of each project in advance of the June 6th Agent's report. As soon as Matt Crowley from BETA says there are no issues, the Planning Board will be voting. He does not want to talk about details, but he wants to talk about the process.

Chairman Batchelor stated if BETA has outstanding issues, he finds it difficult for the Commission to take a vote or approve testimony in front of the public, such that if BETA came back and said this is a problem, the public goes away thinking okay, that's okay, and then at the very next meeting, we are approving a change that is contrary to what was articulated in front of residents and the public. Having been involved in two other towns with solar arrays and different regulations back then, that was an absolute disaster. He discussed the changes in current code and regulations. He said he does not think the Commission has any problem with approving anything as long as the detail is there for the Commission to

understand. The public and the residents of this Town deserve to hear it and ask questions of it and get an honest and sincere answer.

Mr. Taberner said the Conservation Commission should be happy with anything related to wetlands and the drainage system before they vote. We do not want Planning Board approving something that they are not going to like. Therefore, if the Commission approves something first, that is the way it should be. He noted that everyone must have the same plans.

Chairman Batchelor stated emails from the Town could be sent to the Commission members to provide updates; he cautioned Commission members to not respond to such emails as that could violate open meeting law.

Mr. Taberner stated that from now on, they would send the Commission members a preliminary Agent's Report every week so they know what is happening.

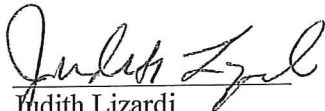
Chair and Commission Member Comments

None.

There was a motion made by Braden Rosenberg to adjourn the meeting. The motion was seconded by Staci Dooney and accepted with a vote of 7-0-0.

The meeting adjourned at 8:06 PM.

Respectfully submitted,


Judith Lizardi
Recording Secretary