

1/18/2018

**Franklin Conservation Commission  
Minutes of Meeting  
January 18, 2018**

To: Town Clerk  
cc: Members  
File

Members Present: Tara Henrichon, Angela Gelineau, Jeffrey Milne, Staci Dooney, George Russell, Conservation Agent  
Members Not Present: Bill Batchelor, Paul Harrington, Jeff Livingstone.

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.

**Public Hearing – NOI – 834-860 West Central Street – G&H**

Vice Chair Henrichon stated that staff has recommended that this go to peer review.

There was a motion made by Angela Gelineau for peer review for the NOI for 834-860 West Central Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Vice Chair Henrichon recommended the applicant consider holding testimony so that they may respond to information received from the peer review. Angela Gelineau reminded the applicant that the Commission is there to hear any testimony he may wish to provide.

Mr. Richard Cornetta, attorney representing the applicant, and Mr. Donald Nielsen of Guerriere & Halnon, Inc. addressed the Commission. Mr. Cornetta confirmed they would be returning for the February 1, 2018, meeting and would abstain from presenting until that time.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for 834-860 West Central Street to February 1, 2018, at 7:15 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

**Certificates of Compliance: Remington Jefferson BMP Retrofits, and 291 Washington Street – Central Auto Body**

Mr. Russell stated everything is ready to be issued for both Certificates of Compliance.

There was a motion made by Jeffrey Milne to approve the Certificates of Compliance for Remington Jefferson BMP Retrofits, and 291 Washington Street, Central Auto Body. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

**Public Hearing – RFD – 26 Shady Lane - Brault**

Mr. Phil Brault addressed the Commission for vegetative debris. He stated that the 5 ft. x 5 ft. x 1 ft. pile is placed behind the stone wall at his home which is in wetlands jurisdiction. He explained that after Mr. Russell observed the debris, he hired a wetland scientist to determine what needed to be done. It was stated in the scientist's report that the pile could stay and not impact the wetland resources.

Mr. Russell stated he observed the pile during a site inspection for the adjoining property. He noted that SOP was followed. He recommended the RDA be granted with a negative #3 determination.

There was a motion made by Angela Gelineau for a negative #3 determination for the RDA for 26 Shady Lane. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0. There was a motion made by Angela Gelineau to close the public hearing for the RDA for 26 Shady Lane. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

**Discussion: RTP Grant**

Vice Chair Henrichon asked if all Commission members had read the letter for the RTP Grant request.

There was a motion made by Angela Gelineau to authorize the Vice Chair to sign the letter in support of the grant. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

**Public Hearing – NOI – 93 Elm Street – Sellew**

Vice Chair Henrichon stated that notice was received from the applicant that he was unable to be at tonight's public hearing.

Mr. Russell stated that the application is incomplete; he requested the Commission continue the hearing.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for 93 Elm Street, to February 1, 2018, at 7:20 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

**Minor Buffer Zone Activity: 461 Maple Street**

Mr. Dan Grillo addressed the Commission for cutting down trees on his property. He stated that over the past two years gypsy moth had eaten the leaves and the trees did not survive; limbs had started to fall. He did not realize the trees were near the wetlands and he needed a permit to cut them down.

Mr. Russell stated that he noticed the trees had been cut when doing an inspection on the subdivision across the street. The trees were at the edge of jurisdiction. He sees no problem with granting the MBZA.

There was a motion made by Jeffrey Milne to approve the MBZA for 461 Maple Street. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

**Public Hearing – Continued - RFD – 39 Peck Street - Mezzadri**

Mr. Russell stated that the applicant has been before the Commission a number of times. The latest issue regarded obtaining additional information that was more current than the letter from Judith Schmitz from 2011. The applicant retained the services of a wetland scientist who concluded that the drainage ditch in question was not jurisdictional. Mr. Russell stated his office had these conclusions reviewed by Wetland Strategies, the Commission's peer review consultant. Wetland Strategies concluded that the applicant's wetland scientist was correct; the area is not jurisdictional. Mr. Russell recommended a negative determination #1.

Mr. Michael Mezzadri, homeowner, noted agreement with the recommendation.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for 39 Peck Street. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

There was a motion made by Jeffrey Milne to approve a negative #1 for the RDA for 39 Peck Street. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

**Permit Modification: 16 Berkshire Drive**

Mr. Nicolas Moelders, property owner, stated he was before the Commission on November 2, 2017, for an NOI for cutting down trees on his property. The work commenced; only 21 of the 23 trees were cut down. The intent of the plan was to put grass everywhere where the trees were cut. They are now proposing minor changes: a decorative wall with organic gardens in the area, and not to encroach as closely to the boundary as the Commission had approved. They will use the same fill as approved on the NOI.

Mr. Russell stated that the applicant is not requesting to bring in any more material than originally approved, applicant is asking to put it in a slightly different location, and applicant is moving it further away from the resource area. Mr. Russell stated the Commission is faced with the fact that given there is no additional material coming in and given that it is being moved further from the resource area, does the Commission want to say it is okay to do this, or does the Commission want to go through the formal amendment process because the real issue becomes precedent.

Vice Chair Henrichon stated that she would like to discuss it as a Commission, but she is inclined to say that as there will be no impact, or potentially a positive impact, she would like to make it as easy for the applicant as possible.

Mr. Russell noted that the decision must be "approved" by the Commission so as to allow the "modified work" to proceed and allow the "engineer's certification" required for the COC to be generated.

Commission members stated that there would be no more material, no greater impact to the resource area, and be no closer to the resource area.

Mr. Russell stated it is critical for him to know the Commission's position on this as he must talk to other applicants who have NOIs going forward. He thinks the Commission is establishing that these three conditions must be met: no greater impact on resource area, construction is no closer to the resource area, and the quantity of fill or excavation is not increasing.

There was a motion made by Angela Gelineau to allow the applicant at 16 Berkshire Drive to make the changes he has outlined in this application and those changes do not rise to the level of a modification to the NOI or a new NOI with the following conditions: #1 There shall be no net increase in the amount of fill or excavation of material or vegetation removed. #2 The proposed changes shall not be any closer to the resource areas than originally proposed, and 3. The impact on the resource area(s) shall be no greater than originally approved. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

#### **Public Hearing – NOI – Camp Haiastan – 722 Summer Street**

Mr. Russell stated that he recommended this go to peer review and the hearing be continued to the next meeting.

There was a motion made by Angela Gelineau for peer review for the NOI for Camp Haiastan, 722 Summer Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Mr. Peter Glick, civil engineer of SMMA, and Mr. David Hamparian, executive director of Camp Haiastan, addressed the Commission. Mr. Glick stated that the peer review was started for the drainage portion for the Planning Board and they are already responding to those concerns. After discussion, Mr. Glick stated they would present their information at the next meeting when peer review has been completed.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Camp Haiastan, 722 Summer Street, to February 1, 2018, at 7:25 PM. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

#### **Public Hearing – Amendment – Franklin Country Club - TRC**

Mr. Kevin O'Brion of TRC Company, on behalf of Massachusetts Electric, stated there was an approved Order of Conditions from October for a transfer of overhead distribution lines. That order did not include removing the distribution poles. This is a proposal to get to the easement off the Country Club property, provide temporary access to the poles, remove them, and then the work to put in the conduit can be done. There are five poles in total, four within jurisdiction. He reviewed the access to each of the poles. Four poles will be removed completely from the ground, the other will be cut to grade due to its placement. He stated that minimal area will be disturbed with the removal of each pole. The holes will be filled in with fill. A 50 ft. x 50 ft. pad is usually provided for an easement of this size; it will be used if needed.

Mr. Russell stated that the amendment must be filed with the Registry; it is a standard stipulation from DEP.

Mr. O'Brion asked if the original project had swamp mats proposed.

Mr. Russell stated No.

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There was a motion made by Angela Gelineau to close the public hearing for the NOI Amendment for Franklin Country Club. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

There was a motion made by Jeffrey Milne to approve the NOI Amendment for Franklin Country Club. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

**Permit Modification: The Key**

Mr. Paul Matos of Allen & Major Associates stated the multi-family development, The Key, is 100 percent complete. Some minor modifications occurred during construction which are outlined in his letter. There were some problems with water pressure, so they had to install a booster pump. The pump was installed in one of the garages which occupied one of the parking spaces; so, a new location had to be found for the parking space. The space is located next to the parking garage maintenance building. Also, during the process due to site grading and floor elevations for one of the parking garages, a curb inlet needed to be installed to help drain the site. And, a block retaining wall had to be installed; after the wall was installed two nearby trees died and had to be removed. These are the four modifications that have taken place based on the approved plans of February 2017 when they had come in for an amended order.

Mr. Russell stated that in this case material was added; the applicant added new parking. He stated that the town engineer had comments on the drainage issues, but the comments were not in the Commission members packets as they were not received in time. He recommended the Commission vote that this is not rising to the level of a new NOI, but it should be a modification to the NOI.

Mr. Matos confirmed that only one parking space was added from the approved plans of February 2017.

Mr. Russell stated that the Commission could take no action. When the applicant comes in for a Certificate of Compliance, all the deviations must be detailed. At that point, the Commission could require a formal amendment to the NOI. This could hold up the COC. The advantage of doing it now is that the COC will be all set.

There was a motion made by Angela Gelineau that the request for a permit modification for The Key will require an NOI Amendment, but not a new NOI. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

**Violation: 43 Blueberry Lane**

Mr. Russell stated that in the Commission members' packets are letters from Mr. Russell outlining the issue. The work has been ongoing for more than one year. The reporting requirements for this permit have not been met despite repeated requests from his office. Late this afternoon, his office received 1 ½ years' worth of reports that are required under stipulation 32, but the reports required under stipulation 23 which are more important have never been received. He has given the applicant numerous correspondence. He recommended an enforcement order requiring that the missing reports be filed by February 16, 2018.

There was a motion made by Angela Gelineau for the Commission to authorize an enforcement order on Maple Sands Corporation for 43 Blueberry Lane, also known as 38 Silver Fox Lane, to file the missing reports required under stipulation 23 to be submitted no later than February 16, 2018. The motion was seconded by Staci Dooney and accepted with a vote of 4-0-0.

***Ms. Dooney left the meeting.***

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**Discussion: ConCom Managed Land**

Mr. Russell stated that as there is no longer a quorum, legally this item cannot be discussed at this time.

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

Determination of Applicability – 26 Shady Lane – Brault

Determination of Applicability – 39 Peck Street – Mezzadri

Orders of Conditions – Franklin Country Club – 672 East Central Street – CE159-1170

Minor Buffer Zone Activity – 461 Maple Street – Grillo

Certificate of Compliance – Central Auto Body – 291 Washington Street – CE159-1139

Certificate of Compliance – Remington Jefferson School- 628 Washington Street – CE159-1151

There was a motion made by Angela Gelineau to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

The meeting adjourned at 8:06 PM.

Respectfully submitted,

Judith Lizardi  
Recording Secretary