

**Franklin Conservation Commission  
Minutes of Meeting  
April 5, 2018**

To: Town Clerk  
cc: Members  
File

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

Chairman Batchelor announced the meeting would be audio and video recorded.

Mr. George Russell's Agent's Report and Agent's Report Supplemental have been appended to the minutes.

**Public Hearing – RFD – 235 Grove Street – Rossetti/Faneuf**

Mr. Brandon Faneuf of Ecosystem Solutions and Mr. Steve Rossetti, owner, appeared before the Commission for vegetative debris. Mr. Faneuf stated he is asking to remove piles of mulch/wood chips put there by Mr. Rossetti between a BVW and perennial stream. The vegetative debris will be removed to a non-jurisdictional area using a small farm tractor. He reviewed the provided information packet including aerial photographs. He stated erosion controls will not be needed.

Mr. Russell stated the applicant has followed SOP by retaining a wetland scientist and having a report developed. He noted an error in his Agent's Report; he does not recommend a negative #3 determination, he recommends a negative #2 determination. He recommended the approval of the RDA with stipulations as outlined in his Agent's Report of which the applicant received a copy.

There was a motion made by Jeffrey Milne to close the public hearing for the RFD for 235 Grove Street. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

There was a motion made by Tara Henrichon for a negative #2 determination for the RDA for 235 Grove Street with the following stipulation:

The applicant shall remove the vegetative debris (mulch piles) referenced in the application for this project from all jurisdictional areas. This removal shall be undertaken under the supervision of a wetlands scientist who shall submit a report to the Commission prior to the removal outlining in detail the methods of removal and the exact location of deposition of the mulch piles. After the material is removed, the wetlands scientist shall submit a report outlining the conditions of the

jurisdictional area after removal, restoration of the jurisdictional area if necessary and any remediation efforts that were necessary to restore the jurisdictional areas. Failure to submit this report within 30 days after removal shall be considered a violation of the permit and will result in additional legal action for non-compliance.

The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

**Public Hearing – Continued - NOI – 725 Union Street – Holmgren Engineering**

Mr. Russell stated the applicant requested a continuation of this hearing; they have not received the necessary variance from the Zoning Board of Appeals. They will be submitting the application to peer reviewers and therefore requested the continuation to the meeting on April 19, 2018.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 725 Union Street to April 19, 2018, at 7:35 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

**Public Hearing – Continued - NOI – 834-860 West Central Street – Padula**

Mr. Russell stated the applicant requested continuation because the peer reviewers have requested information to complete their review and are still waiting to receive the information from the applicant's representatives. Therefore, the peer review is not complete. The applicant has agreed to an extension of time to the meeting on April 19, 2018.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 834-860 West Central Street to April 19, 2018, at 7:40 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

**GENERAL BUSINESS**

**Permit Extension: Village at Cook's Farm**

Mr. Russell stated the applicant requested a one-year extension for this project. All is on track; all reports are up-to-date. He recommended the extension be granted.

There was a motion made by Jeffrey Milne to approve the one-year extension for Village at Cook's Farm. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

**Permit Modification: 8 Addison Avenue**

Mr. George Wilson of Baystate Structures and Mr. Scott Orr, homeowner, addressed the Commission to move a pool shed. Mr. Orr stated the proposal for the shed was made last spring. After trees were removed and the pool installed, they wanted to change the angle of the pool house. The overall size of the shed has been reduced from 20 ft. x 30 ft. to 16 ft. x 30 ft.

Mr. Russell stated the Commission has adopted a standard procedure and test for determining if a formal amendment is necessary. As outlined in his Agent's Report, it is his opinion that this particular modification does not rise to needing a Notice of Intent since all three of the tests are met. He stated the impact will not increase and it will not be any closer to the resource area. He recommended the Commission approve the change as outlined and indicate a formal NOI amendment is not necessary.

Commission members asked the applicant questions regarding the size of the proposed shed.

There was a motion made by Jeffrey Milne to approve the permit modification and that the proposed modification does not rise to the level of needing an NOI amendment for 8 Addison Avenue. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

**Public Hearing – RFD – 1262 West Central Street – Allen Engineering**

Mr. Mark Allen of Allen Engineering, representing KAD Holdings Corporation, owner of the property, and Mr. Andrew Leonard of WW Contracting Corp., site contractor, addressed the Commission. Mr. Allen reviewed the proposed project for a three-story medical building which is on a five-acre property. He showed a rendering of the building. He stated the Milford Regional Physicians Group is consolidating their four or five rented spaces throughout the Franklin area and moving to this facility. He explained the location of the wetland area in the rear and the buffer zone which are highlighted on the plans. The intention was to not touch any buffer zone and keep out of the local jurisdiction. The Planning Board has gone through their review with BETA Engineering and they have given their blessing regarding the hydrology. He noted a few other state permits are needed. He stated the vast majority of the stormwater will be infiltrated.

Mr. Russell stated it was his recommendation the applicant file the RDA for this project. To their credit, they have stayed completely outside of jurisdiction with the exception that all the stormwater is going directly into jurisdiction. He concurs with the applicant's statement that BETA has blessed the project. He recommended a negative #3 determination be issued for this project with no special conditions.

There was a motion made by Jeffrey Milne to approve the RDA for 1262 West Central Street with a negative #3 determination with no special conditions applied. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

**GENERAL BUSINESS (continued)**

**Minor Buffer Zone Activity: 17 Peters Lane**

Ms. Danielle Fetter addressed the Commission for tree removal in a riverfront area due to storm damage. She said the removal was due to safety concerns.

Mr. Russell stated he was conducting a site visit on nearby conservation managed land and noticed the tree had been freshly cut; he did not know anything about storm damage at that point. He generated the usual letter indicating that trees on wetlands cannot be cut down without approval of the Commission. The applicant has been extremely cooperative. He recommended approval of the MBZA.

There was a motion made by Jeffrey Milne to approve the MBZA for 17 Peters Lane. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

**Minutes:**

There was a motion made by Jeffrey Milne to approve the meeting minutes for March 15, 2018. The motion was seconded by Paul Harrington and accepted with a vote of 3-0-2. (Mr. Livingstone and Ms. Henrichon abstained.)

**Discussion: Earth Day**

Mr. Russell stated he notified Park and Recreation of the potential number of participants. Ms. Dooney emailed Mr. Russell and Ms. Henrichon that an organization will be providing a table with refreshments; they will be participating in Earth Day and probably setting up at Beaver Pond.

Ms. Henrichon stated she will work to get Starbucks to provide coffee. She stated Doug Williams, Director of Mass Audubon's Stony Brook Wildlife Sanctuary, will be presenting an educational

component on Earth Day. Donna from Stony Brook sent over a flyer for a walk that Mr. Williams is doing. Ms. Henrichon stated she was going to take information from both events and make a flyer to give to Chrissy in the Town Administrator's office to have it put on social media.

Chairman Batchelor confirmed the Earth Day event will be held on April 29, 2018. He asked that this agenda item be put on the next meeting agenda, as well.

#### **Discussion: Education and Outreach**

Mr. Russell stated he provided in the Commission members' packets two more pieces of educational material that he would like to put on the webpage; he has worked with Ms. Henrichon on these. They will be listed under guidance documents along with the ones developed on both vegetative debris and beavers. He would like questions and comments from Commission members. He is also going to put all the Commission's SOPs on the webpage. He discussed, as outlined in his Supplemental Agent's Report, that his office has been getting calls on the significant amount of storm debris and damage. He provided the Commission members with some photographs of storm debris. He stated residents are trying to clean up the debris primarily created by the three March nor'easters. He opined that the Commission and his office should not be going after people trying to clean up this debris when they are temporarily stacking it while waiting to get a burn permit. If they must go through a Commission permitting procedure, they are going to lose their burn permitting window. He suggested, as outlined in his supplemental report, that if basically a property owner wants to clean up vegetative debris which is a direct result of storm damage and it comes from their property, the Commission not require a permit providing the property owner can clean it up within two weeks. By the same token, for example, if they have been mowing their grass for ten years and dumping it all intentionally into a BVW, that is different. If the Commission agrees with his proposal, the Commission should vote to adopt this as a standard policy and put it on the website.

Commission members informally agreed that this seems logical and reasonable. It was also discussed how the term *significant storm event* be defined. For instance, what if someone says a microburst came through their neighborhood. They further discussed whether the Commission wanted to do this as an ongoing policy or do they want to script this for each significant event.

Mr. Russell stated he would be leery of tying this to a significant event. As it is worded, it only kicks in when people start stacking the material. In the real world, he does not go around looking for this, but he does see it. What he wants is when he gets complaints about it, to be able to go out and look at it and talk to the homeowners. He can tell by just looking at the debris how long it has been there. If something has been sitting there and is rotten and falling apart, then it is known that it is not from a recent storm; photographic evidence would be enough to say this is not from a recent storm, a permit is needed.

Commission members discussed giving the Agent the latitude to make that decision and questioned if that would become unreasonably burdensome on the Agent.

Mr. Russell stated no because 90 percent of this will come about as complaints and calls. He needs some latitude in determining when a permit is needed such as the difference between a whole tree falling during a storm and the top 10 ft. of the tree falling. He would like to put this in place and see how it works. He will come back to the Commission if it does not work.

There was a motion made by Jeffrey Milne to adopt the procedures outlined in the Agent's Report Supplemental dated April 4, 2018. The motion was seconded and accepted with a vote of 5-0-0.

#### **Discussion: Control of Nuisance Vegetation**

Mr. Russell stated this item has to do with fees. The Commission, at their last meeting, could not clearly come up with a definition to dictate what nuisance vegetation is; so, he has defined what it is not.

Recently, there was an application filed for an NOI for a great deal of work on a single-family lot, but they paid the fee for control of nuisance vegetation and the fee for MBZA. So, that prompted him to add clarification wording. Basically, anything regulated under 310 CMR is an NOI. An MBZA is strictly for those projects not regulated under 310 CMR that apply to residential projects like a shed or an above ground pool. He stated that for the control of nuisance vegetation, basically, if an applicant wants to do that, they can do that, but it cannot be non-natural deposition of material. In other words, grass clippings cannot be dumped for 10 years in a BVW and then applicant come in and want to control it. In his opinion, if an NOI is being filed for work requiring an NOI, and part of that work is controlling nuisance vegetation, then an applicant should not have to pay \$200 for the NOI and another \$50. So, if the Commission is comfortable with the way this is worded, no vote is necessary, and this will become the standard fee sheet in NOI applications.

Commission members asked and discussed what is nuisance vegetation.

Mr. Russell provided examples of nuisance vegetation and stated it would be up to the applicant to prove to the Commission why it is a nuisance.

Commission members informally agreed.

Chairman Batchelor stated Mr. Russell had it; done.

**Discussion: Use of Conservation Land**

Mr. Russell stated the Commission received a request to use DelCorte; it must be approved and signed by the Commission. He stated the people requesting this have done it before and they have a very good track record.

There was a motion made by Tara Henrichon to approve the Conservation Commission's permission of the property use permit for the Mass Audubon's Stony Brook walk at DelCorte which is also sponsored by a local cultural council grant. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

**Signed Minor Buffer Zone Activity, Extension Permit & Determinations of Applicability**

Determination of Applicability (Negative) 235 Grove Street – Rossetti

Determination of Applicability (Negative) 1262-1288 West Central Street - KAD Holdings Corp.

Extension Permit – Cook's Farm – Roux – CE159-1061

Minor Buffer Zone Activity – 17 Peters Lane – Fetter

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

The meeting adjourned at 8:11 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary