

**Franklin Conservation Commission  
Minutes of Meeting  
October 4, 2018**

To: Town Clerk  
cc: Members  
File

Members Present: Bill Batchelor, Paul Harrington, Jeff Livingstone, Angela Gelineau, Jeffrey Milne, George Russell, Conservation Agent

Members Not Present: Tara Henrichon, Staci Dooney.

Chairman Batchelor announced the meeting would be audio and video recorded. He reviewed how the Commission operates. He stated that Mr. Russell, Conservation Agent, makes recommendations to the Commission based on law; the Commission interprets the law and the needs of the individual. Therefore, it is the Commission's responsibility to come to a decision, not Mr. Russell's decision; he is here in an advisory technical capacity.

Mr. George Russell's Agent's Report has been appended to the minutes.

**Public Hearing – NOI – 8 Paulene Drive - Shugrue**

Ms. Nicole Shugrue addressed the Commission for the construction of a new garage; however, the as-builts showed additional work was done. A new NOI was required.

Mr. Russell stated he inspected the site. This is a second NOI for this property; the applicant has filed this new Notice for the additional work done. He recommended approval with no additional stipulations.

Ms. Shugrue confirmed she was comfortable with all that has transpired.

Ms. Gelineau asked about the considerable extension of the grass area behind the garage.

Ms. Shugrue stated it was previously a weeded area; they cleaned it up and planted grass.

Mr. Russell stated it was mostly additional fill; this is in the buffer.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 8 Paulene Drive. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne to approve the NOI for 8 Paulene Drive. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

**Public Hearing – RFD – 173 Brook Street - Polakoff**

Mr. Robert Vey of Norfolk Engineering, representing the applicant, addressed the Commission for a septic system.

Mr. Russell stated that when he first reviewed the application he generated a letter indicating information was missing regarding the quantity of material going in and out of the property. This information was received from the engineer; there will be 150 cu. yds. of material in and out. Mr. Russell stated he believes this is a substantial amount of material; therefore, he recommends a positive determination.

Mr. Vey stated this is a three-bedroom dwelling with a failed septic system. The only place on the lot it could be designed was in the buffer zone; the closest part is 65 ft. from the wetlands. The grading is not changing. They have to bring in some septic gravel which effectively clean sand is. He emphasized they will be digging and immediately taking the material out, then dumping the clean sand into the hole. He proposed straw wattles. He noted it is all in the grass area of the rear of the house. He explained the need for the septic soil. He noted they will also be taking some contaminated soil offsite.

Mr. Russell stated it is still his opinion that when dealing with the excavation of that much material and bringing in material, the possibility that things could go “wrong” exponentially increases.

Chairman Batchelor, Mr. Russell, and Mr. Vey discussed the removal and bringing in of the fill and the placement of the septic system.

Mr. Russell stated he would like an engineered plan of what is happening at the site; the plan provided was not stamped by a PE.

Mr. Vey stated it was done by a registered sanitarian which is fine for septic design work; it is not required by the Board of Health. He said the Board of Health already approved this plan.

Mr. Russell stated his information is that the Board of Health has not approved this.

Mr. Vey said he talked to Dave; he has a verbal from Dave that it was approved.

Chairman Batchelor stated more than a verbal approval is needed. He recommended a continuance until that is received.

Mr. Vey stated a continuance would not help him; he thinks he should go with an NOI.

Mr. Russell stated a registered sanitarian can submit a plan for approval to the health department; but, we are now dealing with the wetlands law, not the public health law.

Commission members noted that septic systems in a resource area are usually done under an NOI. The members informally agreed the NOI is needed as there is no reason given to set precedence to not have it under an NOI.

Mr. Vey stated the homeowners are trying to sell the house; this could create a financial impact for them.

Mr. Russell stated the draft Agent’s Report goes out to the property owners one week prior to the meeting; this report went out one week before the September 20, 2018 meeting and he was only contacted late last week by the property owner.

Mr. Vey stated the property owner read “positive” so they thought it was good.

Mr. Russell stated if the property owner gives permission, additional contact information can be added to the mailing of information.

There was a motion made by Jeff Livingstone to close the public hearing for the RFD for 173 Brook Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne for a positive #3 determination for the RFD for 173 Brook Street. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

**Public Hearing – NOI – 766 Union Street – United Consultants**

Mr. Rick Goodreau of United Consultants, Inc., on behalf of the applicant, addressed the Commission. He provided a review of the provided plans and stated the property currently has an existing house with a cesspool. The applicant is proposing to demolish the existing house and construct a new house and septic system as shown on the plan. He stated this NOI is really an application to allow for a small portion of the house, the deck, and the septic system to be located within the 50-100 ft. buffer zone. He reviewed and described the location of said structures and the proposed erosion control.

Mr. Russell noted that on his site visit the structure was completely overgrown. He recommended approval with the special conditions as outlined in his Agent’s Report.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 766 Union Street. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

There was a motion made by Angela Gelineau to approve the NOI for 766 Union Street with special conditions #20, 23, 24, 27-30, 34, 37, 38, 44 and 51. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

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

Mr. Russell stated there has been an authorized request from the applicant to continue the public hearing.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 725 Union Street to October 18, 2018, at 7:15 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

**Public Hearing – RFD – 3 Maple Brook Lane – Addi**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Commission and stated the plans are being submitted under two different applications at tonight’s meeting. She noted they were before the Commission a few months ago; the swimming pool was installed and it should have been closed out. The homeowner was under the impression that the contractor had taken care of it. The Order of Conditions has expired. Tonight, they are formally presenting a Request for Determination for the Commission to accept the existing conditions as are in the field today with the deviations from the originally approved plan.

Mr. Russell stated he has been to the site a few times. This is being done under the Commission's new policy when there is an expired NOI. In order for the property owner to truly comply with the original Notice, it would cause much more degradation of what is out there than the approval of the RDA. Therefore, he recommended the RDA be approved under the new policy of the Commission; this will allow for the Certificate of Compliance to be granted.

Mr. Harrington confirmed the new tree line.

Ms. Cavaliere stated the deviations from the original are noted on the plans. She noted there were fewer plantings planted than originally proposed.

There was a motion made by Jeff Livingstone to close the public hearing for the RFD for 3 Maple Brook Lane. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne for a negative #2 determination for the RFD for 3 Maple Brook Lane. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

## **GENERAL BUSINESS**

### **Permit Modification: 58 Elm Street**

Mr. Dave Constantino, remodeling contractor of Franklin, on behalf of the homeowner, addressed the Commission. He stated last spring he constructed a two-car garage at this residence. Some of the existing asphalt was removed and he must put in new asphalt. The homeowner requested that they would like to remove the rest of the approximately 1,000 sq. ft. existing driveway and replace it with new asphalt. Some of it needs repair.

Mr. Russell stated there is in all probably going to be no impact to the multiple resource areas that this driveway is in. It is in a resource area, not a buffer zone; this is in a riverfront resource area. In keeping with the regulations which do not make any distinctions on quantities, he does not see a defensible way around a modification to the NOI. The biggest burden is the legal notice and the abutter notifications. The abutter notices have to go out a minimum of seven calendar days before the public hearing. The advertising deadline was missed for the next meeting. The earliest this could be done is the first meeting in November. He noted the property owner and the contractor are trying to follow the rules.

Mr. Constantino noted that asphalt typically should be put down by mid-November; it is weather related.

Mr. Russell stated the applicant needs direction; he thinks the Commission needs to take a formal vote indicating the modification requires an amendment to the NOI.

There was a motion made by Jeffrey Milne for 58 Elm Street to require a modification to the existing NOI. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

### **Permit Extension: 8 South Street**

Mr. Omar Chatila, project manager for Franklin Hills LLC, addressed the Commission for a one-year extension.

Mr. Russell stated this is in the final stages of completing. There are some significant erosion issues that the applicant has been dealing with. He stated they are preventing problems in the resource area, but they are not ready to wrap this up in the time frame allowed; they need more time.

There was a motion made by Angela Gelineau to grant the one-year permit extension for 8 South Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

**Certificate of Compliance: 8 Paulene Drive**  
**Certificate of Compliance: 16 Berkshire Drive**  
**Certificate of Compliance: 3 Maple Brook Lane**  
**Certificate of Compliance: 25 Grove Street (159-793)**  
**Certificate of Compliance: 25 Grove Street (159-803)**  
**Certificate of Compliance: 4 Sierra Drive**  
**Certificate of Compliance: 19 Mulberry Lane (Partial)**  
**Certificate of Compliance: Lot 2 Marine Way**

Mr. Russell noted that within the above list of eight Certificates of Compliance, Items #3, 4, 5 and 6, are all being done under new policies adopted by the Commission. He stated that if it were not for these new policies, these items would all be filing new Notices which he and the Commission feel would be unnecessary.

Chairman Batchelor confirmed this is simplifying processes which benefits the citizens. He suggested a group acceptance of the eight Certificates of Compliance.

There was a motion made by Angela Gelineau to accept the Certificates of Compliance for 8 Paulene Drive, 16 Berkshire Drive, 3 Maple Brook Lane, 25 Grove Street NOI 159-793, 25 Grove Street NOI 159-803, 4 Sierra Drive, 19 Mulberry Lane (Partial), and Lot 2 Marine Way-AKA 6 South Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

**Minutes: August 30, 2018**

There was a motion made by Paul Harrington to approve the meeting minutes for August 30, 2018. The motion was seconded by Jeffrey Milne. Ms. Gelineau stated she would vote No as she requested to amend the minutes regarding the RFD for 10 Emily Way. After discussion, Commission members agreed. The Motion to approve was withdrawn. Chairman Batchelor stated the approval of the August 30, 2018, meeting minutes would be put on the next meeting agenda; he requested Ms. Gelineau provide her revisions to Mr. Russell.

**Discussion: 7 Briarwood**

Mr. Russell noted a report is due this month and has been submitted.

**Discussion: Application Process**

Mr. Russell stated this was a request of the Vice Chair who is not in attendance at tonight's meeting. This item will be continued to the next meeting agenda.

**Discussion: Administrative Approvals**

Mr. Russell noted there are three approvals in the Commission members' packets.

**Chair and Commission Member Comments**

**Signed Orders of Conditions, Determinations of Applicability, Certificates of Compliance & Extension Permit**

Certificate of Compliance – 19 Mulberry Lane – Nault – SE159-557  
Certificate of Compliance – 8 Paulene Drive – Shugrue – CE159-1094  
Certificate of Compliance – 16 Berkshire Drive – Moelders – CE159-1168  
Certificate of Compliance – 25 Grove Street – Unified Ventures – SE159-803  
Certificate of Compliance – 3 Maple Brook Lane – Addi – CE159-1021  
Certificate of Compliance – 25 Grove Street – Unified Ventures – SE159-793  
Certificate of Compliance – 4 Sierra Drive – Swanson – SE159-536  
Extension Permit – 8 South Street/Lot 3 Marine Way – Franklin Hills – CE159-1113  
Certificate of Compliance – Lot 2 Marine Way – Franklin Hills – CE159-1112  
Orders of Conditions – 8 Paulene Drive – Shugrue – CE159-1185  
Determination of Applicability – 173 Brook Street – Polakoff  
Determination of Applicability – 3 Maple Brook Lane – Addi  
Orders of Conditions – 766 Union Street – Stonebridge Realty Tr. – CE159-1186

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

The meeting adjourned at 7:56 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary