

Franklin Conservation Commission
Minutes of Meeting
December 15, 2016

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, P. Harrington, S. McLean, Angela Gelineau, Nick Shuler, George Russell, Conservation Agent

Members Not Present: T. Henrichon, J. Livingstone.

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

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

Public Hearing – RFD – 9 Gwynne Road - Wetmore

Mr. Bruce Wilson, Principal of Guerriere & Halnon, Inc., and Mr. Christopher Wetmore, Owner, addressed the Commission for construction of a 20 ft. x 12 ft. shed. Mr. Wilson stated that during a site walk Mr. Russell discovered some vegetative debris. Since then the applicant had the wetlands flagged, added that to the plans, and had a report prepared by a wetland scientist. In the findings, it was noted that the debris piles should be left to compost naturally rather than have a machine go in and disrupt more and cause more damage. The shed will be going in an area that was previously disturbed.

Mr. Russell stated the standard operating procedure for issues such as this vegetative debris was followed. He agreed with the wetland scientist's conclusion. He recommended a negative determination which would leave the debris where it is and the placement of the shed.

There was a motion made by Scott McLean to close the public hearing for the RDA for 9 Gwynne Road. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean for a negative determination for the RDA for 9 Gwynne Road. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Public Hearing – RFD – 18 Plain Street - Langevin

Mr. Vincent Forte, Berkshire Environmental Services, on behalf of Jerry Langevin, addressed the Commission to determine the impact of fill deposited on the site. Mr. Forte stated he was retained to determine if there was fill material within the buffer. He did not need to do much flagging as flagging had been done for the proposed Spectra gas line. He added wetland flag #54 (actually #53B) which is at 99.5 ft. The fill material is loam/sand and is banked down. He provided photographs. The fill area is about 30 ft. x 10 ft. He stated a mistake was made and the fill should not have been put there.

Mr. Russell stated the standard operating procedure was followed. He agreed with the wetland scientist's conclusion that the debris should be left where it is. He recommended a negative determination.

There was a motion made by Scott McLean to close the public hearing for the RDA for 18 Plain Street. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Scott McLean for a negative determination for the RDA for 18 Plain Street. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Public Hearing – RFD – 723 Lincoln Street - Burton

Chairman Batchelor stated there was a request to continue this public hearing.

Mr. Russell confirmed the applicant had requested to continue to January 12, 2017.

There was a motion made by Scott McLean to continue the public hearing for the RDA for 723 Lincoln Street to January 12, 2017 at 7:40 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Certificates of Compliance: 39 Blueberry Lane - CE159-1098 and 39 Blueberry Lane - SE159-889

Mr. Russell stated 39 Blueberry Lane - SE159-889 has expired; 39 Blueberry Lane - CE159-1098, is all set for release.

There was a motion made by Scott McLean to release both certificates of compliance for 39 Blueberry Lane. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 656 King Street – Wegman Company

Chairman Batchelor stated he received a request for continuance to January 12, 2017.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 656 King Street to January 12, 2017 at 7:45 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activity: 8 Cotton Tail Lane

Mr. Stephen Mills addressed the Commission and stated he would like to cut down some trees; they are old oaks and cause leaves in the gutters. Photographs had been provided to Commission members.

Mr. Russell stated that on a site visit he noticed the trees flagged to be cut were on the edge of the lawn area going into the woods; if they were not there, it would not be noticed. He opined there is no real impact.

Mr. Harrington stated that usually the Commission asks for some kind of mitigation when taking down trees; this is outlined in the Best Practices Guide.

Mr. Russell stated it is generally a 3:1 or 4:1 ratio. Some mitigation of bushes there would be fine. The difference in this issue is that these trees to be cut are right on the border of the woods. However, if the Commission wishes to stay with policy, as this is 10 trees, he would recommend three bushes out of the Best Practices Manual.

Chairman Batchelor stated that would be three bushes in total; the planting can be done in the spring.

Mr. Russell suggested the applicant look online at the Best Practices Guide and pick out a wetlands plant that can be purchased locally.

Mr. Mills stated he agreed and will plant three bushes by June 1, 2017.

There was a motion made by Scott McLean to approve the MBZA for 8 Cotton Tail Lane with the understanding that the homeowner will plant three to four bushes in mitigation by June 1, 2017. The motion was seconded by Nick Shuler and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 0 Pond Street – Baystone Franklin LLC

Mr. Russell stated there are still significant issues with the Planning Board and the plan that is being redesigned. As such, it may require additional peer review from both engineering and wetlands standpoints. They are adding additional impervious surface and enlarging a drainage basin. He has not seen the plans yet, so he cannot ascertain what the impact is going to be. In

addition, DEP has issued the DEP file number, but they have requested changes to the infiltration basin. The applicant has this information. It is not known if the basin is being moved and redesigned as requested by DEP. In light of this, it is requested the hearing be continued to the January 12, 2017 meeting.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 0 Pond Street to January 12, 2017 at 7:50 PM. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activity: 3 Gwynne Road

Mr. David Peter addressed the Commission for a steel bulkhead, precast concrete steps with minor excavation work.

Mr. McLean noted it is just within the 200-ft. buffer.

Mr. Russell recommended the application be approved; the bulkhead door had to be replaced due to safety reasons.

There was a motion made by Scott McLean to approve the MBZA for 3 Gwynne Road. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Minor Buffer Zone Activity: 5 Rosewood Lane

Ms. Amanda Bernard and Mr. Luis Fernandes addressed the Commission. Ms. Bernard stated they had fenced in the backyard for their dogs and because their neighbors were riding four-wheelers through their yard and knocking down the trees. They were riding through the conservation land in their backyard.

Mr. Russell stated that as the applicant said there are significant issues in the area surrounding their backyard and they have given him permission to trespass on their property to do site inspections for additional violations. One of the times he was there, he noticed they had put up a fence. He stated he contacted the owners and explained that under the local bylaw this type of structure requires a permit, and recommended the MBZA process. They have complied and submitted the proper paperwork. At its closet point, it is about 80 ft. from the wetlands which have been flagged. It poses no issues to any resources areas. He recommended approval.

Committee members and applicants briefly discussed the four-wheelers, conservation land destruction, and that police indicated there is no violation they can act upon.

There was a motion made by Scott McLean to approve the MBZA for 5 Rosewood Lane. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Minutes:

There was a motion made by Scott McLean to accept the minutes for the December 1, 2016 meeting. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-1. (Ms. Gelineau abstained.)

Discussion Item: Education and Outreach

Mr. Russell stated this is a standard item on the agenda. They have not yet received the booklets from MACC. The booklets will be distributed as soon as possible after receipt. He has been working with Ms. Henrichon on a DelCarte master plan; it will be on the next agenda.

Chairman Batchelor noted the DelCarte play area has been closed for the winter.

Discussion Item: Letter on Gas Pipelines

Mr. Russell stated Commission members have in their packets a request from MACC on the issue of gas pipelines. MACC is opposed to these and is asking the Commission for an official letter to support their position. It is known if the Spectra gas pipeline does go forward it will have a significant impact on the town. Does the Commission want to go on record or not?

Chairman Batchelor stated it is a very controversial issue. There are signs up indicating to vote No, as well as activists that wish to have the pipeline for energy independence.

Mr. McLean stated that regardless of whether the pipeline goes in or not, the Commission needs to make their position clear as to what sort of leeway or not Spectra is going to get if they go through resource areas.

Commission members continued to discuss the possibility of Spectra pipeline construction, possible actions to take, and if a letter opposing the pipeline is written, does it beg the question that the Commission has already prejudiced itself with any application that should come forward.

Mr. Russell stated it is his understanding that the pipeline construction is not exempt from the Wetlands Protection Act; he will verify this with the town attorney and report back to the Commission. He stated he did not think there was a need for any formal action by the Commission now.

CHAIR AND COMMISSION COMMENTS

Mr. Shuler asked if there was any follow-up about the EPA Superfund site.

Mr. Russell stated they were originally supposed to come to the tech review meeting about three weeks ago; they requested a postponement. He does not know when they are rescheduled. Whenever they come in, he will report back to the Commission.

Signed Minor Buffer Zone Activities, Determinations of Applicability & Certificates of Compliance

Minor Buffer Zone Activity – 3 Gwynne Road – Drew

Determination of Applicability (Negative) 9 Gwynne Road – Wetmore

Determination of Applicability (Negative) 18 Plain Street – Langevin

Minor Buffer Zone Activity – 8 Cotton Tail Lane – Mills

Minor Buffer Zone Activity – 5 Rosewood Lane – Fernandes

Certificate of Compliance – 39 Blueberry Lane – Maple Sands Corp. – CE159-1098

Certificate of Compliance – 39 Blueberry Lane – Maple Sands Corp. – SE159-889

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

The meeting adjourned at 8:00 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary