

**Franklin Conservation Commission  
Minutes of Meeting  
February 23, 2017**

To: Town Clerk  
cc: Members  
File

Members Present: T. Henrichon, P. Harrington, S. McLean, N. Shuler, George Russell, Conservation Agent

Members Not Present: B. Batchelor, A. Gelineau, J. 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 – Amendment Request – Rolling Brook Estates**

Mr. Eric Dias, professional engineer of Strong Point Engineering Solutions, representing TNT Building Corporation for the Rolling Brook Estates, addressed the Commission to alter the footprints of two single-family houses and the limits of clearing on Lots 7 & 8. He stated that about a month ago they had put in a request to this Commission to determine if what they are considering a minor change would constitute an amendment to the Order of Conditions or would require a filing of a Notice of Intent. This Commission seemed to agreed it was minor in nature; so, it is being shown as an amendment. He reviewed the original Notice of Intent and the original footprint of the houses. He stated that Lots 7 & 8 are now a little different in footprint than what was shown on the Notice of Intent plan. The changes are minor disturbances within the 50ft. to 100 ft. buffer zone and the 200-ft. riverfront buffer zone. He stated there will be eight additional trees removed; there is no plan for mitigation of the eight trees. Regarding the entire scope of the project, these eight trees have a negligible effect. He noted that there are 20-25 acres being deeded to the Town of Franklin.

Mr. Russell stated that given the overall scope of the project and that there is no increased impact on the resource areas or no-touch zone, he does not see this as a significant modification.

There was a motion made by Scott McLean to close the public hearing for Rolling Brook Estates. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the amendment to the Rolling Brook Estates NOI with all the original stipulations of approval still applying. The motion was seconded by Nick Shuler and accepted with a vote of 4-0-0.

**Public Hearing – Amendment Request – The Key in Franklin – West Central Street**

Mr. Paul Matos of Allen & Major Associates addressed the Commission for minor modifications to the site development plan. He stated he was before the Commission for an amended Order of Conditions. The proposed project is a multi-family residential development recently approved. In December 2016, they

came back before the Commission with some minor modifications to the plan. He stated there was a depression area at the secondary entrance which is being proposed to be filled in to provide better overall development on the property and more amenities for the residents. Also, proposing improvements to the dog park located on the southerly side of the property. Originally, it was just a dog park, but proposing to include a tot lot for little children. He stated the client also has decided to include a dog wash and bicycle facility inside garage #2. In doing so, two parking spaces were lost. To stay in compliance with ZBA permit of approved parking spaces, increased two parking spaces on the property: one next to the dog park and one near garage #1. Also, ran some water lines down to the dog park to provide a bubbler for children and one for dogs.

There was a motion made by Scott McLean to close the public hearing for the NOI amendment for The Key in Franklin. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the NOI amendment for The Key in Franklin. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Public Hearing –Continued - NOI – Remington/Jefferson School – 628 Washington Street**  
***Mr. McLean recused himself.***

Mr. Russell stated that due to the recusal of one of the Commission members, the Commission is falling below the quorum threshold; therefore, no testimony or action can be taken on this item. It will automatically be continued to the March 9, 2017 meeting.

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

Mr. Russell stated that this application was continued from a previous meeting due to a quorum issue. When testimony was originally given, he believes all Commission members present tonight were at that meeting. One of the holdups was that it was necessary to make sure the final plans submitted to the Conservation Commission and the Planning Board were the same. That issue has been resolved. All the final peer review is in and has been incorporated into the plans. It is staff's recommendation that this application is ready for action by the Commission.

Mr. Roy MacDowell, Principal of Baystone Franklin, LLC; and Mr. Todd MacDowell, Principal of Baystone Franklin, LLC, addressed the Commission for the construction of residential multi-unit buildings on land formerly used by the Town of Franklin as a wastewater treatment facility. Mr. Roy MacDowell stated he concurred with Mr. Russell.

Mr. McLean confirmed the applicants saw the special conditions that Mr. Russell recommended.

Mr. Roy MacDowell stated they did and they are ok with that. He stated they did not have any additional comments.

Mr. Alan Earls, 23 Marvin Avenue, stated he would be talking to the Commission later about the Charles River Meadowlands agenda item. He would like to know the situation with the easement in this development to the public lands beyond the edge of the development. He would like to make sure it is adequately addressed by the Commission for the long-term interests of the Town.

Mr. Roy MacDowell stated that there is a road going through the site; at the end of the road in the rear there will be a parking area which could be for the use of people that want to get to Mine Brook or want to use the trails. There are 15-acres of open land with trails. There will be trails around the property and there will be a trail and open space all the way to Mine Brook.

There was a motion made by Scott McLean to close the public hearing for the NOI for 0 Pond Street. The motion was seconded by Nick Shuler and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the NOI for 0 Pond Street with the special conditions: no work shall take place within 100' of any known or suspected vernal pool; all stockpiles shall be placed outside of any resource area and associated buffer zones; any revision to the trail system shown on the revised plans dated 1/17/17 will require an amendment to the plan; the rip rap spillway from basin #2 shall be no more than 10' wide; and special conditions 19-35, 41, 44 & 46. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

### **GENERAL BUSINESS (items taken out of order from agenda)**

#### **Minor Buffer Zone Activity: 800 Washington Street**

Mr. Joe O'Koren, owner of 800 Washington Street, stated he built the shed.

Mr. Russell stated this came to his attention via a complaint. On inspection from the road he saw the shed. On comparing it to wetlands data, he determined that the shed was within the Commission's jurisdiction. He contacted the property owner. They had a few correspondences and spoke in the office. The applicant filed the minor buffer zone activity. Mr. Russell noted that with the minor buffer zone activity there was also a request to remove four trees. However, permission was not granted for Mr. Russell to go on the property to do an inspection. From a street inspection, it appears that the trees are in the resource area. Therefore, his recommendation is the minor buffer zone for the shed is ready to proceed and should be approved, but no tree removal should be approved. He stated that would require a notice of intent since it is in the resource area. He stated the shed is already up and in place.

Mr. O'Koren stated concern regarding the trees near the water and if they fall on the house; he questioned that he could not do anything about them.

Mr. Harrington recommended that if the applicant wanted to look into removing them, he should have an arborist determine that they are in danger of falling.

Mr. Russell stated it would still be an NOI, but it could be an after-the-fact NOI if there is an eminent threat to life.

Mr. O'Koren stated the tree on the side is on the bank and if the stream gets bigger, it will fall down. He marked three trees: one on the side yard, one way back near the shed, and one in the front yard. He said they are healthy, but the roots will not be able to be held in the ground. He stated a friend who is an arborist came out, but he has not had any time to call the arborist to request a letter.

Mr. Russell stated that ultimately an NOI would have to be filed. From what he can see from the street, the trees on the bank will have significant problems with erosion into the stream channel. Since they are in bank, by state law it requires an NOI.

Mr. O'Koren stated he was also thinking of putting in a fence for his dog. He asked if he has to fill in additional paperwork for that?

Vice Chair Henrichon stated that it could go on the NOI with the trees.

There was a motion made by Scott McLean to approve the MBZA for 800 Washington Street with the understanding that it is only for the shed, not for tree removal. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Minor Buffer Zone Activity: 60 Anthony Road**

Mr. John Meincke, 60 Anthony Road, stated he is requesting a minor buffer zone permit to keep up the hockey rink he constructed in his front yard. The 32 ft. x 56 ft. rink is composed of plywood and plastic braces on the sides. It is entirely on the lawn. No trees, plants, shrubs or any type of vegetation is being removed. It is a yearly temporary structure from November to April.

Mr. Russell recommended that the permit be good for three seasons; at the end of the third season if the applicant wanted to do the rink again, he would have to come back for a new permit. This season would be counted as the first season.

Vice Chair Henrichon stated that in the fall of 2020 the applicant would need to come back.

There was a motion made by Scott McLean to approve the MBZA for 60 Anthony Road with the understanding that this permit is only for three seasons: the current and the next two seasons. The motion was seconded by Nick Shuler and accepted with a vote of 4-0-0.

**Permit Modification: DPW NOI Pleasant Street Sidewalks**

Mr. Russell stated that he would like the Commission members to resign the NOI application on King Street; there was a problem with the plan date.

Mr. Jay Mello, Assistant Town Engineer, addressed the Commission about the sidewalk that was installed on the Griffin Road right-of-way that was part of the Pleasant and Chestnut sidewalk project. As part of the project, there was an undeveloped part of Griffin Road that was being used as a walking path that was elected to be paved. It is a right-of-way; it is a road covered in trees that was just never developed. They initially cleared some trees to put in the sidewalk. As it was rather dark and narrow, it was thought to clear a few more trees in the area. Now it is nice and opened. The work was done in the name of public safety. The DPW has an existing agreement with the Conservation Commission that covers work to be done within a right-of-way. As far as everyone interpreted this, we just considered this work being done in the right-of-way in the name of public safety. He said we are seeking to see if we can get this included on the existing NOI rather than having to submit a new NOI for the clearing that was done outside of what everyone's expectations were.

Mr. Russell stated the issue is that it was part of an NOI that was permitted by the DPW to do the sidewalk installation/repair on Pleasant Street. He stated he received a complaint from DEP which precipitated what is before the Commission. He asked Mr. Mello to address the concern that it appears that one of the trees cut down was left in the bank in the stream channel.

Mr. Mello stated that tree in the bank was preexisting. His instructions were to stay away from anything on bank; don't touch it.

Mr. Russell recommended to the Commission that given the overall scope of the project, it would probably not rise to a new NOI, but rather an amendment to the existing NOI. He noted there has been no stump removal and the stumps are very low to the ground. The impact, if any, is negligible.

There was a motion made by Scott McLean that it is the Commission's position that the additional tree cutting done during the Pleasant Street sidewalk NOI rises to the level of an amendment, not a new NOI. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Permit Modification: 176 Cottage Street**

Mr. Russell stated applicant has requested an extension of the permit for one year. There is no reason not to grant it.

There was a motion made by Scott McLean to extend the permit for 176 Cottage Street for one year. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Permit Modification: Franklin Heights**

Mr. Russell stated this item would be skipped.

**Certificate of Compliance: 373 Summer Street**

Mr. Russell stated all was set for the release.

There was a motion made by Scott McLean to release the certificate of compliance for 373 Summer Street. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Discussion Item: Charles River Meadowland Initiative**

Mr. Alan Earls, 23 Marvin Avenue, stated he has met with the Bellingham Conservation Commission, open space committees in Medway, and others. He is here to answer questions and hoping the Commission will put its weight behind this. He hopes the existing parcels that abut the Army Corp land can be protected and access improved through those properties. Bellingham and Franklin, and to a lesser extent Medway, have Army Corp land and the public barely knows it is there. If it is treated as a whole it can become a much greater asset. He noted the Franklin Conservation Commission was not contacted by the Army Corp of Engineers and he is not sure why, but they have put out a master plan for the Charles River Natural Valley Storage Area. The initiative is a volunteer effort started by Mr. Earls. He noted he had been on the Franklin Open Space Committee many years ago. He is advocating for a better stewardship of this open space and recognition of its ecological connection with properties of Bellingham and Medway. It could be a unifying factor for the towns; possibly trails could be built to connect the towns. He is not sure what role the Conservation Commission has with things like this. He is asking what can and would the Conservation Commission do and how can he work with them as an individual advocating for this. He would like to get help from the federal government on some of these things.

Mr. Russell asked for a contact for the Army Corp.

Mr. Earls stated he would provide that to Mr. Russell.

Commission members asked questions.

Mr. Russell stated his office could review the document, get the information from the Army Corp, compare to the Franklin Open Space and Recreation Plan, and then notify the Army Corp. He requested information about the upcoming hearing in Millis. He stated Mr. Earls could be in touch with him on an ongoing basis.

Vice Chair Henrichon suggested Mr. Earls come to a future meeting.

**Discussion Item: Boy Scout Project – Bridal Path**

Mr. Ryan Walsh, boy scout, provided handouts to the Commission. He stated there is a set of trails off Bridle Path. He would like to build a kiosk off Bridal Path at the side of the street so people know the path is there. He has received approval from the trust that owns the land. There is also a bridge in another trail that he would like to repair as part of the project. He and members within his scout troop will be doing the work.

Mr. Russell stated that based on the information Mr. Walsh provided tonight, it seems like this is on private property, not the Town ROW. He stated Mr. Walsh will have to file the permit application that is

required; much of the information has already been supplied to the Commission. At the next meeting after he submits the application, the Commission will vote on it.

**Certificate of Compliance: 300 Fisher Street**

Mr. Russell stated the certificate is all set. He stated that the Risk Assessment report and the draft planning document were received in his office at 6:45 PM this evening. Commission members will receive it in their next packets. The primary contaminant is lead. More samples and testing are needed by EPA.

There was a motion made by Scott McLean to release the certificate of compliance for 300 Fisher Street. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Certificate of Compliance: 3 Mount Street**

Mr. Russell stated this permit was issued for work that was never started and therefore never done. He recommended an invalid certificate is in order.

There was a motion made by Scott McLean to issue an invalid certificate of compliance for 3 Mount Street. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Minutes:**

Mr. Russell stated they were apprised of an issue concerning the plans for 656 King Street. He suggested a revision to the minutes for January 12, 2017. He stated the town attorney's opinion is that this is a ministerial change and does not invalidate the Commission's actions on the notice of intent, or require a new notice of intent.

There was a motion made by Nick Shuler to approve the meeting minutes for January 12, 2017 with the change as indicated in the Agent's memo. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Discussion Item: Sale of Land on Washington Street**

Mr. Russell stated this is the only Chapter 61 parcel in town. This is adjacent to two parcels of land that are under the jurisdiction/management of the Commission. This would give the town direct access to those parcels. There is a residential development in Wrentham, but it is some distance away from the municipal boundary. He recommended that the Commission recommend that the Town purchase this property. There is a natural gas pipeline on the property.

Commission members discussed the land and trail.

There was a motion made by Scott McLean that it is the Commission's position that the Town should buy the land on Washington Street. The motion was seconded by Nick Shuler and accepted with a vote of 4-0-0.

**Discussion Item: CRWA Clean-up**

Mr. Russell stated that this was put in the Commission members' packets should the Commission wish to discuss it. He noted that since the packets were distributed, they found out that Earth Day in the Town is April 29, 2017. He hopes to have additional information by the next distribution of the packets.

Vice Chair Henrichon stated that last year the DelCarte cleanup was done the week before the Town's Earth Day cleanup to not take away volunteers from Earth Day.

Commission members discussed going to DelCarte as part of town activities happening the same day.

Mr. Russell stated he would bring it to the attention of the people organizing Earth Day and let them know the Commission would like to piggyback on Earth Day and make DelCarte one of the sites.

**Discussion Item: Curbside Composting**

Vice Chair Henrichon stated Natick is part of a two-year pilot program having curbside composting. They got some DEP funding and are working with a private company. They allowed 500 families to opt into the pilot. In addition to trash and recycling, they have a compost bin for kitchen scraps. It is working well in Natick; there is some interest in Franklin for starting such a program. She would be happy to find out more information and details. She stated that when it comes time to present it to the Town, she would like it to be a Commission thing and not just her individually.

Mr. Russell asked Vice Chair Henrichon to obtain the contact information from Natick and he would reach out to them.

Commission members discussed composting.

Mr. Russell noted that he took a field trip to DelCarte with Mass Audubon and they are going to work with the Conservation Commission to develop a management plan.

**Signed Certificates of Compliance, Minor Buffer Zone Activity, Orders of Conditions, Determination of Applicability & Extension Permit**

Orders of Conditions – Rolling Brook Estates – TNT Building – CE159-1124

Minor Buffer Zone Activity – 800 Washington Street – Joseph O’Koren

Orders of *Conditions* – 0 Pond Street – Baystone Franklin – CE159-1147

Amendment – The Key – 1312-1342 West Central Street – CE159-1091

Orders of Conditions – 656 King Street – Wegman Companies – CE159-1144

Certificate of Compliance – 3 Mount Street – Peter Jordan – CE159-950

Certificate of Compliance – 300 Fisher Street – BJAT, LLC – CE159-1128

Extension Permit – 176 Cottage Street – Mark Staniscia – CE159-1060

Minor Buffer Zone Activity – 60 Anthony Road – Meincke

Certificate of Compliance – 373 Summer Street – Lavallee – SE159-295

There was a motion made by Scott McLean to adjourn the meeting. The motion was seconded by Nick Shuler and accepted with a vote of 4-0-0.

The meeting adjourned at 8:30 PM.

Respectfully submitted,

Judith Lizardi  
Recording Secretary