

**Franklin Conservation Commission
Minutes of Meeting
April 6, 2017**

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, P. Harrington, S. McLean, J. Livingstone, George Russell, Conservation Agent

Members Not Present: A. Gelineau, T. Henrichon

Chairman Batchelor made the following announcement:

We have been informed by the Milford Daily News that due to a production problem, the legal notices for tonight's meeting were not published. As such, a key legal, procedural requirement for tonight's public hearings has not been met. All public hearings will be re-advertised and continued until April 20, 2017 at the same times as originally scheduled. Any questions should be directed to the Conservation Agent at 508-520-4929.

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

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

GENERAL BUSINESS

Minor Buffer Zone Activity: 16 Chilmark Road

Mr. Nicholas Levins, property owner, addressed the Commission for the removal of trees. He stated the old and dying trees need to be taken down; the stumps will remain. He stated there is some tree debris from fallen branches; he is not planning to remove it.

Mr. Russell stated that if the applicant decided to remove the stumps or the wooden debris, he must call the Conservation Agent. He noted that without removal of the stumps there is no need for erosion control.

There was a motion made by Scott McLean to approve the MBZA for 16 Chilmark Road. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-0.

Minor Buffer Zone Activity: 68 Stewart Street

Mr. Todd Allen and Mr. Mark Hummel addressed the Commission. Mr. Allen stated they would like to replace the existing deck and increase the size by approximately 2 ft.; the new footings would be dug by hand. It will be a screened porch with a roof.

Mr. Russell stated he did a site visit and there is an extreme slope to the east of the work location. Therefore, he recommended bio-degradable erosion control be installed and inspected by his office prior to work being done.

There was a motion made by Scott McLean to approve the MBZA for 68 Stewart Street with the understanding that erosion control must be installed and approved by Mr. Russell prior to construction beginning. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-0.

Permit Modification: 5 Kenwood Circle

Mr. Peter Bemis of Engineering Design Consultants addressed the Commission. He stated that the Commission has already issued an Order of Conditions to improve drainage in the rear of the structure for this project. The project has not yet started. The owner will be moving headquarters to 5 Kenwood Circle, so they need a parking lot. He described the parking lot which would include a stormwater management system. He stated they are able to keep all the work outside of the 50-ft. buffer zone. They are hoping the Commission will allow them to file a formal amendment. He stated BETA has been engaged through the Planning Board; their report will be back before the next Conservation Commission meeting.

Mr. Russell stated the Commission must take a formal vote as to whether this is an amendment or a new NOI; he recommended an amendment.

There was a motion made by Scott McLean that it is the Commission's position that the proposed activity at 5 Kenwood Circle rises to the level of an amendment and not a new NOI. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-0.

Permit Modification: Cook's Farm Extension

Mr. Russell stated this is administrative. He recommended the extension be granted to June 26, 2018. He noted the project is about 50 percent complete; he thinks they are ahead of schedule.

There was a motion made by Scott McLean to grant the extension for the NOI at Cook's Farm to June 26, 2018. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-0.

Certificate of Compliance: Joanne Estates

Mr. Russell stated this subdivision was approved by the Planning Board. The NOI was granted by the Conservation Commission. What has been built was built according to plan, but the entire subdivision has not been built. He stated if the rest of the subdivision is built, they will need a new NOI. He stated they built about two-thirds of the streets. He recommended the certificate be granted.

There was a motion made by Scott McLean to release the certificate of compliance for Joanne Estates. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-0.

Certificate of Compliance: 11 Evergreen Drive

Mr. Russell stated all is ready for the release to go forward.

There was a motion made by Scott McLean to release the certificate of compliance for 11 Evergreen Drive. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-0.

Mr. Russell, in response to Commission member's question, stated that when an "excusable error" should occur, it is taken on a case-by-case basis such as to the amount of impact that has been created.

Certificate of Compliance: Franklin Branch Railroad - Keolis

Mr. Russell stated all is ready for the release to go forward.

There was a motion made by Scott McLean to release the certificate of compliance for the MBTA drainage project. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-0.

Violation: 7 Briarwood Road

Mr. Russell stated no action is required of the Commission; this is simply an update on the issue. The court ordered fines are due at the end of the month. It was required by this Commission that erosion control must be put in by Tuesday, April 4, 2017; the erosion control is not in. He stated he visited the site today at 4:00 PM. He stated that if the Town does not receive the fines, he returns to District Court to inform the magistrate; it is then up to the magistrate regarding the court ordered fines. As well, new fines will be issued and accruing. He stated he has been informed by the town attorney that once it gets in front of the magistrate, it goes from non-criminal to criminal.

Commission members discussed fine issuance, potential liens, and property ownership.

Minutes:

There was a motion made by Scott McLean to approve the meeting minutes for March 23, 2017. The motion was seconded by Paul Harrington and accepted with a vote of 3-0-1. (Mr. Livingstone abstained.)

Discussion Item: DelCorte Master Plan

Chairman Batchelor requested this agenda item be moved to the April 20, 2017 meeting as one of the Commission members involved in the planning of this was not present.

Mr. Russell stated he requested Mass Audubon provide a detailed breakdown of the cost structure for each task, but he has not yet received a response. Also, the firm to do the study on the beaver issue on the pond has already started. However, there is a minor problem with the contract, but he expects it will be worked out. The firm will come back with recommendations on how to control the beavers and a long-term strategy. He stated he has been in touch with Solitude Lake Management; they are doing the invasive plant control. They are applying to DEP for the permit for herbicide treatment. He noted that the day of the treatment the water cannot be used. Signs will be posted and it will be on the website. He stated he will put the treatment schedule in the next Commission members' packets. He confirmed that the DelCorte playground will be replaced, supposedly this summer.

CHAIR AND COMMISSION COMMENTS

Chairman Batchelor updated the Commission on the DelCorte event on Saturday, April 29, 2017, from 9:00 AM to 12:00 PM. It will be a clean-up to remove trash, debris and litter. Starbucks will contribute hot and cold beverages; cookies and other items will be available to guests. Chairman Batchelor stated he is donating a \$25 Lowe's gift certificate for a website contest to guess how many bags of trash will be removed, 50 leaf bags, and a box of surgical gloves so hands will not be contaminated. DPW will have a truck available for the trash.

Mr. Russell stated one of Mass Audubon's tasks is to present a plan on how to maintain the front of the DelCorte area.

Signed Minor Buffer Zone Activities, Certificates of Compliance & Extension Permit

Certificate of Compliance – Franklin Branch Railroad – Keolis Commuter – CE159-1122

Certificate of Compliance – 11 Evergreen Drive – Chaudhury – CE159-1134

Certificate of Compliance – Joanne Estates – Longobardi – SE159-619

Extension Permit – Cooks Farm – Ron Roux – CE159-1061

Minor Buffer Zone Activity – 68 Stewart Street – Hummel
Minor Buffer Zone Activity – 16 Chilmark Road – Levins

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

The meeting adjourned at 7:58 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary