

**Franklin Conservation Commission  
Minutes of Meeting  
April 20, 2017**

To: Town Clerk  
cc: Members  
File

Members Present: B. Batchelor, P. Harrington, T. Henrichon, S. McLean, George Russell, Conservation Agent, Kathleen Celorier, Secretary.

Members Not Present: A. Gelineau, J. Livingstone

**Potential New Commission Member Introduction**

Mr. Jeffrey Milne introduced himself to the Commission providing a brief career background.

Chairman Batchelor stated that he and Mr. Russell interviewed Mr. Milne last week for the open Commission seat.

Mr. Russell stated that Mr. Power also was a candidate for the open Commission seat, but he was not present at the meeting.

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 – Amendment – 67 Prospect Street – Dooney**

Mr. Tim Jones, builder for 67 Prospect Street, addressed the Commission for the construction of an in-ground swimming pool. He stated Scott and Staci Dooney could not attend tonight's meeting. They would like to put a pool in the backyard; they would like to use the same parameters set forth in the previous Order of Conditions. The request by the Commission was to see chain link fence installed; it is on the plans and inside the established wetland line.

Mr. Russell noted that this amendment also includes a fence that was not on the original NOI. He requested additional stipulation #35, regarding stockpile maintenance, that was not attached to the original Orders. He stated the pool will kick in this added stipulation.

Mr. Jones stated there would be no stockpile as he is removing all materials.

There was a motion made by Scott McLean to close the public hearing for the Amendment for 67 Prospect Street. 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 for 67 Prospect Street with stipulation #35 added on to the original Order of Conditions. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Public Hearing – NOI – Maple Preserve – Map 242, Parcel 12 Maple Street**

Mr. Bill Buckley, civil engineer of Bay Colony Group, on behalf of the applicant, Carroll Construction, addressed the Commission for the construction of a 10-lot residential subdivision. He noted that Mark Carroll could not attend tonight's meeting. He provided a brief overview of the project. He stated this is a 16.4-acre parcel located off Maple Street. The wetlands have been delineated; he pointed them out on the rendering. There is about a 30-ft. elevation differential on this site including a ridge that has created the wetland from the runoff. There is no drainage on Maple Street. The proposed subdivision would include 600 ft. of roadway. The majority of the project is outside 100 ft. of any resource area. He discussed the areas of impact. The driveway that will serve Lots 9 & 10 is within the 100-ft. buffer zone of the BVW across the street; they will be disturbing about 1,500 sq. ft. of land within the 100-ft. buffer zone. He noted the runoff from the project stays on this side of the street on their property; it does not go across the street. In addition, on the project-side of the roadway, they are doing some drainage work both as part of the project and as a mitigation for the Town as currently Maple Street does not contain any stormwater structure. They have met with the Planning Board twice. They will be putting in a swale on the project-side of the street to slow down the runoff coming down the street of which 225 ft. is within the buffer zone. In addition, they are building some drainage to service their roadway. He stated the stormwater will end up in the infiltration basin; the work will take place just outside the 25-ft. no disturb buffer zone. About 10,000 sq. ft. of alteration is taking place in the buffer zone; it will be revegetated afterwards. He noted they are required to control for runoff rate and volume. He discussed additional stormwater elements including low-impact development and rain gardens on some lots. He identified erosion controls and stockpile locations.

Mr. Russell stated BETA has looked at all engineering details; all BETA recommendations have been incorporated into the plan. He sees no reason not to approve the plan with the stipulations outlined in his Agent's Report.

Ms. Shari Snowiss, 34 Charles River Drive, addressed the Commission. She stated concern regarding the amount of water that puddles behind her house. Her sump pump runs every 15 minutes with thousands of gallons during the runoff season. They have a very low property. Is there a review that could be done to determine the water amount and what could happen to her property if this project proceeds?

Mr. Russell asked if she raised this issue with the Planning Board.

Ms. Snowiss stated she did not know she was supposed to.

Mr. Russell stated her area is not within the Commission's jurisdiction; it is in the purview of the Planning Board. He recommended she speak to the Town Planner.

Mr. Ronald Seyffert, 1 Franklin Springs Road, addressed the Commission. He expressed concern regarding the retention basin. He stated that the water runoff gets about 1 ft. deep there. If it goes to 3.5 ft., he may end up with a basement full of water. The wetlands come into his property.

Chairman Batchelor stated the applicant is building an infiltration system; the purpose is to absorb sufficient water. He noted it must dissipate within 72 hours. He recommended Mr. Seyffert address the Planning Board with his concerns.

Mr. Russell stated that it is important for Mr. Seyffert to get his concerns on the record. He noted the project was designed to take care of the concern Mr. Seyffert raised.

There was a motion made by Scott McLean to close the public hearing for the NOI for Maple Preserve. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the NOI for Maple Preserve with stipulations #20-35 and 44. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

**Public Hearing – Amendment to Section 7 of the Commission’s Regulations**

Mr. Russell stated he provided an outline of three amendments for the Commission to adopt for Section 7 of the Commission’s Regulations. These amendments are to bring the regulations in line with changes to the local wetlands bylaw, update the legal advertising fee, and as DEP often changes their application without notifying the communities, he would prefer not to have a date on the form.

There was a motion made by Scott McLean to close the public hearing on the regulation amendments submitted by the Agent. 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 accept the amendments to the regulations as noted in Item 1.3. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Public Hearing – NOI – 71 Charles River Drive - Devray**

Mr. Russell stated the DEP number was just submitted by the applicant.

Mr. Russell Waldron of Applied Ecological Sciences (AES) addressed the Commission for the construction of an in-ground swimming pool. He provided an overview of the project and stated it would be a gunite-style pool in the backyard including 4 ft. security fence. There will be approximately 3,325 sq. ft. buffer zone disturbed; 875 sq. ft. is in the 25-50 ft. buffer zone with remaining in 50-100 ft. buffer zone. He explained the wetlands and buffer zones shown on the drawing as well as the proposed landscaping. He stated the pool installer said that as it is gunite, it will not need backwashing or to be drawn down for the winter. From the base of the existing boulder wall is wooded.

Mr. Russell stated he had requested additional information and it was provided. He did the site inspection and recommended approval with the stipulations outlined in his Agent’s Report.

There was a motion made by Scott McLean to close the public hearing for the NOI for 71 Charles River Drive pool. 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 for 71 Charles River Drive pool with stipulations #20, 22, 24-30, 34, 35 and 44. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Public Hearing – Amendment – Griffin Road - DPW**

Mr. Jay Mello, Assistant Town Engineer, addressed the Commission for the clearing of trees. He discussed an amendment to the existing NOI for the Pleasant and Chestnut Streets sidewalk project. As part of the project a stretch of sidewalk was put through Griffin Road. During the clearing for Griffin Road, it was decided that more clearing needed to be done in the name of safety. So, the clearing went beyond everyone’s expectation. He stated it was decided to move forward with this as an amendment to the NOI. The clearing is already done; there was no stump removal. In the meantime, between when he

last met with the Commission and now, someone decided to dump wood chips there. He spoke with Mr. Russell about this and decided they did not want to do lots of signage; they decided on large rocks placed along the entryway so no further dumping could be done.

Mr. Russell recommended they approve the amendment with the condition that the mulch that was deposited be spread on site, appropriate barriers/rocks be placed to prevent the continued deposition of materials, and approve the cutting of trees that was done as part of the sidewalk project but was not originally shown on the plan.

Commission members asked if the mulch was clean and if it would be much more difficult to remove it. Concern was expressed if the mulch contained bittersweet.

Mr. Mello stated that it would be difficult to look through the mulch to see if it contained bittersweet.

Mr. Russell stated the more environmentally friendly solution would be to remove it rather than spread it; he recommended to remove it.

Commission members and Mr. Mello discussed the terrain of the area. The woodchip pile is about 25 ft. from Pleasant Street and about 200 ft. from the stream.

There was a motion made by Scott McLean to close the public hearing for the NOI Amendment for Pleasant Street sidewalk project. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

There was a motion made by Scott McLean to approve the NOI Amendment for the Pleasant Street sidewalk project with the added stipulations that the pile of woodchips be removed from the site, and that DPW install rocks to prevent future dumping. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

#### **Public Hearing – Amendment – 5 Kenwood Circle – RCG Kenwood LLC**

Mr. Peter Bemis of Engineering Design Consultants on behalf of the applicant addressed the Commission for the construction of new building entrance and parking lot. He stated they have an Order of Conditions already for improvements at the site, much of which were voluntary in order to bring site into compliance for better stormwater management. He stated the ownership decided to bring the corporate headquarters, the office component of the Regency Trucking business, to this facility. Therefore, they need to put a parking lot in the front portion of the building. He stated they did some additional wetland flagging. He reviewed the existing conditions, parking, landscaping, and lighting plans. He discussed the stormwater management plan; all stormwater will be treated prior to discharge to the detention basin. He is seeking an amendment to the existing Order. He noted they added a riprap area to the front parking lot.

Mr. Russell stated he has not reviewed these plans; they are different than what was submitted. Therefore, he requested the hearing be continued until the plans could be reviewed. He stated the Planning Board and Conservation Commission now are looking at different plans.

Mr. Bemis stated they did revise the plans in accordance with BETA's comments.

Chairman Batchelor noted that the Commission requires a minimum of one week prior for review.

Mr. Bemis stated he understood.

There was a motion made by Scott McLean to continue the public hearing for the NOI Amendment for 5 Kenwood Circle to May 4, 2017 at 7:25 PM. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

**Public Hearing – NOI – 0, 115, 119, 125, 129 Dean Avenue – Fairfield Residential**

Mr. Russell advised the Commission that he recommended to applicant they do not do a full presentation tonight because he is strongly recommending to the Commission that this go to peer review. The application will be continued until peer review is completed. In addition, there is no DEP number.

Mr. Russell and Chairman Batchelor reviewed the peer review process for the audience's understanding.

Ms. Nicole Hays of Goddard Consulting on behalf of the applicant addressed the Commission to redevelop existing lumber yard into apartment complex with two associated garages. She stated the applicant has asked her to open the hearing and discuss the dilemma of the peer review; if peer review is requested, the applicant wanted to wait to do a formal presentation.

Mr. William Perry, 124 Dean Avenue, addressed the Commission. He asked about the wetland resources and if the survey that was done on August 19, 2015 would be part of the Commission's review. He was looking at the wetland delineation and stated that it was probably shrunk as it was surveyed during a drought. He wanted to know if it could be reviewed in the spring rather than summer.

Mr. Russell stated the peer reviewer will look at the delineation; they will either agree or disagree.

Chairman Batchelor stated the peer reviewer will take into consideration the drought advisory.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 0, 115, 119, 125, 129 Dean Avenue to May 4, 2017 at 7:30 PM. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

**GENERAL BUSINESS**

**Certificate of Compliance: 17 Echo Bridge Road**

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

There was a motion made by Scott McLean to release the certificate of compliance for 17 Echo Bridge Road. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

**Violation: 62 Elm Street**

Mr. Russell stated he has been to the house, knocked on the door, and not received a response. He has issued three letters. The property owner was in contact with Mr. Russell's office. The need to file an MBZA for the skating rink was discussed with the applicant; that was approximately two weeks ago. Mr. Russell's last letter to the applicant stated that he would be bringing this before the Commission if an application was not received. He recommended the Commission issue an enforcement order requiring the MBZA be filed by May 18, 2017. He confirmed the MBZA is good for three years.

There was a motion made by Scott McLean that the Commission issue an enforcement order requiring an MBZA permit be filed no later than May 18, 2017, for the skating rink at 62 Elm Street. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

**Discussion Item: DelCarte Master Plan**

Mr. Russell asked that the poster be distributed on social media. He stated Mass Audubon responded with a task breakdown and associated costs as requested by the Commission. Regarding task breakdown, he stated they need the design for the entrance area parking. He stated beaver management is presently being handled. He needs clarification on the invasive management plan; he is assuming Mass Audubon is going to look at the land invasives as the aquatic invasives are being taken care of.

Chairman Batchelor stated he would like to know Mass Audubon's plan for invasive plant management.

Mr. Russell stated Mass Audubon is going to come up with a plan for the plant invasives.

Chairman Batchelor, Mr. Russell, and Commission members discussed what Mass Audubon would be providing in terms of plan. Mass Audubon is creating the Master Plan for DelCarte which is a guideline for how to maintain DelCarte. Cost was also discussed.

Mr. Russell stated taking out the beaver management would reduce \$2,000.

Ms. Henrichon stated the volunteer coordination could be taken out; the Commission could do that. She would keep habitat enhancement and trail maintenance. Are they going to do a habitat assessment?

Mr. Russell stated Yes. He stated that the trails have been mapped; however, the Commission does not know their condition and does not have a maintenance plan.

Chairman Batchelor stated he wants a maintenance plan. He referenced the Facebook site on *Franklin Matters* regarding DelCarte and the play area; he said it had many comments and much misinformation. He reminded everyone of the DelCarte cleanup on Saturday, April 29, 2017, at 9:00 AM.

Mr. Russell stated that based on the input received from Commission members, he would let Mass Audubon know to go forward and put work tasks into contractual language, delete the volunteer issue and the beaver issue, and make sure they are going to identify the land invasives, not aquatics. Then they can see if the contract can get finalized. Funding will come from the wetlands filing fee account.

Chairman Batchelor stated he had trash bags and surgical gloves for the cleanup event, and a \$25 gift card from Lowe's for the correct guess of how many trash bags will be filled.

**CHAIR AND COMMISSION COMMENTS**

Mr. Russell, in response to a member's question, provided an update to the Briarwood violation. His office has issued two \$300 fines; they are court ordered fines due next week. None of the fines, new or old, has been paid. Going by there at 4:30 PM today, the erosion control is in. They will get no more fines.

**Signed Certificate of Compliance & Orders of Conditions**

Orders of Conditions – 71 Charles River Drive – Devray – CE159-1156

Orders of Conditions – 67 Prospect Street – Shamah – CE159-1116

Orders of Conditions – Maple Preserve – Carroll Construction – CE159-1154

Orders of Conditions – Chestnut & Pleasant Street Sidewalks – DPW – CE159-1115

Certificate of Compliance – 17 Echo Bridge Road – Herreilers – CE159-1068

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 4-0-0.

The meeting adjourned at 8:42 PM.

Respectfully submitted,

Judith Lizardi  
Recording Secretary