

Town of Franklin



Conservation Commission

**July 21, 2022  
Meeting Minutes**

*As stated on the agenda, due to the concerns regarding the COVID-19 virus, this meeting will be conducted as a remote/virtual Conservation Commission meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda. This meeting will be held in the Council Chambers of the Municipal Building, for citizens wishing to attend in person.*

**Commencement**

Chair Patrick Gallagher called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: Patrick Gallagher (via Zoom), Jeffrey Milne, Jeff Livingstone, Michael Rein. Absent: William Batchelor, Richard Johnson. Also present: Breeka Li Goodlander, Conservation Agent; Tyler Paslaski, Administrative Staff; Lenore White, Wetland Strategies, Inc. (via Zoom); Gary James, BETA Group (via Zoom).

*Note: Documents presented to the Conservation Commission are on file.*

**PUBLIC HEARINGS**

**Public Hearing – OOC – Amendment – Chilson Park 380 Beaver Street**

Ms. Brooke Morganelli, Assistant Town Engineer, addressed the Commission for an amendment to the previously approved OOC for Chilson Park at 380 Beaver Street. The proposed design changes within the 200 ft. Riverfront Area (RFA) include removal of the synthetic turf track (497 sq. ft. within RFA), resizing of the concrete lacrosse practice wall (208 sq. ft. within RFA which was originally 260 sq. ft.), and the addition of synthetic turf surrounding the lacrosse wall (1,492 sq. ft. within RFA). She stated that the site is pre-disturbed. The net increase will be 943 sq. ft. within the RFA. She stated that the abutter notices were resubmitted. She described the synthetic turf.

Mr. Livingstone asked if the pressure treated timbers were going to be put in the ground in the buffer zone. Ms. Morganelli stated that she was told by the installer that it is an environmentally feasible option and said she can provide more information. Mr. Livingstone stated that historically the Commission has asked people not to use pressure treated wood for their projects because there are many chemicals in the wood that will ultimately leach into the ground. He stated that he does not think there is such a thing as environmentally safe pressure treated lumber. Ms. Goodlander stated that there is ACQ treated lumber which does not have some of the chemicals. Ms. Morganelli reviewed the expected completion time by the fall.

There was a motion made by Jeffrey Milne to close the public hearing for the OOC Amendment, Chilson Park, 380 Beaver Street. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

There was a motion made by Jeff Livingstone to approve the OOC Amendment, Chilson Park, 380 Beaver Street, with the original conditions and with the condition that the applicant make attempts to use environmentally acceptable treated lumber if treated lumber is going to be used. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

**Public Hearing – RDA – NGRID Maple Street Stub Pole Installation Project**

Ms. Carolyn Gorss from BSC Group stated that she was representing Massachusetts Electric Company. She addressed the Commission for exempt maintenance activities under the WPA; the proposed project activities include the installation and replacement of three utility poles and one push brace along Maple Street within Bordering Vegetated Wetlands (BVW), the 100 ft. buffer zone to BVW, and the locally regulated 25 ft. and 50 ft. buffer zone. She stated that the poles are deteriorating and instead of replacing the pole in the BVW, they are proposing to install the new pole across the street. She stated that fifteen mature trees are proposed to be cut within the existing right-of-way and 25 ft. buffer zone to provide required clearances with stumps left in place. She reviewed the locations of the 15 trees. She stated that she responded to questions that were received. She discussed that in total, permanent impacts within the buffer zone will be approximately 2 sq. ft. and temporary impacts within BVW are anticipated to be approximately 6 sq. ft. No access within BVW is necessary. She stated that erosion and sediment controls will be installed before commencing work. She reviewed that a stub pole is not a full utility pole; it is there to provide support.

Ms. Goodlander stated that her questions have been addressed. She stated that she conducted a site visit. She recommended approval with a negative determination. Ms. Gorss responded to a question and stated that tree stumps will be left in place.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for NGRID Maple Street Stub Pole Installation Project. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

There was a motion made by Jeffrey Milne to approve the issuance of a negative determination for the RDA for NGRID Maple Street Stub Pole Installation Project. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

**Public Hearing – NOI – Beaver Street Interceptor Project**

Mr. Doug Martin, Water and Sewer Superintendent, Ms. Amy Anderson of Arcadis, and Mr. Sean Mitchell of Arcadis addressed the Commission for the rehabilitation, replacement, and general improvements to the existing interceptor/sewer line as well as a new pump station on the property at 275 Beaver Street. Mr. Martin stated that the Beaver Street interceptor is 110 years old; it is undersized and needs to be upgraded. He stated that this will be Franklin's biggest infrastructure project; the cost is currently estimated at about \$33 million. He reviewed that the Town applied for and is on the list to receive State revolving fund money. He stated that they are hoping to get some loan forgiveness as well.

Ms. Anderson reviewed the project and discussed where the project will be impacting wetlands. She stated that as things are modified, the Commission will get that information. Using the provided color-code plan, she reviewed the location of the existing interceptor and removal and replacement locations. She discussed the segments that will be upsized and sections that will be rehabilitated. She discussed the new pump station location and force main. She reviewed that they were abandoning some sections. She reviewed the areas in the red-shading that are of most concern regarding wetlands. Chair Gallagher asked about any other approvals that are required in connection with this project. Ms. Anderson stated that they

need permits from Army Corp, Mass Highway DOT, there are four MBTA crossings on this project, and they have done Mass. Historical Commission.

Ms. Goodlander asked questions. Ms. Anderson stated that they are going to fill the abandoned pipe. Mr. Mitchell explained the process for the abandon pipe; it will be below grade. Ms. Anderson explained that some of it will be gravity sewer and some will be pressure sewer/force main. Mr. Mitchell stated that the area was flagged about one year ago; however, some of it may be overgrown. Ms. Goodlander reviewed the areas that she would like to have reflagged. In response to Chair Gallagher's question, Ms. Goodlander stated that BETA will go out next week to review the delineation.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for the Beaver Street Interceptor Project. The time that the Public Hearing would be continued to is August 8 at 7:01 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

#### **Public Hearing – NOI – 585 King Street – Continued**

Mr. Mark Manganello of LEC Environmental (via Zoom) addressed the Commission for the construction of a 255,400+ sq. ft. warehouse distribution facility that will include a paved driveway from King Street, stormwater management and septic systems, and associated grading and clearing; the driveway will go directly across a wetland from King Street to the planned site of the facility. He stated that he wanted to review a singular technical issue. He stated that revised plans and a revised alternatives analysis have been submitted; BETA and WSI have provided comment letters. He stated that the vast majority of those comments have been addressed. He stated that he wanted to discuss one lingering item needing further discussion: stabilization of the bank beneath the culvert. He stated that they are proposing to construct a culvert over the intermittent stream and intend to leave the channel intact during construction. He stated that the comment was that they need to stabilize the channel after the culvert is installed. The suggestion was to determine if vegetation could survive underneath the culvert and if not, come up with an alternative method to make sure the banks of the stream are stabilized. He stated that they do not think vegetation will survive under most of it except possibly at the ends where there would be some light present. He discussed using a coir log, made out of coconut fiber, for stabilization; it would be determined during construction. He asked if that seemed reasonable to the peer reviewers.

Ms. White stated that she was concerned that the coir logs break down over time. She stated that she does not know what the solution is for stabilizing slopes that do not get sunlight. Mr. James suggested that a BETA staff member with experience in this get in touch with Ms. Goodlander and discuss with Mr. Manganello to obtain a solution. Mr. Manganello stated that sounds good. Commission members asked questions and made comments.

Chair Gallagher noted a number of expected conditions if this were to be approved and asked Mr. Manganello about said conditions. Mr. Manganello stated that he was generally comfortable with the proposed conditions, if approved. He stated that he has no major concerns at this point; if there is anything, he will communicate that with Ms. Goodlander.

Ms. Goodlander summarized the conditions that would be in addition to the standard conditions.

1. All Replication Areas shall be completed per the approved plans prior to the construction of any other work shown on the approved plans.
2. The Conservation Agent must confirm that the E/S controls have been installed per the approved plans prior to the construction of the Replication Areas and be invited to any pre-construction meeting.

3. The Conservation Agent must confirm that the E/S controls have been installed and maintained per the approved plans after the construction of the Replication Areas, but before the commencement of the other work. The Conservation Agent must be invited to any pre-construction meeting.
4. Any new contractors must receive an environmental training from a Wetland Scientist to ensure compliance with the OOCs.
5. Timber mats shall be used when crossing or working within the Bordering Vegetated Wetlands or intermittent Stream, including the proposed access to Wetland Replication Areas.
6. All dewatering and discharges shall occur on level upland outside of the 100-Buffer Zone with secondary containment.
7. No debris, fill, or excavated material shall be stockpiled within the 100-foot Buffer Zone.
8. All stockpiles shall be surrounded by biodegradable compost wattles for the duration of the Project. The wattles shall be kept in good working condition for the entirety of the Project.
9. All Wetlands and Replication Areas shall have biodegradable compost wattles surrounding their limits.
10. Beginning the first week of construction, in which construction activity occurs on site and for as long thereafter as the ground remains destabilized, a Wetland Scientist must submit a written report to the Conservation Agent. The report must include weekly erosion control inspections log, details of any construction or remediation activities taken, and descriptions of any deviations from approved plans.

Additional standard Special Conditions that are recommended include 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51.

Chair Gallagher noted that he thinks a bond would be redundant and propose unnecessary cost on the applicant.

Ms. Karen Miller, 246 Washington Street, reviewed the information posted on the Conservation Commission website page regarding the purpose: The Conservation Commission is the official agency specifically charged with the protection of Franklin's natural resources. The Commission also advises other municipal officials and boards on conservation issues that relate to their areas of responsibility. She questioned how the Commission works with other boards as indicated in the purpose statement on the website.

Chair Gallagher stated that this is a good point. He stated that it is an opportunity to educate other boards and make sure there are not gaps in areas that are not accounted for. He stated that it is important that people know this is a team effort. He stated that unique to this project, it has also undergone scrutiny at the state level via MEPA; it is a collaborative effort. Ms. Miller stated that it may be that other boards may think the Commission is doing things that they are not responsible for. Ms. Goodlander stated that she can bring this up internally. She stated that the other part of her position is natural resource protection management.

Chair Gallagher questioned the Commission members if they were ready to vote on this item or if they prefer to continue the item.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 585 King Street to August 4, 2022, at 7:02 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

**Public Hearing – RDA – 48 Maple Street Septic Upgrade Project**

Mr. Dave Therrien, the applicant's representative, addressed the Commission for a remedial upgrade to an existing subsurface septic system to meet current Title V standards. He reviewed the plan. He stated that if the current tank is in good repair, they would use the existing tank. He stated that the intention is to remove the existing leach field and install in essentially the same location. Construction would be done from the driveway. He stated that they are proposing to use compost socks. He stated that the proposed location of the project is within maintained lawn within the 50 ft. to 100 ft. buffer zone; the area would be loamed and seeded once the work is done. He stated the activity proposed is an exempt activity under the Wetlands Protection Act.

Ms. Goodlander stated that she recommended approval of a negative determination without conditions.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for 48 Maple Street Septic Upgrade Project. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

There was a motion made by Jeffrey Milne to approve a negative determination for the RDA for 48 Maple Street Septic Upgrade Project. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities: None.**

**Permit Modifications/Extensions: Franklin Flex Space - Permit Modification CE159-1241**

Ms. Goodlander stated that based on the plan she saw, the building has gotten a little larger, but it is outside of jurisdiction. She is not sure if there are any stormwater issues in the buffer zone. She asked for a linear feet number for the development in the buffer zone for recording purposes.

Mr. Rick Goodreau of United Consultants, Inc. stated that the main change is the increase in the size of the buildings; the buildings have been relocated 2 ft. 8 in. He stated that none of the proposed buildings will be located within the 100 ft. buffer zone. He stated that there are no changes to the impervious areas around the buildings with the exception of the two areas between the buildings; they were to be 40 ft. in width of asphalt pavement, and they are now 36 ft. Overall, there is a slight reduction in impervious coverage.

Mr. James stated that the impervious is not being modified; all the stormwater structures still meet all the setback requirements.

There was a motion made by Jeffrey Milne to approve the Franklin Flex Space, Permit Modification CE159-1241. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

**Certificates of Compliance: None.**

**Violations/Enforcement: 305 Union Street - Violation**

Chair Gallagher stated that the applicant's attorney requested a continuance to the next meeting. He stated that some information was received from the owner.

Ms. Goodlander provided a summary of the submittal. She stated that the summary indicated results of the cistern water were received. She stated that there is asbestos in the water below the drinking water limit. She stated that they passed the tests onto DPW. She stated that the letter verified that the cistern is an open system. She stated that she believes that MassDEP has not received a non-traditional work plan. She stated that in her opinion, the enforcement order has not been satisfied. She stated that a restoration plan has not been provided.

Chair Gallagher stated that this information was received from the applicant two days before the hearing; it is fair to take the time we need to review it.

There was a motion made by Jeffrey Milne to extend the enforcement order for the violation for 305 Union Street to August 4, 2022. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

Mr. Livingstone noted that if there is no movement in the next two weeks, he will not agree to another extension. Chair Gallagher noted that he spoke with Town Counsel; a meeting is arranged with the owner and consultants to talk about this and next steps. He stated that Town Counsel believes the DEP is the primary enforcement agency in this.

**Minutes: None.**

**Discussion Items: None.**

**Chair and Commission Comments:**

Ms. Goodlander stated that she would like to get the blog up and running again. She stated that there is a nature blog on the Conservation webpage. She stated that it would be good for outreach and education. She reviewed her ideas for blog postings. Commission members indicated agreement.

Mr. Rein asked about the tree commissioner. Ms. Goodlander stated that the tree commissioner is Brutus Cantoreggi. She stated that if it is in wetlands or conservation land, he is out of the picture. She stated that many of his tree commissioner duties are for the right-of-way and ornamental trees. Chair Gallagher reviewed that he does not know if the Commission has a standard methodology for taking down trees regarding mitigation; he discussed if there is a way to standardize that. Commission members asked questions and made comments about tree removal and mitigation/replacement in jurisdictional areas.

**Executive Session: None.**

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Gallagher-Yes.

The meeting adjourned at 8:30 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary