

Town of Franklin



Conservation Commission

**August 4, 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, William Batchelor, Michael Rein, Richard Johnson (via Zoom). Absent: None. Also present: Breeka Li Goodlander, Conservation Agent; Tyler Paslaski, Administrative Staff.

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

PUBLIC HEARINGS

Public Hearing – NOI – Beaver Street Interceptor Project – Continued

Ms. Amy Anderson 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. She stated that since the last Commission meeting, they received BETA's comments; they are working on implementing the comments. Ms. Goodlander stated that some of the proposed work is occurring in areas that do not have an easement yet and some other clearing is happening in the 25 ft. no-touch zone, so they should be looking for a variance. Ms. Anderson stated that they are aware of that and working on it. Commission members asked questions. In response, Ms. Anderson stated that the interceptor is very old; it is in everyone's best interest to move the project along.

Chair Gallagher asked for a construction schedule. Ms. Anderson stated that they are working on a schedule and she can provide it to Ms. Goodlander to share. She stated that their general timeframe is that they would like to go out to bid for the project in the fall; they hope to be in construction in the spring.

There was a motion made by William Batchelor to continue the public hearing for the NOI for the Beaver Street Interceptor Project to August 18, 2022, at 7:01 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

Public Hearing – NOI – 585 King Street – Continued

Mr. Mark Manganello of LEC Environmental and Mr. Josh Berman of Marcus Partners 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.

Chair Gallagher reviewed the discussions from the last meeting. He stated that there was one item regarding making sure plantings around the culvert were successful. Ms. Goodlander stated that there was an additional condition stimulated by a comment from BETA regarding stabilization of the retention basins and/or swales that she would be including. Mr. Manganello stated that he had no concerns regarding that condition.

Mr. Batchelor commented that the bank stabilization according to BETA is of primary importance for this project. He suggested this be put in as a condition. Mr. Manganello stated that they discussed a solution to the bank stabilization issue with BETA and Ms. Goodlander. Ms. Goodlander stated this condition would be a new addition; she read aloud the language. Chair Gallagher stated that he was comfortable with that language.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 585 King Street. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

There was a motion made by William Batchelor to approve the NOI for 585 King Street with all special conditions as listed by the agent including stabilization of the bank in a terracing concept to be managed by the agent. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: 17 Spruce Pond Road

Mr. Chris Campbell addressed the Commission. He stated that he will be building two decks: one at 17 Spruce Pond Road and one at 18 Spruce Pond Road. He will be removing the old footings and decks and replacing with the same size deck, digging footings, and backfilling.

Ms. Goodlander confirmed this is for a deck replacement within the same footprint in existing lawn; she stated that they will be hand digging. She stated that she had no concerns. In response to a question, Mr. Campbell stated that they will be on top of a rock wall; he stated that apparently in the past, that was allowed.

Chair Gallagher stated that the Commission would vote on the MBZAs for 17 Spruce Pond Road and 18 Spruce Pond Road separately.

There was a motion made by Jeff Livingstone to approve the Minor Buffer Zone Activity for 17 Spruce Pond Road. The motion was seconded by William Batchelor and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

Minor Buffer Zone Activities: 18 Spruce Pond Road

There was a motion made by Jeff Livingstone to approve the Minor Buffer Zone Activity for 18 Spruce Pond Road. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

Minor Buffer Zone Activities: 1 Toni Lane

Ms. Goodlander stated that the applicant was not able to attend the meeting. She reviewed the application for partial tree and limb removal within BVW and 100-foot buffer zone due to safety. She reviewed that the original MBZA asked for five trees to be removed. She stated that she conducted a site visit. The wetland area has moved. She stated that the applicant revised their request to only remove (stump) the tall live oak (tree #2 per application) and cut off the major branches of the snag/dead oak tree (tree #1). The three smaller trees presented in the application (trees #3, 4, 5) will be left. She reviewed her two conditions: the stump

should be left in place to preserve soil structure, and contractors shall avoid mobilizing through BVW to the best extent practicable. If mobilization within BVW is necessary, the contractor shall utilize swamp mats.

There was a motion made by William Batchelor to approve the Minor Buffer Zone Activity for 1 Toni Lane with conditions one and two as stated. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

Permit Modifications/Extensions: None.

Certificates of Compliance: Beaver Street Sidewalk and Drainage Improvements

Ms. Goodlander stated that she verified the sidewalk and drainage improvements were constructed according to plan. She recommended granting the Certificate of Compliance.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for Beaver Street Sidewalk and Drainage Improvements. The motion was seconded by William Batchelor and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

Violations/Enforcement: 305 Union Street - Violation

Chair Gallagher provided an update. He stated that his proposed course of action is based on a meeting that happened earlier this week with the property owner, their attorney, wetland consultant, engineer, and asbestos consultant, and attending the meeting from the Town's side were Town Administrator Jamie Hellen, Director Department of Planning and Community Development Bryan Taberner, Ms. Goodlander, Town Attorney Mark Cerel, and himself. He stated that the meeting focused on the progress and what has happened since the issue was first reported, the enforcement order dating back to May, and up to the initial report received from the applicant. That information included a draft restoration plan as well as results of water testing in the cistern. He stated that it indicated the levels of asbestos were below the standard of what is for drinking water. So, at that point in the meeting the discussion turned to next steps. He stated that the owner and consultants outlined that the key challenge is that it is a very constrained area of the property so getting equipment in to remove all materials from the cistern is going to take some thought and engineering to do it safely. The removal is the critical piece and the non-traditional work plan that the owner must provide to MassDEP in connection with the asbestos in the system is needed. He stated that the timing and next steps were discussed. The applicant said that they were expecting to have the non-traditional work plan. He stated that right now there does not appear to be an environmental risk given the test results. He stated that we would be comfortable as long as they continue to work diligently toward a traditional plan and continue to work with MassDEP and keep the Commission in the loop with what they are doing; we would give them the time that they need to prepare this plan. He stated that the conditions are that they need to report back to the Commission at least every 30 days with their progress and sooner if it is requested. He stated that what was discussed at the meeting is that the Commission would continue the enforcement order until September 15, 2022, and that the owner would be required to provide a report to the Commission on or before September 8, 2022, based on their progress.

Ms. Goodlander stated that the Commission would have to vote to extend the enforcement order. Commission members asked questions and made comments. In response to a question, Ms. Goodlander discussed that the area has exposure to other industrial sites and the rail so trying to pinpoint the responsible party would be difficult. She stated that she was in communication with the DPW and Wetlands & Waterways about this as well. She discussed testing that has been done. Chair Gallagher stated that the applicant did not know for sure when the building collapsed; however, it did happen more than six years ago.

There was a motion made by Jeff Livingstone to extend the enforcement order for the violation for 305 Union Street to September 15, 2022. The motion was seconded by Michael Rein and accepted with a roll call

vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

Minutes: July 7, 2022 & July 21, 2022

There was a motion made by Jeffrey Milne to approve the meeting minutes for July 7, 2022. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

There was a motion made by Jeffrey Milne to approve the meeting minutes for July 21, 2022. The motion was seconded by William Batchelor and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

Discussion Item: Certified Arborist Presentation

Mr. Derek Adams of DPW Environmental Affairs Division and Kate Sjoberg, GIS Coordinator, (via Zoom) addressed the Commission. Mr. Adams discussed two tree programs available through the state including the Legacy Tree Program and Tree City USA. He gave examples of trees in Franklin that may fall into the Legacy Tree Program. He stated that these two programs seem like they would be good for Franklin. Commission members asked questions and made comments. Ms. Goodlander stated that she would update the webpage to add information about the Legacy Tree Program. Mr. Adams stated that he would look for a list of certain species of trees that are endangered that should be highlighted. Ms. Goodlander discussed a specific tree at Fairmount Farms. Mr. Adams stated that currently a tree would just get a designation under this program. Mr. Livingstone discussed large trees and that for the purposes of line clearing, often trees are cut without notification; it would be nice to have notification. Chair Gallagher stated that it would be nice for private owners to know if they had a legacy tree on their property. Mr. Adams stated that applications for these two programs were being prepared. He stated that Earth Day and Arbor Day are done together at the same time by DPW and Recreation; however, they could be done separately. Mr. Livingstone stated that at Earth Day at DelCorte, the Commission has plenty of table space and could have put out saplings for people, but he did not know they could do that; he stated that he would like to do that next year. Commission members agreed that these are good programs and offered the support of the Commission for these programs. Ms. Goodlander reviewed ideas for providing certificates to citizens with the largest trees. Mr. Rein suggested reaching out to the Agricultural Commission. A member of the Agricultural Commission spoke about the benefits of both Commissions working together on this.

Discussion Item: Aeration at Del Corte

Ms. Goodlander stated that she attended a Solitude Lake Management webinar about waterbody aeration. She stated that older ponds cannot retain dissolved oxygen as often so they sometimes need assistance. She discussed the different types of aerators based on the depth of the water body and the benefits of aerators. Many of them are electric, but some of them can be solar. She discussed circulation versus oxygenation. She stated that she does not think DelCorte needs this. She stated that she thinks DelCorte is doing pretty well already. She stated that too much aeration can lower dissolved oxygen. She discussed the Sculpture Park and stated that the Sculpture Park would be a better area if the Commission wanted to do something there. Commission members asked questions and made comments. In response, Ms. Goodlander reviewed Beaver Pond and the possible benefits of aeration. Chair Gallagher stated that it is something for which the Commission could raise the question; he noted that some of the area is under Commission jurisdiction and some is not. He stated that the Commission is not telling anyone what to do, they are just lending their support to something or asking questions. Ms. Goodlander stated that she could look for some grants regarding the Sculpture Park; it is under the Commission's purview.

Discussion Item: DelCorte Fall Cleanup

Chair Gallagher questioned if the Commission wants to make this a twice-a-year event given how well it worked out last fall. He wanted to see if there was any interest in that. He reviewed his ideas for the twice-a-year event and that it would bring more awareness to DelCorte. Commission members asked questions and

made comments. Mr. Batchelor suggested an event date prior to when the majority of the leaves fall as the leaves can cover debris. Chair Gallagher asked Commission members to look at potential dates for late September/early October; they can discuss it at the next meeting.

Discussion Item: Webpage and Program Updates

Ms. Goodlander discussed webpage updates. She reviewed the blog and discussed the new way it would work for submittals. She stated that there was a four-page spreadsheet on the Google drive regarding topics. She stated that Commission members could send whatever they would like to her. She stated that she would like to put out more educational materials. She noted events that were going on; she would like to pass that information on to citizens. She stated that residents can subscribe to Conservation. She reviewed information that she already put up and information that she wanted to put on the webpage. Commission members suggested pictures as well. Ms. Goodlander noted that DPW was having an open house day on October 15, 2022, and they offered the Commission a table. Commission members said that was great. Ms. Goodlander asked the Commission when they would like to have presentations at their meetings. Mr. Milne started that he would be interested in a bird walk in town by the Audubon Society. He asked how Ms. Goodlander's talk went with the Agricultural Commission. Ms. Goodlander stated that the meeting was recorded and available for viewing. She discussed events including the DPW open house, next spring having a vernal pool exploration, water treatment plant, woods walk, and Mass Audubon could do a bird habitat. She asked if anyone had any preferences for presentations. Commission members agreed that they will have presentations as they come up. Ms. Goodlander noted a land disturbance stockpiling bylaw which the Commission may be interested in. Mr. Rein stated that he attended a nature walk in DelCarte about two years ago held by Stony Brook; it was great. Ms. Goodlander stated that she would network to see what she could get.

Chair and Commission Comments: None.

Executive Session: None.

There was a motion made by William Batchelor to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Rein-Yes; Johnson-Yes; Batchelor-Yes; Gallagher-Yes.

The meeting adjourned at 8:29 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary