

Town of Franklin



Conservation Commission

**September 15, 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, Jeffrey Milne, Richard Johnson (via Zoom), Michael Rein. Absent: Jeff Livingstone, William Batchelor. Also present: Breeka LÍ Goodlander, Conservation Agent; Maxine Kinhart, Administrative Staff.

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

PUBLIC HEARINGS

Public Hearing – NOI – Beaver Street Interceptor DEP# 159-1256 – Continued

Mr. Doug Martin, Water and Sewer Superintendent; Ms. Amy Anderson of Arcadis; and Mr. Sean Mitchell of Arcadis (via Zoom) 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.

Ms. Anderson stated that since they last met with the Commission, a formal response to BETA's August 31, 2022, last set of comments has been provided. Mr. Mitchell gave an update to the culvert design. He stated that the existing culvert is an 18 in. diameter cast iron pipe of about 25 ft.; it does not meet the standards for river crossings. He stated that the replacement design has been revised to incorporate the retaining wall system similar to the other stream crossings. He discussed that this design would meet all the design standards.

Ms. Goodlander stated that in regard to the culvert, all the general standards required by the state are met. She stated that she thinks this is a better option than the one that is existing. She stated that the town engineer also agreed. She stated that she still has a few issues with the comments, and she has had conversations with Mr. Anderson, Mr. Mitchell and Mr. Martin. She discussed one comment that BETA mentioned regarding water quality. She noted that Arcadis has since updated the impact summary form for permanent impacts. She noted performance standards for alternatives analysis that she provided to the Commission members. She asked Ms. Anderson and Mr. Mitchell to explain to the Commission why this line must go in the locations specified and not in other locations. Chair Gallagher asked if it would be feasible for the replacement line to go around the resource area as opposed to through it. Ms. Anderson stated that when they looked through their analysis and routing plans, there were many routes that did not even make it into the plan. She stated that there were goals as well. She reviewed considerations including that elevation is important as these are gravity lines and service connections that tie in. She stated that they tried to minimize wetland impacts as much as possible in the routing, but they were also working within the existing footprint. Chair Gallagher asked Ms. Anderson to

provide information that she may have as to the decision of why they chose the existing locations where lines are being replaced. Mr. Mitchell explained that elevation was of great importance.

Ms. Goodlander discussed that since the last time the applicant met with the Commission, a variance letter was submitted for work in the 0 ft. to 25 ft. area and reduction of the 2:1 replication area to 1:1. Chair Gallagher asked about the flagging and delineations and noted that there were a few discrepancies. Ms. Anderson stated that construction would most likely begin in the spring. Ms. Goodlander addressed items that were still open including comments from BETA on the new culvert design. She stated that 401 water quality certification is not necessary. She stated that the flagging is still open, and she needs to draft the conditions for the next meeting.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for the Beaver Street Interceptor project to September 29, 2022, 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; Johnson-Yes; Rein-Yes; Gallagher-Yes.

Public Hearing – RDA – DelCorte Biodiversity Restoration Project

Ms. Breeka Li Goodlander stated that she is a wetland scientist and Franklin's conservation agent. She stated that she is joined at this meeting by Ms. Kate Sjoberg, DPW GIS coordinator, and Mr. Derek Adams, DPW Stormwater & Environmental Affairs Superintendent, for a restoration project to increase the biodiversity of the native pollinator-plant and aquatic-terrestrial systems within DelCorte via the revegetation of flowering plants and the installation of a freshwater turtle nesting habitat to maintain the function and diversity of DelCorte's natural ecosystem. She reviewed that the proposed work will occur within the 100 ft. buffer zone to inland bank, bordering vegetated wetland, and a pond; a small portion of the work will also occur within the locally regulated 25 ft. no-touch zone. She noted that the temporary impacts to the buffer zone total 3,477 sq. ft. She reviewed that a portion of the proposed work is considered to be exempt under the WPA in accordance with 310 CMR 10.02(2)(b)(2)(d), as the work consists of the plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns. She discussed the importance of pollinator plants and turtles. She described the areas of the proposed project as shown on the provided map. She reviewed the locations of the two proposed pollinator patches and the location and size of the temporary impacts. She discussed the reasoning for the proposed revegetation.

Mr. Adams stated that to develop the biodiversity area 1 site, it will be mowed very short with minimal impact to the area. He noted that they need to get the seed into the soil, and he hopes the low mowing will allow that; if it requires something further, they would do something with tines to scratch the surface. He stated that biodiversity area 2 would be similar. He reviewed that for the turtle habitat, they will be putting in plantings by hand; they will also be putting a sign in front of the area. He stated that the area will be cordoned off with a fence to protect the turtles. He reviewed that the tree plantings would require a skid steer; he reviewed the process to have no impact. Ms. Goodlander stated that project costs are approximately \$7,500; most of that is the fence which is necessary. She reviewed the general timeline of the project. Commission members asked questions. Ms. Goodlander confirmed the two types of turtles are already native to the pond. She stated that there are plenty of turtles at the pond currently that have survived the pond treatments. She stated that she has spoken to Recreation Director Ryan Jette about moving the kayak area for the benefit of the turtle crossings. She stated that they will be putting up signage regarding the turtles. She stated that she would like to have a camera to watch the area; she stated that the Chair suggested a live feed on the website for people to watch. Chair Gallagher stated that this is an opportunity to be proactive in addressing the ecosystem.

Mr. Richard Ciccone, 185 Chestnut Street, stated that this is a fabulous idea for a minimal amount of money. He asked that after this is a success, will we be able to look at Beaver for the same type of proposal.

Chair Gallagher expressed that the signage would be helpful. Ms. Sjoberg stated that they do educational signage at all of their stormwater grants; they have a template that they use. She stated that signage for this would be modelled after that.

There was a motion made by Jeffrey Milne to close the public hearing for the RDA for DelCorte Biodiversity Restoration Project. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Gallagher-Yes.

There was a motion made by Jeffrey Milne to issue a negative determination for the RDA for DelCorte Biodiversity Restoration Project. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Gallagher-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: 225 Plain Street CE159-1213

Ms. Goodlander stated that she went out to the site, and the applicant has met all of their Order of Conditions. She recommended approval.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 225 Plain Street CE159-1213. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Gallagher-Yes.

Violations/Enforcement: 305 Union Street

Ms. Goodlander stated that the last time 305 Union Street was on the Commission's agenda, it was a discussion between Town staff and the applicant. She stated that the applicant was required to submit an update of activities taken to mitigate the enforcement. She stated that she received the update in time. She stated that the applicant is still deciding on an access plan to get into the cistern as it is in a very tight location. She stated that she recommended extending the enforcement order for another 30 days. She stated that she was told it would take about 45 days for everything to be done. Chair Gallagher reviewed his recollection of the results of the asbestos testing which is at a level safe for drinking water. Ms. Goodlander noted that the applicant is required to submit an update every 30 days.

There was a motion made by Jeffrey Milne to approve an extension of the enforcement order for 305 Union Street for 30 days. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Gallagher-Yes.

Minutes: None.

Discussion Item: DelCorte Fall Gathering

Chair Gallagher stated that the DelCorte Fall Gathering is scheduled for October 22, 2022. He stated that they are treating this not as a cleanup as they have had in the past, but they are treating this as an advocacy and educational opportunity and working with the Agricultural Commission and others to get folks involved. He stated that he thinks for now the main goal is to try to make sure about sponsor opportunities and outreach. Ms. Goodlander stated that there is a woods walk and the Agricultural Commission will be donating pumpkins. She stated that she has a message out to the Garden Club, a soil scientist will be attending, and she has some tabletop activities. Chair Gallagher stated that they should put on the Google drive the names of people who they have reached out to in the past for sponsorship and others from town who have gotten involved, so they can be reached out to regarding if they want to be involved again. Ms. Goodlander discussed possible sponsors.

Chair Gallagher stated that for Harvest Festival on October 1, 2022, the Commission is sharing a table; he said that he will be there and other Commission members are welcome if they are available. Ms. Goodlander said that she has the opportunity to get a table runner that has the Town seal and the word conservation for \$50. Chair Gallagher stated that would be great to purchase. Ms. Goodlander stated that there is an event on October 15, 2022, at which Conservation will have a table; she will be attending and Commission members are welcome.

Chair and Commission Comments: None.

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; Johnson-Yes; Rein-Yes; Gallagher-Yes.

The meeting adjourned at 7:57 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary