

Town of Franklin



Conservation Commission

**October 27, 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, Jeff Livingstone (via Zoom), Richard Johnson (via Zoom), Michael Rein, William Batchelor, Meghann Hagen. Absent: Jeffrey Milne. Also present: Breeka LÍ Goodlander, Conservation Agent; Tyler Paslaski, Administrative Staff.

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

**PUBLIC HEARINGS**

**Public Hearing – NOI – 0 Lincoln Street, Franklin Heights**

***Mr. Batchelor recused himself.***

Ms. Goodlander stated that the applicant requested a continuance of the hearing; she stated that the applicant is still waiting for a BETA peer review letter.

There was a motion made by Michael Rein to continue the public hearing for the NOI for 0 Lincoln Street, Franklin Heights, to November 10, 2022, at 7:03 PM. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 5-0-0. Roll Call Vote: Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Gallagher-Yes.

***Mr. Batchelor re-entered the meeting.***

**GENERAL BUSINESS**

**Friendly 40B Discussion and Recommendation: 121 Grove Street**

Mr. John Schipe of Fairfield Residential and Mr. Chris Lucas of Lucas Environmental addressed the Commission for a proposed Friendly 40B application. Mr. Schipe stated that they are the group that completed the project on Dean Avenue known as Station 117. He stated that they are interested in doing a second project in Franklin. He stated that they are pursuing affordable housing and diverse housing. He stated that the Town has established a procedure to go through for Friendly 40Bs. He stated that schematic plans were presented to the Planning Board and this Commission, and they have had discussions with department heads and administration. He stated that Mr. Lucas went to the site and

flagged all the environmental concerns. He stated that they are here tonight to answer any questions and hopefully receive a general recommendation from the Commission addressed to the ZBA that they are supportive of this. He stated that it is a long process; hopefully, the Town Council will then support this and then he would submit to the State for the next steps in the process.

Chair Gallagher stated that this is a new policy implemented by the Town to review 40B projects which is a type of affordable housing project where at least 25 percent of the units need to be reserved for people earning below a certain income level. He stated that if a town is in Safe Harbor, then it would be a Friendly 40B project. He stated that the Commission has prepared draft recommendations. Ms. Goodlander stated that in anticipation of any new information, she has not received anything; therefore, her recommendations stay as they are.

Chair Gallagher stated that he prepared the recommendations based on the last meeting. He stated that he would recommend the project as it is currently presented. He discussed that the recommendation follows the Friendly 40B guidelines. He stated that based on what the Commission heard from the applicant, the sense that he gets is the Commission is in favor of the project as presented. He explained and reviewed his six recommendations.

1. The applicant should be required to submit an ANRAD to the Commission to confirm the resource areas and boundaries.
2. The project should be subject to peer review by BETA in connection with the submission of an ANRAD and any subsequent NOI.
3. The applicant should minimize disturbance within 25 ft. on any onsite resource areas to the greatest extent practicable and consider opportunities to minimize and avoid impacts to the intermittent streams and onsite IVW.
4. To the extent the applicant proposed to fill or otherwise permanently disturb IVW, the ZBA should consider requiring additional wetland replication on the property to the extent practicable.
5. In lieu of a formal alternatives analysis, the applicant should consider:
  - a. A reduction in the number of parking spaces in order to reduce impervious coverage.
  - b. Consider moving proposed buildings closer together in order to reduce impervious coverage.
  - c. Consider consolidating the clubhouse and amenities building with building 3 or moving that building closer to building 3 to reduce impervious coverage and reduce or eliminate IVW impact.
6. The applicant should be required to submit a construction sequence and schedule to the conservation agent in accordance with wetlands regulations.

Commission members asked questions and made comments. Mr. Batchelor asked how granting minimal disturbance at the 25 ft. no touch would be defined. Chair Gallagher stated that in ordinary circumstances the Commission would have plans to review. He stated that because of the nature of this project, the Commission does not have the ability to review the plans. He stated that he thinks the best guidance he can give to the ZBA is that the Commission's policy is that they do not allow disturbance in the 25 ft. no touch, and if it must take place, it must be kept as minimal as possible. He noted that prior to these new Friendly 40B guidelines, the Commission would not even have a chance to weigh in on this as it would have just gone to the ZBA and the Commission would not even be asked for their opinion. He explained that anything under the Wetlands Protection Act that needed an NOI would come back before the Commission. Mr. Rein asked about Ms. Goodlander's concern about downstream affects and loss of connectivity as outlined in her agent's report. Ms. Goodland discussed her concern with downstream affects and loss of connectivity for the onsite (and offsite) BVWs that receive hydrology and have a consistent hydraulic connection with the current wetland systems.

Mr. Schipe stated that all six recommendations sounded great; he does not take issue with any of it. He questioned that as a reader who is reading the letter, is it clear that these are things they would like to see moving forward or would the reader think they are needed now before the next step. Chair Gallagher stated that hopefully it is clear that these are recommendations in the holistic view and that the Commission understands that this is a process. Mr. Rein mentioned recommendation #5 and asked how the applicant felt about moving the buildings closer together. Mr. Schipe stated that he thinks they are good recommendations and they may hear similar or different recommendations from other boards. He stated that once they receive the site eligibility letter, that is when they unleash all of their consultants to dig in deep and that is when they would take those things into consideration.

There was a motion made by William Batchelor to approve the recommendations as drafted and circulated for Friendly 40B Discussion and Recommendation: 121 Grove Street. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Gallagher-Yes; Batchelor-Yes.

**Minor Buffer Zone Activities: 11 Corey Way**

Ms. Kathleen Casey, applicant, stated that they submitted their application for authorization to remove four trees with branches overhanging the roof of the house. She stated that a tree service surveyed the trees and said they appear to be unstable; their advice to her was to have the trees removed. She stated that for safety reasons she would like to have the trees removed. Ms. Goodlander stated that she conducted a site visit. She stated that the project is within the 50 ft. to 100 ft. buffer zone to a BVW. She stated that the homeowner has a history of trees in this vicinity causing significant damage to their home. Chair Gallaher requested that when the trees are removed, the stumps remain and are not removed.

There was a motion made by William Batchelor to approve the Minor Buffer Zone Activity for 11 Corey Way. The motion was seconded by Michael Rein and accepted with a roll call vote of 6-0-0. Roll Call Vote: Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Gallagher-Yes; Batchelor-Yes.

**Permit Modifications/Extensions: 766 Union Street CE159-1186**

Mr. Tim Jones, applicant/builder, stated that Ms. Goodlander went out to look at the house he built and is selling. He stated that Ms. Goodlander said he needed an extension. He stated that he is seeking a partial release for the closing.

Ms. Goodlander stated that she conducted a site visit. She stated that the reason for the extension is that the landscape has not yet reached stability or 75 percent coverage. She stated that the applicant filed a permit for occupancy. She noted that the applicant is requesting a partial release. She recommended a one-year extension. Mr. Jones stated that he has communicated this to the new owners, and he would take care of the full release in the spring.

There was a motion made by Meghann Hagen to approve the permit extension for 766 Union Street CE159-1186, for one year, and issuance of a partial COC as discussed. The motion was seconded by William Batchelor and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Batchelor-Yes.

**Certificates of Compliance: 455 Maple Street**

Ms. Amanda Cavaliere of Guerriere and Halnon, Inc. on behalf of the applicant addressed the Commission for the Certificate of Compliance. Ms. Goodlander stated that she recommended approval.

There was a motion made by Meghann Hagen to approve the Certificate of Compliance for 455 Maple Street. The motion was seconded by William Batchelor and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Batchelor-Yes.

**Violations/Enforcement: 5 Palomino Drive**

Ms. Goodlander reviewed that this was an enforcement order before she began as conservation agent. She stated that she conducted site visits to check on the status of the vegetation. She stated that it has reached 75 percent coverage. She stated that more saplings were planted than what was needed under the restoration plan. She recommended approval.

There was a motion made by Meghann Hagen to approve the Restoration Plan for the violation/enforcement for 5 Palomino Drive. The motion was seconded by William Batchelor and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Batchelor-Yes.

**Violations/Enforcement: 74 South Street**

Chair Gallagher stated that the owner submitted an NOI a few days ago; therefore, the Commission can vote to dissolve the enforcement order.

There was a motion made by Meghann Hagen to dissolve the enforcement order for 74 South Street. The motion was seconded by William Batchelor and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Batchelor-Yes.

**Violations/Enforcement: Fairmount Farm**

Ms. Goodlander stated that at the end of August, all the mulch had been cleared. She stated that when she went out in September, there was already green-up; she went out earlier this week, and it is still looking fine out there. She stated that she thinks we are set for one year and be in monitoring for the next two years as required. She recommended that CJ should be allowed to do the monitoring with guidance from the Town so he does not have to pay for a consultant.

There was a motion made by Meghann Hagen to accept the restoration report and to remove the ongoing requirements to come in and report back to the Commission and to be able to self monitor for the duration. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Batchelor-Yes.

**Minutes: October 13, 2022**

There was a motion made by William Batchelor to approve the meeting minutes for October 13, 2022. The motion was seconded by Meghann Hagen and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Johnson-Yes; Rein-Yes; Livingstone-Yes; Hagen-Yes; Batchelor-Yes.

**Discussion Item: DelCorte Forest Stewardship Plan**

Ms. Goodlander stated that she submitted a request to get DelCorte into the Forest Stewardship program. She stated that we were awarded a reimbursement of approximately \$1,700 to solicit the services of a forester to write the forest stewardship plan. She asked if she could do that out of the wetland fund and then it could be reimbursed. Chair Gallagher said absolutely. Ms. Goodlander stated that she has been working in conjunction with the Tree Warden. She stated that the plan has to be developed and accepted to get the reimbursement.

There was a motion made by Meghann Hagen to approve disbursement from the wetland fund for the DelCorte Forest Stewardship Plan. The motion was seconded by William Batchelor and accepted with a

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

Chair Gallagher thanked Ms. Goodlander, Mr. Paslaski, and all staff who participated this past weekend in the fall gathering at DelCarte. He stated that the weather and turnout were great, and he thinks it should be made an annual event.

**Chair and Commission Comments**

Ms. Goodlander confirmed that there would not be a Commission meeting on November 24, 2022. She discussed possible hearing dates in December. Chair Gallagher stated that he would be in favor of November 17<sup>th</sup> or postponing to December 1<sup>st</sup>. After discussion, Chair Gallagher confirmed the Commission would meet next on November 10<sup>th</sup>, December 1<sup>st</sup>, December 15<sup>th</sup> and then in January.

Ms. Goodlander stated that she went to an EPA workshop. She learned about the Mass Society of Municipal Conservation Professionals. She discussed that there is a \$20 fee in total for all to join. She stated that all Commission members are welcome to attend the meetings. Commission members agreed it was a good idea.

**Executive Session: None.**

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

The meeting adjourned at 7:51 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary