

**Franklin Conservation Commission
Minutes of Meeting
February 15, 2018**

To: Town Clerk
cc: Members
File

Members Present: Bill Batchelor, Tara Henrichon, Angela Gelineau, Paul Harrington, Jeffrey Milne, George Russell, Conservation Agent

Members Not Present: Jeff Livingstone, Staci Dooney.

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 – 2 Maria Circle – Goddard Consulting

Mr. Tom Rebula of Goddard Consulting, LLC, on behalf of the applicants Donald and Karen Giancioppo, addressed the Commission. He stated that two additions were added to the home; the one on the easterly side was built slightly larger than proposed and the porch was not shown on the approved plans. Per Conservation Commission request, they came back after filing the COC for this amended order. They are requesting to have the work approved; it is far away from the resource boundary. The distance to the resource boundary has not changed from the proposed work.

Mr. Russell stated that the additional work done had no greater impact. However, under the Commission's policy, since it was in addition to the original Notice of Intent, an amendment was required. He recommended approval to grant the amendment to the NOI.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI amendment for 2 Maria Circle. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne to approve the NOI amendment for 2 Maria Circle. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

Mr. Rebula requested a vote on a COC at tonight's meeting; he stated that he has the proper paperwork completed. He requested that the Commission waive the \$50 fee as the applicants have already paid the amendment and original COC fees.

Mr. Russell stated that the Commission does not have the authority to waive the fee. And since the Commission already acted on the first one that was submitted, they must have a new one submitted with the filing fee.

Mr. Rebula stated they could write a check at this time.

Mr. Russell stated the Commission would have to vote to add this to tonight's agenda. It would be a little cleaner if it could be filed next week and put on the next meeting agenda. It would be administrative; the applicant does not have to show up for the meeting. Technically, the amendment to the Orders must be recorded before the COC request could be acted on.

Public Hearing – Amendment – The Key – Allen & Major

Mr. Paul Matos of Allen & Major Associates addressed the Commission for an NOI amendment for some work that was done. The work is 100 percent complete. In the process of doing the work, they realized they had some water pressure issues; they had to install a booster pump. In doing so, they lost a parking space and had to add the space in a different location. In the process of doing the work, they also had drainage issues and had to install a curb gutter inlet, and a retaining wall was installed to try to save a few trees on the property line. The trees died anyway. They also did some drainage improvements near the dumpster pad. These are the only items that were done that were different than on the original plans.

Mr. Russell stated the Commission members had a letter from the town engineer who stated that he has no issues with the work done. Mr. Russell conducted a site visit. He recommended the amendment be approved.

Ms. Gelineau asked what happened to the trees.

Mr. Matos stated that although they tried to save the trees, with all the damage done to the roots, they died; so, they had to be removed.

There was a motion made by Jeffrey Milne to close the public hearing for the amendment for The Key, West Central Street. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne to approve the NOI amendment for The Key, West Central Street. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 834-860 West Central Street – Padula

Mr. Russell stated this application was authorized for peer review. But, the peer review was delayed as the applicant took some time between the authorization of peer review and paying the peer review fee. The peer review was completed Tuesday. Unfortunately, the peer review has indicated issues that need to be addressed and plans that need to be reviewed. In light of that, the applicant has requested a continuance of the hearing to March 15, 2018. Mr. Russell did not include a copy of WSI's report because in all probability the new plans will have to go out to the wetlands reviewer. The Commission members will receive a final review. He noted the engineering review has been completed and the plans have been revised to reflect those changes.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 834-860 West Central Street to March 15, 2018, at 7:25 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 93 Elm Street – Sellew

Mr. Russell stated that this application is not ready to go forward. There are significant problems with the application that have not been addressed by the applicant. He spoke to the applicant on Tuesday. He stressed that in all likelihood the applicant will need some professional help to complete the application, namely a wetlands scientist. There are violations in two resource areas—bank and riverfront. There was a physical problem with the applicant in that he could not complete some of the application for a while. He

recommended the hearing be continued to the next Commission meeting, and if it is not complete by that date, he will be requesting that the Commission deny the application and issue an enforcement order.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 93 Elm Street, to March 1, 2018, at 7:20 PM. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Permit Extension: Franklin Heights

Chairman Batchelor recused himself.

Mr. Marc Fantasia, Trustee, on behalf of Franklin Heights, addressed the Commission for a one-year extension on the Order of Conditions. He provided an update on the progress on the final two buildings. He projected that both buildings will be completed within the next six to eight months.

Mr. Russell stated the approvals for the NOI technically expire on February 23, 2018. There is extensive material in the Commission members' packets on this development. The most recent issue was the issuance of a stop work order last week. That order was lifted on Tuesday. The project has been, in his opinion, a series of problems, and as stated in his Agent's Report, the way those problems seem to be addressed is by constantly amending the application to eliminate the need for the issues that are causing the problems. Nevertheless, given all the factors considered, it would be extremely unfair to penalize the current property owners of the condominium to just stop the project. In consultation with the town attorney, the biggest issue that is outstanding at this point is one of the original stipulations of approval requiring reports to be submitted to the Commission every May on the stormwater and drainage system. Ten years of reports are missing. There are also reports due every April and October on the impact on the resource areas and reports due twice a month on the regular inspection reports on erosion control, etc. The bi-monthly reports are a little behind, but not significantly. The last report due in October was submitted.

Mr. Fantasia stated this changed hands about 1 ½ years ago. The issue they have been having is there has been neglect. He will take responsibility for the report for the previous May; that report should have been filed. It was not; it is his fault. The report has now been done. There were a number of issues indicated in the report and in his renewal letter; they will perform everything indicated in the report. Then, on May 1, they will file a new report.

Commission members discussed the required reports.

Mr. Russell stated that his further recommendation to the Commission is that he feels that it is basically impossible to go backwards to generate those missing reports. Nevertheless, a problem is going to come up for the applicant and the people who live there in that when the COC is requested, he would have to recommend against it because now there will still be missing reports. Therefore, he recommended the Commission do the following which he has checked with the town attorney who agrees. The extension is granted for the one-year time frame, and that is the last one that can be granted under the local by-law, on the condition that either the missing reports under stipulation #88 are filed, or an amendment to the Order of Conditions to delete stipulation #88 going backwards is submitted by March 20, 2018. If not submitted, the Commission take action under section 181-8 E of the local by-law to rescind the NOI approval. His main goal is to not punish the people who have invested living in those condominiums.

Commission members and Mr. Russell discussed the issue of precedent and possible title issues for the owners if this were not done.

Mr. Fantasia stated he agrees with Mr. Russell's recommendation as the best way forward. He stated that it is not the condominium owners fault that the prior owner did not do what he was supposed to do. He will do whatever the Commission would like him to do.

Mr. Russell summarized that if the Commission decides to grant the extension, he recommends the condition of either the submission of the missing reports or the submission of an amendment to address the missing reports by March 30, 2018.

Commission members discussed the issue and the situation of the homeowners. They discussed giving an extension with the stipulation that by March 20, 2018, the applicant would need to file an amendment to the Orders to address stipulation #88.

There was a motion made by Paul Harrington to approve the extension for Franklin Heights for one year with the condition that an amendment be filed by March 20, 2018 to address stipulation #88. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Chairman Batchelor re-entered the meeting.

Violation: 7 Briarwood

Mr. Russell stated that the Commission members' have a series of letters in their packets concerning the current problem. There is a request from his office for the applicant to comply with stipulation #23 of the Orders of Conditions which is that every April and October a report must be submitted outlining the impact on the resource area. Despite requests from his office, these reports have not been submitted. In addition, the photographs show that the applicant has erected a structure on the site that looks like an open storage structure. From the lack of response to the letters from Mr. Russell's office, he recommended the Commission issue an enforcement order to ensure compliance with stipulation #23; if the reports are not forthcoming by March 20, 2018, fines be issued.

Chairman Batchelor noted that the applicant was not present at the meeting, the applicant was aware that this item was on tonight's agenda, and from the history of this issue he sees no recourse than to approve Mr. Russell's recommendation.

Committee members noted that the Commission has been more than willing to work with the applicant over the years. They discussed the history of this issue.

There was a motion made by Jeffrey Milne for stipulation #23 enforcement for 7 Briarwood to be completed by March 20, 2018. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

Violation: 6 Domenica

Mr. Russell stated this item was placed on the agenda in error; no action is necessary.

Discussion: Girl Scout Project on Oriental Bittersweet

Ms. Sonja Griffin-Hazlett, Girl Scout, addressed the Commission and provided an overview of her project to remove invasive plants, oriental bittersweet, at DelCorte.

Commission members expressed their excitement for this wonderful project.

Mr. Russell stated that the Commission has dealt with many Boy Scout projects, but this is the first Girl Scout project they have had in four years. In addition, he stated he would be generating a letter to Ms.

Griffin-Hazlett. He noted that the work she wants to do in the DelCarte area is fine. But, any of the other areas in town that are mentioned in her proposal, such as Beaver Pond, must be dealt with by the bodies that have jurisdiction for those areas. He asked that when she is going to DelCarte to do the work, to please notify his office in advance; just send an email with the date and time so his office is aware.

Ms. Griffin-Hazlett stated that she only intends to do a cleanup at DelCarte and plans to do the work sometime between March and April.

Commission members discussed and asked Ms. Griffin-Hazlett questions about the project. Members agreed they would like to see the project bannered on the Commission's website. They requested a few photographs when the work is being done.

Mr. Russell stated he could put it on the social media site and requested Ms. Griffin-Hazlett's contact information for her project.

Minutes:

Chairman Batchelor noted that on the second page, under the public hearing for Camp Haiastan, 2nd paragraph, 2nd sentence, after the word "received," add "... and reviewed".... In the 4th paragraph, change Mr. Harrington to Mr. Russell.

There was a motion made by Paul Harrington to approve the meeting minutes for February 1, 2018, as amended. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-1. (Ms. Gelineau abstained.)

Discussion: Education and Outreach

Mr. Russell stated that his office, in conjunction with the Vice Chair, has started to develop some educational snippets that they hope to put on the webpage and pass out to anyone who has one of the issues that are being addressed. The first two are in the Commission members' packets. Please let him know if there are any comments, concerns, or changes. These have been developed, reviewed, and proofed, and are the first in what they hope will be four or five. They will do one on vernal pools and hope to do one on tree cutting. He wants to keep the Commission in the loop of what is being done. He acknowledged, on the record, that the issue of the one on vegetative debris was borrowed very heavily from one that was developed by the Commission Agent in Ipswich, and she allowed that. He stated that attribution was given.

Commission Comments

Ms. Henrichon stated that regarding the information pieces, since the town has switched to Google for its email, is it possible to use Team Drive so all members can look at the documents, edit, and talk to each other on this?

Mr. Russell stated that as they are developed he can send all documents via email. He stated he will see how to gain access to their shared drive.

Commission members discussed the town's shared drive and the shared drive in Google.

Mr. Russell stated that he will see what he can do about getting that capability.

Ms. Henrichon stated that she had sent some comments about the minutes to Ms. Celorier and asked if they had gotten incorporated.

Mr. Russell stated yes.

Mr. Milne asked about the photographs and the documentation on the parcels in the packets.

Mr. Russell explained that the photographs get added to the documentation.

Signed Amended Orders of Conditions & Extension Permit

Amended Orders of Conditions – 2 Maria Circle – Giancioppo – CE159-1127

Amended Orders of Conditions – The Key – 1312-1342 West Central St. – CE159-1091

Extension Permit – Franklin Heights – North Berwick Nominee Trust – SE159-911

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Tara Henrichon and accepted with a vote of 5-0-0.

The meeting adjourned at 7:55 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary