

**Franklin Conservation Commission
Minutes of Meeting
January 3, 2019**

To: Town Clerk
cc: Members
File

Members Present: Bill Batchelor, Paul Harrington, Jeff Livingstone, Angela Gelineau, Jeffrey Milne, Staci Dooney, George Russell, Conservation Agent .
Members Not Present: Tara Henrichon.

Chairman Batchelor announced the meeting would be audio and video recorded. He reviewed how the Commission operates. He stated that Mr. Russell, Conservation Agent, makes recommendations to the Commission based on law; the Commission interprets the law and the needs of the individual. Therefore, it is the Commission's responsibility to come to a decision, not Mr. Russell's decision; he is here in an advisory technical capacity.

Mr. George Russell's Agent's Report and Supplemental Agent's Report have been appended to the minutes.

Public Hearing – NOI – Spring Street Renewables – Andrews Surveying
Mr. Milne recused himself.

Mr. Russell stated his office questioned some of the technicalities in the filing, one being the submitted Purchase and Sale agreement that would allow the current applicant to file vis-à-vis the owners. Part of that P&S agreement specifically indicates the applicant can file for Planning Board permits but does not have the authority to file for Conservation Commission permits. He stated he checked with the Town Attorney and he advised that the P&S agreement needs to be amended to allow them to go for Conservation Commission permits before this body should take any action. Mr. Russell confirmed this has been communicated to the applicant. Therefore, he recommended that first the Commission authorize peer review due to the size and scope and that DEP has come out with new guidelines on solar farms, and second the Commission continue the hearing to the next meeting.

Chairman Batchelor stated that due to the above information, testimony will not be taken tonight.

There was a motion made by Angela Gelineau to authorize peer review for Spring Street Renewables. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for Spring Street Renewables to January 17, 2019 at 7:10 PM. The motion was seconded by Paul Harrington and accepted with a vote of 4-0-0.

Mr. Milne re-entered the meeting.

Public Hearing – NOI – 27 Forge Parkway – Guerriere & Halnon

Mr. Russell stated that he did have the NOI number. He recommended peer review as this is quite an extensive wetlands delineation; it should have a third eye look at it because some of the issues get very tight. If the line were off by just a few feet, it could change some things.

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. confirmed the recommendation of peer review has been communicated to her and the applicant. She stated that tonight she was only going to give background of the project and what they were proposing to do.

Mr. Livingstone entered the meeting at 7:07 PM.

Chairman Batchelor stated he would prefer the applicant and/or the public not give testimony as BETA has not yet provided their report.

Mr. Russell clarified that if anyone in the audience wished to testify, they should be given the opportunity, but understand that the hearing will be continued.

Chairman Batchelor confirmed there was no one in the audience for Forge Parkway.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 27 Forge Parkway to January 17, 2019 at 7:15 PM. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-1. (Mr. Livingstone abstained.)

GENERAL BUSINESS

Certificate of Compliance: Lot 3 Marine Way

Mr. Russell stated all is ready for the release. He confirmed he was okay with where the wall ended up being located.

There was a motion made by Jeffrey Milne to release the Certificate of Compliance for Lot 3 Marine Way. The motion was seconded by Jeff Livingstone and accepted with a vote of 6-0-0.

Certificate of Compliance: Camp Haiastan, 722 Summer Street

Mr. Russell stated all is ready for the release.

There was a motion made by Jeffrey Milne to release the Certificate of Compliance for Camp Haiastan, 722 Summer Street. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

Public Hearing – NOI – Eversource, 9-Mile ROW – Geotechnical Boring Program

Mr. Russell stated that the technical concerns he had have been addressed. Taking testimony will be the Chairman's call; there is not yet an NOI number. He stated that comments have been received from MA Fish and Wildlife; basically, they had no comments on the application.

Chairman Batchelor confirmed this hearing will be continued as there is no NOI number. He asked Mr. Russell and the applicant's representative if they expect anything to change.

Mr. Russell and Mr. Klinch, the applicant's representative, both stated they did not expect anything to change.

Mr. David Klinch, Epsilon Associates, Inc., on behalf of the applicant, addressed the Commission for the permit for soil testing for new poles within the Town from Bellingham across Franklin and into Medway. He stated that this is a precursor phase to a larger project which will come before the Commission sometime next year and will involve adding an additional set of transmission towers to the existing right-of-way. He discussed the project to make the transmission lines more secure and more resilient to storms. He stated it will involve installing another set of towers very close to each of the current towers all along the right-of-way. It goes through six towns. Franklin has the longest segment. He reviewed the mix of geology and the requirements and procedure for installing the tower foundations. There will be a geotechnical boring for every tower that will be put in; sometimes they go to 30 ft. They rarely take more than a few hours to install. Eversource would like to do this in frozen ground conditions to create the least amount of ground disturbance and have the least impact. He explained that there is a fairly well-maintained road network. However, driving along these roads with a drill rig that is 50 ft. to 100 ft. or more off the road area can create disturbance especially when the ground is soft. He reviewed that they will use timber mats when doing the boring. He reviewed that the areas will need to be restored following this work. He expects that it may be about two weeks' worth of work. Two borings are within wetlands. He noted the borings in Franklin are the first stage of the substantially larger project. He is not sure when he will be back to file for the full project; it might be late summer or fall/winter for the construction of this project. It will likely begin in 2020. Besides the Conservation Commission, they will need approvals from the Department of Public Utilities, a permit from the Corps of Engineers, as well as other approvals. He noted they have completed turtle surveys and tagged some turtles with transmitters in order to track them. In response to Commission members' questions, he stated there is not a deadline to complete the entire project. He stated the goal is to have it in operation in the 2021 timeframe. He reviewed how the poles will look. He noted that there are other activities that go on in the right-of-ways such as maintenance cutting. He confirmed that nothing has started yet with this project.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for Eversource, 9-Mile ROW – Geotechnical Boring Program to January 17, 2019 at 7:30 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

Public Hearing – Continued - NOI – 1111 Pond Street – Pruyn

Mr. Russell stated that he is still waiting for the final peer review to come in on this project. They have had preliminary peer review. The applicant has resubmitted plans and documentation to BETA and WSI. He recommended the hearing be continued.

Chairman Batchelor stated that because no reports were in, he would caution against testimony.

Mr. Paul DeSimone, the owner's representative, agreed.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 1111 Pond Street to January 17, 2019 at 7:20 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 6-0-0.

Public Hearing – Continued - NOI – 725 Union Street – Holmgren Eng.

Mr. Russell stated that this should be continued again as final peer review has not been received.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for 725 Union Street to January 17, 2019 at 7:25 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

Public Hearing – Continued - NOI – Spruce Pond – Solitude Mgmt.

Mr. Dominic Meringolo, environmental engineer with Solitude Lake Management, addressed the Commission. He stated the original program started in 2004. Unfortunately, the Order was allowed to lapse; we did not do any work on the pond this year. He stated that it is a very successful management program. Spruce Pond is a very shallow man-made pond. It has conditions that allow the growth of plants and algae without management. He reviewed the program used to manage some of the growth. He said it has worked well and they want to continue the project. He stated that there is a small area on the north side of the pond that is left as a no-management area; they let the lily pads and whatnot grow to maintain a wildlife habitat. But, they maintain the lower part of the bigger pond and all of the smaller pond. He stated that, so far, they have not seen any problems with oxygen. Keeping the growth down to a reasonable level allows the pond to oxygenate on its own. He explained the products they use are registered for use on lakes and ponds and do not pose any harm to the fish and environment. When they activate the herbicide, they post signs as required.

Mr. Russell noted that as part of this NOI there is a section in the application that calls out maintenance of the drainage structures. This is especially important for the one on King Street because about one month ago it was very clogged and the water was backing up significantly onto the subject parcel. The Town did some excavation of the vegetation that was blocking the drainage culvert and there was no downstream problem. He stated that he thinks it is good that they are going to do this maintenance because there is a lot of vegetative debris still in that channel that needs to be cleaned out.

Mr. Meringolo stated it will all be manually removed and taken care of.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for Spruce Pond Aquatic Management. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

There was a motion made by Jeffrey Milne to approve the NOI for Spruce Pond Aquatic Management with stipulations #23, 24, 27, 29 and 37. The motion was seconded by Angela Gelineau and accepted with a vote of 6-0-0.

GENERAL BUSINESS (continued)**Minor Buffer Zone Activity: 14 Garnet Drive**

Mr. Virat Saidha, homeowner, addressed the Commission for the removal of 12 trees, some of which are in danger of falling onto the house. He stated the 12 trees are probably 100 ft. tall or more. He provided an outline/map showing their locations. He stated that eight of the trees are located outside the 50 ft. buffer; four are between the 25 ft. and 50 ft. buffer zone. He provided photographs of the trees. He noted most all the branches have broken off. He thinks the trees are probably dead. One tree has already fallen. He stated that if the trees fell, they would cause significant damage to the home. The trees will be removed from the property.

Mr. Russell stated he inspected the property. He felt this was not within the purview of an administrative approval due to the number and location of the trees. He stated that there is a real possibility that should these fall in a particular direction, it would cause damage to the home. He stated he agrees with the homeowner that some of the trees are dead or dying; he could not make a judgment on the other trees.

Mr. Harrington asked if an arborist has been out to check the trees.

Mr. Saidha stated an arborist has not been out. However, he can snap off branches and many branches have already fallen. He stated some of the trees are shedding bark.

Chairman Batchelor stated that if they are shedding bark, it means they are dead or dying.

Ms. Gelineau confirmed this is for all 12 trees.

Chairman Batchelor stated he did not have a problem with this.

Mr. Russell stated he did not have a problem with this.

Commission members asked questions about the trees and their locations.

Mr. Saidha stated he did not know what kind of tree removal equipment would be used; he would be soliciting a tree removal company to take care of it. He was not planning to take out the stumps.

Mr. Russell stated it was good that he was not planning to take out the stumps.

There was a motion made by Staci Dooney to approve the MBZA for 14 Garnet Drive. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

Minutes: December 6, 2018

There was a motion made by Jeff Livingstone to accept the meeting minutes for December 6, 2018. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-1. (Chairman Batchelor abstained.)

Signed Orders of Conditions, Minor Buffer Zone Activity & Certificates of Compliance

Minor Buffer Zone Activity – 14 Garnet Drive – Saidha

Certificate of Compliance – Lot 3 Marine Way – Franklin Hills LLC – CE159-1113

Certificate of Compliance – Camp Haiastan – 722 Summer Street – CE159-1174

Orders of Conditions – Spuce Pond – Spruce Pond Village Association – CE159-1193

There was a motion made by Jeff Livingstone to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

The meeting adjourned at 7:45 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary