

Town of Franklin



Conservation Commission

**January 16, 2020
Meeting Minutes**

Chair Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Members in attendance: Paul Harrington, Jeffrey Milne, Staci Dooney, Alan Wallach, Braden Rosenberg. Members absent: Jeff Livingstone. Also present: Jen Delmore, Conservation Agent.

Commencement

Chair Batchelor announced the meeting would be audio and video recorded.

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

Public Hearing – Continued - NOI – 55 A Street Extension

Mr. Rick Goodreau, United Consultants, Inc., on behalf of the applicant, addressed the Commission for the construction of a two-family home with a driveway, municipal water and sewer service, and site grading within 100 ft. to an Isolated Vegetated Wetland. He noted that Daniel Lewis, applicant for the project from Canterbury Ventures, was in attendance. Mr. Goodreau reviewed the proposal for the house presented at the last meeting. Since hearing the comments from the Commission, plan revisions have been made including making the footprint of the house smaller and turning the house orientation to the west which eliminated any work within the 25 ft. no-touch buffer. Additionally, concerns with impervious within the 25 ft. to 50 ft. no-build buffer were addressed. They are still proposing a portion of the house within the 25 ft. to 50 ft. buffer, but those concerns are mitigated by proposing the driveway be placed in the 50 ft. to 100 ft. buffer. Berm was added on the driveway area closest to the wetlands which would direct the stormwater flow toward the street to be captured in the stormwater system. A roof recharge system was added to capture roof runoff.

Chair Batchelor discussed the outstanding issues from the last meeting. He noted that he and Ms. Delmore discussed the original proposed plans and determined the project should be re-engineered.

Ms. Delmore stated she and Mr. Goodreau discussed the new proposed plan. As requested by the Commission, all work has been eliminated from the 25 ft. no-touch zone. The driveway was moved out of the 50 ft. no-build zone. Although a portion of the house is in the 50 ft. no-build zone, a roof recharge system has been proposed to deal with the runoff so it will not go into the wetland.

Commission members discussed that approximately one-third of the house is still in the 50 ft. no-build zone.

Chair Batchelor stated this project has no legs if the applicant does not do what they are doing right now. This is the best solution for a bad situation. It is either accept it the way it is, or there is no project at all. He stated he has been coached by Town Counsel on such projects and the accommodations being made. He stated this project is not that bad especially with the recharge system. He stated the applicant is out of the no-touch zone and noted there have been projects in the past within the 50 ft. no-build zone.

Ms. Delmore discussed that a variance request and alternatives analyses have been submitted and precautions have been taken to protect the wetland.

Chair Batchelor stated he has been studying the federal and state laws for the 25 ft. no-touch and 50 ft. zones. He stated the federal and state make accommodations all the time. He thinks this is a situation where they can accommodate.

Mr. Harrington discussed his concerns and the precedent that the Commission may be setting.

Mr. Rosenberg discussed that in this circumstance, what is proposed is the best that could be done with this site.

Chair Batchelor stated he is not concerned as the Commission makes accommodations all the time. He noted that the Commission did not like the first proposal and requested the applicant re-engineer the project, which they did, admirably.

Commission members discussed the tight fit of the home within the project and asked why the house could not be shifted further to the right.

Mr. Goodreau stated the house is at the setback line for the zoning district.

There was a motion made by Braden Rosenberg to close the public hearing for the NOI for 55 A Street Extension. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-0.

There was a motion made by Alan Wallach to approve the NOI for 55 A Street Extension with special conditions #20, 21, 24, 27-30, 34, 41, 44 and 51. The motion was seconded by Staci Dooney and accepted with a vote of 5-1-0. (Mr. Harrington voted no.)

Public Hearing – Continued - NOI – 800 Washington Street

Ms. Delmore stated that at the last meeting, the Commission agreed to approve the project once a DEP file number was issued as long as the state had no comments or concerns. The DEP file number has been issued.

Chair Batchelor stated testimony was taken at the last meeting and the DEP file number was the only outstanding issue.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 800 Washington Street. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-0.

There was a motion made by Staci Dooney to approve the NOI for 800 Washington Street with special conditions #20, 21, 24, 27-30, 34, 41, 44 and 51. The motion was seconded by Jeffrey Milne and accepted with a vote of 6-0-0.

Public Hearing – Continued - ANRAD – Map 309 Parcel 18 Prospect Street

Ms. Delmore stated the applicant requested a continuance of the public hearing to January 30, 2020.

There was a motion made by Jeffrey Milne to continue the public hearing for the ANRAD for Map 309 Parcel 18 Prospect Street to January 30, 2020 at 7:00 PM. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activities: None.

Permit Modifications/Extensions: None.

Certificate of Compliance: 373 Summer Street

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc. addressed the Commission to close out the Order of Conditions. She stated that all the work has been completed.

Ms. Delmore stated that when she conducted the first site visit after the COC was filed, the ground was frozen, but there were piles of rather rocky debris material just outside the 25 ft. no-touch buffer on the right side of the driveway. There was evidence of silt from those piles migrating toward the wetland, but at the time, not past the 25 ft. no-touch zone. After discussion with Ms. Cavaliere, the applicant leveled off the pile and put straw erosion control on top.

Ms. Cavaliere stated the contractor made the effort to get this done right away and wanted to make sure the Commission was satisfied with keeping the resource areas protected.

Ms. Delmore stated she is satisfied with the area.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 373 Summer Street. The motion was seconded by Staci Dooney and accepted with a vote of 6-0-0.

Certificate of Compliance: 1199 West Central Street – Garelick Farms

Ms. Delmore stated she conducted a site visit and everything looked great. She noted the applicant had to file with the Commission as they were within 200 ft. of a perennial stream.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for 1199 West Central Street – Garelick Farms. The motion was seconded by Alan Wallach and accepted with a vote of 6-0-0.

Violations/Enforcement: None.

Minutes: December 19, 2019

There was a motion made by Staci Dooney to approve the meeting minutes for December 19, 2019. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-2. (Mr. Wallach and Mr. Rosenberg abstained.)

Discussion Item: Juniper Road Oil Spill

Ms. Delmore stated she provided the Commission members with the report that was submitted on the emergency response and follow-up actions. Monitoring wells will be installed to check the water downgradient of the release area; they have to wait for the results. She noted that the same access route used to take soil samples will be used to put in the wells. Re-seeding will be done in the spring. She noted she has had no calls from neighbors regarding this. She reviewed the emergency response to this spill.

Chair and Commission Comments: Chair Batchelor stated Earth Day is Wednesday, April 22, 2020. Commission members discussed holding events on Saturday, April 25, 2020. Ms. Dooney noted school students are on break until April 26; some student volunteers may be away. Commission members

discussed past Earth Day events at DelCorte. Chair Batchelor stated the Commission will solidify the date of their event at the next meeting.

Executive Session: None.

There was a motion made by Staci Dooney 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