Town of Franklin



Conservation Commission

**June 25, 2020  
Meeting Minutes**

***As stated on the agenda, due to the growing 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***.

Chair Bill Batchelor called the above-captioned meeting to order this date at 7:00 PM as a **Remote Access Virtual Zoom Meeting**. Members in attendance: Jeff Livingstone, Jeffrey Milne, Paul Harrington, Alan Wallach. Members absent: None. Also present: Jen Delmore, Conservation Agent; Kathleen Celorier, Administrative Assistant.

**Commencement**

Chair Batchelor announced this meeting will be conducted as a Remote Access Virtual Zoom Meeting. This meeting will be video recorded. He confirmed via roll call Conservation Commission members who were present.

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

**PUBLIC HEARINGS:**

**Public Hearing –** **NOI – 162 Grove Street**

Mr. Rick Goodreau of United Consultants, Inc. addressed the Commission for the construction of a building addition, entrance walkway, relocated driveway, parking lot expansion, two stormwater systems, and site grading and landscaping. He discussed the Site Plan, explained the existing conditions including the stormwater system, and pointed out the catch basins and manhole locations. He stated that Mr. Russ Waldron of AES delineated the wetland areas on the site. He noted that there is a stone trench to the northerly side of the existing building. All of the stormwater is directed to the existing detention area and then is discharged to the vegetated wetlands. He explained that they are revising the driveway entrance. The relocated driveway, proposed within the 25 ft. to 100 ft. buffer zone area, is within a previously disturbed area, but they will be replacing some grass. Additional utility provisions, a retaining wall to retain earth from the driveway, and a sidewalk along the south side of the building are proposed. He discussed the proposal to relocate some parking spaces to allow for pedestrian access into the building. He discussed the proposed stormwater system; they will be matching or decreasing rate and volume of existing runoff. They are scheduled to go before the Planning Board and have received BETA comments. He pointed out the proposed erosion control line around the limit of work; it will be 12 in. compost sock placed before any work commences. He noted a landscaping plan was provided. He stated the peer review report for stormwater was completed; however, they do not have the peer review report from BETA/WSI or the DEP number.

Ms. Delmore stated that the plans the Commission received seem to have some sections missing. However, Mr. Goodreau cleared up her questions during his overview. She requested that Mr. Goodreau send her the full plan package that was shared with the Commission at tonight’s meeting. She asked about the erosion control proposed near the wetland near Grove Street. Mr. Goodreau stated they are proposing to remove existing cape cod berm and install a new curb in that area and pave it for parking lot area. Ms. Delmore clarified that BETA had sent documents to the Planning Board, but the Conservation Commission has not received them yet. When the materials are received, she will send them to the Commission members. She recommended this public hearing be continued to July 16, 2020.

Commission members asked questions about the plan. Mr. Goodreau explained the 25 ft. and 50 ft. area is already asphalt. He said they are going to repaint the lines in the parking areas. These are existing parking spaces; this is not the creation of anything new.

There was no motion or second made to continue the public hearing for the NOI for 162 Grove Street to July 16, 2020 at 7:01 PM. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Public Hearing – ANRAD - 340 East Central Street**

Ms. Delmore stated the applicant requested a continuance to July 16, 2020.

There was no motion or second made to continue the public hearing for the ANRAD for 340 East Central Street to July 16, 2020 at 7:02 PM. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Public Hearing – Continued - NOI – 176-210 Grove Street**

Mr. Garrett Horsfall of Kelly Engineering Group, representing Marcus Partners, addressed the Commission for the construction of a 150,000 sq. ft. industrial building with associated parking, utilities, and stormwater management system. Parking will be in the front with the loading area in the rear. He discussed the plans and reviewed the existing site which contains two industrial buildings. He stated that when they were last before the Commission, they had not received the DEP number or DEP comments. He stated there are two wetlands resources on the site; portions of the work are within the 100 ft. buffer zones to a Bordering Vegetated Wetland (BVW) and an Isolated Vegetated Wetland (IVW). The portion of work within the 100 ft. buffer to the BVW is the construction of a new drain manhole to connect the existing drainage system to the proposed drainage system. A portion of the proposed parking lot is within the 50 ft. to 100 ft. buffer zone to the IVW with associated grading within the 25 ft. to 50 ft. buffer zone. He reviewed the existing site drainage. He discussed the proposed infiltration systems and water quality devices; the system as planned meets all DEP and Town requirements. He stated the project proposal was peer reviewed by Ms. Lenore White of WSI; her comment have been addressed. The proposed stormwater design has been reviewed by BETA and all comments have been addressed. He noted they have a few outstanding items with traffic and hours of operation with the Planning Board. They have provided a landscaping plan.

Ms. Delmore confirmed Mr. Horsfall’s overview. She stated that BETA has confirmed the stormwater revisions and BETA/WSI has confirmed the delineations. The DEP file number has been received. She had no further comments and recommended approval.

There was a motion made by Bill Batchelor to close the public hearing for the NOI for 176-210 Grove Street. There was no second made. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

There was a motion made by Bill Batchelor to approve the NOI for 176-210 Grove Street with special conditions #20, 21, 23, 24, 27-30, 34, 41, 44 and 51. There was no second made. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activity: 954 Pond Street**

Mr. Donald Newton and Ms. Christine Newton, property owners, addressed the Commission for the construction of an above-ground pool within an existing grassy backyard area. It is between the 100 ft. inner riparian zone and 200 ft. outer riparian zone to Mine Brook. It is outside the 100 ft. buffer zone to the Bordering Vegetated Wetlands.

Ms. Delmore stated she performed a site visit and has no issues; she recommended approval.

There was no motion or second made to approve the Minor Buffer Zone Activity for 954 Pond Street. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Minor Buffer Zone Activity: 198 Peck Street**

Ms. Robin Nelson and Mr. Dave Gallenski, applicants, addressed the Commission for the construction of a 224 sq. ft. porch on the front of the house, including a 3.5 ft. wide walkway to the driveway and minor regrading of the area right off the road. All disturbed areas will be loamed and seeded. The proposed deck is about 65 ft. from the wetland edge. Mr. Gallenski said erosion control will be used between the construction and the wetland in the back yard.

Ms. Delmore clarified that the erosion control should not be hay bales; it should be biodegradable. During her site visit, she stated that Ms. Nelson discussed that they planned to level-out the front yard. Ms. Delmore stated that she has no issue with that as long as erosion control is installed.

There was no motion or second made to approve the Minor Buffer Zone Activity for 198 Peck Street. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes**.**

**Minor Buffer Zone Activity: 201 Prospect Street**

Mr. Joseph Carmignani, homeowner, addressed the Commission for the construction of a 400 sq. ft. deck on the back of the house and a new fence around the existing in-ground pool. The new deck is about 74 ft. from the wetland edge and the closet point of the fence to the wetland is 34 ft. He noted there is currently a smaller 12 ft. x 12 ft. deck on the house which they are replacing with the proposed 43 ft. x 14 ft. deck.

Chair Batchelor stated there was yard waste near the wetland line. Mr. Carmignani stated that would be removed before any construction begins on the deck or fence project. He stated erosion control near the wood line was proposed, but he was not sure if it was needed for this project.

Ms. Delmore stated that she observed yard waste near the wetland line and within the 25 ft. buffer; it needs to be removed. If the applicant uses erosion control, it should be a filtermitt or silt sock, not hay bales. She recommended approval with the condition that the yard waste will be removed and the Conservation Agent will inspect prior to construction. She stated that she does not believe erosion control is needed on this project based on location.

Mr. Livingstone confirmed that sonotubes would be used for the deck. He does not believe erosion control would be needed as there will be minimal disturbance. He confirmed with the applicant that there will be no asphalt or concrete put under the deck as that would not allow the water to permeate. Mr. Carmignani stated that the area under the current deck is gravel and leaves; it is pre-disturbed area.

Mr. Harrington noted that if the applicant changes the plans or wants to put something under the deck, it would be a new MBZA, and the applicant would need to come back to the Commission.

There was no motion or second made to approve the Minor Buffer Zone Activity for 201 Prospect Street. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Minor Buffer Zone Activity: 7 Thomas Drive**

Ms. Jaleise Scafidi, property owner, addressed the Commission for the construction of an 24 ft. round above-ground pool within an existing grassy backyard area. It is about 80’ from the wetland edge to the left of the house and completely outside the 100’ buffer zone to the wetland at the rear of the lot. She noted the backyard is already enclosed with a fence.

Ms. Delmore stated she performed a site visit and has no issues; she recommended approval.

There was no motion or second made to approve the Minor Buffer Zone Activity for 7 Thomas Drive. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Permit Modifications/Extensions:** None.

**Certificate of Compliance: 300-340 East Central Street - CE159-1106**

Ms. Delmoe stated the work was never started; there were two orders opened for the same lot and none of the work started for either (see next agenda item). The applicant is requesting to close out the Certificate of Compliance as invalid. She recommended approving the Certificate of Compliance for an invalid Order of Conditions.

There was no motion or second made to issue the Certificate of Compliance stating invalid Order of Conditions for 300-340 East Central Street - CE159-1106. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Certificate of Compliance: 300-340 East Central Street - CE159-1107**

There was no motion or second made to issue the Certificate of Compliance stating invalid Order of Conditions for 300-340 East Central Street - CE159-1107. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Violations/Enforcement:** None.

**Minutes: May 28, 2020 and June 11, 2020**

There was no motion or second made to approve the meeting minutes for May 28, 2020. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

There was no motion or second made to approve the meeting minutes for June 11, 2020. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Discussion Items: Administrative Approvals**

Ms. Delmore stated there were two administrative approvals this month: 17 Echo Bridge Road, which was a cut and drop of one hazardous tree on the wetland edge, and 86 Populatic Street, which was a 50 sq. ft. deck within the 25 ft. to 50 ft. buffer, onto the deck that was already there. She requested that the Commission ratify these two administrative approvals.

There was no motion or second made to ratify the administrative approvals for 17 Echo Bridge Road and 86 Populatic Street. A roll call vote of 5-0-0 was taken. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

**Chair and Commission Comments:** None.

**Executive Session:** None.

There was a motion made by Jeffrey Milne to adjourn the Remote Access Virtual Zoom Meeting. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes.

The Remote Access Virtual Zoom Meeting adjourned at 8:13 PM.

Respectfully submitted,

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Judith Lizardi

Recording Secretary