

Town of Franklin



Conservation Commission

**July 30, 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, Patrick Gallagher. Members absent: None. Also present: Bryan Taberner, Director of Planning and Community Development.

**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 – Continued - 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 stated this is the third public hearing for this NOI. As of the last meeting, they were waiting for a DEP file number. He thanked Ms. Delmore for facilitating this file number which was received today. He stated there were four comments from DEP which he reviewed. Comment #1 regarded water elevation and evidence that the existing stormwater basin holds the stormwater; DEP asked them to confirm the basin is working as designed. He discussed the existing conditions and existing stormwater system on the site. He reviewed the proposed plan and said there are no changes being made to the existing detention pond. He compared what is going into the existing detention pond for both pre-development and post-development conditions. He stated that there is a reduction in rate and volume of stormwater entering into the basin. He is not sure what additional information the DEP is requesting. He noted that the pond has held water; he has seen it both dry and wet. They feel the pond is functioning well as water is entering and exiting the pond. Comment #2 suggests the stormwater report should describe how the storage volumes for infiltration ponds 10 and 11 were calculated. He reviewed his report and discussed that the State's stormwater standards were

provided for regarding the methods they use for calculation. He summarized that there were both A and B soils on the site. They identified the impervious surface amounts and prepared the calculations accordingly for the total storage volumes, which came to 300 percent of what was required. He reviewed the method for generation of all the calculations. Comment #3 states the applicant should show the inlet and outlet invert for the infiltration ponds on the Site Plans and detailed drawings and confirm that these inverts are consistent with the plans, detailed drawings, and those used in the hydrology calculations. He stated that has been done. He looked at the elevations for ponds 10 and 11; there is a detail of ponds 10 and 11 on sheet 7 or 8 of the detail sheets. He stated he reviewed the grading and utility plan, and the detail plan, and cross-referenced those to the hydrology calculations; everything seems to be in line. He does not know what was causing DEP's confusion. Comment #4 questioned if upgrades to the septic system will be required. He stated that they have provided for the use of the building and no septic system upgrades will be needed. He stated they have provided the information that DEP has requested.

Mr. Taberner stated he had some concern regarding DEP's Comment #1 suggesting that maintenance and or retrofit of the existing basin should be proposed as part of the NOI if the basin is not functioning properly. He questioned if it is found out later that the basin is not functioning properly, even at the completion of the project, would it be too late for the Commission to do anything about it. Mr. Goodreau stated he thinks the challenge is to evaluate the functionality of the detention basin that was designed around 1985. To properly do that, they would need the 1985 design. Then, they could evaluate how it is functioning 35 years later. In the absence of having that, it is difficult from an engineering evaluation how the pond is functioning. He can tell that currently through field inspections that the pond is functioning. He noted it has also been peer-reviewed and no issues or concerns were noted. He reiterated that they are proposing a decrease in rate and volume of runoff. He noted they have provided a detailed erosion control plan. He thinks the project as a whole is making a significant improvement to the stormwater system.

Chair Batchelor asked if Mr. Goodreau would accept the DEP recommendations being put in as conditions. Mr. Goodreau stated they could be put in the conditions.

Mr. Taberner stated he did not have too much concern with anything other than comment #1. He noted that before certification of project completion, everything must be working properly. Therefore, before the Commission certifies it as done, they can ask the applicant to look at the basin again. However, there is nothing wrong with putting the DEP suggestions in as conditions.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 162 Grove Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes; Gallagher-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for 162 Grove Street with special conditions 20, 21, 23, 24, 27-30, 34, 41, 44 and 51, and including the acceptance of the four recommendations as outlined by the DEP. The motion was seconded by Alan Wallach and

accepted with a roll call vote of 5-0-1. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes; Gallagher-Abstain.

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

Mr. Scott Goddard, wetlands consultant of Goddard Consulting, representing the owner/applicant Mr. Joe Halligan, addressed the Commission for the confirmation of a Bordering Vegetated Wetland (BVW) and requested confirmation of BVW flags GC1-34, 600 linear feet. He screen-shared the plans and provided an overview of the subject parcel. He stated he, Ms. Lenore White, and staff reviewed all the wetland resource areas on the stie. There were a few modifications to the BVW line made by Ms. White which they agreed to. At a second site walk, stormwater features behind the garage area were discussed. He reviewed the discharge area and pipe and the flow of the water. Two stormwater features were agreed to in the field and labelled on the plan accordingly as bylaw-only resources areas. He believes the plan is now acceptable to all parties.

Mr. Taberner confirmed the final plan has been submitted. He stated that as mentioned the peer consultants are happy with the flagging and believe the plans are accurate. He stated the Conservation Agent, Ms. Delmore, recommended approval of Existing Conditions plan dated July 16, 2020 and signed July 23, 2020.

There was a motion made by Jeff Livingstone to close the public hearing for the ANRAD for 340 East Central Street. The motion was seconded by Jeff Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes; Gallagher-Yes.

There was a motion made by Paul Harrington to approve the ANRAD for 340 East Central Street. The motion was seconded by Alan Wallach and accepted with a roll call vote of 5-0-1. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes; Gallagher-Abstain.

### **GENERAL BUSINESS**

**Minor Buffer Zone Activities:** None.

### **Permit Modifications/Extensions: 0 Pond Street (Brookview) DEP #CE159-1147 Permit Modification**

Mr. Nathan Mahonen of Bohler Engineering, and Mr. Tom Betts, applicant, addressed the Commission for a project that was approved on February 23, 2017, and was granted a one-year extension in February 2020, involving construction of 96 multi-family residential units and associated site improvements including an access road, driveways, utilities, stormwater infrastructure, landscaping, lighting, etc. Part of the approved project includes a gravel parking area near the trail that wraps around the property for recreational use. Mr. Mahonen screen-shared the plans. He stated this is a permit modification request for the existing 4,550 sq. ft. of gravel parking lot which has been constructed of which 2,500 sq. ft. is within the buffer zone to the wetlands, specifically within the 50' to 100' buffer zone. This area is not within the Riverfront Area on site. They are asking for approval to pave that gravel parking area for the

residents. To mitigate for the impervious surface, they are proposing a stormwater infiltration basin with a 10' wide riprap spillway and a stone filter strip west of the parking lot to deal with stormwater runoff. The new basin has been designed within DEP standards. He noted the limits of work are all within the limits on the original permit.

Mr. Taberner stated they are waiting for comments from Town Engineer Michael Maglio regarding the modification. He stated the Conservation Agent recommended continuing the hearing until the Town Engineer issues his comments.

There was a motion made by Alan Wallach to continue the 0 Pond Street (Brookview) DEP #CE159-1147 Permit Modification to August 13, 2020. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 6-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes; Gallagher-Yes.

**Certificates of Compliance:** None.

**Violations/Enforcement:** None.

**Minutes:** None.

**Discussion Items:** None.

**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 6-0-0. Roll Call Vote: Batchelor-Yes; Milne-Yes; Harrington-Yes; Wallach-Yes; Livingstone-Yes; Gallagher-Yes.

The Remote Access Virtual Zoom Meeting adjourned at 8:00 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary