

Town of Franklin



Conservation Commission

**August 27, 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.

Vice Chair Jeffrey Milne called the above-captioned meeting to order this date at 7:00 PM as a **Remote Access Virtual Zoom Meeting**. Members in attendance: Jeffrey Milne, Paul Harrington, Jeff Livingstone, Alan Wallach, Patrick Gallagher. Members absent: Bill Batchelor. Also present: Jen Delmore, Conservation Agent.

Commencement

Vice Chair Milne announced this meeting will be conducted as a Remote Access Virtual Zoom Meeting. This meeting will be video recorded.

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

PUBLIC HEARINGS:

Public Hearing – Continued - NOI – 469 Maple Street – Maple Hill Subdivision – To Be Continued

Ms. Jen Delmore stated the applicant requested a continuance to the September 17, 2020, meeting.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 469 Maple Street, Maple Hill Subdivision, to September 17, 2020, at 7:00 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 4-0-1. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes, Gallagher-Abstain.

Public Hearing – NOI – 340 East Central Street

Mr. Mark Arnold of Goddard Consulting addressed the Commission for the construction of a residential condominium building and a retail building with associated parking lot, stormwater structures and grading within the 100' buffer zone to a Bordering Vegetated Wetland, and within Town bylaw jurisdictional isolated wetland and drainage ditch. Ms. Delmore read aloud the advertisement for this initial public hearing. Mr. Arnold showed and reviewed the plans and drawings provided in the Commission's meeting packet. He stated that it is an existing commercial property with an existing large parking lot in the front. He summarized that the resource areas were confirmed through an ORAD issued by the Franklin Conservation Commission on July 30, 2020. He reviewed the general existing conditions on the property. He discussed the unmapped easement to the drain line and the proposal to relocate it. There is 489 sq. ft. of impact proposed to the drainage ditch with no replacement, and 2,024 sq. ft. of impact to the isolated wetland with 4,100 sq. ft. of replacement proposed. Currently, untreated stormwater and sediment from across Route 140 flows into the drainage ditch and isolated wetland through a culvert in poor condition; therefore, there is bare soil and trash in the isolated wetland. Construction of Building D, a commercial/retail building, and parking where the isolated wetland and drainage ditch are currently located is proposed. To mitigate this, a constructed wetland to the south of Building D by building a 1' to 2' high berm around the area is proposed. He noted BETA's letter issued to the Planning Board on August 20,

2020, which confirmed stormwater compliance. He stated that there are several stormwater outfalls. He reviewed the stormwater system including the location of the infiltration systems; there is no increase in volume discharge from the site. He discussed the pervious grass surface system in the back of the building to be used for a fire access lane and a small section of pervious pavers to allow for access along the edge of the building. There is a small impervious section for parking lot/electric charging station pad within the 50' buffer. He reviewed the proposed mitigation efforts.

Ms. Delmore stated that Mr. Arnold's presentation cleared up questions that both she and peer reviewer Ms. Lenore White of WSI had. She stated she thinks the improvement of treating the stormwater is good. She recommended continuing the public hearing to allow the applicant to respond to all Ms. White's concerns. She noted that when she was on site there was much sediment and trash in the isolated wetland; the project is very good to clean that up.

Mr. Livingstone stated he understands the plans are trying to keep the functions and characteristics of the isolated wetland which he thinks that is great. He stated that in the past, for non-commercial developments trying to convert areas of BWV or wetlands into extensions of the property, the Commission has done trade off by extending other parts of it next to wetlands and left them alone to grow. He asked if there is any advantage to having the applicant come forward with plans such as keeping the wetlands isolated versus just trying to extend existing wetlands. Ms. Delmore said she would like to hear more about this from the applicant as this is something to consider. Mr. Livingstone stated he understands trying to redirect the water. However, does the applicant have to go through all the trouble of recreating an isolated wetland? Mr. Arnold reviewed that it is a question of access; he reviewed the potential replication area for the BVW. He noted a decision would be needed regarding the red maple trees. He asked what the Commission would like the applicant to do. He stated they were trying to avoid tree clearing and this is their proposal. Mr. Gallagher said that what is being proposed seemed like a significant improvement. He asked if there is any concern how close Building D would be to the wetland. Ms. Delmore stated she is not concerned as there is not much of a difference from what is currently there in terms of impervious to an existing building. Mr. Wallach confirmed the applicant received the memo from WSI dated August 24, 2020. Ms. Delmore stated the applicant has not had time to respond to that memo. She asked Mr. Arnold to note the revision of the tree line in his response letter and on the revised plans. Mr. Arnold reviewed the proposed location of erosion control and said the plans will reflect that. He stated he will be responding to the WSI memo. Ms. Delmore said it makes sense to not follow the State's regulations to the T on this one; it makes sense what the applicant has proposed as it is a good replication. They should not treat it as they were replacing a BWV. Ms. Delmore confirmed they are still waiting for the DEP number; she recommended continuing the public hearing.

There was a motion made by Alan Wallach to continue the public hearing for the NOI for 340 East Central Street to September 17, 2020, at 7:01 PM. The motion was seconded by Paul Harrington and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes, Gallagher-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: 201 Prospect Street - Patio

Mr. Joseph Carmignani, homeowner, addressed the Commission for the installation of a 692 sq. ft. concrete patio under the previously approved deck and in between the deck and the existing pool. This area is currently patio blocks, gravel/bare dirt, and grass. He noted that the previously approved fence project will not start until October.

Ms. Delmore stated that this project is over 50' from the wetland. She performed a site visit in June after the applicant removed the waste/debris which he was asked to do when he previously appeared before the Commission for the deck. She recommended approval.

There was a motion made by Paul Harrington to approve the MBZA for 201 Prospect Street for the patio. The motion was seconded by Alan Wallach and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes, Gallagher-Yes.

Permit Modifications/Extensions: Emergency Certification – Beech Street Culvert

Ms. Delmore stated the Town is the applicant. She stated that she issued an Emergency Certification on August 25, 2020, for breaching a beaver dam that is compromising the culvert and roadway on Beech Street. She stated that Mr. Carlos Rebelo, Franklin DPW, along with Ms. Cathleen Liberty, Health Director, applied for the Emergency Certification. The dam will be breached in a manner to not cause downstream flooding and a permit for trapping the beaver was issued by the BOH. She recommended approval of the Emergency Certification.

The Emergency Certification for Beech Street Culvert was accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes, Gallagher-Yes. No Motion or Second was provided.

Certificates of Compliance: None.

Violations/Enforcement: None.

Minutes: August 13, 2020

The Meeting Minutes for August 13, 2020, were accepted with a roll call vote of 4-0-1. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Abstain, Gallagher-Yes. No Motion or Second was provided.

Discussion Items: Local Filing Fees

Ms. Delmore provided a follow up to the Commission's concern at the last meeting about regularly reviewing local filing fees. She stated that local filing fees are determined and voted on by the Town Council; therefore, any changes to the fees would need to be put on the Town Council's agenda and voted on. She stated that Mr. Bryan Taberner noted that Town Administrator Jamie Hellen also has interest in reviewing the fees every couple of years. Commission members asked questions and discussed the timing to review local filing fees. She noted an upcoming short presentation by the Conservation Department to Town Council at their September 16, 2020, meeting on various items such as bylaws and State regulations, big projects, and different types of filings in the last year.

Chair and Commission Comments: None.

Executive Session: None.

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

The Remote Access Virtual Zoom Meeting adjourned at 7:57 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary