

Town of Franklin



Conservation Commission

**December 10, 2020
Meeting Minutes**

As stated on the agenda, due to the 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 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, Jeff Livingstone, Paul Harrington, Alan Wallach, Patrick Gallagher. Members absent: Bill Batchelor. Also present: Jen Delmore, Conservation Agent.

Commencement

Vice Chair Milne announced this meeting will be video recorded.

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

PUBLIC HEARINGS

Public Hearing – Continued - ANRAD - 515 West Central Street

Ms. Nicole Hayes of Goddard Consulting, on behalf of the applicant, addressed the Commission for the confirmation of 600 linear ft. of Bordering Vegetated Wetlands. She reviewed the current resources on site. She stated that the site was flagged. Peer review looked at the site, and there were a few questions about a few flags. A second site visit was conducted; it was determined that all flags were correct.

Ms. Delmore agreed with Ms. Hayes's summary. She recommended approval of the ANRAD.

There was a motion made by Jeff Livingstone to close the public hearing for the ANRAD for 515 West Central Street. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

There was a motion made by Alan Wallach to approve the ANRAD for 515 West Central Street. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

Public Hearing – Continued - NOI – Lot 34 Mastro Drive

Ms. Delmore stated that the applicant requested a continuance to the January 7, 2021 meeting.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for Lot 34 Mastro Drive to January 7, 2021, at 7:00 PM. The motion was seconded by Patrick Gallagher 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 Activity: 181 Conlyn Avenue

Ms. Delmore stated the applicant is not present at the meeting. She reviewed that the applicant is requesting permission to remove four hazardous trees and install a fence around a portion of the back yard. The applicant proposes to grind the stumps but leave the root systems. She stated that she performed a site visit on November 17, 2020, and determined the wetland to be closer than it appears on the map. Two trees are about 10' from the wetland edge, one is 25' away, and one is about 35' away. The closest point of the proposed fence is about 20' from the wetland edge. The lawn essentially goes right to the edge of the wetland with the yard sloping gradually down toward the wetland; the trees are within the lawn area. She recommended approval for the hazardous trees. She requested that the applicant move the fence approximately 5' back from the wetland edge.

Conservation Commission members asked questions. Ms. Delmore agreed with the recommendation that a tree be planted for each of the four trees removed. Mr. Livingstone recommended continuing this item to the next meeting for the applicant to be present.

There was a motion made by Alan Wallach to continue the Minor Buffer Zone Activity for 181 Conlyn Avenue to January 7, 2021. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

Minor Buffer Zone Activity: 73 Jefferson Road

Ms. Karon Skinner Catrone, representing the applicants Peter and Jacqueline Scaccia, addressed the Commission to install an 18' x 36' in-ground pool and patio within 100' to a Bordering Vegetated Wetland associated with an intermittent stream. The work will be outside the 50' buffer zone. The total disturbance is 765 sq. ft., and erosion control is proposed between the activity and the resource area; no tree removal is proposed.

Ms. Delmore stated she performed a site visit on December 3, 2020. She stated that she sees no issues with the flagging or the project; she recommended approval.

There was a motion made by Jeff Livingstone to approve the Minor Buffer Zone Activity for 73 Jefferson Road. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

Minor Buffer Zone Activity: 186 Grove Street

Mr. Timothy Power, engineer representing the applicant No Shoes on Grove LLC, addressed the Commission to expand the parking lot of a commercial building by 450 sq. ft.; only 300 sq. ft. of the activity is within the 200' outer riparian zone to a perennial stream off site but not within the 100' Bordering Vegetated Wetlands buffer. The proposal includes new parking spaces and a dumpster pad. The area is currently landscaped lawn, and erosion control is proposed.

Ms. Delmore stated that she performed a site visit on December 3, 2020. She recommended approval with the condition that the erosion control must not be hay bales with silt fence as detailed on the plan. She stated that hay bales contribute to the spread of non-native seed; biodegradable erosion control is required per Town regulation. Mr. Power confirmed he had no problem with the condition requiring biodegradable erosion control.

There was a motion made by Alan Wallach to approve the Minor Buffer Zone Activity for 186 Grove Street, with the condition that the erosion control cannot be hay bales or silt fence and that it must be biodegradable erosion control. The motion was seconded by Patrick Gallagher 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: Beaver Dam, Partridge Street, Town owned land 220-056-000-000 (adjacent to 62 Partridge St)

Ms. Delmore stated that she issued an emergency permit last week for a beaver dam breach. The dam was compromising the integrity of the culvert and roadway and therefore a threat to public safety. The application was submitted by Mr. Carlos Rebelo, DPW, and Ms. Cathleen Liberty, BOH, on December 2, 2020. She recommended ratification of the Emergency Certification. She confirmed that the beavers will be trapped, and the dam will be breached to get the water moving downstream. She noted that the state does not allow trap and release of beavers.

There was NO motion or second made. A roll call vote of 5-0-0 was taken. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

Certificate of Compliance: 674 Pleasant Street (CE159-1104)

Mr. James Thornhill addressed the Commission for a certificate of compliance. This project was for the construction of a house and associated amenities such as the septic and driveway within the outer riparian zone to Miller Brook. It also covered relocation of stockpiled materials such as wood, ladders, trailers, etc., out of the immediate buffer zones to the wetland and stream.

Ms. Delmore stated that she performed three site visits: October 29, 2020, November 11, 2020, and December 3, 2020. At this time, all items have been removed, and the project is in compliance. She recommended approval of the complete Certificate of Compliance.

There was a motion made by Alan Wallach to approve the complete Certificate of Compliance for 674 Pleasant Street (CE159-1104). The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

Citizen Comments

Mr. Rick Ciccone, 185 Chestnut Street, indicated he had a question on the beaver emergency certification but could not access the Zoom meeting quickly enough due to an audio breakdown. He asked if these are the beavers on Rt. 140 near Garelick. Ms. Delmore stated that the beaver dam at 919 West Central Street was breached yesterday. The emergency certification on tonight's agenda is for a different location; she reviewed the location of the beaver dam discussed at this meeting. Mr. Ciccone stated that he is sad that the beavers cannot be moved and that they have to be eradicated. Regarding another agenda item, he stated that it troubles him that the Commission even considers to go within the 25' no-touch zone; the wetlands should be more respected than that. Vice Chair Milne stated that the agenda item Mr. Ciccone is referring to was continued to the January 7, 2021 meeting. Mr. Livingstone stated there is a balance between the mission of the Conservation Commission and public safety.

Violations/Enforcement: None.

Minutes: November 12, 2020, and November 19, 2020

Ms. Delmore recommended approval of both sets of meeting minutes.

There was a motion made by Jeff Livingstone to approve the meeting minutes for November 12, 2020. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

There was a motion made by Patrick Gallagher to approve the meeting minutes for November 19, 2020. 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-Abstain; Gallagher-Yes.

Discussion Items: Administrative Approvals

Ms. Delmore reviewed two administrative approvals. The approval for 40 Palomino Drive was for the removal of two hazardous trees leaning over the house and play area. They are both about 25' from the wetland edge. The trees will be removed in sections and disposed of off-site; the stumps will remain. A shed located on the wetland line from a previous owner will be moved outside the 25' buffer zone. The approval for 10 Clara Louise Drive was for the removal of one hazardous tree leaning towards the house. The tree sits on the 25' buffer zone edge. The base of tree is about 15' from the house. The tree will be removed in sections and disposed off-site; the stump will remain. She recommended ratification of the two administrative approvals.

There was a motion made by Jeff Livingstone to ratify the above two administrative approvals. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Harrington-Yes; Livingstone-Yes; Wallach-Yes; Gallagher-Yes.

Chair and Commission Comments

Vice Chair Milne stated there will not be a Conservation Commission meeting on December 17, 2020. Ms. Delmore stated there is nothing on the agenda for that date; she will post the meeting cancellation. The next meeting will be held on January 7, 2021.

Executive Session: None.

There was a motion made by Jeff Livingstone to adjourn the Remote Access Virtual Zoom Meeting. The motion was seconded by Patrick Gallagher 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 7:38 PM.

Respectfully submitted,

Judith Lizardi

Judith Lizardi
Recording Secretary