

Town of Franklin



Conservation Commission

**March 4, 2021  
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.*

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

**Commencement**

Chair Batchelor announced this meeting will be video recorded.

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

**PUBLIC HEARINGS**

**Public Hearing – Continued - NOI – Lot 34 Mastro Drive – to be continued**

Ms. Delmore stated that the applicant requested the public hearing be continued to March 18, 2021.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Lot 34 Mastro Drive to March 18, 2021, at 7:01 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Public Hearing – Continued - NOI – 515 West Central Street – to be continued**

Ms. Delmore stated that the applicant requested the public hearing be continued to March 18, 2021.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 515 West Central Street to March 18, 2021, at 7:02 PM. The motion was seconded by Alan Wallach and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities:** None.

**Permit Modifications/Extensions:** None.

**Certificate of Compliance: Fairfield @ Dean Ave. CE159-1155**

Ms. Delmore stated that after a conversation with her, the applicant requested a continuance to the next meeting on March 18, 2021; she has not been able to properly review the project with a site inspection due to snow cover.

There was a motion made by Alan Wallach to continue the Certificate of Compliance for Fairfield @ Dean Ave. CE159-1155 to March 18, 2021. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Certificate of Compliance: 900 Washington Street**

Mr. Andrew Rubenstein, Vice President Temple Etz Chaim, addressed the Commission to close out the Order for work that was never started and the Order has expired.

Ms. Delmore recommended issuing a Certificate of Compliance for an invalid Order of Conditions.

There was a motion made by Jeffrey Milne to approve the Certificate of Compliance for an Invalid Order of Conditions for 900 Washington Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes.

**Violations/Enforcement:** None.

**Minutes: February 18, 2021**

There was a motion made by Patrick Gallagher to approve the meeting minutes for February 18, 2021. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-did not vote; Mazzuchelli-did not vote; Batchelor-Yes. (Chair Batchelor stated that he would not ask Mr. Mazzuchelli to vote as he was not present at the February 18<sup>th</sup> meeting. Chair Batchelor did not ask Mr. Gallagher for his vote.)

**Discussion Items: 340 East Central Street Highbush Blueberry and Red Maple Mitigation**

Ms. Delmore reviewed that during the erosion control installation at 340 East Central Street, a project approved with an Order of Conditions last year, the workers accidentally cut down an 8 in. diameter red maple tree within the proposed wetland replication area. All red maples were intended to remain and only the white pine trees were supposed to be removed. The applicant's wetland scientist prepared a mitigation plan in response to this accident, which has been provided in the Commission's meeting packet. The applicant will plant three red maples and transplant at least sixighbush blueberry shrubs into the replication area. She stated that she administratively approved this field change after discussions with the Chair. Commission members asked questions. Ms. Delmore responded that she believes all the white pines have been cut down at this time. She stated that if the Commission would like a larger diameter red maple tree planted, she can provide this information to the applicant; as well, she can request the applicant attend a Commission meeting to discuss this. Chair Batchelor requested the applicant recommend to the Commission something more robust than a 1 in. diameter red maple tree. Chair Livingstone stated agreement for a more substantial replacement tree. Mr. Harrington requested more than one tree be planted. Commission members stated their agreement. Ms. Delmore stated she would let the applicant know the Commission's recommendation, and she will request the applicant attend the next Commission meeting.

**Discussion Items: MBTA Right of Way Superseding Order of Conditions from the DEP Update**

Ms. Delmore reviewed that the Franklin Conservation Commission issued a Determination of Applicability (DoA) last year for the railroad work proposed by Keolis on behalf of the MBTA. The Commission voted to require a Notice of Intent (NOI). After the NOI was submitted as requested, Keolis appealed the DoA with intentions of confirming the culvert replacement work, specifically, that it should have been called out as

exempt on the DoA from Franklin. MassDEP granted a Superseding DoA noting only the culvert work was exempt, and the rest of the work required the NOI. Chair Batchelor noted that the State supersedes the Commission.

**Chair and Commission Comments:** None.

**Executive Session:** None.

There was a motion made by Andrew Mazzuchelli to adjourn the Remote Access Virtual Zoom Meeting. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-did not vote; Livingstone-Yes; Harrington-Yes; Wallach-Yes; Gallagher-Yes; Mazzuchelli-did not vote; Batchelor-Yes. (Chair Batchelor did not ask Mr. Mazzuchelli or Mr. Milne to vote.)

The Remote Access Virtual Zoom Meeting adjourned at 7:29 PM.

Respectfully submitted,

*Judith Lizardi*

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Judith Lizardi  
Recording Secretary