Town of Franklin



Conservation Commission

**April 1, 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***.

**Commencement**

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, Paul Harrington, Alan Wallach, Andrew Mazzuchelli. Members absent: Bill Batchelor, Jeff Livingstone, Patrick Gallagher. Also present: Jen Delmore, Conservation Agent.

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 - NOI – 620 Lisa Lane**

Mr. Russell Waldron of Applied Ecological Sciences (AES) addressed the Commission for the construction of an in-ground pool and pervious paver apron, fence, and 9’x 12’ shed within 100’ to a Bordering Vegetated Wetland and a jurisdictional detention basin. He stated that at the last meeting he provided a review of the project and Commission members did not express any concerns; however, there was no DEP file number. Since then, the DEP file number has been received.

Ms. Delmore confirmed the DEP file number was received; there were no comments from the State. She recommended approval with the special conditions listed on her agent’s report.

There was a motion made by Paul Harrington to approve the NOI for 620 Lisa Lane with special conditions #20, 21, 24, 27-30, 34, 41, 44, and 51. The motion was seconded by Alan Wallach and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

There was a motion made by Paul Harrington to close the public hearing for the NOI for 620 Lisa Lane. The motion was seconded by Alan Wallach and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Public Hearing – Continued - NOI – Lot 34 Mastro Drive**

Mr. Rick Goodreau of United Consultants Inc., representing the applicant, addressed the Commission for a wetland crossing associated with a single-family house and barn, which are proposed outside of the 100’ buffer zone to the Bordering Vegetated Wetland; in the original submittal, the access driveway was proposed to cross the wetland and stream by using a box culvert. He stated that a revised plan has been filed which shows two options for access and construction on the property. He discussed the determination by the consultant that due to the stream’s condition, it should be considered a perennial stream. The wetland flags have been established as such. He noted that there were a considerable number of wetland flag changes brought about by this; he anticipates receiving review comments from the Commission’s consultants. He stated that he provided the Massachusetts stream crossing standards for the Commission’s information.

Ms. Delmore stated that the Commission’s peer reviewer Wetland Strategies submitted their review today; however, it was not in time for this meeting. She recommended continuing the public hearing to allow time to review. Commission members agreed the materials should be reviewed and the public hearing should be continued.

Ms. Barbara Elliot, abutter, asked if the plans are made public. Ms. Delmore stated that if Ms. Elliot sends Ms. Delmore an email request, Ms. Delmore will send the plans via email to Ms. Elliot.

There was a motion made by Andrew Mazzuchelli to continue the public hearing for the NOI for Lot 34 Mastro Drive to April 15, 2021, at 7:01 PM. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Public Hearing – Continued - NOI – 515 West Central Street**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., representing the applicant, addressed the Commission for the construction of a day care facility with a playground area and associated utilities, parking, etc., within the 100’ buffer zone to a Bordering Vegetated Wetland. She stated that since the last public hearing they formally provided the color-concept plans and an updated summary showing what has been changed which can be reviewed by Ms. Delmore and the peer reviewer. She discussed some of the changes including that the building was moved and parking spaces were adjusted. She stated that they will modify the plans and resubmit with a waiver for work within the 25’ no-disturbance buffer zone.

Ms. Delmore mentioned that the variance request will need to cover work within the 50’ no-impervious buffer zone, as well. She recommended continuing the public hearing.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 515 West Central Street to April 15, 2021, at 7:02 PM. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**GENERAL BUSINESS**

**Minor Buffer Zone Activities:** None.

**Permit Modifications/Extensions:** None.

**Certificate of Compliance: 5 Crystal Drive CE159-1178**

Mr. Thomas Quinn, property owner, addressed the Commission regarding the Order for the removal of a lawn chair and a dismantled fence that was deposited in and around the wetland area. He stated that the project was originally for a violation for placing grass clippings at the edge of the wetland. A wetland scientist from Northeast Ecological Services reviewed the area and determined four recommendations including removing some debris from the wetland area, cutting back and removing invasive shrubs, and stop bagging and depositing lawn clippings and go with mulching. He stated the work has been completed.

Ms. Delmore stated that she performed a site visit on March 24, 2021. All approved actions have been carried out according to plan. She recommended the issuance of a complete Certificate of Compliance.

There was a motion made by Paul Harrington to approve the complete Certificate of Compliance for 5 Crystal Drive, CE159-1178. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance: 57 Anthony Road CE159-1150**

Ms. Delmore stated that this Order was for the construction of a detached 24’x 30’ garage outside the 50’ buffer zone to the wetland. She stated that she performed a site inspection on March 24, 2021; all approved actions have been carried out according to plan. She recommended issuance of a complete Certificate of Compliance.

There was a motion made by Andrew Mazzuchelli to approve the complete Certificate of Compliance for 57 Anthony Road, CE159-1150. The motion was seconded by Alan Wallach and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance: Fairfield @ Dean Avenue CE159-1155**

Mr. John Shipe on behalf of Fairfield addressed the Commission for the construction of the new apartments off Dean Avene with associated amenities. He stated that their civil engineer Brian McCarthy has been coordinating with Ms. Delmore.

Ms. Delmore stated that she performed a site inspection on March 24, 2021. The highbush blueberry plantings have budded; however, the cinnamon fern have not come in yet. All other construction is in compliance. She recommended continuing until the cinnamon fern plantings are successful. Mr. Shipe agreed.

There was a motion made by Alan Wallach to continue the Certificate of Compliance for Fairfield @ Dean Avenue, CE159-1155 to April 15, 2021. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance: 324 Prospect Street (Lot 5) SE159-601**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., representing the applicant, addressed the Commission for the construction of a house, septic system, driveway, utilities, and grading within the 100’ buffer zone to a wetland in 1998. She stated they are requesting to close out an expired Order which is still on record.

Ms. Delmore stated that she performed a site inspection on March 24, 2021; all approved actions have been carried out according to plan. She recommended issuance of a complete Certificate of Compliance.

There was a motion made by Paul Harrington to approve the complete Certificate of Compliance for 324 Prospect Street (Lot 5), SE159-601. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance**: **5 Maple Preserve (Maple Street and Laurinda Lane) CE159-1154**

Ms. Delmore reviewed that this Order was for the construction of a 10-lot subdivision with associated roadways, driveways, utilities, grading, drainage, and landscaping. Some portions of the project fell within the 100’ buffer zone to three different wetland areas. The only deviations were that a drain outfall into the stormwater basin associated with Parcel A was moved to be completely outside the 100’ buffer zone from the Isolated Wetland on Parcel A, and a section of rip rap was added in the 25’to 50’ buffer zone to the Isolated Wetland (downhill of the basin) was added as a field change to better stabilize the steep slope. She stated that she performed a site inspection on March 24, 2021. She stated that she spoke to the engineer about this field change. She recommended issuance of a complete Certificate of Compliance.

Commission members asked questions and agreed that the applicant should be present at the meeting to answer questions.

There was a motion made by Alan Wallach to continue the Certificate of Compliance for 5 Maple Preserve (Maple Street and Laurinda Lane), CE159-1154 to April 15, 2021. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance: 8 Addison Avenue CE159-1158**

Mr. Scott Orr, homeowner, addressed the Commission for the construction of a pool and pool house within the 25’ to 100’ buffer zone with associated plantings. He stated the project is complete and all was done as planned; he requested a Certificate of Compliance.

Ms. Delmore stated that she performed a site inspection on March 24, 2021; everything looks good. She recommended issuance of a complete Certificate of Compliance.

There was a motion made by Paul Harrington to approve the complete Certificate of Compliance for 8 Addison Avenue, CE159-1158. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance: 7 Forest Street (17 Rachael Circle) 159-227**

Mr. Bruce Wilson of GW Site Solutions, representing the applicant, addressed the Commission for an Order from 1988 for the construction of a 17-lot subdivision where some houses and the roadway fell within jurisdictional areas; all house lots except 17 Rachael Circle have already received their partial Certificate of Compliance. He stated that this is a housecleaning action. He requested the Order be completely closed which would clear 17 Rachael Circle’s title.

Ms. Delmore stated that past agents have performed site visits on the properties as well; she stated that she performed a site inspection on March 24, 2021. She recommended issuance of a complete Certificate of Compliance.

There was a motion made by Alan Wallach to approve the complete Certificate of Compliance for 7 Forest Street (17 Rachael Circle), 159-227. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance: 19 Haverstock Road**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., representing the applicant, addressed the Commission for an Order from 1989 for the construction of a detached garage within the buffer zone to the Charles River. She stated that this is a cleanup item as the Order was never formally closed.

Ms. Delmore stated that she performed a site inspection on March 30, 2021. She noted that the new homeowners should understand that any activity within 200’ of the river will need a permit from Conservation. She recommended issuance of a complete Certificate of Compliance.

There was a motion made by Alan Wallach to approve the complete Certificate of Compliance for 19 Haverstock Road. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Certificate of Compliance: 919 West Central Street CE159-1229**

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., representing the applicant, addressed the Commission for an Order for the clearing of a Beaver Dam on the outlet structure to a drainage basin. The Order had a special condition involving the perpetual condition as follows: “Special Condition 52: Applicant may continue to maintain the area where water drains from the basin, under the road. The Certificate of Compliance is to reflect this perpetual condition so that the damming issue does not arise again.” She stated that all the work has been done. They are seeking a Certificate of Compliance with the perpetual condition.

Ms. Delmore stated that she performed a site inspection on March 30, 2021. She stated that the path under the road is completely clear and working. She recommended issuance of a complete Certificate of Compliance with the condition carried onward.

There was a motion made by Andrew Mazzuchelli to approve the complete Certificate of Compliance for 919 West Central Street, CE159-1229. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

**Violations/Enforcement:** None.

**Minutes:** None.

**Discussion Item: 800 Washington Street-front yard erosion control removal**

Mr. Joseph O’Koren, applicant and homeowner of 800 Washington Street, addressed the Commission to seek approval to not re-install erosion control barriers in the front yard as depicted on the approved plan in the Commission members’ meeting packets. He stated that the erosion control barrier was washed away in a big rainstorm. He explained that prior to that he had asked the Town numerous times to fix the road so the water did not come into his yard; however, the Town did not make any fixes. He stated that the garage that was approved to be built is complete; the only work left is paving the driveway, which is scheduled for April 17, 2021, which is within 50’ of the erosion control barrier in question. He stated that due to the cost of re-installing the washed away erosion control, and that the project will be done very soon, he is requesting that the barrier not have to be replaced. He noted that after April 16, 2021, he will not be parking vehicles on his front yard as the driveway will be properly paved. He is hoping that when his driveway is completed, the water from Washington Street will not go on his property any more.

Ms. Delmore reviewed the project and noted that the right side of the driveway still has the erosion control in place. She stated that she addressed the road water concern with Town Engineer Michael Maglio; however, she has not heard back from him. She will follow up. She stated that it is the Commission’s decision if they want the erosion control re-installed for the driveway paving. Commission members asked questions. Mr. O’Koren confirmed that since the Town raised the road in 2017/2018, the water rushes onto his property from Washington Street during every rainstorm. He calls the Town; however, they do not respond to his phone calls. Commission members indicated that at this point, it does not seem productive to ask the applicant to re-install the erosion control as it washed away for the reasons explained.

Ms. Delmore confirmed that the Commission members agreed the erosion control did not need to be re-installed. She asked Mr. O’Koren to let her know if the driveway does not get paved in mid-April. She noted that when the driveway is completed, Mr. O’Koren will need to request the Certificate of Compliance with the appropriate documents.

**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 Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Wallach-Yes; Mazzuchelli-Yes; Milne-Yes.

The Remote Access Virtual Zoom Meeting adjourned at 8:09 PM.

Respectfully submitted,

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Judith Lizardi

Recording Secretary