

Town of Franklin



Conservation Commission

**June 17, 2021
Meeting Minutes**

As stated on the agenda, due to the concerns regarding the COVID-19 virus, this meeting will be conducted as a hybrid virtual/in person 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. This meeting will be held in the Council Chambers, second floor of the Municipal Building, for citizens wishing to attend in person.

Commencement

Vice Chair Milne called the above-captioned meeting to order this date at 7:00 PM as a hybrid virtual/in person meeting. Members in attendance: Jeffrey Milne, Jeff Livingstone, Paul Harrington (via Zoom), Patrick Gallagher (via Zoom), Andrew Mazzuchelli. Members absent: Bill Batchelor. Also present: Jen Delmore, Conservation Agent.

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

PUBLIC HEARINGS

Public Hearing – Continued - NOI – 0 Cottage Street, 0 Cottage Court, 21 Peck Street (Madalene Village)

Ms. Delmore stated that the applicant requested a continuance of the public hearing to July 1, 2021, to allow for peer reviewer BETA to respond to the applicant's submissions. She noted that Ms. Lenore White of WSI will not be available to attend the July 1, 2021 Commission meeting.

There was a motion made by Andrew Mazzuchelli to continue the public hearing for the NOI for 0 Cottage Street, 0 Cottage Court, 21 Peck Street (Madalene Village) to July 1, 2021, 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; Livingstone-Yes; Harrington-Yes; Gallagher-Yes; Mazzuchelli-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activity: 11 Mount Street

Mr. Gregg Surdi, homeowner, addressed the Commission for the repair/replacement of an existing fence on the property that partially runs along the driveway; some of the fence is in the 25' buffer zone, some is within the 25' to 50' zone, and a small portion actually crosses the wetland. He stated that he is also proposing removal of trees along the road on the frontage of his house.

Ms. Delmore reviewed that she performed a site visit on June 10, 2021. She stated that during the site visit she discussed with the applicant the work that would be acceptable under an MBZA versus an NOI filing. She recommended that the trees labelled A, B, C, and D on the applicant's plan are hazardous and should be taken down and the portion of the fence along the driveway should be removed and replaced with a safer

fence under this MBZA. Everything else under the application including the removal of 20 to 30 dead ash trees and removal of invasive species, would rise to the level of an NOI.

Commission members asked questions. Ms. Delmore reviewed the sections of the fence to be approved under the MBZA. Mr. Harrington suggested the rebuilding of the fence portion along the driveway be part of an NOI; the removal of the broken fence would be part of this MBZA. Mr. Livingstone suggested that the applicant could do the entire project under an NOI.

Mr. Surdi stated that he wanted to get part of the project done this summer under this MBZA for removing and repairing portions of the fence; he would later submit an NOI for the remainder of the work. He does not mind filing both sets of paperwork. Mr. Harrington agreed.

There was a motion made by Jeff Livingstone to approve the Minor Buffer Zone Activity for 11 Mount Street with conditions for only trees labelled A, B, C, and D, and for the portion of the fence to be removed and replaced just along the driveway; all other work, including other tree removal, invasive species removal, and fence replacement, would fall under an NOI filing. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Gallagher-Yes; Mazzuchelli-Yes.

Minor Buffer Zone Activity: 17 Cherie Lane

Ms. Rebecca Raymond and Mr. Dave Raymond, homeowners, addressed the Commission for the removal of six trees in the 50' to 100' buffer zone in their yard so that an above ground pool can be installed. Only one of the trees is dying; the others are mostly large mature red oak trees.

Ms. Delmore noted that an MBZA is only valid for three years. She stated that during her site visit she discussed with Ms. Raymond moving the location of the proposed pool as the proposed trees for removal were mature red oaks with approximately 2' diameter. She noted that only one of the trees is dead.

Ms. Raymond stated that if they installed a pool, it would need to be 10' from the property line and 10' from the house. She noted that for safety, they want to be able to see the pool from the house which is why they chose the proposed location.

Commission members asked Ms. Raymond why she wants to do the work now if she is not going to install the pool at this time. Ms. Raymond stated that they would like to get the work done now so they will be ready when they want to install the pool. Mr. Raymond stated that they had some previously approved tree work done already; they would like to continue to do the tree and yard work so they can then get their grass and shrubs to grow. They would like to do as much as possible at one time.

Mr. Livingstone mentioned that historically the Commission has been averse to this type of "vanity project" as there is no imminent danger. Historically, if something like this were done, mitigation would be required. Ms. Delmore stated that she did not speak with the applicant about mitigation. Mr. Gallagher agreed with Mr. Livingstone and suggested this item be continued to allow a conversation take place about mitigation. Mr. Harrington and Mr. Mazzuchelli agreed with Mr. Livingstone and Mr. Gallagher. Mr. Livingstone asked if the trees could be pruned rather than removed. Commission members agreed to continue this item to July 1, 2021.

Permit Modifications/Extensions: None.

Certificates of Compliance: Villages at Oak Hill, Washington Street, SE159-739, SE159-921, and SE159-1164

Ms. Delmore recommended continuing this item to July 1, 2021; the requested plans showing the plantings have not been received.

There was a motion made by Andrew Mazzuchelli to continue the Certificate of Compliance for the Villages at Oak Hill, Washington Street, SE159-739, SE159-921, and SE159-1164 to July 1, 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; Gallagher-Yes; Mazzuchelli-Yes.

Certificates of Compliance: 6 Domenica Way CE159-1148

Mr. Jim Susi of United Consultants addressed the Commission on behalf of the applicant for the removal of vegetative debris that had been deposited on the edge of an isolated land subject to flooding and within the buffer zone. He stated that there had been some dirt bike activity in the woods which has ceased. The debris has been removed, but the brush piles were left at the request of the Commission. Ms. Delmore stated that she conducted a site visit on June 10, 2021; the area has been cleaned up and there are no issues. 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 6 Domenica Way CE159-1148. 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; Gallagher-Yes; Mazzuchelli-Yes.

Violations/Enforcement: Town Owned Conservation Land off Metacomet Lane/Wampanoag Drive/Lost Horse Trail

Ms. Delmore reviewed that the Commission decided at the May 6, 2021, meeting to have the agent send letters to seven homeowners who live adjacent to the dump piles observed in April. Three responses have been received. Residents at 10 Wampanoag Drive, 18 Wampanoag Drive, and 28 Wampanoag Drive have all been in touch with the agent and have agreed to remove/spread the pile of debris that they contributed to and stop depositing in the future. They were asked to wait to carry out any action until the Commission approved. As for the homeowners who have not responded, the agent recommended doing another site visit to revisit their specific areas and gather more photographs/evidence in order to provide a more direct letter to each of the homeowners who have not responded. She noted that some of these violations are fineable. She explained that the land is owned by the Town, so the Town would receive the violation. Mr. Livingstone confirmed that no one was caught while doing the dumping. Discussion commenced regarding circumstantial evidence of homeowners dumping debris on Town land. Mr. Livingstone suggested sending a stern letter to residents showing circumstantial evidence of dumping with a copy sent to Town Attorney Mark Cerel. Ms. Delmore stated that she would conduct another site visit, gather more photos, and send out another round of letters to abutters with copies sent to Attorney Cerel. Mr. Livingstone requested that Ms. Delmore in her letter to abutters thank the residents who did cleanup debris. Mr. Gallagher asked if the building commissioner may have more enforcement authority regarding residents encroaching on Town land. Ms. Delmore stated that she would speak to Building Commissioner Gus Brown. Commission members agreed Ms. Delmore would tell the abutters they may remove/spread the top layer of the pile of debris that they contributed to with a shovel and rake only. Ms. Delmore stated that she would provide the Commission with an update at a future meeting.

Minutes: May 20, 2021

There was a motion made by Jeff Livingstone to approve the meeting minutes for May 20, 2021. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Harrington-Yes; Gallagher-Yes; Mazzuchelli-Yes.

Discussion Item: Administrative Approvals

Ms. Delmore reviewed two administrative approvals. The first was for 23 Haverstock Road for installation of an 80 sq. ft. shed within the existing lawn area outside the 25' buffer to wetlands. She performed a site visit on May 11, 2021. The second was for 719 Lincoln Street for removal of an existing wooden landing and addition of a deck addition of 144 sq. ft. The area is pre-disturbed lawn/gravel and is outside the 25' no

disturbance buffer zone. She performed a site visit on June 10, 2021. She recommended ratification of the administrative approvals.

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

Chair and Commission Comments:

Executive Session: None.

There was a motion made by Andrew Mazzuchelli to adjourn the hybrid virtual/in person meeting. 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; Gallagher-Yes; Mazzuchelli-Yes.

The meeting adjourned at 7:39 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary