

Town of Franklin



Conservation Commission

**July 29, 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. 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 remote/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 - NOI – 4 Ashley Circle**

Ms. Karon Skinner Catrone, representing the owner, addressed the Commission for the installation of a 12' x 24' in-ground pool in the back yard. She stated that at a previous meeting, the Commission asked that the pool be moved; it is now 30' from the wetland line. As requested, the plantings are now placed closer to the wetland line. A variance request was submitted.

Ms. Delmore stated that she worked with Ms. Skinner Catrone on the variance request. She stated that she has no issue with the project at this point. She stated that a DEP file number has not yet been received; therefore, the Commission will have to wait to close the hearing. She recommended continuing the public hearing.

Mr. John Rondeau, homeowner, confirmed that he must wait for the DEP number, then return to the Commission at the next meeting for the public hearing to be closed and a vote for approval taken.

There was a motion made by Andrew Mazzuchelli to continue the public hearing for the NOI for 4 Ashley Circle to August 12, 2021, at 7:02 PM. 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.

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

Ms. Delmore stated that the applicant requested a continuance of the public hearing to the next meeting.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for Lot 34 Mastro Drive to August 12, 2021, at 7:03 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.

**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 the next meeting.

There was a motion made by Patrick Gallagher to continue the public hearing for the NOI for 0 Cottage Street, 0 Cottage Court, 21 Peck Street (Madalene Village) to August 12, 2021, at 7:04 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: 17 Cherie Lane**

Mr. David Raymond, owner, addressed the Commission for the removal of trees in the 50' to 100' buffer zone in his yard so that an above-ground pool can be installed. The original filing was for six trees. He submitted a new plan to reduce the number of trees to be removed to four and add six tree plantings in the buffer zone.

Ms. Delmore reviewed the revised plan and noted other plantings proposed outside the buffer, as well. With the adjustments made, she recommended approval.

There was a motion made by Andrew Mazzuchelli to approve the MBZA for 17 Cherie Lane. 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.

**Permit Modifications/Extensions:** None.

**Certificates of Compliance: 1256 West Central Street, CE159-1206 – to be continued**

Ms. Delmore stated that the applicant requested a continuance of the public hearing.

There was a motion made by Jeff Livingstone to continue the Certificate of Compliance for 1256 West Central Street, CE159-1206, to August 12, 2021. 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.

**Violations/Enforcement: 5 Palomino Drive**

***Mr. Milne recused himself.***

Ms. Delmore reviewed that she performed a site visit on July 6, 2021, with the homeowner, Srinivas Kollipara, in response to a complaint about 5 Palomino Drive cutting vegetation and dumping near wetlands. She observed multiple piles of yard waste, but it was unclear if the area was a wetland or not. She recommended to the homeowner having a wetland scientist determine if the area was a wetland currently or not and to attend this meeting to discuss this with the Commission. She noted that the homeowner had a plan showing a wetland present 20 years ago. She stated that even if this lot does not have wetlands on it, she is aware of a wetland on the adjacent lot roughly 25' feet from 5 Palomino Drive's lot line; that would mean the activity is within the 100' buffer at the very least. She reviewed that since her site visit, the homeowner has contracted a wetland scientist. She recommended an Enforcement Order to file with the Commission for unpermitted activity dependent upon the wetland scientists report and findings. The wetland report needs to be submitted to the Commission for recommendation on which type of filing.

Mr. Livingstone asked if Ms. Delmore was indicating that at this time Conservation is not clear if the area on which the activity is taking place is jurisdictional or not. Ms. Delmore stated that it is within the buffer zone as a neighbor had flagged their lot approximately one year ago, and there was a wetland on that lot. Mr. Livingstone confirmed that either way, the applicant would have to hire a wetland scientist to flag where the wetlands are.

Mr. Kollipara, homeowner, reviewed the cutting of vegetation and dumping near the wetlands. Mr. Livingstone reviewed Ms. Delmore's process for preparing a plan for this work. He stated that an enforcement order is a way to create the documentation for both sides to agree upon. As there are wetlands nearby in the area of the work, a wetland scientist will be required to provide a report to be submitted to the Commission.

There was a motion made by Andrew Mazzuchelli to issue the Enforcement Order for 5 Palomino Drive. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 4-0-0. Roll Call Vote: Livingstone-Yes; Harrington-Yes; Gallagher-Yes; Mazzuchelli-Yes.

***Mr. Milne re-entered the meeting.***

**Minutes: July 1, 2021 & July 15, 2021**

There was a motion made by Jeff Livingstone to approve the meeting minutes for July 1, 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.

There was a motion made by Andrew Mazzuchelli to approve the meeting minutes for July 15, 2021. 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.

**Discussion Items: Earth Day**

Ms. Delmore reviewed that the Commission should decide on a date, typically a Saturday, for the cleanup at DelCarte this fall; the Commission had postponed the DelCarte cleanup from April to this fall. The only weekend that is not available is October 2 due to the Harvest Festival. She reviewed items the Commission needs to obtain in order to make the event successful. The flyer and T-shirt design from last year were discussed. She noted that the Beaver Pond cleanup was done on Earth Day in April. Discussion on Earth Day commenced including if COVID-19 restrictions were put in place, again. Ms. Delmore stated that she would reach out to the T-shirt vendor regarding their timeline and let the Commission members know. Commission members agreed to put this item on the next meeting agenda to discuss a date and delineation of tasks.

**Chair and Commission Comments:** None.

**Executive Session:** None.

There was a motion made by Jeff Livingstone to adjourn the meeting. The motion was seconded by Andrew Mazzuchelli.

The meeting adjourned at 7:38 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary