

Town of Franklin



Conservation Commission

**September 23, 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

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

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

PUBLIC HEARINGS

Public Hearing – NOI – Lot 4 Prospect Street

Mr. Louis Petrozzi of Wall Street Development Corporation addressed the Commission for the construction of a single-family home with associated grading, driveway, septic, and utilities; only a portion of the project, specifically the grading and the proposed well, falls within the 100' buffer zone to wetlands or the 200' outer riparian zone to the stream. He noted that there are three lots under consideration at tonight's meeting: Lot 4, Lot 5, and Lot 6, which are along the Bellingham line. He reviewed the demarcation of the wetland line. He stated that there is a total of approximately 1,600 sq. ft. of disturbance within the riverfront area. He stated that Wall Street Development Corp. has an agreement to purchase all the approximately 70-acre site. He stated that they are trying to design this for the least impact to the site. The driveway access is off Prospect Street. He stated an alternatives analysis was done.

Ms. Delmore noted that the alternatives analysis was not submitted by the applicant in time for it to be included in the Commission members' meeting packets. Chair Batchelor stated that documents must be received by the deadline in order for the Commission members to have time to read the submissions. Mr. Petrozzi suggested the public hearing be continued.

Ms. Delmore stated that she sent a review letter dated September 1, 2021, listing administrative issues with the filing, specifically in reference to the Wetlands Protection Act form, filing fees regarding whether or not the stream is intermittent or perennial, and if the wetland to the northeast of the site is an isolated wetland or land subject to flooding. She noted that even though the applicant often described the erosion control in the narrative as a silt fence, the plan shows a detail for a filtermitt. She informed the applicant that non-biodegradable forms of erosion control such as silt fence are not allowed and the Order of Conditions will be conditioned to this effect. She stated that the DEP file number has not been issued yet and recommended

continuing the public hearing. Mr. Livingstone confirmed that an alternatives analysis was done, but did not change the outcome for what the applicant would recommend. Mr. Petrozzi stated yes.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Lot 4 Prospect Street to October 7, 2021, at 7:01 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Public Hearing – NOI – Lot 5, Prospect Street

Mr. Louis Petrozzi of Wall Street Development Corporation addressed the Commission for the construction of a single-family home with associated grading, driveway, septic, and utilities. There is some minor grading proposed within the 50' buffer zone to the wetland and all other work is proposed in the 50' to 100' buffer zone or outside jurisdiction. This is a 44,000 sq. ft. lot split partially in Bellingham. The home will have an on-site septic system and well for domestic water.

Ms. Delmore stated that this lot has the same issue with the erosion control as previously identified regarding Lot 4. She stated that for both this lot and Lot 4, she performed an initial site visit on September 7, 2021, and on September 14, 2021, with the applicant's wetland scientist, Mr. Art Allen; it was determined that the locations of all resource area flags relative to the project were accurate. She stated that in response to her review letter dated September 2, 2021, she thinks all items were addressed; she will confirm. She stated that the DEP file number has not been issued; she recommended continuing the public hearing.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for Lot 5 Prospect Street to October 7, 2021, at 7:02 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Public Hearing – NOI – Lot 6, Prospect Street

Mr. Louis Petrozzi of Wall Street Development Corporation addressed the Commission for the construction of a single-family home with associated grading, driveway, septic, and utilities. There is some minor grading proposed within the 50' buffer zone to the wetland and all other work is proposed in the 50' to 100' buffer zone or outside jurisdiction. He stated this is a 44,000-plus sq. ft. lot with a portion in the Town of Bellingham. An on-site septic system is proposed with a well for domestic water.

Ms. Delmore stated that she had similar comments on this lot as on Lot 5. She stated that the DEP file number has not been issued yet and she recommended continuing the public hearing.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for Lot 6 Prospect Street to October 7, 2021, at 7:03 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Mr. Nicholas Capoccia, 398 Prospect Steet, stated concern regarding Lot 4 and a drainage ditch across the street that would cause flooding on his lot. Mr. Petrozzi explained that there is a culvert that runs under Prospect Street and discharges; the railway interferes with the flow. Chair Batchelor questioned that if this were approved, would it create more pooling of water. Mr. Petrozzi reviewed that there were talks about connecting the two wetlands; this would require work in the riverfront area and there are many rules and regulations. He pointed out where the town line between Bellingham and Franklin is located. Ms. Delmore noted that stormwater issues on an NOI on single-family houses do not apply. Mr. Livingstone noted that this is in Bellingham. Mr. Petrozzi stated that he has not yet spoken to Bellingham about this. Chair Batchelor stated this will be an issue that will be addressed at the October 7, 2021, continued public hearing. Mr. Livingstone suggested that Mr. Petrozzi follow this with the Town of Bellingham.

Public Hearing – NOI – 900 Washington Street, Olam Estates

Mr. David Russo of Andrews Engineering addressed the Commission for the construction of a four-lot subdivision consisting of three house lots and one lot to construct Temple Etz Chaim. He reviewed the proposed plans. He stated the property is 18.49 acres and zoned Rural Residential I. There is an existing dwelling on the property; it is proposed to be removed with this project. He stated that all buffers and topography are shown on the plan. He stated that parcel A is shown as the drainage lot. He described the proposed 26' wide roadway, granite curbing, and sidewalk. He reviewed the stormwater design. Private septic systems are proposed. He noted they have received comments from BETA Group and have responded. They will be before the Planning Board on October 4, 2021.

Ms. Delmore stated that she is waiting for a check from the applicant for the peer reviewers BETA and WSI to begin the conservation aspect of the review of the filing. She noted that the new roadway and drainage system is proposed within the 25' to 50' buffer zone and the 50' to 100' buffer zone of the Bordering Vegetated Wetland. She noted that the applicant describes the erosion control using straw wattles and silt fence in the narrative, but the plan shows a detail for filter sock. Non-biodegradable forms of erosion control such as silt fence are not allowed, and the Order of Conditions should be conditioned to this effect. She stated that the DEP file number has not been issued yet. She recommended continuing the public hearing. Mr. Russo stated that he spoke to the applicant regarding getting the fee submitted.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 900 Washington Street, Olam Estates, to October 7, 2021, at 7:04 PM. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Chair Batchelor called a brief recess.

GENERAL BUSINESS

Minor Buffer Zone Activity: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: 1256 West Central Street CE159-1206

Mr. Jemin Patel, a member of the ownership of the property, addressed the Commission for this project that was approved in September 2019 for the expansion of the existing parking lot with associated drainage; no activity was permitted within the 25' buffer zone.

Ms. Delmore stated that this Certificate of Compliance has been before the Commission for months. The Commission has been waiting for a restoration plan to be submitted for the unpermitted work that was done within the 25' buffer zone. The applicant has not yet submitted any new material. At the last meeting, the Commission requested that a representative be present at tonight's meeting to explain what happened. She confirmed that the applicant cleared past the limit of work.

Mr. Patel explained that this is where the contractor had stored some snow. He stated that the person who did the delineation has been busy; therefore, they hired a new person. They should have a full remediation plan by the next Commission meeting.

Mr. Livingstone stated that there have been situations in the past regarding snow removal and issues involving the 25' buffer zone; people who have been contracted to remove the snow may not have an understanding of the 25' buffer zone. The owners may need to tell the snow removal contractors specifically where they should not go past for snow removal.

There was a motion made by Andrew Mazzuchelli to continue the Certificate of Compliance for 1256 West Central Street, CE159-1206, to October 7, 2021. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Violations/Enforcement: 5 Palomino Drive

Mr. Milne recused himself.

Mr. Srinivas Kollipara, homeowner, addressed the Commission for an Enforcement Order that was issued due to unpermitted cutting and dumping in a jurisdictional area.

Ms. Delmore stated that as requested, Mr. Kollipara retained a wetland scientist to delineate the area and provide a report to the Commission. The area has been confirmed a jurisdictional isolated vegetated wetland. She recommended a follow up Enforcement Order for the homeowner to submit a restoration planting plan of native species in the disturbed areas. Mr. Kollipara stated that he agreed. Ms. Delmore recommended to the homeowner that he have Scott provide a list and a planting plan as well as show it on the plan. The restoration plan should be submitted by October 14th in order to be accepted for the October 21st meeting.

There was a motion made by Jeff Livingstone to continue the Violations/Enforcement for 5 Palomino Drive to October 21, 2021. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Batchelor-Yes.

Mr. Milne re-entered the meeting.

Minutes: July 29, 2021 re-vote; August 12, 2021; and August 26, 2021

There was a motion made by Jeff Livingstone to approve the meeting minutes for July 29, 2021. The motion was seconded by Jeffrey Milne and accepted.

There was a motion made by Jeff Livingstone to approve the meeting minutes for August 12, 2021. It was accepted with a roll call vote of 4-0-1. Roll Call Vote: Milne-Yes; Livingstone-not asked to vote; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes; Johnson-abstained.

There was a motion made by Jeff Livingstone to approve the meeting minutes for August 26, 2021. It was accepted with a roll call vote of 4-0-1 Roll Call Vote: Milne-Yes; Livingstone-not asked to vote; Gallagher-Yes; Mazzuchelli-Yes; Batchelor-Yes; Johnson-abstained.

Discussion Items: 27 Sophia Circle

Ms. Delmore stated that an informal discussion was requested by the homeowner, Mr. Antosh, in relation to a project that was approved in 1991 to construct his single-family house. The project involved his driveway crossing a wetland and wetland replication. Although all other aspects of the project were done correctly, the wetland replication was not completed and the Certificate of Compliance was not requested/issued. Now, out of the 1,000 sq. ft. of replication needed, 207 sq. ft. have not been converted. She recommended the homeowner submit a Notice of Intent for the wetland replication work necessary to complete the original project. This should include DEP field data sheets for the newly delineated wetland line, and a proposal of wetland soils, grades, and plantings for a true replication to complete the remaining area missing. In 1991, only 1:1 replication was required compared to the 2:1 that is required for all new projects. A Certificate of Compliance on the original filing should not be issued until this work has been completed. She noted that an as-built plan has been provided additionally showing the new wetland line and proposed plantings. Three of

the four plantings proposed are not wetland indicator species and they are proposed in the area that is being described as a functioning wetland already.

Chair Batchelor discussed that this is from 20 years ago; things shift and change in that amount of time. As such, the Certificate of Compliance would not be granted. A new plan would have to be approved. He stated that as there is no representative present for this item, it will be continued. Ms. Delmore stated that she would relay the message to the homeowner.

Discussion Items: Earth Day Clean Up at DelCarte

Chair Batchelor stated that the flyer was outstanding. Commission members discussed where the flyers should be distributed. Mr. Gallagher asked Chair Batchelor to put it on Facebook and other social media. He said he passed it to the high school and library, as well. He noted that a generous donation has been received from Joe Halligan. He stated that this event will help clean up and bring awareness to the area. Chair Batchelor stated that this event has been handled well by Patrick Gallagher and Andrew Mazzuchelli. He stated that Alan Earls of the Franklin Observer will be at the event. He stated that the children who attend should be rewarded. It was noted that Ms. Lily Rivera, Marketing and Communications Specialist, helped with the design of the T-shirt.

Chair and Commission Comments

Chair Batchelor wished Mr. Mazzuchelli a happy wedding. He noted Ms. Delmore will be out on leave for some time.

Executive Session: None.

There was a motion made by Patrick Gallagher to adjourn the meeting. The motion was seconded by Andrew Mazzuchelli.

The meeting adjourned at 8:14 PM.

Respectfully submitted,

Judith Lizardi