

Town of Franklin



Conservation Commission

**November 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. 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, Andrew Mazzuchelli, Patrick Gallagher (via Zoom), Richard Johnson (via Zoom). Absent: Paul Harrington. Also present: Becca Solomon, Conservation Agent; Tyler Paslaski, Administrative Assistant.

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

PUBLIC HEARINGS

Public Hearing – Continued - NOI - 850 Summer Street

Ms. Vicki Bartolini, 850 Summer Street, addressed the Commission for a septic repair for a single-family home; the new system will be where the current system is located. She stated that their engineer, Ms. Margaret Bacon of Civil Site Engineering, attended the previous meeting.

Ms. Solomon stated that the DEP file number was received. Chair Batchelor confirmed that this was the only concern remaining from the previous meeting. Ms. Solomon stated that the applicant responded to the DEP concerns. She recommended approving with the following standard conditions: #20, 21, 24, 27-30, 34, 41, 44, 51.

There was a motion made by Jeff Livingstone to close the public hearing for the NOI for 850 Summer Street. 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.

There was a motion made by Jeff Livingstone to approve the NOI for 850 Summer Street with conditions #20, 21, 24, 27-30, 34, 41, 44, and 51. 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 – Continued - NOI - 455 Maple Street

Ms. Solomon stated that the applicant requested the hearing be continued.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 455 Maple Street to November 18, 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 – Continued - ANRAD – King Street Map 313 Lot 053

Ms. Solomon stated that the applicant requested the hearing be continued.

There was a motion made by Andrew Mazzuchelli to continue the public hearing for the ANRAD for King Street Map 313 Lot 053 to November 18, 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 - Washington Street (Franklin Flex Space) Map 304 Lot 064

Mr. Rick Goodreau of United Consultants, Inc. addressed the Commission for a procedural issue. He stated that they were before the Commission two weeks ago. He noted that review letters have been received from the peer reviewers. He stated that the procedural question relates to the applicant's intention to modify the project by including approximately .5 acres of land that is located to the north and west of this property that is part of the application that was previously filed. He stated that his review of this indicates that there will be one additional abutter who was not notified as part of the original application. He stated that he spoke with Ms. Solomon who suggested the issue be brought before the Commission. Mr. Goodreau stated that they are hoping they can obtain a certified abutters' list for this additional parcel, and they could go through that abutters' list as well as the original abutters' list and notify anyone on the list for the additional parcel who was not on the original list. He stated that they would then like to be on the Commission's agenda for the first meeting in December. He stated that soil testing and moving some stormwater systems are going on. He stated that they are looking for the Commission's input.

Chair Batchelor stated that it is a prudent move to go to the December agenda. As far as the abutters and notification, there is a material change to the project. Ms. Solomon stated that she believes there is a material change. Chair Batchelor stated that .5 acres is significant; therefore, he thinks the applicant would have to go back to the original abutters plus the new abutter for notification of the change. Commission members discussed and agreed that a new notification should be sent to all abutters. Mr. Livingstone suggested that in the new notification to abutters, the abutters be told about previous discussions and available meeting materials.

Mr. Bill Hommel stated that the reason for the additional property was in trying to accommodate some of the requests so they would not intrude into the wetland area as much as they were with the retaining walls. By doing this, they have been able to completely pull out the retaining walls.

There was a motion made by Jeff Livingstone to continue the public hearing for the NOI for Washington Street (Franklin Flex Space) Map 304 Lot 064 to December 2, 2021, at 7:01 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 – Continued - NOI - 900 Washington Street, Olam Estates

Ms. Solomon stated that the applicant requested the hearing be continued.

There was a motion made by Jeffrey Milne to continue the public hearing for the NOI for 900 Washington Street, Olam Estates, to December 2, 2021, at 7:02 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.

GENERAL BUSINESS

Minor Buffer Zone Activity: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: 800 Washington Street

Ms. Solomon stated that the applicant has completed the work for their Order of Conditions and put in a request for a Certificate of Compliance. She stated that she conducted a site visit on November 2, 2021; the work seems to have been completed satisfactorily. She recommended approval.

There was a motion made by Jeff Livingstone to approve the Certificate of Compliance for 800 Washington Street. 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: Restoration Plan, 5 Palomino Drive

Mr. Milne recused himself.

Ms. Solomon reviewed that this was a restoration plan in response to enforcement orders on the property. The homeowner has responded to all the concerns that were expressed at the last meeting, and the changes are reflected in the revised restoration plan. She stated that with those revisions, she recommends approving the restoration plan as written. Mr. Livingstone asked if Ms. Solomon recommended the man-made debris be removed by hand. Ms. Solomon stated yes.

There was a motion made by Jeff Livingstone to approve the restoration proposal with the condition that the man-made debris be removed from the wetlands in addition to the woody debris by hand for 5 Palomino Drive. 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: October 7, 2021

Mr. Gallagher requested that the minutes be tweaked so that the comment by Paul Harrington was made in his personal capacity so it is not confusing with the comments made by the Commission members.

There was No motion, No second, and No vote taken.

Chair Batchelor stated that the meeting minutes were approved for October 7, 2021, with the above comment noted, by five Commissioners.

Discussion Items: None.

Chair and Commission Comments: None.

Executive Session: The Commission will enter executive session to discuss an Open Meeting Law violation claim.

There was a motion made by Jeff Livingstone to end the open session and go into executive session. The motion was seconded by Jeffrey Milne. Discussion: Town Counsel Mark Cerel stated that because the grounds are for litigation purposes, the Commission must make a declaration that a public discussion would be prejudicial to the interests of the Commission and also indicate whether the Commission is coming back into open session, and then take a roll call vote. Chair Batchelor stated that as stated by Town Counsel he would

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ask for the approval on that. It was 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.

The Open Session of the Remote Access Virtual Zoom Meeting ended at 7:35 PM.

Respectfully submitted,

Judith Lizardi