

Town of Franklin



Conservation Commission

**February 17, 2022  
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 William 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, Andrew Mazzuchelli, Patrick Gallagher (via Zoom), Richard Johnson (via Zoom), Michael Rein. Absent: Jeff Livingstone. Also present: Tyler Paslaski, Administrative Assistant; Lenore White, WSI.

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

**PUBLIC HEARINGS**

**Public Hearing – NOI – 41 Dover Circle**

***Mr. Gallagher recused himself.***

Mr. Paul DeSimone of Colonial Engineering Inc., on behalf of the owners David and Monica Mann, addressed the Commission for a proposal to construct an addition on the rear of the house, a shed to the right of the house, two new retaining walls, and an additional patio. All improvements conform to zoning bylaws and lot coverage. Erosion control will be installed on the north side of the proposed retaining wall as shown on the plans. He stated that mitigation will be six shrubs planted on the existing lawn area. There is no work proposed within the 25 ft. buffer except for the proposed plantings.

Ms. White stated that she looked at the property and met with the homeowner. She stated that it is a terraced backyard at this time. She noted that the wetland has not been flagged. She stated that the wetland appears more extensive than shown on the plan; however, it is confined to what is a drainage easement. She stated that despite that the wetland was not flagged, she does not see a need to flag it as the work is not going to affect the wetland or the 25 ft. buffer zone. She stated that the only item missing from the application is the required functions and characteristics statement. She recommended the standard conditions including revegetating any bare areas which is on the plan notes. She stated the plantings proposed within the 25 ft. buffer zone are allowable. She stated that with the functions and characteristics statement, she feels the project can go forward. She confirmed that the plantings are not a structure and will not be adverse; she does not see a problem with planting shrubs in the 25 ft. buffer zone.

Commission members did not have any questions.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 41 Dover Circle. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes; Batchelor-Yes.

There was a motion made by Jeffrey Milne to approve the NOI for 41 Dover Circle with special conditions #20, 21, 24, 27-30, 32, 34, 41 and 44, and the submission of the functions and characteristics statement. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 5-0-0. Roll Call Vote: Milne-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes; Batchelor-Yes.

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

### **GENERAL BUSINESS**

Mr. DeSimone asked to provide an update to an Enforcement Order on 27 Sophia Circle. Chair Batchelor stated that there are legalities around that and the Commission cannot comment. He stated that if it is not on the agenda, they cannot talk about it.

**Minor Buffer Zone Activities: None.**

**Permit Modifications/Extensions: None.**

### **Certificates of Compliance: 341 West Central Street SE159-111**

Ms. Deborah Batog of Gilmore Rees & Carlson PC representing Edwin's Gifts Too, Inc., owners of the property, addressed the Commission. She stated that this goes back to work in 1985 and a Certificate of Compliance was never issued. She stated that she only applied for a Partial Certificate of Compliance as the prior work was not related to 341 West Central Street; the work was at the other end of the property. She stated that the attachments to the application include her cover letter, a letter from Bryan Taberner showing the timeline for the Order of Conditions, and a map. She stated that the property is now subdivided; it is a separate zoning parcel and separate lot at this time.

Ms. White stated that she and Mr. Taberner spoke about this. She stated that it is her understanding that exactly as Ms. Batog pointed out, this was an Order of Conditions issued for a large project. Subsequent to the Order of Conditions, the parcel was subdivided, but the Order of Conditions follows those subdivided parcels; it follows the deed. She stated that now we have this lot, that really has nothing to do with wetlands, but it was part of the original Order of Conditions. Therefore, the applicant was correct in requesting a Partial Certificate for just that one lot. She stated that Mr. Taberner recommended that the Commission grant a Partial Certificate of Compliance for that one lot; this will clear the title. Chair Batchelor stated that is his recommendation also.

There was a motion made by Jeffrey Milne to approve the Partial Certificate of Compliance for 341 West Central Street SE159-111. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes; Batchelor-Yes.

**Violations/Enforcement: None.**

### **Minutes: February 3, 2022**

There was a motion made by Jeffrey Milne to approve the meeting minutes for February 3, 2022. The motion was seconded by Andrew Mazzuchelli and accepted with a roll call vote of 6-0-0. Roll Call Vote: Milne-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes; Batchelor-Yes.

**Discussion Item: None.**

**Chair and Commission Comments: None.**

**Executive Session: None.**

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Patrick Gallagher. No vote taken.

The meeting adjourned at 7:27 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary