

Town of Franklin



Conservation Commission

**March 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**

Jeff Livingstone called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: Jeff Livingstone (via Zoom), Patrick Gallagher, Andrew Mazzuchelli, Richard Johnson (via Zoom), Michael Rein. Absent: William Batchelor, Jeffrey Milne. Also present: Bryan Taberner, Director of Planning and Community Development; Tyler Paslaski, Administrative Staff; Lenore White, Wetland Strategies, Inc.

Mr. Livingstone stated that this meeting is being recorded.

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

**PUBLIC HEARINGS**

**Public Hearing – NOI – 60 Daniels Street**

*Mr. Livingstone recused himself.*

Mr. Gallagher stated there is a quorum issue to hear this item as Mr. Livingstone recused himself.

***Mr. Mazzuchelli entered the meeting.***

As Mr. Mazzuchelli is in attendance, quorum was available and the public hearing commenced.

Ms. Claire Hoogeboom, wetland scientist of LEC Environmental Consultants, representing the applicants/property owners, addressed the Commission for a Notice of Intent to construct a single-family dwelling at Parcel 242-043 adjacent to 60 Daniels Street, with an in-ground pool, gravel driveway, and associated grading. She reviewed and discussed the location as shown on an aerial map. She stated that the parcel boundaries were endorsed by the Planning Board. She noted that the area is comprised mainly of upland meadow habitat, and there are some bordering vegetative wetlands within the rear of the lot. She noted that Shepard Brook, a perennial stream, flows along or adjacent to the rear property boundary. She stated that while there is riverfront area on the site, it is beyond 1,000 ft. from the project. She pointed out that the rear of the site is located within a bordering land subject to flooding, Zone A, in the rear of the site, but it is very far from the project area. She noted that she and Ms. White have been in contact and Ms. White performed a site visit. She stated that Ms. White indicated a few flags, A3 and A4, that Ms.

Hoogeboom should review. Ms. Hoogeboom stated that the plans before the Commission show the revised flags that she relocated as a result of Ms. White's comments. She stated that the pool was adjusted 3 ft. to remain outside of the 50 ft. buffer zone. She reviewed the project plans. She stated that all components are located outside of the 50 ft. buffer zone with the exception of a small portion of the stormwater strip that is encroaching slightly into the 50 ft. buffer zone. She reviewed the stormwater plan and erosion controls which are shown on the plans. She stated that following construction of the project, the disturbed areas will be seeded and erosion controls will remain in place until the site is stabilized following construction. The application includes a variance request for work within the 25 ft. to 50 ft. buffer zone which includes a portion of the stormwater depression, some minor grading, and a very small portion of the pervious stone stormwater strip.

Ms. White stated that she conducted a site visit last week. She sent an email to Ms. Hoogeboom regarding some changes to the wetland line. She stated that she just saw the new plans this morning and would like the opportunity to look more at the plans. She questioned that the house would be connected to a sewer line on Daniels Street. Ms. Hoogeboom stated yes; it is a privately owned system.

Mr. Greg Bunavicz of Borderland Engineering, Inc. stated that the sewer main within the street is privately owned; he noted that he is not sure of the legalities of how it works.

Ms. White confirmed that there is no work to be done in the 25 ft. buffer zone. She stated that after she reviews the plans, she will get a final recommendation to the Commission; however, it seems like it is a reasonably designed project and some conditions would be applicable if approved.

Mr. Gallagher agreed that access to the private sewer line must be confirmed.

Mr. Chris Palladini, applicant, explained that it is a public sewer line and they do have permission from the current owner of the sewer line to attach.

There was a motion made by Andrew Mazzuchelli to continue the public hearing for the NOI for 60 Daniels Street to March 31, 2022. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes.

*Mr. Livingstone re-entered the meeting.*

#### **Public Hearing – ANRAD – Franklin Heights Parcel B**

Mr. Taberner reviewed that the 20.3+/- acre property is Parcel B of the Franklin Heights housing development. There are substantial wetland resources on and adjacent to the property. BETA/Wetlands Strategies Inc. has been hired to conduct a site inspection and review the flagged boundary of the wetland resources; however, Ms. White has not conducted a site visit as of March 15, 2022, because of scheduling issues with the applicant.

Ms. White stated that she received the ANRAD and has been working on a review of it. She has reached out to the applicant's botanist trying to set up a date. They have yet to confirm a date. However, she started to review the wetland line and has covered about 50 percent of the site. She has many concerns. In review of about 6,000 sq. ft. of wetland delineation, she does not agree with 70 percent to 80 percent of the flags. She would move them further up-gradient, in some cases by 20 ft. to 30 ft. She stated that she will continue her review. She thinks her recommendation may be that the Commission does not confirm the wetland line; but she has not finished her review.

Mr. Livingstone agreed that this public hearing should be continued.

Ms. Diana Deschamps, abutter at 24 Shayne Road, stated that she thinks there should be a review of this and the Commission should be thorough. She stated that living in Parcel A they have had a lot of water issues and flooding in the basement.

Mr. Michael Girardi, abutter at 48 Leanne Way, stated that Parcel B is contingent upon the Certificate of Compliance for Parcel A. He stated that the original developer cannot be reached for completion of that. He stated that the trustees from Franklin Heights Association can speak about this. He stated that procedurally, there should not be any discussion about Parcel B until the Certificate of Compliance for Parcel A is met. He stated that this issue is outlined in the Franklin Heights Association meeting minutes. Mr. Taberner stated that he is not aware of this, but before the next meeting, he will be.

Mr. Livingstone confirmed that the developer of Parcel A is not the same as the developer for Parcel B. Mr. Girardi stated that was correct. Mr. Livingstone asked if Mr. Taberner could obtain copies of the meeting minutes that Mr. Girardi spoke about. Mr. Girardi stated that Mr. Taberner should get in touch with the trustees of Franklin Heights. He stated that the only pass through to Parcel B is from Parcel A; there should be another exit onto Lincoln Street for safety reasons. Mr. Livingstone stated that concern would be for the Planning Board.

There was a motion made by Andrew Mazzuchelli to continue the public hearing for the ANRAD for Franklin Heights Parcel B to March 31, 2022, at 7:04 PM. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes.

### **GENERAL BUSINESS**

**Minor Buffer Zone Activities: None.**

**Permit Modifications/Extensions: None.**

#### **Certificates of Compliance: 176 Cottage Street CE159-1060**

Mr. Taberner stated that an Order of Conditions had been issued for work to construct a barn at this property, but they never began the work. This request is for a Certificate of Compliance confirming that the Order of Conditions is no longer valid and that no work occurred. He stated that Ms. White visited the site on March 11, 2022, and confirmed that no work ever began. He confirmed this item must be formally voted on.

There was a motion made by Andrew Mazzuchelli to approve the Certificate of Compliance for 176 Cottage Street CE159-1060. The motion was seconded by Michael Rein and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes.

**Violations/Enforcement: None.**

#### **Minutes: March 3, 2022**

There was a motion made by Andrew Mazzuchelli to approve the meeting minutes for March 3, 2022. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes.

**Discussion Item: Earth Day DelCarte Event Scheduling for 2022**

Mr. Taberner reviewed that as the 2021 Earth Day cleanup event at DelCarte took place recently in October, the Conservation Department has not begun planning the 2022 event. Since the Commission would be in charge of the event, it is the Commission's decision on when to hold the 2022 Earth Day event.

Mr. Mazzuchelli stated that he is open to a celebration of the event. However, with regard to sponsors and planning for the event, it requires a lot of preparation and coordination with other agencies within the Town such as DPW and securing sponsors requires time. Therefore, they would be cutting it close to hold the event in April.

Mr. Livingstone agreed it would be cutting it very close. Mr. Gallagher suggested doing something in May. Mr. Livingstone suggested mid-May. Mr. Gallagher noted May 21, 2022, is a Saturday. Mr. Livingstone confirmed the date of May 21, 2022. Mr. Livingstone volunteered; Mr. Rein volunteered. Mr. Livingstone asked those members who coordinated the event last year send him all the information of people who were contacted and contributed last year. Mr. Mazzuchelli stated he would send Mr. Livingstone the information. Mr. Livingstone stated that he would work with the DPW.

**Chair and Commission Comments: None.**

**Executive Session: None.**

There was a motion made by Andrew Mazzuchelli to adjourn the meeting. The motion was seconded by Patrick Gallagher and accepted with a roll call vote of 5-0-0. Roll Call Vote: Livingstone-Yes; Gallagher-Yes; Mazzuchelli-Yes; Johnson-Yes; Rein-Yes.

The meeting adjourned at 7:41 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary