**Franklin Conservation Commission**

**Minutes of Meeting**

**November 10, 2016**

To: Town Clerk

cc: Members

File

Members Present: B. Batchelor, T. Henrichon, P. Harrington, S. McLean, Angela Gelineau, Nick Shuler, George Russell, Conservation Agent

Members Not Present: J. Livingstone.

Chairman Batchelor announced the meeting would be audio and video recorded.

Mr. George Russell’s Agent’s Report has been appended to the minutes.

**Public Hearing – NOI – 0 Pond Street – Baystone**

Mr. Russell stated he was informed by DEP this afternoon that the NOI application is incomplete. It has been advertised in accordance with statutory requirements. He recommended the Commission authorize peer review, no testimony be taken, and the hearing be continued to the December 1, 2016 meeting.

There was a motion made by Paul Harrington to authorize peer review for 0 Pond Street. The motion was seconded by Scott McLean and accepted with a vote of 5-0-0.

Mr. Russell clarified the application process. It goes to the municipality and the Department of Environmental Protection. DEP must issue an NOI number; it is only issued if the application is deemed complete. DEP has declared the application incomplete; therefore, legally, it has not been filed. He recommended the Commission take no testimony and the hearing be continued.

There was a motion made by Scott McLean to continue the public hearing for the NOI for 0 Pond Street until December 1, 2016 at 7:30 PM. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

**Public Hearing – RFD – 39 Miller Street - Bisson**

Mr. Mark Bisson, homeowner, addressed the Commission for the installation of a 22’ x 22’ retaining wall. He stated he is proposing this at the end of his driveway as it currently slopes down; he would like to build an L-shaped wall to bring up the elevation. He will use about 35 yds. of fill; it is a little less than a 7-ft. drop.

Mr. Russell stated he had no additional comments besides those which were noted in his Agent’s Report.

There was a motion made by Scott McLean to close the public hearing on the RDA for 39 Miller Street. The motion was seconded by Tara Henrichon and accepted with a vote of 6-0-0.

There was a motion made by Scott McLean for a negative determination on the RDA for 39 Miller Street with stipulations #20 (except for the certification by an engineer), 27, 28, 34, 35, 38 and 44. The motion was seconded by Tara Henrichon and accepted with a vote of 6-0-0.

**GENERAL BUSINESS**

**Minor Buffer Zone Activity: 8 Ivy Lane**

Mr. Mike Dakota stated he is extending the deck 4 ft. away from the house, the piers are going 2 ft. further than existing, and it will be cantilevered. It will have a concrete pad.

Chairman Batchelor stated this seems standard.

Mr. Russell stated he had no comments.

There was a motion made by Scott McLean to approve the MBZA for 8 Ivy Lane. The motion was seconded by Tara Henrichon and accepted with a vote of 6-0-0.

**Certificates of Compliance: 412 West Central Street – SE159-862, 412 West Central Street – SE159-863, and 176 Grove Street**

Mr. Russell stated all certificates of compliance listed are ready for release.

There was a motion made by Scott McLean to approve the certificates of compliance for 412 West Central Street – SE159-862, 412 West Central Street – SE159-863, and 176 Grove Street. The motion was seconded by Nick Shuler and accepted with a vote of 6-0-0.

Mr. Russell requested that two items be added to the agenda: Discussion of EPA Superfund Site on Fisher Street and Discussion of Education and Outreach

There was a motion made by Scott McLean to add two discussion items to the agenda: Discussion of EPA Superfund Site on Fisher Street and Discussion of Education and Outreach. The motion was seconded by Tara Henrichon and accepted with a vote of 6-0-0.

**Discussion Item: Remington Basin Inlet – DPW**

Mr. Russell stated there was a request from the director of public works to clear some brush so they can access the catch basin at the Remington School. They are supposed to be coming in with an NOI to work on the basin. But, to determine the scope of the work they need to get in there and clear the brush. Under the local bylaw, the Commission has the authority to allow them to do this.

There was a motion made by Scott McLean that the DPW be allowed to cut the vegetation in their suggested plan with the understanding that it will only be that vegetation and it will be included in their future NOI on the Remington School basin. The motion was seconded by Tara Henrichon and accepted with a vote of 6-0-0.

**Discussion Item: DPW/Con Com Authorized Work**

Mr. Russell stated that six years ago the Commission authorized the DPW to undertake certain work under Section 181-2 of the local bylaw. DPW must notify the Agent and the Commission before they do the work which is what happened with the Remington School. He is bringing this to the Commission’s attention as this is the current procedure under which the DPW operates. Only one current Commission member was here when this was done. He wants to make sure the current Commission is still comfortable with what is outlined. No formal action is necessary unless the Commission feels this is not good.

Mr. Shuler mentioned the stumps in a public way and asked why the DPW would have to come before the Commission.

Mr. Russell explained that what if there were a stream next to it with a bank which is a resource area. He stated that if the DPW is going to do new construction within the Commission’s jurisdiction they would be filing a permit.

Chairman Batchelor stated they would accept the status quo.

Mr. Russell stated he would notify the public works director that the Commission reviewed the letter and they are comfortable with the procedure and process in the categories outlined.

**Discussion Item: EPA Superfund Site on Fisher Street**

Mr. Shuler discussed the Franklin Superfund site. He stated there is mercury, lead, zinc and other VOCs that are entering the soil and affecting Mine Brook. In the future, this could possibly affect Beaver Pond and a nearby town well. People do not want lead or mercury in their water. Seems like the EPA is taking initiative now and turning it into a priority site.

Chairman Batchelor stated it is an 18-acre site.

Mr. Russell stated the demolition of the structure is going rapidly. He will be meeting with EPA officials next Wednesday and will bring any additional information from the meeting to the Commission.

**Discussion Item: Education and Outreach**

Ms. Tara Henrichon stated she wanted to present a proposal given the desire in the community to have a bit more education about what kinds of wetlands are on their property. Perhaps the Conservation Commission could to do a program for realtors on how they can help educate homeowners at point-of-sale or when they are talking to people about what the property may have on it, what the regulations are, and what the town bylaws are. She stated the Commission could do something for homeowners, but speaking to realtors would provide them with more education and address concerns about wetlands on property. A realtor friend of hers recommended she reach out to Town Councilor Matt Kelly to see if he may want to coordinate with the Commission and co-sponsor something.

Ms. Gelineau asked if realtors were required to inform a buyer about wetlands. Some realtors may be happy to share such information while others may find it a stumbling block to selling a house.

Mr. Russell provided Commission members with a document from MACC. He stated the booklet can be ordered and MACC will put Franklin’s name on the front. The Commission can develop a cover letter and provide all realty firms in town with a copy of the letter and booklet. The Commission has the funds to purchase the booklets: 100 booklets for $0.20 ea. plus $4.00 shipping and handling. If Commission had the name of each realtor in each of the realty firms, they could send them out individually; probably valuable to send to both residential and commercial brokers.

Chairman Batchelor confirmed there were no objections from any Commission members to order and send out the booklets.

Mr. Russell stated he would order the booklets, get the letter prepared, and send cover letter to Ms. Henrichon for editing.

Ms. Henrichon asked if she could reach out to Matt Kelly to find a date to do a workshop.

Mr. Russell stated reaching out would be a good start. Regarding Bellingham dam removal, he stated it has been significantly delayed.

**CHAIR AND COMMISSION COMMENTS**

Chairman Batchelor recommended everyone check the town website as it has been redesigned. He stated the Best Development Practices Guidebook has been approved. He congratulated all Commission members, Mr. Russell, and everyone that worked on it; it is a job well done.

**EXECUTIVE SESSION**

**Discussion – Pending Litigation**

There was a motion was made by Tara Henrichon to go into executive session pursuant to Massachusetts General Law Chapter 39 Section 23b3 to discuss pending litigation. The Conservation Commission will return to open session solely for the purpose of adjourning the meeting. The motion was seconded by Scott McLean and accepted with a Roll Call Vote: Henrichon-Yes; McLean-Yes; Harrington-Yes; Gelineau-Yes; Shuler-Yes; Batcheor-Yes. (Vote: 6-0-0.)

**Signed Minor Buffer Zone Activities, Certificates of Compliance & Determination of Applicability**

Minor Buffer Zone Activity – 8 Ivy Lane – Grace

Determination of Applicability (Negative) 39 Miller Street – Bisson

Certificate of Compliance – 176 Grove Street – Novaya Real Estate – CE159-1086

Certificate of Compliance – 412 West Central Street – Franklin GS – SE159-863

Certificate of Compliance – 412 West Central Street – Nouria Energy - SE159-862

There was a motion made by Scott McLean to adjourn the meeting. The motion was seconded by Angela Gelineau and accepted with a vote of 6-0-0.

The meeting adjourned at 8:05 PM.

Respectfully submitted,

Judith Lizardi

Recording Secretary