

**Franklin Conservation Commission
Minutes of Meeting
February 1, 2018**

To: Town Clerk
cc: Members
File

Members Present: Bill Batchelor, Paul Harrington, Jeff Livingstone, Jeffrey Milne, Staci Dooney, George Russell, Conservation Agent.

Members Not Present: Tara Henrichon, Angela Gelineau.

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

Mr. George Russell's Agent's Report and Supplemental Agent's Report have been appended to the minutes.

Additional Agenda Item Request

Mr. Russell requested Item 2.6.3: Commission's Standard Operating Procedures, be added to tonight's agenda.

There was a motion made by Jeff Livingstone to add Item 2.6.3: Commission's Standard Operating Procedures, to tonight's agenda. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 834-860 West Central Street – Padula

Mr. Russell stated he received a request from the applicant to continue this hearing. The applicant's application was voted to go to peer review, but the peer review fee has yet to be received from the applicant. He recommended the hearing be extended to February 15, 2018.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 834-860 West Central Street to February 15, 2018, at 7:25 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Minor Buffer Zone Activity: 23 James Street

Ms. Kelsey London addressed the Commission. She stated they had an older shed that was decaying and falling apart; they had it taken down. They put a new, slightly bigger shed up in the same location. The new shed is on concrete blocks as was the old shed. She confirmed there were no hazardous materials

going into the shed. She stated that a little more gravel was added around the concrete blocks, so the gravel extended a few feet back.

Mr. Russell stated he recommended approval.

There was a motion made by Staci Dooney to approve the MBZA for 23 James Street. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – 93 Elm Street – Sellew

Mr. Russell stated that this application is not ready to go forward. He recommended continuance to February 15, 2018.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 93 Elm Street, to February 15, 2018, at 7:30 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Public Hearing – Continued - NOI – Camp Haiastan – 722 Summer Street

Mr. Peter Glick, civil engineer of SMMA, and Mr. David Hamparian, executive director of Camp Haiastan, addressed the Commission. Mr. Glick stated that they were before this Commission two weeks ago and that the peer review was not yet back, so there had been a continuance of the hearing. Since then, the peer review comments were received from both the wetlands and drainage portions. The drainage piece was done as part of the peer review for the Planning Board. The same peer review is being used for both Conservation and Planning. He stated he responded to the peer review comments last Monday; they have not received any comments to the responses yet. He stated he is aware that the Commission had not received the peer review comments yet. He handed the Commission members both the peer review comments and the applicant's responses to those comments; he stated Mr. Russell had already received copies.

Mr. Russell stated he had already received and reviewed the peer review. He confirmed that the plans that the Commission is seeing tonight were already received by Mr. Russell's office; these are the plans that the peer reviewers looked at. Mr. Russell said that basically the peer reviewer agreed with the applicant's narrative and the plans complied with all the necessary burdens-of-proof that needed to be complied with. He noted that there was a vegetative debris violation discovered by the peer reviewer. Mr. Russell provided a Supplemental Agent's Report on this. He recommended approval with the conditions indicated in his Agent's report, plus the special condition outlined in his Supplemental Agent's Report.

Mr. Hamparian stated that he has no concerns with the conditions. He stated that the referenced area of the camp has been a cleanup area since he attended the camp as a child. He stated they were unaware that putting debris such as leaves and branches was a violation. They have not put any additional debris in the area for the past three years. They were not aware until today that they would be asked to clean up the area. He would be happy to do it.

Mr. Russell confirmed the NOI number was received.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for Camp Haiastan, 722 Summer Street. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

There was a motion made by Jeffrey Milne to approve the NOI for Camp Haiastan, 722 Summer Street, with special conditions #20, 22, 23, 27-30, 34, 37-39, 44, and 49-51, and the following special condition:

The applicant shall remove the vegetative debris referenced in the peer review of this project from all jurisdictional areas. This removal shall be undertaken under the supervision of a wetlands scientist who shall submit a report to the Commission prior to the request for a certificate of completion. This report shall outline the methods of removal, the conditions of the jurisdictional area after removal, restoration of the jurisdictional area if necessary and any remediation efforts that were necessary to restore the jurisdictional areas.

The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

GENERAL BUSINESS (continued)

Permit Modification: Franklin Heights

Mr. Russell stated that the applicant requested this item be continued to February 15, 2018, due to illness in the family.

Permit Extension: 137 Mastro Drive

Mr. Russell recommended that should this permit be extended, all the erosion control should be re-established and inspected prior to the issuance of any building permits.

Chairman Batchelor stated that the applicant was not present at the meeting.

There was a motion made by Paul Harrington to extend the permit for 137 Mastro Drive with the condition that all the erosion control barriers have to be recertified and inspected prior to issuance of any building permits. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Minutes:

There was a motion made by Paul Harrington to approve the meeting minutes for December 7, 2017. The motion was seconded by Jeff Livingstone and accepted with a vote of 4-0-1. (Mr. Harrington abstained.)

Mr. Russell stated that in the Commission members' packets there was a requested revision to page 1 of the January 18, 2018 minutes.

There was a motion made by Jeffrey Milne to approve the meeting minutes for January 18, 2018, as amended. The motion was seconded by Jeff Livingstone and accepted with a vote of 3-0-2. (Chairman Batchelor and Mr. Harrington abstained.)

Discussion: Beaver Issue at DelCorte

Mr. Russell stated that he received from the engineering firm a Scope of Services for what it would take to develop plans to take care of the beaver issue identified at DelCorte. This scope of services is \$48,000. In discussion with the town engineer, the preliminary estimate to do the work is \$200,000-\$300,000. The biggest issue is access; a road would have to be built to get heavy equipment in there. In light of that, it would be a \$250,000-\$350,000 bill. He recommended that at this time the beaver issue at DelCorte be tabled. He stated that this amount cannot be afforded at this point considering the other issues that they are trying to take care of.

Chairman Batchelor confirmed the cost of the study for approximately \$49,000. He agreed that this item should be tabled at this time.

Commission members informally agreed that the beaver project at DelCarte should not go forward at this time.

Discussion: MBZA Requirements

Mr. Russell stated that there is a technicality in the way that the Commission has been handling MBZAs. The MBZA handled tonight at 23 James Street is a perfect example of this. Minor buffer zone activity is basically a part of the local bylaw. In order to make it more stringent than the state statute, which it must be in order to be approved by the attorney general, the Commission permits some activities in residential zones that would not necessarily be permitted by the state law and regulations such as the shed at 23 James Street. However, the fact is that the minor buffer zone by its definition is to allow things to happen in residential buffer zones to a jurisdictional area. The riverfront does not have a buffer zone; it is all a resource area. The 200 ft. on either side of the bank of a stream is all resource area. He stated that our own regulations would therefore prohibit what was just granted at 23 James Street. He proposed an amendment to the regulations to allow minor buffer zones in a riverfront provided they do not go into the 25 ft. no-touch zone. This change would require the Commission hold a public hearing before formal Minor adoption.

Chairman Batchelor asked if the state would recognize it if the Commission took a formal vote.

Mr. Russell stated the state, in a residential component, would not regulate that shed.

Chairman Batchelor, Commission members, and Mr. Russell discussed the proposal to amend the rules and regulations to allow a homeowner to apply for an MBZA in a riverfront.

There was a motion made by Jeff Livingstone to send this item, to amend the regulations to allow a homeowner to apply for an MBZA in a riverfront, to a public hearing on March 1, 2018. The motion was seconded by Jeffrey Milne and accepted with a vote of 5-0-0.

Discussion: Commission's Standard Operating Procedures

Mr. Russell stated that in the Commission members' packets are two SOPs. One that the Commission is already following regards vegetative debris in a jurisdictional area that requires that the applicant must hire a wetland scientist, generate a report, and file an RDA. He reviewed the second SOP providing the example of 16 Berkshire that came up at the last Commission meeting which included three criteria that were met including no greater impact on the resource area, going no closer to the resource area, and the quantity of fill was not changing. He stated that the Commission, in essence, decided that if an applicant met that criteria, you had to let the Commission know what was going on, but you did not need to file a formal amendment to the NOI. If you did not meet that criteria, you had to file for an amendment. He stated that he prepared a narrative format and would like the Commission to review it. If it is okay, he would like to get it on the website, and/or use it as a handout to give to people who may be faced with these situations and want to know what they can do. He is trying to streamline part of the process and save people time and money if these conditions are met. This does not require any action of the Commission other than to say that this looks good. It could go on the website under "Guidance Documents."

Chairman Batchelor and Mr. Russell discussed how this will provide additional clarity to people.

Mr. Russell noted that he and the Vice Chair are working together to develop some educational pieces which will come before the Commission for review and then be put on the website.

Signed Minor Buffer Zone Activity, Orders of Conditions & Extension Permit

Minor Buffer Zone Activity – 23 James Street – London

Extension Permit – 137 Mastro Drive – Lewis – CE159-1058

Orders of Conditions – 722 Summer Street – Camp Haiastan – CE159-1174

There was a motion made by Jeffrey Milne to adjourn the meeting. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

The meeting adjourned at 7:55 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary