

**Franklin Conservation Commission  
Minutes of Meeting  
July 26, 2018**

To: Town Clerk  
cc: Members  
File

Members Present: Tara Henrichon, Paul Harrington, Jeff Livingstone, Angela Gelineau, Staci Dooney, George Russell, Conservation Agent .

Members Not Present: Bill Batchelor, Jeffrey Milne.

Vice Chair Henrichon announced the meeting would be audio and video recorded. She reviewed how the Commission operates. She stated that Mr. Russell, Conservation Agent, makes recommendations to the Commission based on law; the Commission interprets the law and the needs of the individual. Therefore, it is the Commission's responsibility to come to a decision, not Mr. Russell's decision; he is here in an advisory technical capacity.

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

**Public Hearing – RFD – 13 Bubbling Brook Road – Keller**

Mr. Russell stated the applicant was notified of the hearing. Mr. Russell stated he knows it is the Commission's policy to not make decisions without an applicant present. However, in the instant case the applicant did come in front of the Commission to address the deposition material, so the Commission is aware of what is involved in the project and at this time the applicant/property owner has removed everything. Given that technicality, he suggests the Commission can go forward with taking any public testimony, closing the hearing, and granting the RDA.

Commission members agreed no precedent would be set.

There was a motion made by Angela Gelineau to close the public hearing for the RFD for 13 Bubbling Brook Road. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

There was a motion made by Staci Dooney to approve the RFD for 13 Bubbling Brook Road. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

## **GENERAL BUSINESS**

### **Minutes: July 12, 2018**

There was a motion made by Angela Gelineau to approve the meeting minutes for July 12, 2018. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

### **Certificate of Compliance: 5 Forge Parkway**

Mr. Russell stated all is in order for the certificate to be granted.

There was a motion made by Angela Gelineau to approve the Certificate of Compliance for 5 Forge Parkway. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

### **Public Hearing – RDA – 121 Forest Street - Honekamp**

Mr. Michael Honekamp addressed the Commission.

Mr. Russell stated that while doing an inspection on a dam located adjacent to the applicant's house, he noticed a pile of vegetative debris immediately adjacent to the river. He notified the applicant; the applicant has been very cooperative throughout the process. The applicant engaged a wetland scientist to examine the debris in question and then filed the appropriate permit. Mr. Russell recommended the Commission grant a negative #2 and it is his opinion that the debris should stay in place. It could be removed by hand but leaving it there would probably be less detrimental to the riverbank than removing it. He noted the wetland scientist looked at it and basically said if it is taken out, it should be taken out by hand with no equipment. Mr. Russell noted this would be the type of thing that if the Commission approves the modifications to the regulations, he would not approve administratively because it is on the riverbank.

There was a motion made by Angela Gelineau to close the public hearing for the RDA for 121 Forest Street. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

There was a motion made by Angela Gelineau to issue a negative #2 determination for the RDA for 121 Forest Street, and a recommendation that the debris stay where it is; if it is not going to stay where it is, it must be removed by hand. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

### **Public Hearing – RDA – 23 James Street - London**

Ms. Kelsey London addressed the Commission. She stated they recently had a shed removed and replaced. There are a few gouges in the land from that. They would like to smooth over and fill them in. She stated there is a steep slope from the roadway to their yard which they are trying to level out. They would like to bring in wood chips to put under a tree house they are building for their children.

Mr. Russell stated the property owner has a significant amount of filter fabric on the property. Basically, it was deposited as an invasive species control mechanism; it will all be coming up. He thinks that is a positive. He recommended a negative #2 determination.

Mr. Harrington asked how much of the area was in the buffer.

Mr. Russell stated the area where the work will take place is at the very end of the 200 ft. riverfront zone.

There was a motion made by Angela Gelineau to close the public hearing for the RDA for 23 James Street. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

There was a motion made by Angela Gelineau to issue a negative #2 determination for the RDA for 23 James Street. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

**GENERAL BUSINESS (continued)**

**Certificate of Compliance: Lot 3 Marine Way**

Mr. Omar Chatila, project manager for Franklin Hills, LLC, addressed the Commission. He stated when Mr. Russell came out, he noticed a little debris over the silt sack. They have someone going out there tomorrow to clean it by hand. They have been unable to grow grass where the slope is due to the weather and the water ban. He stated they are going to wait until fall to reseed it to try to get grass growing there.

Mr. Russell stated that he and the applicant met onsite yesterday; a site inspection is normal practice for a Certificate of Compliance request. The erosion is significant. The applicant is going to be cleaning up the erosion adjacent to the barriers on both sides, replacing the erosion barriers where they have failed, and replacing some rip rap. Unfortunately, there is little they can do to vegetate the slopes until the water ban is lifted sometime in September. Right now, there is significant weed growth, but not enough to prevent what is happening. He recommended that because the statute requires the Commission to take an action, the Commission will have to deny the Certificate of Compliance. He pointed out that when the applicant came in, they also wanted a Certificate of Compliance for Lot 2, but their as-built plan and engineer's certificate indicated there was a significant movement of the wall from what was approved. That will be on the Commission's next agenda for an amendment. He noted the property owner has been extremely cooperative and is trying to do the best they can; they just ran into a weather issue. He noted the permits will expire in November; they will need to get the Certificate of Compliance issued or they will need a permit extension.

There was a motion made by Angela Gelineau to deny the Certificate of Compliance for Lot 3 Marine Way. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

**Public Hearing – Amendments to Sections 1 & 2 of the Commission Regulations**

Mr. Russell stated the Commission has been discussing this for a while. The proposed amendments are in the Commission members' packets. He indicated the change in reporting requirements has been made which requires the submission of a report at least monthly to the Commission.

Vice Chair Henrichon stated she thinks this looks great.

There was a motion made by Angela Gelineau to close the public hearing for the Amendments to Sections 1 & 2 of the Commission Regulations. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

There was a motion made by Angela Gelineau to approve/accept the Amendments to Sections 1 & 2 of the Commission Regulations as provided in the Commission members' packets. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

Commission members and Mr. Russell discussed when his first reporting would be. Mr. Russell stated the Commission members would receive it electronically every month or he could put it in the packets.

Vice Chair Henrichon stated that either way is fine. She would like to hear about these and requested there be space on the agendas for any possible discussion.

**Public Hearing – Continued - NOI – 725 Union Street – Holmgren Engineering**

Mr. Russell stated that at the request of the applicant, this agenda item should be continued to the next meeting.

There was a motion made by Staci Dooney to continue the public hearing for the NOI for 725 Union Street to August 9, 2018, at 7:30 PM. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

**GENERAL BUSINESS (continued)**

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

Mr. Paul Goode addressed the Commission. He stated trees were taken down in his backyard for safety of people and property. The trees were rotting. He did not know at the time that a permit was needed. He planted grass there; he did not change the elevation or bring in fill.

Mr. Russell stated he had received a complaint. He met with the property owner who was very cooperative and filed the application in a timely manner. He does not know what was there before. It was all buffer zone work. It is his opinion an MBZA would be appropriate.

Vice Chair Henrichon noted if the circumstances were different and the trees were still there, the Commission would request to have a tree specialist determine if it truly was a safety issue. So, the Commission is making the assumption it was an imminent safety issue.

Mr. Russell stated the applicant was fearful that a tree would fall on the house.

Mr. Harrington asked where the wetlands were on the plan.

Mr. Russell reviewed the drawing.

Mr. Goode stated it is not quite level; there are gullies and rocks. He asked if minor changes were okay to do.

Mr. Russell stated Yes, once this is approved. It would not be okay if the applicant were bringing in fill and re-grading the whole yard.

There was a motion made by Angela Gelineau to approve the MBZA for 8 Cherie Lane. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

**Public Hearing – Continued - NOI – Chestnut Street Senior Village - Whitman**

Mr. Russell stated the applicant requested the item be extended to the next regularly scheduled meeting. The applicant is revising plans and hoping to submit them tomorrow.

There was a motion made by Angela Gelineau to continue the public hearing for the NOI for Chestnut Senior Village to August 9, 2018, at 7:35PM. The motion was seconded by Staci Dooney and accepted with a vote of 5-0-0.

**Discussion: Annual Report**

Mr. Russell requested the Commission members get back to him any concerns, suggestions, questions, edits, etc., by next week as he has to revise and get it into the Town Clerk the week after. Email is best.

Vice Chair Henrichon confirmed by August 9, 2018, the Commission members will receive an almost final copy.

Mr. Russell stated it will be on the agenda for discussion on August 9, 2018.

**Discussion: Eagle Scout Project - DelCarte**

Mr. Russell stated the Eagle Scout came in to discuss the project with Mr. Russell. He informed the Eagle Scout that it must also be discussed with the Assistant Town Engineer and Mr. Russell was to be involved in the meeting. The Eagle Scout discussed it with the Assistant Town Engineer, but Mr. Russell was not involved in the meeting. The Eagle Scout seems to want to create bat boxes. Mr. Russell told the Eagle Scout that he would have to come to the Conservation Commission; the Eagle Scout originally thought he would do it all at DelCarte. Mr. Russell stated he has not heard from the Eagle Scout so he does not know if he is doing it or where he is doing it. Mr. Russell will email him next week requesting information and informing him that if he is still planning to do a project that is on land under the management of the Conservation Commission, he has to present it to the Conservation Commission.

Vice Chair Henrichon asked if it would be a good idea to have a list of projects they would like to have done instead of having things done that people think are a nice idea.

Mr. Russell stated any suggestions a Commission member may have for a scout project would be more than welcomed. He stated the suggested ideas could be put on the website. He noted a large number of scouts come looking for projects; at least two a month. He noted the Girl Scout will be coming back to the next meeting to provide an update to her project.

**Chair, Commission Member and Agent Comments**

Mr. Russell stated that regarding the project to do the ADA accessibility trail, remove the woodchips, etc., at DelCarte, there was a preconstruction meeting today and the contractor is probably going to start either late next week or the week after. The total project time that he is actually there will be about five days and one of those days will be in September when he puts down the loam and seed.

Vice Chair Henrichon asked what the impact to visitors will be.

Mr. Russell stated there may be a day or two that it will have to be closed. As soon as he has the actual start date, he will put out the information. He noted that at least one day the contractor will be using heavy equipment. He stated the signs the Commission approved for the Conservation Managed Land are all up. There have been about half dozen phone calls; basically, indicating that they have been walking their dog on the land for years, why can't they go on it anymore. Or, what does this mean? He thinks it may have been ignorance of the fact that it is land managed by the Conservation Commission. None of the people seemed upset. Thirty-five signs were put up.

**Signed Minor Buffer Zone Activity, Determinations of Applicability & Certificate of Compliance**

Certificate of Compliance – 5 Forge Parkway – Ryan Construction  
Determination of Applicability – 13 Bubbling Brook Road – Keller  
Determination of Applicability – 121 Forest Street – Honekamp  
Determination of Applicability – 23 James Street – London  
Minor Buffer Zone Activity – 8 Cherie Lane - Goode

There was a motion made by Staci Dooney to adjourn the meeting. The motion was seconded by Jeff Livingstone and accepted with a vote of 5-0-0.

The meeting adjourned at 7:52 PM.

Respectfully submitted,

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Judith Lizardi  
Recording Secretary