

**Franklin Conservation Commission
Minutes of Meeting
March 9, 2017**

To: Town Clerk
cc: Members
File

Members Present: B. Batchelor, T. Henrichon, P. Harrington, S. McLean, A. Gelineau, N. 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 – Continued - RFD – 82 Elm Street - Graf

Mr. Russell stated the applicant requested to continue this hearing to June 1, 2017.

There was a motion made by Scott McLean to continue the public hearing for the RFD for 82 Elm Street to June 1, 2017 at 7:15 PM. The motion was seconded by Nick Shuler and accepted with a vote of 5-0-1.

GENERAL BUSINESS

Minor Buffer Zone Activity: Eagle Scout Project – Metacomet Land Trust

Mr. Ryan Walsh, boy scout, stated he was requesting approval to build a kiosk off Bridal Bath so people know the path is there and to repair a trail bridge connecting Bridal Path to Maple Street. He has submitted the minor buffer zone activity application. He would like to do the work this spring or next spring and thinks it will not take more than one month. He also needs approval from the Boy Scouts as they approve Eagle projects. He has received approval from the trust that owns the land. He and members within his scout troop will do the work. Metacomet will provide the information to go on the kiosk.

Mr. Russell stated the permit application is to construct the kiosk on land owned by the Metacomet Land Trust on Bridal Path. Written permission from the property owner for the kiosk construction has been received.

There was a motion made by Scott McLean to approve the MBZA for the Boy Scout project on Bridal Path. The motion was seconded by Paul Harrington and accepted with a vote of 6-0-0.

Public Hearing – RFD – 511-515 East Central Street – Cadillac Properties

Mr. Patrick Doherty, professional engineer of Midpoint Engineering & Consulting, on behalf of the applicant, Cadillac Properties, LLC, addressed the Commission for construction of two new commercial

buildings. He stated the applicant has submitted a site plan for expansion of their property. Some of the work has extended into the 100-ft. buffer zone. They are requesting a determination of applicability of whether a notice of intent would be required. Abutters to the property include Magnolia Heights Retirement Community and Enterprise Car Rental building. The property consists of two lots. The lot at 511 East Central has four buildings including the One Stop Auto building. The lot on 515 East Central Street has the former Bobby D's used car business. The two properties total 4.75 acres. There is a flagged wetland on the Magnolia Heights property. On the applicant's property is a constructed detention pond. There is an intermittent stream between the wetland and the detention pond. He showed/discussed the provided map. He stated the applicant would like to expand development, combine both properties into one, remove the Bobby D's building and pavement, construct a 3,600 sq. ft. building, and behind that construct a 7,000 sq. ft. building which is approximately the same size as the three other buildings currently on 511 East Central Street. All work for the buildings and parking would be about 200 ft. from the wetland. There are utility connections that would extend to within the 100 ft. area. There is a bituminous curb and stormwater management system as a boundary, so there is virtually no risk for construction to effect nearby wetland system. They have prepared fully engineered drawings which include erosion sediment control plan. They will register with EPA for construction general permit which includes much monitoring.

Chairman Batchelor confirmed that no material or equipment will go into the resource area.

Mr. Doherty stated yes that is correct. Although, there would be some excavation and backfill in the buffer. No trees or natural vegetation would be disturbed for this work. He received four comments from Mr. Russell and he responded to them. He feels the scope of the work would not require a full notice of intent and they request a negative determination.

Mr. Russell stated he inspected the site and generated a letter to the applicant's engineer. The engineer responded and Mr. Russell accepts all responses as being adequate. He recommended a negative RDA with the stipulations outlined in his Agent's Report. He stated this development will require a stormwater management plan. Assuming the plan is followed, the basin that will be created as part of the development should not become a regulated area. He is not recommending any reporting requirements; it will be monitored by periodic site visits through his office.

There was a motion made by Scott McLean to close the public hearing for the RFD for 511-515 East Central 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 for the RFD for 511-515 East Central Street with the Agent's stipulations #20, 24, 27, 28, 34 and 44. The motion was seconded by Nick Shuler and accepted with a vote of 6-0-0.

Public Hearing –Continued - NOI – Remington/Jefferson School – 628 Washington Street
Mr. McLean recused himself.

Mr. Rich Niles, project manager of Amec Foster Wheeler Environment & Infrastructure, Inc., on behalf of the applicant, Franklin Public Works, addressed the Commission for the retrofit of three existing stormwater detention areas. He provided a brief overview of the project. He stated it is part of a Mass DEP 319 grant which was awarded to the Town of about \$125,000 which pays for design, materials, and permitting for the project. He worked with Franklin DPW to develop key sites within Town to retrofit to make stormwater improvements to help with Town's overall stormwater management program with goal of reducing phosphorus and providing a public education opportunity. The Remington/Jefferson School was selected as a high-profile site; it has significant stormwater basins designed for peak flow, not water quality. With retrofits, can get significant cost benefit because have existing infrastructure which can be

modified to target water quality improvements. There are three existing detention basins on site and are considered jurisdictional because of age of construction as well as BVW adjacent, at the outlet side. There is a certified vernal pool at the southwest portion of the site. He explained these three stormwater basins lack pretreatment and debris washes in. He described the redesign plans for each of the three basins. Part of the project is to put up signage so it is an educational opportunity for the school. The DPW is designing signs for this. As part of the stormwater standards, a maintenance plan was developed which is also a requirement of the grant; it is included in the NOI package.

Mr. Russell stated this went to peer review, but only for the wetlands aspect. He stated WSI and his office are satisfied with the plans that have been submitted. He has recommended stipulations in his Agent's Report including a special stipulation that the "Invasive Species Control and Maintenance Plan Jefferson Elementary and Remington Middle School Franklin, MA" from WSI be included as a stipulation of approval.

Commission member asked if the Commission could review the signage piece.

Mr. Niles stated the person that handles the grant and the DPW handle that.

There was a motion made by Angela Gelineau to close the public hearing for the NOI for Remington/Jefferson School. The motion was seconded by Nick Shuler and accepted with a vote of 5-0-0.

There was a motion made by Angela Gelineau to approve the NOI for Remington/Jefferson School with special conditions #20, 23, 27-30, 34 and 44, and the stipulation that the "Invasive Species Control and Maintenance Plan Jefferson Elementary and Remington Middle School Franklin, MA" from WSI be attached to the Orders as a special condition and included in all construction documents. The motion was seconded by Paul Harrington and accepted with a vote of 5-0-0.

GENERAL BUSINESS

Permit Modification: Franklin Heights

Chairman Batchelor recused himself.

Mr. Marc Fantasia, Trustee representing Franklin Heights, addressed the Commission. He provided an update of the project. He stated two buildings were constructed with seven units which were completed in September 2016. Three units have been sold and four are 95 percent complete. Eight units are remaining in Phase I; he is requesting an extension of the Order of Conditions.

Vice Chair Henrichon asked if Mr. Fantasia had seen Mr. Russell's Agent's Report and asked if he could address the concerns of the missing reports.

Mr. Fantasia stated he had seen the Agent's report and addressed the missing reports. He stated the site supervisor erroneously stopped giving reports in September because he felt that with the site completed and the landscaping in place that he no longer had to file those reports. He has been terminated for this reason. They have hired a new site foreman. They are confident he will provide the reports per the NOI. He stated this was the same situation with the silt sock issue. The site supervisor had them removed. Mr. Fantasia stated that when Mr. Russell brought it to our attention, it was put back four days later. Again, the site supervisor had thought that since the landscaping was in and the site stabilized, the silt socks were not required. Mr. Niles stated he provided a letter to Mr. Russell addressing the basin issue.

Mr. Russell reiterated that the engineering firm on site has provided a report about the issue of whether it is retention or detention basins next to the access road; they were designed with both terms. Mr. Russell

stated it makes a significant difference in the context of the terminology in the purpose of the basins and if they are complying with the stormwater law. The bigger issue is the lack of compliance with the stipulations of approval, primarily, the reporting requirements. He noted that a few years ago, when had to sign off on some building permits, a file review was done and it was found that approximately 30 stipulations were not being complied with. The applicant amended the approval to delete a lot of those stipulations because they were no longer applicable to the project at that point. But, the reporting requirements remained in force. Reports are valuable as they allow tracking of what is happening on the project. There is validity that the employee(s) that were responsible for the reporting have been terminated. As a result, the probability that this issue will keep repeating itself will be reduced. As such, there is rational basis for granting the permit extension. He recommended that the applicant consider that as it is nearing completion for this phase of the project, the applicant try to finish within the one-year extension allowed. Mr. Russell stated he will retreat from his initial position that this extension should not be granted and he is willing to give applicant one more chance. He would like to go on record as stating that if these issues continue to come up, such as if reports do not start coming in, he will have to stop work on the project. He suggested the reports be forthcoming starting March 1, 2017. He stated a report is required even if it indicates that there was no activity. The requirement is for two reports a month; they can be emailed to Mr. Russell.

Mr. Fantasia stated there is no activity on the site, but he agrees the reporting should be done. He stated he will personally make sure that all the reports that are required go to Mr. Russell. He stated the first report will be provided tomorrow.

Commission members discussed and confirmed the necessity of the reports.

There was a motion made by Scott McLean to grant the extension for the NOI for Franklin Heights to February 23, 2018. The motion was seconded by Angela Gelineau and accepted with a vote of 5-0-0.

Permit Modification: 67 Prospect Street

Mr. Tim Jones, builder of the house, Ms. Staci Dooney, homeowner, and Mr. Scott Dooney, homeowner, addressed the Commission for a modification for an inground pool to be placed in the backyard.

Mr. Russell stated this is to determine if a new NOI or an amendment to the existing NOI is required.

Chairman Batchelor asked what was the more simplistic way.

Mr. Russell stated the applicant has an existing NOI for a new single-family home. Construction of the house is done; there are some things that still must be done such as the plantings. The applicant would like to put in an inground pool; it is within jurisdiction. He has explained to the applicant the two ways to go about this. They are before the Commission to determine if an amendment to the existing NOI would be acceptable.

Mr. Jones stated there are still items to be done on the house; the NOI is still open. Because they are not changing any boundaries and the current NOI has not been closed out, they would like to amended the NOI to do the work within the boundaries set last spring. All the existing area is loamed and seeded.

Mr. Russell stated if this activity had come in by itself, it would be an NOI. But, to require a new NOI on a property with an existing NOI would create some legal challenges. He recommended the Commission determine this to be an amendment to the existing NOI. With an amendment, it requires abutter notifications and a public hearing. He noted the original time frame from the original NOI must be met. He stated he did not think there were any negatives in doing it this way. He stated he noticed there was a

black wrought iron fence put up in the backyard which was not on the original prints. It should be included in the amendment.

Mr. Jones stated he would come in with a plan showing existing and proposed in different colors.

There was a motion made by Scott McLean that it is the Commission's position that the installation of the pool and spa at 67 Prospect Street rises to the level of an amendment. The motion was seconded by Tara Henrichon and accepted with a vote of 6-0-0.

Permit Modification: Chestnut Street Senior Village

Mr. Don Ranieri, owner, addressed the Commission for an extension. He stated they had applied for two years, but Mr. Russell sent him a letter indicating that only a one-year extension would be allowed. He stated they are going to go forward. He asked if the Commission does grant the one-year extension, can it go from August forward?

Mr. Russell stated the extension continues from the date the permit would expire.

Mr. Ranieri asked if the Commission can grant him a three-year state extension as well.

Mr. Russell stated the Commission could, but Mr. Ranieri would still be limited to one-year under the local bylaw. He would not recommend that. He stated that the next one-year extension is the last one, then the permit will expire. They would then have to refile for a new permit.

Chairman Batchelor stated that the extension would run to August 31, 2018. But at that date, it is closed.

Mr. Russell stated that if they do not think they can finish by August 31, 2018, he would suggest they may want to start the work to file a new NOI.

Mr. Ranieri stated he would like to get the extension to August 31, 2018.

There was a motion made by Scott McLean to extend the NOI for Chestnut Street Senior Village to the final one-year extension to August 31, 2018. The motion was seconded by Nick Shuler and accepted with a vote of 6-0-0.

Minutes:

There was a motion made by Nick Shuler to approve the meeting minutes for January 26, 2017. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-2. (Mr. Harrington and Mr. McLean abstained.)

Discussion Item: Earth Day

Mr. Russell stated the Commission voted at the last meeting that the Commission will participate in Earth Day on April 29, 2017 as an event at DelCorte, but doing it as part of the Town's Earth Day.

Ms. Henrichon stated she is heading the event and Nick Shuler is co-chair.

Mr. Batchelor stated he would help.

Discussion Item: Beaver Study

Mr. Russell stated the contractor has been notified and the contract language has been worked out. The contractor needs to sign it, get it back, and the Town must sign it.

Discussion Item: Sale of Land – 4 Mount Street

Mr. Russell stated this parcel of land has an approved NOI for a single-family house on it which was granted about one month ago by the Commission. The applicant is the present owner; the owner got the approvals in place because part of the P & S was to get the approvals in place before the sale could go through. But, the sale cannot go through because the Town has the right of first refusal. One of the problems is that it is an estate settlement; the owner passed away. The issues are now coming forth. The attorney contacted Mr. Russell, who referred the attorney to the Town Administrator, requesting the Town relinquish its right of first refusal. It is a Chapter 61A parcel, but it has a Town approved structure on it. He stated there is nothing around this parcel that the Town owns or controls. He stated he does not think it would be in the best interest of the community to exercise the Chapter 61 option. The parcel is eight acres. It is surrounded by other private land on all sides. There is significant talk about other development in the area as well. The Town Administrator is sending this around to other Boards and Committees for recommendations. The Town has 120 days to exercise its option. He noted there was a public hearing in front of this Commission on the NOI and no one attended.

Commission members discussed the location of the land, aspects of the parcel, and interest in the parcel.

There was a motion made by Scott McLean that it is the Conservation Commission's official position that there is no position on the 4 Mount Street property. The motion was seconded by Nick Shuler and accepted with a vote of 6-0-0.

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

Determination of Applicability – 511-515 East Central Street – Cadillac Properties

Orders of Conditions – Remington/Jefferson - 628 Washington St.–CE159-1151

Minor Buffer Zone – Boy Scout Project – Ryan Walsh

Extension Permit – Chestnut Street Senior Village – Donald Ranieri – SE159-918

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

The meeting adjourned at 8:26 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary