

**Franklin Conservation Commission
Minutes of Meeting
December 7, 2017**

To: Town Clerk
cc: Members
File

Members Present: Bill Batchelor, Tara Henrichon, Angela Gelineau, Jeffrey Milne, George Russell, Conservation Agent.

Members Not Present: Staci Dooney, Paul Harrington, Jeff Livingstone.

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.

Public Hearing – RFD – 5 Crystal Drive – Quinn

Mr. Thomas Quinn, homeowner, addressed the Commission for the original violation of depositing grass clippings in a wetland. He reviewed the four recommendations made in the wetland scientist's report. He noted items that had been taken care of and stated that Mr. Russell should have received an updated letter yesterday.

Mr. Russell stated that he received the report from the wetland scientist of Northeast Ecological Services engaged by the property owner. He noted that one item on the wetland scientist's original report has been corrected; this is detailed in Mr. Russell's Supplemental Agent's Report. Mr. Russell stated that after review of the original and amended reports, it is his opinion that a positive determination should be issued for two reasons: the proximity of the material that is not actually in the resource area is in the 25-ft. no touch zone, and there is a significant amount of material there. He recommended the NOI be filed no later than February 19, 2018, and in the NOI the plan of removal and restoration should be shown.

Mr. Quinn, in response to a Commission member's question, stated that he disagrees with the recommendation for an NOI. He is not planning to bring in any kind of excavation machine or shoveling. The debris consists of about 8 to 10 pieces of old fencing which can be carried out without disturbing any area around it. He had thought that after his presentation to the Commission on November 2, 2018, that the Commission was in favor of a negative determination.

Commission members discussed the location and type of this manmade wetland.

Chairman Batchelor noted there were significant clippings and debris in the resource area, in the 25-ft. no touch area, on the border of the wetlands, and on the bank.

Mr. Quinn reviewed the wetland scientist's recommendations.

Mr. Russell stated that it is his understanding that some material is coming out. Given the amount of material and proximity to the resource area, this should be an NOI. He noted it is the Commission's policy to require the filing of an RDA with the wetland scientist's report so the Commission can determine if the material should stay or come out, and if an NOI is required. The Commission must decide if the NOI is applicable. It is the Commission's decision; he recommends a positive determination.

Chairman Batchelor stated this situation has had far too much life; it is almost one year into this dilemma. The Commission has been very patient with this. He would like to bring this to conclusion tonight.

Commission members discussed the scientist's report and the recommendations for items to be removed.

Mr. Russell reviewed that no material should be placed in or removed from the 25-ft. no touch zone unless the Commission grants a waiver; the Commission can only grant a waiver under an NOI. He stated the work remaining to do for the NOI consists of filling out the application, paying the fees, and sending the abutter notifications; the engineering report is done.

Commission members discussed that the fencing in the wetlands must be removed.

There was a motion made by Jeffrey Milne to close the public hearing for the RFD for 5 Crystal Drive. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

There was a motion made by Tara Henrichon for a positive determination #1 and #3 for the RDA for 5 Crystal Drive. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Public Hearing – RFD – 4 Briarwood Road – Chow

Mr. Lester Chow, homeowner, addressed the Commission for removal of seven trees that are in close proximity to the house; it is a safety issue. He noted that on the southeast corner of the property there is a small stream, so there is a buffer zone. It was thought to be an intermittent stream as it often dries up.

Mr. Russell stated the applicant is asking for two items. The test for proving the stream intermittent has been met. He recommended the Commission find the stream intermittent between 10 Briarwood and Briarwood Road itself; this vote must be done first. Then, the Commission can address the removal of the trees which would be in a buffer zone only, not in a river zone; therefore, he recommends a negative #3 determination. He stated the area is quite dense; when the seven trees are removed it will not be noticed that they are missing. He is not recommending mitigation.

There was a motion made by Jeffrey Milne to close the public hearing for the RFD for 4 Briarwood Road. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

There was a motion made by Angela Gelineau to determine the stream between 10 Briarwood Road and Briarwood Road itself be determined to be intermittent. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

There was a motion made by Tara Henrichon to issue a negative #3 determination for the RDA for 4 Briarwood Road. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Public Hearing – Continued - NOI – 338 Maple Street – Goddard Consulting

Mr. Thomas Rebula from Goddard Consulting, LLC, on behalf of Peter and Leslie Short, addressed the Commission for a 450-sq. ft. home addition. He stated a DEP file number has been received. He reviewed the plans. The property has both riverfront area and buffer zone. There is a perennial stream. The addition will be added on the west portion of the home as this is the only place to put it and not be in riverfront area. A portion of the work area will be in the 50 ft. no structure zone; however, it will be within the existing limit of lawn. Upon completion, the addition will be within 35 ft. from the nearest edge of the wetland. The only work that will happen beyond the lawn area is the removal of two 10 in. maple trees that would interfere with the proposed addition; they will be flush cut. He noted that he agreed with Mr. Russell's finding regarding additional erosion controls due to the slope.

Mr. Russell stated that all conditions for the approval have been met; the NOI number from DEP has been received. It will not be noticeable that the two trees have been removed. He listed his recommended stipulations in his Agent's Report including an additional special condition that there be a double row of erosion control barriers due to the slope towards the resource area.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 338 Maple Street. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

There was a motion made by Jeffrey Milne to approve the NOI for 338 Maple Street with stipulations #20, 24, 27-30, 34, 38, 44, 51, and an additional special condition that there be a double row of erosion control barriers due to the slope towards the resource area. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Public Hearing – Continued - RFD – 39 Peck Street - Mezzadri

Mr. Michael Mezzadri, homeowner, addressed the Commission for a proposed addition and stated this was a continuance from the last Commission meeting. He provided to the Commission members an updated letter from his wetland scientist.

Mr. Russell stated that it is the Commission's policy to not have new material submitted at a hearing. He has never seen this new material; therefore, he cannot comment on it.

Mr. Mezzadri stated he was told to bring the updated letter to this meeting; he was not told he needed to submit it early.

Mr. Russell recommended the hearing be continued to January 4, 2018, to allow staff to review the report and make a recommendation.

Chairman Batchelor confirmed the rule that the Commission will not take new documentation at the time of the meeting.

There was a motion made by Tara Henrichon to continue the public hearing for the RFD for 39 Peck Street, based on receiving a new report from a wetland scientist, to January 4, 2018 at 7:20 PM. The motion was seconded by Jeffrey Milne and accepted with a vote of 4-0-0.

Public Hearing – Amendment – 5 Kenwood Circle - EDC

Mr. Zachary Bemis of Engineering Design Consultants, Inc., representing Regency Trucking, addressed the Commission. He stated it was determined that the contractor had done unauthorized work outside of the Order of Conditions. He reviewed the area of original work for installation of a parking facility in the front and improvements in the rear of the property, as well as the additional rip rap in the 25-ft. buffer area. He stated he is requesting an amended Order of Conditions and if the amended Order could be issued with a Certificate of Compliance.

Mr. Russell stated that the activity that was done, regardless of the existing Order of Conditions, must be corrected, and that is being done tonight. The Certificate of Compliance was filed and denied by the Commission at the last meeting due to this work. He does not believe a Certificate of Compliance can be issued because it requires another filing of one, and these amended Orders must be recorded in the Land Records before a Certificate of Compliance can be issued for the amended Orders. However, he believes the Commission went on record at the last meeting when they considered the request for the release of the Certificate of Compliance that this would not require a new NOI, it was only an amendment. From an engineering standpoint, he thinks this is a good idea. He would recommend, because the stabilization of the bank is so critical in keeping the parking lot out of the resource area, that the Commission grant the waiver for working in the 25-ft. no touch zone, and then grant the amended Order of Conditions.

Commission members discussed the original plan, the additional work, and the need to stabilize the area.

There was a motion made by Jeffrey Milne to close the public hearing for the Amendment for 5 Kenwood Circle. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

There was a motion made by Tara Henrichon to approve the amendment to the Order of Conditions for 5 Kenwood Circle and grant a waiver to working in the 25-ft. no touch zone to ensure the stability of the slope. The motion was seconded by Angela Gelineau and accepted with a vote of 4-0-0.

Public Hearing – NOI – 4 Georgia Drive – Land Planning

Mr. Bill Halsing of Land Planning, Inc., on behalf of George and Ashley Papadopoulos, homeowners, addressed the Commission for a 500-gal. underground propane gas storage tank, a patio, a retaining wall, and new lawn involving some fill and regrading. He stated this is an existing house lot and he reviewed the wetland line on the plans. All the work is outside the 25-ft. no disturb area. Most of the work is within the existing lawn.

Ms. Gelineau stated that she did not see plans for the tank in the narrative or the construction sequence.

Mr. Halsing stated he could add that in.

Mr. Papadopoulos explained the proposed underground tank. He stated he had checked with the fire department regarding the requirements.

Mr. Russell stated that as noted in his Supplemental Agent's Report, the NOI number was received. He recommended approval with the stipulations outlined.

Mr. Jeff DePiero, abutter at 8 Elm Street, questioned when the work would start. He noted that Georgia Drive is higher than Elm Street. He questioned how the water underground will go around the 500-gal. tank. He asked what work was done to determine how the water flows today and how will it flow in the

future. He asked if there has been coordination with the town engineer regarding paving of Elm Street.

Mr. Papadopoulos stated they do not plan to start until the frost goes away in the spring.

Chairman Batchelor explained the installation of a 500-gal. underground propane tank.

Mr. Russell stated the water will end up in the same location as it does today. There is a grade change at the bottom, but the water will still end up in the resource area. He stated the town engineer did review this and he had no comments. Mr. Russell stated that what is going to happen on Elm Street is beyond the scope of this application; Elm Street is not in the resource area.

Mr. Stewart Carlisle, abutter at 11 Elm Street, asked if any more trees would be cut down for this project. He noted new plantings on the plans and asked how tall they would be. He would like to see more trees in the plan. If the homeowners wanted to add more trees, could they?

Mr. Halsing stated no more trees would be cut down and the new plantings are creeping junipers that would be 1 to 1½ ft. tall; they are to stabilize to slope.

Chairman Batchelor stated that more tree plantings would be up to the homeowner.

Mr. Russell stated the homeowners could add more trees, but the methodology would depend on how many and where.

Mr. Papadopoulos stated that at this time he has no plans to add additional trees.

There was a motion made by Jeffrey Milne to close the public hearing for the NOI for 4 Georgia Drive. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

There was a motion made by Jeffrey Milne to approve the NOI for 4 Georgia Drive with stipulations #20, 24, 27-30, 34, 38, 44 and 51. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

GENERAL BUSINESS

Certificates of Compliance: Parking Lot Expansion – Franklin Police Station; Parking Lot Reconstruction – Recreation Dept. Office; Sidewalk Installation – Pleasant & Chestnut Street

Mr. Russell stated that four certificates of completion were filed. One is incomplete, so it did not come before the Commission tonight; it will be on the next meeting agenda. All the projects listed are complete and have the engineer's certifications; they can be approved in one motion with three individual documents to sign.

There was a motion made by Jeffrey Milne to approve the Certificates of Compliance for Parking Lot Expansion – Franklin Police Station; Parking Lot Reconstruction – Recreation Dept. Office; Sidewalk Installation – Pleasant & Chestnut Street. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Minutes:

There was a motion made by Jeffrey Milne to approve the meeting minutes for November 16, 2017. The motion was seconded by Tara Henrichon and accepted with a vote of 4-0-0.

Discussion: ConCom Managed Land

Mr. Russell discussed the study being undertaken of all ConCom managed parcels. The narrative is in the Commission members' packets. Since the packet distribution, there have been a few more revisions. For instance, the analysis of all the properties that have drainage structures or sanitary sewer structures has been completed; approximately 40 percent of the properties have some type of these infrastructures on them. Also completed is the analysis that 65 percent of all ConCom managed land is currently considered a fragile environmental area. He discussed many of the areas on the map. The colorations on the maps will be revised. He asked the Commission members to review the report; if there are any comments, questions, or errors, please let Mr. Russell know. Also, regarding ConCom managed land, he stated that he has been trying to get a consultant engineer to look at the beaver issues at DelCorte. The consultant that he thought was going to give a quote and was best qualified has not submitted a quote. He thinks they will not be submitting a quote as it has been one month since he sat down with them to discuss this. They were familiar with the site and issues, but nothing has happened. He has not yet reached out to them to find out what is going on. He noted that we are now in beaver trapping season; open season on beavers. A short-term solution would be to engage the trapper that the town uses to relocate the animals on a short-term basis. They will come back, but it will provide a bigger window. A long-term solution could be to put in some non-lethal trap structures such as a beaver deceiver. He would like the Commission's authorization to engage the services of the trapper that the municipality uses as a short-term solution. A longer-term solution involves having an engineer determine what to do about the dams, the vegetation on the banks, the placement of beaver deceivers, etc.

Commission members and Mr. Russell discussed ramifications if no action is taken.

Ms. Henrichon stated that trapping and relocating beavers in Massachusetts is illegal; therefore, the beavers will be killed, not relocated. So, she will not vote for this.

Mr. Milne stated he agreed with Ms. Henrichon.

Chairman Batchelor stated that is a no; a long-term solution is needed. He stated the beaver situation is everywhere; many towns must deal with this.

Mr. Russell pointed out that he is still trying to find an engineer who will determine what should be done in terms of dams, bank, and a beaver deceiver. Until that information is obtained, he cannot submit a capital budget request for it.

Commission members discussed emergency dam removal options and process.

Mr. Russell stated he has put in capital budget request for the fish spawning in the DelCorte ponds. It appears that this time the herbicide treatment for the invasives is working. He also put in a capital budget request to complete the ADA recommended improvements by Mass Audubon and a capital budget request to maintain this work after it is done. The town administrator asked Mr. Russell to make a presentation in the spring to the Town Council on improvements to DelCorte; Commission members were invited to attend. He hopes to have a handle on the beaver issue before going before the Town Council.

Ms. Henrichon stated that in the quest to do more educational programs for residents, she would do a night "owl prowl" on ConCom land at DelCorte. She would need volunteers and town approval. It would have to be done in January; dusk is a great time. It could be advertised on the website.

Chairman Batchelor, Mr. Russell, and Commission members discussed plans for the possible owl event.

Mr. Russell stated he would discuss this with the town administrator.

Signed Certificates of Compliance, Orders of Conditions & Determinations of Applicability

Certificate of Compliance – 911 Panther Way - Town of Franklin - CE159-1121

Determination of Applicability – 5 Crystal Drive – Quinn

Orders of Conditions – 338 Maple Street – Short – CE159-1171

Certificate of Compliance – Pleasant & Chestnut Streets – Town of Franklin – CE159-1115

Certificate of Compliance – 275 Beaver Street – Town of Franklin – CE159-1125

Amended Orders of Conditions – 5 Kenwood Circle – CE159-1114

Orders of Conditions – 4 Georgia Drive – Papadopoulos – CE159-1173

Determination of Applicability – 4 Briarwood Road – Chow

There was a motion made by Tara Henrichon to adjourn the meeting. The motion was seconded by Bill Batchelor and accepted with a vote of 4-0-0.

The meeting adjourned at 8:45 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary