

Town of Franklin



Conservation Commission

**May 14, 2020
Meeting Minutes**

As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, this meeting will be conducted as a Remote/Virtual Conservation Commission meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda.

Vice Chair Jeffrey Milne called the above-captioned meeting to order this date at 7:00 PM as a **Remote Access Virtual Zoom Meeting**. Members in attendance: Jeffrey Milne, Paul Harrington, Jeff Livingstone, Alan Wallach. Members absent: Bill Batchelor, Staci Dooney, Braden Rosenberg. Also present: Jen Delmore, Conservation Agent; Bryan Taberner, Director of Planning and Community Development; Kathleen Celorier, Administrative Assistant.

Commencement

Vice Chair Jeffrey Milne announced this meeting will be conducted as a Remote Access Virtual Zoom Meeting. This meeting will be video recorded.

Note: Documents presented to the Conservation Commission are on file.

PUBLIC HEARINGS:

Public Hearing – NOI – Maple Hill – To Be Continued

Ms. Delmore stated the applicant requested a continuance to May 28, 2020.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for Maple Hill to May 28, 2020 at 7:01 PM. The motion was seconded by Alan Wallach and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Livingstone-Yes; Wallach-Yes; Milne-Yes.

Public Hearing – NOI – Meadowlark Lane – Infiltration Area – To Be Continued

Ms. Delmore stated the applicant requested a continuance to May 28, 2020.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for Meadowlark Lane – Infiltration Area to May 28, 2020 at 7:02 PM. The motion was seconded by Alan Wallach and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Livingstone-Yes; Wallach-Yes; Milne-Yes.

Public Hearing – NOI – Griffin Road - Bioretention Area – To Be Continued

Ms. Delmore stated the applicant requested a continuance to May 28, 2020.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for Griffin Road - Bioretention Area to May 28, 2020 at 7:03 PM. The motion was seconded by Alan Wallach and

accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Livingstone-Yes; Wallach-Yes; Milne-Yes.

Public Hearing – NOI – 160 Grove Street – Land Planning

Mr. Adam Braillard, Attorney of Prince Lobel Tye LLP; Mr. Jim Stukel of Stukel Group, construction/project manager; Mr. Bill Halsing, Engineer of Land Planning; and Mr. Scott XXX, (I could not confirm this last name—sounded like Scott Haine or Ham, but only Scott Reynolds listed at this firm) of North East Ecological Services addressed the Commission for the construction of a marijuana cultivation and production facility. Mr. Braillard stated the applicant is proposing an approximately 100,000 sq. ft. grow warehouse and a 21,000 sq. ft. office and processing space. There is 31,958 sq. ft. of disturbance proposed in the 50 ft. to 100 ft. buffer, 7,426 sq. ft. in the 25 ft. to 50 ft. buffer, and 0 sq. ft. in the 0 ft. to 25 ft. buffer. He provided a summary of the project including that they have had two technical meetings with Town department heads in the late summer, in April 2019 a host agreement was signed with the Town, they have met with the Planning Board, and they expect to have a provisional license from the State within one month. They are in front of the Conservation Commission because part of the development falls within the wetlands and riverfront area. He reviewed the Site Plan and explained the location of the approximately 8.5-acre parcel in regard to the wetlands and riverfront area. He stated a significant stormwater management system upgrade is proposed. He reviewed the required number of parking spaces. The site is previously disturbed including an access road to wood and metal framed buildings. Some buffer zone areas have little or no vegetation and bare soil conditions. The property as it exists is degraded in many locations which they propose to improve. He reviewed photographs of existing conditions. Mitigation and restoration in the form of trees, shrubs, loam, and seed is proposed in some buffer zone areas. The project is being reviewed by BETA and WSI. Mr. Halsing stated they propose to treat all stormwater on the property which is a big improvement. Mr. Stukel stated the project complies with the Wetlands Protection Act.

Ms. Delmore stated that the riverfront area and the flags of the perennial stream need to be confirmed by the peer reviewer. As well, an alternatives analysis plan is needed to complete the review. She stated that DEP commented that more detail on the plans for the Wetland C area is needed. She requested the applicant revise the plans to show biodegradable erosion control. She recommended that if the Commission approves the project, a special condition that Wetland C's restoration be monitored until successful and a report be included in the bi-annual (Special Condition #23) report. She recommended continuing the public hearing to May 28, 2020 for the applicant to submit additional information.

There was a motion made by Paul Harrington to continue the public hearing for the NOI for 160 Grove Street to May 28, 2020 at 7:04 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Livingstone-Yes; Wallach-Yes; Milne-Yes.

Public Hearing – Continued - NOI – 225 Plain Street

Ms. Nicole Hayes of Goddard Consulting addressed the Commission for the construction of a single-family home with associated pervious driveway and retaining wall. The house is partially within the 100 ft. buffer zone to an isolated wetland but outside the 50 ft. no-build zone, and most of the driveway is within the 200 ft. Outer Riparian Zone to the Charles River. She reviewed the proposed areas for seeding and discussed the pervious pavers for the driveway. She stated that this plan was before the Commission in February 2020. The presentation was given. The Commission's only request was the addition of a gas line be shown on the plan. On March 23, 2020 she presented that plan; however, the Commission asked for a continuance to review the plan for the gas line. The applicant is requesting an Order of Conditions at this time.

Ms. Delmore stated she received the final plan which is stamped and shows the gas line. She recommended approval.

As a note: This public hearing was never motioned or voted to be closed.

There was a motion made by Paul Harrington to approve the NOI for 225 Plain Street with special conditions #20, 21, 24, 27-30, 34, 41, 44, and 51. The motion was seconded by Alan Wallach and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Livingstone-Yes; Wallach-Yes; Milne-Yes.

Public Hearing – NOI – 39 Blueberry Lane

Mr. Bill Halsing of Land Planning, Inc., representing the applicant, and Mr. Sean Williams, homeowner, addressed the Commission for the construction of tiered retaining walls adjacent to the driveway due to the instability of the northern part of the driveway. He noted that the applicant started the project prior to filing with the Conservation Commission and upon notice from the Conservation Agent stopped work and filed an NOI. He reviewed the proposed plans. He stated the applicant has submitted a variance request for the 13 linear feet of retaining wall already constructed within the 50 ft. buffer. The closest point of the wall to the wetland is 45 ft. He stated that erosion control is proposed, and he reviewed the mitigation plan and plantings. He stated the site falls under the Endangered Species Program and a letter from them saying the project will not adversely affect the resource area habitat has been received.

Ms. Delmore stated she conducted a site visit. She requested the area be stabilized as soon as possible. The erosion control should be replaced which she will inspect as soon as she is notified.

Commission members asked questions. Mr. Halsing discussed that the location between the new and old walls is about 5 ft. Mr. Williams stated that the original wall failed a safety inspection and started to collapse; a new wall had to be built.

As a note: This public hearing was never motioned or voted to be closed.

There was a motion made by Alan Wallach to approve the NOI for 39 Blueberry Lane with special conditions: 20, 21, 24, 27-30, 34, 41, 44, 51, and Special Condition 52: Any stock piling of soils must be as far away from resource area as possible and be surrounded by erosion control. The motion was seconded by Paul Harrington and accepted with a roll call vote of 4-0-0. Roll Call Vote: Harrington-Yes; Livingstone-Yes; Wallach-Yes; Milne-Yes.

GENERAL BUSINESS

Minor Buffer Zone Activities: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: None.

Violations/Enforcement: None.

Minutes: None.

Discussion Items: None.

Chair and Commission Comments: Mr. Livingstone requested that the parking at DelCorte be reviewed. He stated the parking lot at the DelCorte playground area is closed; however, the upper parking lot a little further from the playground area is open. He noted that social distancing adherence seems to be

decreasing in Franklin. Mr. Taberner stated that it was discussed at a manager's meeting that the parking lot at the DelCarte playground area is closed; however, the upper parking lot a little further from the playground area is open. He stated he had emailed Mr. Jamie Hellen, Town Administrator, about this as well. He does not know if this was acted upon; he will point it out again. He noted the smaller lot is under the purview of the Conservation Commission. Ms. Delmore stated that she could put an announcement on the Conservation Commission's webpage noting that citizens should not park in the lots and continue to social distance. Commission members asked if a message could be sent to DPW requesting a no parking sign be placed at the upper lot. Mr. Taberner stated he would send Mr. Hellen the email message again with a copy to the DPW. He stated he believes the Town Administrator is following the Governor's guidance regarding reopening.

Executive Session: None.

There was a motion made by Paul Harrington to adjourn the Remote Access Virtual Zoom Meeting. The motion was seconded by Alan Wallach. No vote taken.

The Remote Access Virtual Zoom Meeting adjourned at 8:05 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary