

Town of Franklin



Conservation Commission

**April 4, 2024
Meeting Minutes**

As stated on the agenda, this meeting is available to be attended in person and via the Zoom platform. 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. This meeting will be held in the Council Chambers, second floor of the Municipal Building, for citizens wishing to attend in person.

Commencement

Vice Chair Mark LePage called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: Mark LePage, Richard Johnson, Michael Rein, Roger Trahan. Absent: Jeff Livingstone, Jeffrey Milne. Also present: Breeka Li Goodlander, Conservation Agent; Tyler Paslaski, Administrative Assistant.

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

PUBLIC HEARINGS

Public Hearing – NOI – 15 Liberty Way

Mr. Chris Frattaroli of Goddard Consulting (via Zoom) shared his screen and reviewed the Liberty Way parking expansion. He said they submitted a comprehensive package of all the revised documents to clean up all previous submittals. He showed an aerial view of the site of the existing warehouse building and work area. He said they would be expanding the parking of the site. He said there were impacts to an isolated vegetative wetland and two other isolated wetlands which he pointed out. He said they were stormwater features that developed wetland features over time. He pointed out and described the G-series IVW, H-series and B-series wetlands. He said they proposed impacts to these three series and the buffer zones as shown on the plan. He discussed that as mitigation to the impact, they are proposing some wetland mitigation which he pointed out. He said they put together a wetland replication plan and a planting plan which is intended to replace the loss of the G-series IVW. He noted they were a little short on a 2:1 replication. He said they want to bridge the gap of stormwater feature and wetland. He reviewed the mitigation for the buffer zone impacts was over one acre of invasive species management. He said they submitted a revised resource area impact summary form. He reviewed the revised documents submitted on Friday and requested feedback.

Vice Chair LePage said over the timeframe of this project, some drainage features have been added to the plans in area B. He asked why this was not seen on the original plans as they were here a few meetings ago, and it is potentially impactful to the whole system. Mr. Frattaroli showed the existing outlet and explained how it drains. He said this was not originally included as part of the design. He said when the modified stormwater basin became part of the design, that is when it came up. He said it is essentially tying into the existing infrastructure. Vice Chair LePage said they would have appreciated a heads up that they changed something like this on the plans. Mr. Frattaroli said he apologizes that it was not made clear.

Ms. Goodlander asked where it goes to and if it connects to Dix Brook. Mr. Frattaroli said that he thinks this drains to the south to another detention pond feature which is in proximity to Dix Brook. Ms. Goodlander requested that additional information on this be provided for the record that they did identify where the external outfall is. Mr. Frattaroli said absolutely.

Mr. Trahan said that it looks like everything is headed to Dix Brook. He said he would like to know where it is headed to. Ms. Goodlander said if it has a strong connection to a perennial stream, it could be considered BWV. Mr. Frattaroli said he would do a little digging on this topic and submit something to the Commission.

Ms. Goodlander said she would prefer the applicant provide the documentation to her, and she will verify said document. Mr. Rein said he is not sold that 1.8:1 is good enough; he asked why should we not insist on 2:1. Mr. Frattaroli said that we are pushing the limits of the usable space. He said they could explore the replication area further. He discussed the current mitigation area. He said they are short about 500 sq. ft. for the 2:1. Vice Chair LePage noted a big chunk of the mitigation is the invasive species management. Mr. Johnson said 1.8:1 mitigation is good for him. Discussion commenced on the possibility of 2:1. Mr. Frattaroli said he would see what the engineers could do on that front.

There was a motion made by Richard Johnson to continue the NOI for 15 Liberty Way to April 18, 2024, at 7:01 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – 121 Grove Street – Waiver Request

Mr. LePage said the Commission is looking at the information that was last submitted. Ms. Goodlander noted the applicant is still open in the ZBA.

Mr. John Shipe on behalf of Fairfield Residential; Mr. Chris Lucas, wetland scientist of Lucas Environmental; and Mr. Michael Capachietti of RJ O'Connell Associates addressed the Commission. Mr. Shipe said he would recap where they are. He said they filed a NOI, had meetings and discussions with the Commission, BETA Group submitted a proposal and then a peer review, and about a week ago they responded to BETA's comments. He said BETA may need more time to complete their review.

Vice Chair LePage requested a status update. He asked how it was going with the ZBA. Mr. Shipe said about one week ago they were before the ZBA for their third hearing. He said the peer review done by Hancock Engineering with stormwater and things was resolved. He said the traffic related concerns were answered. He said the ZBA had no additional questions. He said the ZBA discussed the waivers. He said at the end of the meeting, the ZBA asked their counsel to issue a decision and draft the conditions; it sounded very favorable. He said they meet with the ZBA again on April 11.

Mr. Lucas said they made revisions to the plans to address BETA's comments. He said they have provided a detailed phasing plan. He said that regarding inland bank, they have provided documentation on how they comply with the standards. He said they have provided additional information how they comply with boardwalk. He said there is a disagreement with land under water. He said they have provided all the standards for land under water and how they meet them all. He said that they do not believe that land under water exists on the site. He said that however, they have provided how they comply with each performance standard assuming land under water was present on the site. He said the overall design has not changed; however, they have addressed the specifics. He said they have complied with everything BETA asked.

Vice Chair LePage asked for a further review on the land under water disagreement. Mr. Lucas said they have documented how they comply with each performance standard in their last submission. He said they have documented it, but they do not agree that it is there.

Ms. Goodlander said the ORAD states that it does not approve any other wetland resource areas. She said whether or not Mr. Lucas agreed with it, he provided documentation. She said she noted this for the record.

Mr. Trahan asked about the pool and what kind it is. He asked what about in the winter when the level must be lowered. Mr. Shipe said normally they do chlorine pools. He explained that they either need to de-chlorinate it or remove it by a truck to discharge it. Mr. Rein asked about replication. Mr. Lucas explained the replication area and square footage.

There was a motion made by Michael Rein to continue the NOI for 121 Grove Street, Waiver Request, to April 18, 2024, at 7:02 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – Proposed Solar Array – Parcel 3, 160 Maple Street

Mr. Greg DiBona of Bohler (via Zoom) said that two meetings ago they walked through the remaining items and verified if any additional information was needed. He said that at the last meeting, they were looking for clarification from the Planning Board side and for a letter from the fire chief. He said they have since gotten both letters and an updated BETA letter about an hour ago. He said BETA only has two other recommendations and neither is about stormwater. He said they were minor, and they will review with the Planning Board at their next meeting. He said with the fire department, there was one request that as part of the regular maintenance, they make sure the emergency access drives, as there are two of the them, be maintained, and if anything is hindering those roads, the applicant will repair them.

Ms. Goodlander said she spoke with the deputy fire chief who did give the green light; she asked Mr. DiBona for the latest letter. She said she recommended approval with standard special conditions and approval of the variance. She said she did not put in a comment about phasing.

Vice Chair LePage said they talked about putting in some conditional phasing. He asked for the construction timeline. Mr. DiBona said that as it is so large, it is about one year of construction. He said there are over two acres of restoration area; he said he does not see why the restoration areas could not be done up front.

Ms. Goodlander said realistically, if the Commission wants to keep it flexible, they can piece out conditions, and she will try to word it on the fly. Mr. DiBona said he thinks he is comfortable with that. He discussed a way to do the restoration.

Ms. Goodlander said she was going to and did read aloud the replication area condition that they just talked about. She said she wanted to add an additional condition set forth in 310 CMR 10.55(4)(b), sans 310 CMR 10.55(4)(b)(1).

She reviewed her conditions as outlined in her agent's report date April 4, 2024. She said she recommended approval with standard special conditions and approval of the variance. She read aloud the following: Standard Special Conditions 20-45, 47-51, and additional Special Conditions:

- 52. The applicant shall stake and demarcate the stockpiling area in the field prior to construction. All stockpiling areas shall be located outside of the 100 ft. buffer zone to vegetated wetlands.

53. The applicant shall follow best management practices under the direction of a geotechnical engineer to ensure that drilling spoils and slurry do not result in discharges to adjacent resource areas.

54. The applicant shall provide cross sections on the landscape plans for the replication areas prior to the start of construction and/or shall provide updated final grades throughout the replication and its outer edges prior to the construction of the replication areas to the conservation agent and Commission.

55. The applicant shall provide an updated Invasive Species Management Plan and receive approval to the conservation agent and Commission prior to the start of construction.

She noted that the first two conditions that she read aloud would be #56 and #57.

Mr. DiBona said he was good with all that.

Mr. Rein said that Mr. DiBona's work on this project was appreciated.

There was a motion made by Roger Trahan to close the NOI for the Proposed Solar Array for Parcel 3, 160 Maple Street. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

There was a motion made by Richard Johnson to approve the NOI for the Proposed Solar Array for Parcel 3, 160 Maple Street with conditions as stated. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

There was a motion made by Michael Rein to approve the variance for the NOI for the Proposed Solar Array for Parcel 3, 160 Maple Street. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – South Street, Miscoe Brook

Ms. Goodlander stated the applicant requested a continuance.

There was a motion made by Roger Trahan to continue the NOI for South Street, Miscoe Brook, to April 18, 2024, at 7:03 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – Beaver Pond Hydro-Raking

Ms. Goodlander stated the applicant requested a continuance.

There was a motion made by Richard Johnson to continue the NOI for Beaver Pond Hydro-Raking to April 18, 2024, at 7:04 PM. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – ANRAD – Louise Drive Extension

Vice Chair LePage stated the applicant requested a continuance

There was a motion made by Michael Rein to continue the ANRAD for Louise Drive Extension to April 18, 2024, at 7:05 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

GENERAL BUSINESS

Friendly 40B Local Initiative Program (LIP): None.

Minor Buffer Zone Activities: 3 Sewell Brook Court

Mr. Manuel Romero, homeowner, said the proposed activity is to bring down some very tall pine trees which are a hazard to his house. He said the change in weather is a concern especially with the strong winds and heavy rains. He said he is trying to be proactive. He confirmed that two of the trees are not on his property. He said he is looking for guidance on those as they are within striking distance of the home. He said he submitted a letter from a certified arborist.

Vice Chair LePage said they are looking at someone from the Town coming out to look at the trees and confirm for the ones on the conservation land.

Ms. Goodlaner said she spoke with the applicant's arborist today. She said that the trees the property owner is looking to remove are within the wetlands. So, it is not within any drainage area or easement; it is a wetland complex. She said she asked the arborist if it was diseased or a legal definition of hazardous, and he said no. She said the arborist said they are within striking distance, and they are tall. She said as is any tree in a wetland ecosystem, they are easy to topple because of the nature of the wetland soils, but they are not imminent. She said knowing that, she would recommend approval of removal with stumps left in place for the trees on the property. She said next Tuesday, she and the DPW arborist will go out and assess the remaining trees.

Mr. Romero said the tree service will be using the driveway and a crane to access the trees. He showed photos of the trees. He asked for the process for when the Town comes out to the property. He asked if the trees will be topped. Vice Chair LePage said they will make an assessment.

Ms. Goodlander said that as written in her agent's report, she would be the one to permit or deem necessary for emergency authorization. She said the applicant would not be paying for removal of the trees.

Mr. Romero noted that his arborist indicated the trees are a hazard; he asked what if the Town's arborist does not agree with that. Ms. Goodlander said that is where she defers to the Commission. She said that she spoke with Mr. Romero's arborist who said they were not hazardous, but were within striking distance and were not imminent to fall.

Vice Chair LePage said the Town arborist should look at the trees and if there is a discrepancy, they can talk about it at a Commission meeting and make a decision. Mr. Johnson noted that the Town is not inclined to risk life and liberty. Ms. Goodlander discussed that if something were to happen, it would be on Town insurance. Discussion commenced on pine trees. Ms. Goodlander said she can sign an emergency authorization if needed. Mr. Romero said he had no plans on the stumps; they would be left.

Ms. Goodlander noted that the Town's trees in the wetlands are a separate permitting process.

There was a motion made by Richard Johnson to approve the Minor Buffer Zone Activity for 3 Sewell Brook Court for the trees on the property with stumps left in place. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Minor Buffer Zone Activities: 11 Forge Parkway

Ms. Goodlander said she visited the site. She said these are snags overhanging access drives and are in threat of falling within the access road. She showed and explained photographs. She noted this is for removal of trees on the top of bank within the no-touch to inland bank of an intermittent stream and vista pruning of invasive vegetation is proposed to prevent encroachment and protect line of sight for safety concerns. She recommended approval with stumps left in place.

There was a motion made by Roger Trahan to approve the Minor Buffer Zone Activity for 11 Forge Parkway with stumps left in place. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Request for Determination of Applicability: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: None.

Violations/Enforcement: 305 Union Street

There was a motion made by Richard Johnson to continue the Violations/Enforcement for 305 Union Street for 30 days. The motion was seconded by Michael Rein and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Minutes: March 21, 2024

There was a motion made by Michael Rein to approve the meeting minutes for March 21, 2024. The motion was seconded by Richard Johnson and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Discussions: Vacancy Appointments

Vice Chair LePage stated that there are two candidates present tonight. He noted that there were three candidates at the last meeting. He invited the candidates to speak about themselves.

Mr. Gene Grella, 36 Red Gate Lane, introduced himself. He noted other Franklin committees that he has served on. He reviewed his background and interest in the Commission. He reviewed a current project that will be building near wetlands that piqued his interest. He said he would like to find a way to serve the town as he has in the past. He reviewed the work he did on the Solid Waste Committee.

Vice Chair LePage reviewed the Open Space Plan process.

Ms. Nicole Chiamonte, 8 Tanglewood Drive, said she has lived in Franklin for seven years. She reviewed her education and interest in conservation. She said she thinks Franklin has a good balance with urban life and conservation efforts. She noted her interest in the Commission. She reviewed a project where sea oats were planted in dunes.

Ms. Goodlander stated that wetland soils are all chemistry.

Discussions: Stormwater Discussion

Ms. Goodlander said she kept this item on the agenda in case a letter had been drafted based on the discussion at the last meeting with Mr. Derek Adams, Stormwater & Environmental Affairs Superintendent, regarding maintaining and retrofitting various retention basins around town.

Discussions: Letter of Support – Shephard’s Brook – MVP Grant

Ms. Goodlander said the letter of support for the MVP grant for the culvert will be needed at the next meeting.

Chair and Commission Comments: Friends of Franklin Liaison Update

Mr. Rein asked Ms. Goodlander how the pizza party went today. Ms. Goodlander said 19 people attended: 7 children and 12 adults. She said they watched some videos to learn about the eclipse, and the children did some artwork. She said it was good. She talked about solar eclipse glasses.

Ms. Goodlander said they had a brief meeting last Monday. Mr. Rein said they talked about what they will be doing for Earth Month. He said they will have a table at the Earth Day celebration at Beaver Pond.

Ms. Goodlander said on April 27 there will be a Conservation Commission event at DelCarte, if that works for everyone. She said she will send out an email next week to confirm. She confirmed it would be good to get the Friends there as well. She said for activities, there will be trail walks. She said the turtle habitat could use some love, and she will get some seeds to plant. She said she will add to her list to get the cement trough moved by then. She discussed the invasive species management plan. Mr. Rein suggested the Friends get a work group together to get started. Ms. Goodlander said she will help coordinate that.

Chair and Commission Comments: Master Plan Liaison Update

Ms. Goodlander said Meghann Hagen sent her update; Ms. Goodlander put it in the Commission’s folder. She said Ms. Hagen recapped the open house held on the 23rd. Ms. Goodlander said four main questions were asked which she reviewed. Commission members discussed the Davis-Thayer School.

Chair and Commission Comments: Natural Resource Protection Manager Update

Ms. Goodlander said that she and Mr. Derek Adams presented to the entire fifth-grade class at the Helen Keller School last week for MVP grants. She said as this would be a three-year project, the students will be able to work on this all the way through middle school graduation. She said the BEE project has started. She said 95 people registered. She said more people were in person than she thought. She said many people were taking notes. She said she received a lot of emails about it from participants. She said on April 20 she will be at Beaver Pond with the Recreation Department for the town-wide trash pickup. She noted the Accessibility Working Group and other groups will be at the Sculpture Park to have an accessible Earth Day event there. She said on the accessibility front, the accessibility working group meets once per month. She noted Mr. Trahan is on the group. She noted those who meet together to discuss and prioritize accessibility concerns, and she said they were knocking it out of the park. She reviewed some of the items that they have completed and some grants that have been received. She said their biggest soft win is that Recreation Director Ryan Jette had brought up a really comprehensive town-wide accessibility study. She said Mr. Jette noted Lexington’s accessibility study, so we discussed at the last meeting Franklin doing this, but it is about \$80,000. She said she asked Town Administrator Jamie Hellen how they could do this, and he suggested including it as a capital budget line item. She said that today she asked Mr. Jette to help her with that for FY26 if they have not received a grant for it. She said it was a good group. She said anyone can attend those meetings; it is a working session.

Vice Chair LePage asked that regarding the applicants for the vacancy, Ms. Goodlander update the spreadsheet to only include the applicants who interviewed with the Commission. Ms. Goodlander explained how she would update the spreadsheet. She asked the Commission members to rate the applicants on the updated spreadsheet. Discussion commenced on the names of the five candidates and how the rating system on the spreadsheet works.

Vice Chair LePage noted about local regulations and bylaws and asked how long they have been around and how they even came to be. He asked if it is something they should look at. Ms. Goodlander said Town Administrator Jamie Hellen included revitalization of our bylaws into the Town Council goals. She said there are two years to do this. She said it is something she would like to do, but she needs buy-in from the Commission to do this. Vice Chair LePage suggested breaking it down into bite-size pieces. Mr. Rein said there are other towns with some great bylaws to look at. Discussion commenced on some things that they cannot get rid of in the bylaws, items that may need to be changed, filing fees, and the additional costs of peer review.

Mr. Rein said the Commission's next meeting is April 18 and their event is April 27; he asked if there is anything else they need to talk about tonight. Ms. Goodlander said she will do the turtle habitat. Commission members discussed having Forester Michael Downey there. Ms. Goodlander said she could ask Mr. Downey, one of his colleagues, or a forester doing the forest stewardship plan. Mr. Rein asked about having someone from Stony Brook do a nature walk. Ms. Goodlander said Dave Gordon did a vernal pool walk. Vice Chair LePage noted having someone from the Rail Trail Group. Discussion commenced on the rail trail. Ms. Goodlander said she can find some fun things for us to do. Vice Chair LePage asked about reaching out to Meghann Hagen regarding activities for children. Mr. Rein asked for confirmation about the timing of the event. Ms. Goodlander said four hours is long; she said two hours is good. Vice Chair LePage said 10 AM to 12 PM.

Mr. Johnson asked how much money the Commission has. Ms. Goodlander said over \$230,000. She reviewed some items this money covers. She said the only parameters for this budget is that the Commission has to vote on it, and it has to be used for wetlands protection. Discussion commenced on Schmidt's Farm, conservation jurisdiction, and conservation land.

Executive Session: None.

There was a motion made by Richard Johnson to adjourn the meeting. The motion was seconded by Mark LePage and accepted with a roll call vote of 4-0-0. Roll Call Vote: LePage-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

The meeting adjourned at 9:08 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary