

Town of Franklin



Conservation Commission

**February 22, 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

Chair Meghann Hagen called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: Meghann Hagen, Mark LePage, Jeff Livingstone, Jeffrey Milne, Richard Johnson, Michael Rein (via Zoom), Roger Trahan. Absent: None. Also present: Breeka Li Goodlander, Conservation Agent; Tyler Paslaski, Administrative Assistant.

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

Chair Hagen stated that she needed to make a disclosure. She said that with a friend, she has started a nonprofit organization, a private 501c3, called Children's Museum of Franklin. She said that as a nonprofit, they are doing some fundraising to get off the ground. She said the Children's Museum of Franklin received a donation from Joe Halligan who is on the purchase and sales agreement for 121 Grove Street. She said I consulted with the Ethics Commission of Massachusetts and our attorney for the Children's Museum and both have stated that as long as I formally disclose my relationship here that I am able to move forward with continuing to review the project as long as I feel that I am ethically and morally able to do so which I feel strongly about. She said she will continue to make appropriate disclosures so everyone is aware of the fundraising efforts of the Children's Museum of Franklin where they may relate to projects in front of the Conservation Commission.

PUBLIC HEARINGS

Public Hearing – NOI – 15 Liberty Way

Ms. Goodlander stated that the applicant requested a continuance. She confirmed the applicant is aware they have outstanding fees to be paid. Mr. LePage noted that this item will be continued one more time; if the Commission does not have any update or a presence at the next meeting, they will close it out with a denial. Chair Hagen said that she thinks with this one, they have submitted information to BETA and the agent. Ms. Goodlander said they still have to provide updated stormwater information, they have outstanding fees, and they have not answered any of the inquiries that were asked from them at the last meeting. She confirmed that she would notify them that they have one more chance.

There was a motion made by Mark LePage to continue the NOI for 15 Liberty Way to March 7, 2024, at 7:01 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – ANRAD – Tri-County Regional Vocational Technical HS

Chair Hagen recused herself.

Ms. Goodlander stated that the applicant requested a continuance. Mr. Johnson said it would be interesting to see what their environmental compliance attorney has to say.

There was a motion made by Jeffrey Milne to continue the ANRAD for Tri-County Regional Vocational Technical HS to March 7, 2024, at 7:02 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Chair Hagen re-entered the meeting.

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

Mr. Greg DiBona of Bohler (via Zoom), Mr. Dan Wells of LEC Environmental (via Zoom), and Ms. Allison Finnell of Brown Legal (via Zoom) addressed the Commission. Mr. DiBona said that today they resubmitted revised plans, updated surveys, correspondence addressing the review letter from January, and an updated tree clearing exhibit. He said they feel confident they will be in good shape and are looking forward to comments from BETA and Ms. Goodlander. He shared his screen, showed the plan, and reviewed the items that have changed. He said they are seeking a variance relating to the disturbance in the wetlands. He said he wanted to point that out as they have made improvements to the plans. He said there is one crossing area in the middle of the wetlands as there is no other way to get from one side of the site to the other to utilize the area. He said to mitigate that disturbance, they are proposing more than double of compensation area, 1,833 sq. ft. He discussed the 25 ft. buffer disturbance. He explained that they are seeking a variance related to 635 sq. ft. of new buffer disturbance. He said they are proposing 49,205 sq. ft. of restoration area within the 25 ft. buffer; he pointed out the areas on the plans. He said they are looking to improve conditions that are there today. He reviewed that Mr. Wells went out and adjusted some of the lines; they have an updated survey with the new wetland delineations which was provided today. He pointed out on the plans the areas planned for restoration. He discussed the concerns about the trees that are going to be removed. He said he went on site and did four tree plot surveys where he counted every tree greater than 3 in. caliper and then broke out two vegetation types which he reviewed. He explained tree density areas. He said in the areas marked with red, they were getting about 4 trees per 1,000 sq. ft.; in the areas marked with green, they were getting about 1.5 trees per 1,000 sq. ft. He said that as such, the total tree count projected is about 1,100 trees that they have identified that will be removed as part of the project. He said this number helps with the decommissioning bond information for replanting and reestablishing trees for the property. He said the only other item is that they provided itemized responses to BETA, and they submitted new plans. He said he knows that no one probably had a chance to look at the newly submitted information.

Mr. Johnson asked if they were in general agreement with BETA's comments. Mr. DiBona said generally speaking, yes. He said he thinks they are in good shape.

There was a motion made by Richard Johnson to continue the NOI for the Proposed Solar Array for Parcel 3, 160 Maple, Street to March 7, 2024, at 7:03 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – Lot 1 at 60 Spring Street

Ms. Goodlander said she had no new information and no contact. She reviewed the last time she was in

contact with the applicant. Chair Hagen said that we should reach out to them and let them know if we do not receive any new information, they will close the meeting.

Ms. Goodlander said the violations are predominately with DPW. She said the clearing does not go up to the Commission's jurisdictional area.

Commission members discussed closing the meeting. Chair Hagen said they can close the hearing, and the applicant can refile when they are ready to move forward.

There was a motion made by Mark LePage to close the hearing for the NOI for Lot 1 at 60 Spring Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

There was a motion made by Mark LePage to deny the NOI for Lot 1 at 60 Spring Street. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – Lot 3 at 60 Spring Street

Chair Hagen said this is the same exact thing for this lot.

There was a motion made by Jeffrey Milne to close the hearing for the NOI for Lot 3 at 60 Spring Street. The motion was seconded by Michael Rein and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

There was a motion made by Richard Johnson to deny the NOI for Lot 3 at 60 Spring Street. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – 121 Grove Street – Waiver Request

Ms. Goodlander stated the applicant requested a continuance. She said she had no update.

Mr. LePage reviewed that at the last meeting they voted on the waiver request the Commission put together for the ZBA. He said the ZBA had a meeting last Wednesday and that the ZBA discussed the letter but did not rule on it. He said the Commission is waiting on the ruling. Mr. Johnson said they noted the DEP comments. Chair Hagen said they will continue this. She said hopefully they will get some guidance soon from the ZBA so they can move forward with the Commission's process. Mr. Livingstone asked if there is a time limit. Ms. Goodlander said the decision will not time-out. She said she made a flow chart of the permitting process of the back and forth of the ZBA and Conservation Commission. She discussed that the Commission has authority under state jurisdiction for the project to qualify for project approval.

There was a motion made by Mark LePage to continue the NOI for 121 Grove Street, Waiver Request, to March 7, 2024, at 7:04 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – 100-110 East Central Street

Chair Hagen recused herself.

Mr. Brad Chaffee, owner/applicant, and Mr. Rick Goodreau of United Consultants (via Zoom) addressed the Commission. Mr. Chaffee said they just received the BETA letter on Tuesday. He said they wanted to go over a few items.

Mr. Goodreau said they received the peer review letter from BETA's wetlands division, and the peer review letter for the Planning Board, particularly stormwater, was received yesterday. He said they are attempting to schedule a meeting with BETA to clarify the stormwater issues. He said they wanted to go through a few items from BETA on the wetlands side to get the Commission's input. He noted comment A3 regarding plants to be removed within the buffer zone larger than 1 in. in diameter should be depicted on the plans. He said they have provided a tree line on the plan. He said they did not provide an individual location of each tree or vegetation. He asked if the Commission requires that; if so, they can have that survey completed.

Vice Chair LePage said they usually want a sample over 3 in. Mr. Livingstone discussed that the Commission thought it would be better if an area was taken and do a count of the trees 3 in. and over for that section and do an estimate. Ms. Goodlander reviewed that the Commission has voted on 3 in. to 4 in. in the past. Mr. Goodreau said they can do that sampling for 3 in. or over.

Mr. Goodreau noted comment W7. He asked about the silt fence. He said they proposed a 12 in. diameter compost sock which would be backed up with a silt fence due to the site grade and topography. He said they can eliminate the compost sock. Mr. Livingstone said this goes back a long time. He said the observation around town was that you were seeing a lot of old silt fences that were just sitting around, and they were becoming trash as people were not picking them up; the idea was to get rid of that completely and go to only socks. He said if the silt fence is to give the socks support, as long as they are removed, that is great. Mr. Goodreau said he thinks compost sock are a better alternative. He said that they are diligent in obtaining certificates of compliance, and so with the requirements and sign offs, there will be an opportunity for that to be confirmed that it was done. He added that they have had success with providing a 3 ft. orange construction fence as an option in lieu of the silt fence. Chair Hagen said the orange fence is cheaper. Mr. Johnson said that sounds good.

Mr. Goodreau discussed item 8. He said they suggest a conservation and wildlife mix be applied between the retaining wall being proposed at the edge of the parking lot and the limit of disturbance areas for the grading going towards the wetland within the buffer zone area. He stated that with comment 10, BETA suggested an impervious calculation within the buffer zone be completed. He said they have done that and are at about 52 percent of the buffer zone being proposed as impervious. He said they will be utilizing some mitigation methods. He said that additionally, BETA has suggested that they provide the Commission with a plan for removal of some invasive species in the area; they will provide as a mitigation method a plan to remove the invasive species and control them from re-germinating. He said their plan is to stabilize the area. He noted that the entirety of the wetland is not located on their property. He said BETA said it was really up to the Commission.

Mr. Jonathan Niro of BETA (via Zoom) said he appreciates the comments lumped together in the discussion. He said all of this is at the discretion of the Commission. He said there is limited area at the site under the proposed conditions to provide mitigation. He said he would feel that if a more robust planting plan was provided down gradient of the retaining wall that would be a good step forward by the applicant. He clarified the invasive species control. He said that when BETA looked at the site, it was noted that there is a significant invasive species population on and off the property. He said that full removal is probably not feasible. He said they should use measures during construction that the seeds get thoroughly disposed of so the problem does not get worse.

Ms. Goodlander said that to keep it consistent with another project at 122-138 East Central Street that was permitted, the Commission did condition that an invasive species management plan be provided. She said she spoke with the applicant about plantings. Vice Chair LePage said that in regard to the question, we are in generally in support of all that. Mr. Chaffee said they would like to work with Ms. Goodlander as they did in the last project.

Ms. Goodlander said she recommended a continuance of the hearing.

Mr. Goodreau said they have to provide comments to BETA's letter and revisions made. He said he believes the additional fees have been addressed. Mr. Chaffee said they meet with the Planning Board on March 11.

There was a motion made by Roger Trahan to continue the NOI for 100-110 East Central Street to March 7, 2024, at 7:05 PM. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Chair Hagen re-entered the meeting.

Public Hearing – RDA – 6 Forge Parkway

Mr. Michael Malynowski of Allen & Major Associates (via Zoom), Mr. John Stebbins of Tidemark (via Zoom), and Mr. Joe Geoghegan of Tidemark (via Zoom) addressed the Commission for an RDA for the proposed construction of a 36,000 sq. ft. manufacturing warehouse building, 51 parking spaces, paved loading docks, and associated stormwater management systems on a parcel with BVW and associated buffer zone; no work is proposed within jurisdictional resource areas. Mr. Malynowski shared his screen and reviewed the plans. He said the overall parcel size is 257,000 sq. ft. He noted the stormwater system is currently being reviewed by BETA. An approximate 100 ft. vegetative buffer to BVW Buffer Zone is proposed. Perimeter erosion and sedimentation control measures and catch basin silt sacks are also proposed. He said they have slope stabilization being put in. He showed the buffer plan and explained the location of the proposed building and the small wetland pocket. He said the area was delineated by Goddard Consulting. He said there are no vernal pools on the site and no priority habitat. He said they have no proposal for any disturbances within the 100 ft. area.

Ms. Goodlander said she is reviewing this internally; she said she just received the full filing fee. She said she has not finished her review yet. She suggested continuance to the next meeting.

There was a motion made by Jeffrey Milne to continue the RDA for 6 Forge Parkway to March 7, 2024, at 7:06 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

GENERAL BUSINESS

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

Minor Buffer Zone Activities: 11 Cottontail Lane

Ms. Goodlander said that she sent the applicant a reminder email today, and they did respond. She said the MBZA is for tree removal within the 25 ft. to 100 ft. buffer zone to BVW. She said the applicant is proposing tree removal within existing, disturbed lawn. She said the applicant has not contacted a tree removal company yet as they are coming to the Commission first. She said if the Commission approves, she recommends approval with standard MBZA condition, inclusive of stumps left in place. She noted it

is not standard practice of the Commission to have the stumps removed. She said the applicant is trying to remove the hazard of the trees. She said if there is concern, the Commission can continue this item.

There was a motion made by Richard Johnson to approve the Minor Buffer Zone Activity for 11 Cottontail Lane, with standard MBZA conditions and inclusive of stumps being left in place. The motion was seconded by Mark LePage and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

Request for Determination of Applicability: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: None.

Violations/Enforcement: 275 Washington Street – Franklin FlexSpace

Ms. Goodlander said they do not have an enforcement order with them. She said she has not received any stormwater reports or inspection reports since last August. She said Franklin FlexSpace has been before the Commission three times with violations which she reviewed. She said she emailed them last week and asked for the reports. She said they have not been doing the reports. She said the applicant is aware they are on the agenda. She said she feels this is a pattern. She said the Commission can do an enforcement order.

Chair Hagen said this is their third offense. Mr. Livingstone said this puts undue work on the staff. Ms. Goodlander explained that they have seen the regulatory side of her; therefore, they may not have the best working relationship. Mr. Johnson suggested they put an enforcement order on them if they do not get their reports in by the next day. Ms. Goodlander said the applicant did provide something to her when she gave them a deadline. She confirmed she would like a letter from the Commission to the applicant. She said she thinks it is important to note that she does hear from applicants that maybe something has happened on their side; however, conservation conditions are conservation conditions. She said an email to the conservation agent goes a long way.

Chair Hagen said she would get something to Ms. Goodlander to send over.

Minutes: February 8, 2024

There was a motion made by Mark LePage to approve the meeting minutes for February 8, 2024. The motion was seconded by Jeff Livingstone and accepted with a roll call vote of 6-0-1. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Abstain.

Discussions: DelCarte Pond Treatment

Ms. Goodlander said that she had not added into the packets the previous cost, but all the same, she did seek clarification on how to proceed forward and all she needs from the Commission is that they would like her to go out to bid. Commission members said to proceed.

Chair and Commission Comments: Friends of Franklin Liaison Update

Mr. Rein said that he communicated with Patrick Gallagher today, and there is nothing new.

Chair and Commission Comments: Master Plan Liaison Update

Chair Hagen said the subcommittee is heading out to SNETT this Saturday at 10 AM at the Grove Street entrance for a walk to discuss with residents some feedback on what they would like to see in our Open Space and Recreation and Natural, Cultural, and Historic Resources section of the Master Plan. She said

there is a small chance she will not be there; however, the rest of the subcommittee will be there. She said they will also plan to do it again in March.

She said that on Saturday, March 23 from 11 AM to 2 PM or 3 PM, is the entire Master Plan's public outreach event at Dean College; it will be a very interactive format.

Chair and Commission Comments: Natural Resource Protection Manager Update

Ms. Goodlander said the MAPC conference is March 2; it is paid for out of the Wetlands Fund, so if you would like to attend, please do so. She said that enrollment for the BEE program is open until next week for the remote option. She said there is no certification with remote. She said there are two people who cannot qualify to sign up for the honorarium; it is \$400, and we have two people which is \$800 total. She explained what the honorarium is for residents to become a stop on the bus tour. Mr. Livingstone said it would be nice to share the idea with other commissions at the conference. Ms. Goodlander said she can get some flyers for the BEE program.

Chair Hagen noted a letter they got about the concern from the Summer Street residents. Ms. Goodlander said Chair Hagen may read the letter aloud. Chair Hagen said the letter was from Sally French Winters and the Summer Street Residents about their concerns regarding the proposed senior development. She read the letter aloud. Ms. Goodlander cautioned the Commission about discussing a project that will be coming before them before it is open.

Executive Session: None.

There was a motion made by Richard Johnson to adjourn the meeting. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 7-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Rein-Yes; Hagen-Yes; Trahan-Yes; Johnson-Yes.

The meeting adjourned at 8:19 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary