

Town of Franklin



Conservation Commission

**April 18, 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 Jeff Livingstone called the above-captioned meeting to order this date at 7:00 PM as a remote/virtual/in-person meeting. Members in attendance: Jeff Livingstone, Mark LePage, Jeffrey Milne, Michael Rein (via Zoom), Roger Trahan, Richard Johnson. Absent: None. 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 plan. He said they are providing wetland replication and plantings. He said at the last hearing, the topic of interest was the drainage schema for the area as a whole. He said the stormwater engineer and the Commission noticed that there was a tie into existing drainage infrastructure that comes down to the south; they were asked for more clarity on what that looks like. He said they looked into the history of that. He said they submitted a memo to the Commission summarizing the overall drainage patterns through the site. He pointed out the drainage lines on the provided drawings and indicated the location ultimately discharging to an off-site stormwater pond in the south. He showed photographs and reviewed the basins, outfalls, and location of Dix Brook as shown on a provided diagram and color-coded legend. In terms of jurisdiction of the features, he read aloud sections of 310 CMR 10.02(2)(c) and 310 CMR 10.02(5). He said they did some digging in the registry and found an order of conditions for the reconstruction of basin 3 and lots A, B1, and B2 of Liberty Way in 1999. He said they also obtained a certificate of compliance. He said as such, that basin does not constitute an area subject to protection under the Act. He said beyond that, they believe anything going to be entering the basin, will enter via existing infrastructure. He said their project is going to meet the stormwater standards. He said this will provide an improvement over existing conditions.

Chair Livingstone asked Ms. Goodlander if there was an effect on downstream gradients. Ms. Goodlander said the question is if this basin would then be jurisdictional as BVW or not. She said she has not yet reviewed the provided information. She said she has not received any O&M or VMP plan yet.

There was a motion made by Mark LePage to continue the NOI for 15 Liberty Way to May 2, 2024, at 7:01 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – 121 Grove Street – Waiver Request

Mr. John Shipe on behalf of Fairfield Residential said he was here two weeks ago and provided a project status update. He said BETA is still reviewing the submitted materials.

Ms. Goodlander said she and BETA were still plugging through the revised materials. She said she can check with BETA to see where they are.

Mr. Jonathan Niro of BETA (via Zoom) said they were reviewing the materials now. He said he will let Ms. Goodlander know when he expects to have their review and response letter completed.

There was a motion made by Richard Johnson to continue the NOI for 121 Grove Street, Waiver Request, to May 2, 2024, at 7:02 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – South Street, Miscoe Brook

Ms. Goodlander stated the applicant requested a continuance; they provided revised documents two days ago to allow time to review.

There was a motion made by Mark LePage to continue the NOI for South Street, Miscoe Brook, to May 2, 2024, at 7:03 PM. The motion was seconded by Roger Trahan and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – Beaver Pond Hydro-Raking

Ms. Goodlander stated the applicant requested a continuance; she said they were still waiting for DEP comments. She noted it is a municipal project.

There was a motion made by Richard Johnson to continue the NOI for Beaver Pond Hydro-Raking to May 2, 2024, at 7:04 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – ANRAD – Louise Drive Extension

Ms. Goodlander stated the applicant requested a continuance today. She said they had a brief check-in. She said they asked if Ms. Goodlander and BETA could have a site visit with them before the next meeting to go over revised flaggings. She said she is working on dates for that with Mr. Jonathan Niro of BETA.

There was a motion made by Richard Johnson to continue the ANRAD for Louise Drive Extension to May 2, 2024, at 7:05 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

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

Mr. Jeffrey Pilat of Samiotes Consultants (via Zoom) and Mr. Carl Franceschi of DRA Architects (via Zoom) addressed the Commission. Mr. Franceschi reviewed that Tri-County Regional is looking to replace its existing school with a new building. He shared his screen and reviewed the plans. He showed and explained an aerial of the existing conditions. He said the proposal is to place the new school on the area currently that is a ground-mounted solar field and the teachers' parking lot. He said the remaining fields will get renovated and expanded. He showed and discussed a rendering of the new school with fields and parking lot. He said the strategy is to build a new school while the existing school stays in operation and demolish the existing school when the new one is operational. He said the new building is one, two, and three stories in various places.

Mr. Pilat said they are the civil engineers on the project. He showed the existing conditions and neighborhoods surrounding the school. He pointed out the Town's jurisdictional wetlands for the Franklin bylaw. He explained the proposed erosion control and how they intend to protect the wetland areas. He showed the proposed layout of the building within the solar field. He said they are proposing a wetland replication area. He pointed out the proposed parking lots, drive area, emergency access road, and utilities. He explained that they have two large detention systems east and south of the proposed building that will capture and treat roof runoffs. He said there is slight increase in impervious area; however, the proposed systems provide a reduction in peak flow for all storms. He said they are scheduling meetings with the peer reviewer to address any stormwater and impact to wetlands questions.

Mr. Tileston Johnson of Warner Larson (via Zoom) said they are the landscape architects on the project. He pointed out on the site plan the current fields and noted those that will stay in place and be renovated. He discussed the overall planting scheme and said it is simple with trees and lawn. He explained the courtyard inside the school will be heavily planted with non-invasive species with no lawn in there. He explained the replication area and noted they will use a New England wetland seed mix.

Mr. Pilat said they have not received the DEP number yet and are still waiting for peer review comments.

Chair Livingstone asked about the emergency access road. He asked how tight the turns are and said that on a couple of occasions with the fire department with the large engines they indicated concern about engines making those tight corners. Mr. Pilat said they are meeting with safety and have evaluated this with a vehicle tracking system for these types of turns and specified vehicles. He said they are making sure this is not an issue. Chair Livingstone provided a historical perspective and indicated the Commission would typically err on the side of public safety. He asked the applicant to note that.

Mr. Allan Sawyer, abutter at 1406 Franklin Crossing Road (via Zoom), said this building is the closest to the property line. He asked about the elevation of the new school in terms of what he will be looking at. Mr. Pilat said the natural grade of the solar field is higher so the building itself will be a bit higher. Mr. Sawyer asked about the access road and if additional foliage will be added. Mr. Johnson said there are no additional tree plantings along the access roads. He said it will be gated off and not for public use.

Mr. LePage asked about the proposed replication ratio for filling in the jurisdictional basin. Mr. Pilat said it was 2:1 replication.

Ms. Goodlander commented about the ANRAD process regarding the solar array. She noted that the project before the Commission today shows a lot of optimizations from the original design. She discussed the original designs and that the applicant has done their due diligence and made a welcome environment for the resource area that is in there. She asked about the road wildlife crossings from the vernal pool and if that was included in the final design. Mr. Pilat said he thinks Mr. Steve Powers was handling that, and he will touch base with him on that one. Ms. Goodlander said for the records, they do have two work sessions scheduled. One is for stormwater scheduled next Thursday, April 25 from 10 AM to 11 AM, and it is virtual. She said the other is for wetlands scheduled for Thursday, May 2 from 2 PM to 3 PM, and it is also virtual.

There was a motion made by Mark LePage to continue the NOI for Tri-County Regional Vocational Technical HS to May 2, 2024, at 7:06 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – Prospect Street Access Drive

Ms. Goodlander said she did not receive any communication that the applicant would not be in attendance tonight.

Mr. Bill Kilroy, 43 Oxford Drive, said he lived here for 30 years. He said he has been to some of the meetings about this project in Bellingham. He said what has been disingenuous about this project is the applicant's bait and switch; it started with 11 homes and switched to 152 condos. He noted how much more traffic there is in Franklin. He said there are expensive homes along Prospect Street. He said it is not just a couple of access roads, the implication is about what the applicant is doing. Chair Livingstone explained history of the Commission regarding projects which span between towns. He said the one thing great about Franklin is that they have good relationships with adjacent towns. He said they are pretty aware of what has already transpired in Bellingham. He said they do pay attention. He said he hopes people will step up and make their voices heard. He explained that the Commission is only one board in town.

Mr. Arthur Luna, 399 Prospect Street, said he is new to the area. He said seven homes were developed in that area last year. He said as a scenic road, the trees were cleared. He said he has erosion issues on his property. He said there was a flood that affected a bridge on Prospect Street that was closed for a few weeks. He discussed that trees absorb the water. He said there is a road between two homes on Prospect Street that has been all cleared, and there is a proposal for another access road across from Oxford Drive which is close to wetlands. He discussed the applicant's proposal. He discussed a proposed access road through Bellingham. He discussed the trash along Prospect Street. He said there are many topics against this project: education, schools, erosion, traffic, conservation, wildlife, and access roads. He said this is too dense of a project.

Mr. David Nichols, 33 Blackmar Street, Bellingham, said it is substantially wetland in there. He discussed the proposed access road approximately across from Oxford Drive. He said it has to cross the wetlands a few times. He discussed that water demand and water quality are an issue. He noted a problem with a culvert on Prospect Street. He said if the applicant starts building in there, and the water goes down the catch basin, it is going to wind up in the aquifer and be contaminated. He said one cannot walk through that property without walking through areas that flood; it is all wet back there. He said he is concerned about water quality and putting in culverts. Chair Livingstone discussed that getting a variance in wetland areas requires a stormwater management plan which is part of the submittal package. He said this is typically third-party reviewed, and the Commission uses BETA. He said this is how it is supposed to work. Mr. Nichols said one of his concerns is that the property is in both towns. Chair Livingstone reiterated the good relationships Franklin has with other towns. Mr. Nichols said he wants to make sure there is teamwork between the towns. Chair Livingstone said it is important for people to speak up.

Ms. Goodlander said she wanted to add piggybacking that there is one Wetlands Protection Act that is for the state; so, Franklin and Bellingham have to operate under one Wetlands Protection Act. She said she can assure everyone that DEP knows of this project. She said that for the records, she did want to state that for the Prospect Street culvert, the Commission members have not seen an after-the-fact notice of intent for that; it is forthcoming. She said she did give her emergency authorization for that. She said that second, there is no doubt that they are experiencing increased flooding. She noted that the Prospect Street culvert was not necessarily due to the storms; there was a blockage. She said there was a faulty culvert. She said that for the records, the question was if the current culvert was a temporary or permanent repair, and then moving quickly about that soil pile, she is aware that it is out there. She said she has spoken to Marcello Alves who is the third-party developer. She said it is outside of jurisdiction. She said she routinely continues to ask him to update erosion controls. She said her jurisdiction is limited with that. She said she has a call out to the Bellingham admin. She said there are mapped vernal pools on that property. She said that is something the Bellingham conservation administrator will have regulation over. She said that fourthly, she knows that all those developed homes have erosion control issues. She said she wanted to offer a blanket comment that she is pretty savvy with plants, so if anyone had any true concerns, she will try to help them hash out a plan and help erosion on their property. She said it is their private property, so it will be their cost.

Mr. Arthur Luna, 399 Prospect Street, discussed that the applicant mentioned during meetings in Bellingham that the applicant will be installing infrastructure appropriate for the magnitude of the project, and once it is done, regular people will be responsible for maintaining the huge infrastructure. Chair Livingstone explained

that classically there is an order of conditions that says the developer has to have a maintenance plan and maintain it in perpetuity, and typically has to file reports about the entity, and if you do not file the reports, they will be in violation and get fined. Mr. Luna explained the location of his property to the project and noted that he is close to the access road and will probably get the flooding.

Mr. Bill Kilroy, 43 Oxford Drive, asked if there were any implications for the applicant regarding missing this meeting. Chair Livingstone said the applicant can come or not come; however, it is not in their best interest, and he provided examples. He said there has not been an established pattern with this applicant of missing meetings.

Mr. Arthur Luna, 399 Prospect Street, said he has the closest water well to the proposed access road coming off Oxford. He asked how can the town or the state protect his well that is very close and at risk of being impacted by this road.

Ms. Goodlander said he would have to do an alternatives analysis, and you can request him to answer your questions when you see him; these are public records. She noted information in her agent's report. She said that the applicant filed for a Superseding Order of Conditions with DEP which is likely why he is not here. She said she has had conversations with her section chief from DEP, so at her suggestion we are still opening the hearing specifically to receive all of your comments. She said these comments will be delivered to her. She said the applicant will be required to do an alternatives analysis; he will have to note if there are public or private wells nearby. He will have to go through that process. She said there are several agencies looking at this project. Chair Livingstone said there is DEP state law, and then there is the local bylaw covering these things. Ms. Goodlander explained that the applicant has not paid his local filing fees yet. Chair Livingstone explained the rule that once an applicant files, the Commission is required to have a meeting on it within 21 days. He said that will only happen once you pay the filing fees; in this case the filing fees were not paid, so the clock has not started yet.

Mr. Jack Geromini, 326 Prospect Street, said he is the house that is next to the culvert that broke which backed up into his basement causing \$18,000 in damage. He said since 2017, the culvert was not good. He said a Blue Diamond company came out to fix it, and they shut down the road to replace it. He said he does not know if it will back up again. He noted the traffic study that came out; it says that approximately 9,000 cars go by his house on Prospect Street each day. He discussed the speed limit on Prospect Street and that cars go by at 47 miles per hour. He said there is a lot of traffic on his road and in Franklin. He said more salt and sand is going to run off into the culvert. He said they went from 11 houses to 260 units. He discussed that it takes 15 minutes to get out of his driveway in the morning. He said more cars are going to come out of the development. He said that the builder has to understand and listen to the residents' concerns. He discussed that the traffic on the street is going over the culvert and with so much traffic, it is breaking the culvert. He said they are a frustrated group of people from Bellingham and Franklin, and they are not getting anywhere with the builder.

Mr. Mike Spath, 42 Oxford Drive, asked if this was denied by the Conservation Commission in Bellingham. Ms. Goodlander said it is not unlawful for someone to come and present project A with project A dimensions that be denied and then come back in and present project B with project B dimensions. She said project A was denied. She said project B is project B. She said the single-family homes iteration was denied.

Mr. Arthur Luna, 399 Prospect Street, said he has a group of residents and asked if they can get together as a group and make a petition to the Town to protect our wells. Chair Livingstone gave examples that the residents can do such as writing a letter to the town counsel or town administrator. Mr. Luna pointed out on the map on the screen where his property, well, and wetlands are located. Mr. Trahan noted checking with the Board of Health regarding the wells.

Mr. Charles McCarthy, Lakeview Avenue, Bellingham, said he agrees with everyone. He said they want to make sure the lake does not get polluted, that nothing gets flooded, and the road does not get ruined. He is concerned about the wildlife and that another road coming in will make more traffic. He said he is thinking Prospect Street is beautiful, and it is a scenic road, and he would like to see it stay like that such as the stonewalls and sign. He said he wants to make sure it is protected. Chair Livingstone confirmed that official scenic road protections are through DPW.

Mr. Ted Klowan, 286 Prospect Street (via Zoom), explained the location of his property. He said he wanted to reiterate how bad the traffic is on Prospect Street; there are 9,000 cars a day. He said he believes when the warehouse opens and the new development is done, there will be more traffic. He discussed the environmental flooding and that basements have flooded. He said the applicant is asking for easements to have access to Franklin's roads. He said Franklin will have no taxation from this but will have significant road maintenance due to this project. He said he advocates that the Town reject the applicant's request as there is nothing in it for the town except for cost. He said this bait and switch will decrease property values and increase costs to the town. He said he hopes they turn this down and return it to the residential housing.

Mr. Mahesh Chandrashekarapuram Ramak, 381 Prospect Street (via Zoom) said he is right next to the proposed access road and most impacted by the road. He said he pays his taxes in Franklin. He said the Bellingham/Franklin line runs through his backyard. He wants to know how to protect his water. He asked what are the legal protections. He said beyond the access road, it does not seem like there is much Franklin can do. He asked if the wetlands were in Franklin. Chair Livingstone said this is conservation. He said there are other town boards that would have an interest in this. He said safety would be a big deal. Mr. LePage said this will be before the Commission because wetlands will be involved. Ms. Goodlander explained the permit filing process. She said this filing is only considering the state jurisdictional resources. She said the town's bylaw is more stringent than the state's law. She explained that consideration of local jurisdictional resources is on hold until the local filing fees are paid. She reviewed the applicant's request for a superseding order as noted in her agent's report. She noted that the only impact in Franklin is the access road and that is what we have to look at. She mentioned that she has had conversations with her section chief at DEP. She said the section chief is aware of all of this.

Mr. Roger Griffin, 404 Prospect Street (via Zoom), said that it is all wet back there to the access road, and it will have to be filled in to get a road in. He said all that runoff will go into the wetlands. He noted the trash on the road will go into the wetlands and the traffic will increase.

Mr. Mahesh Chandrashekarapuram Ramak, 381 Prospect Street (via Zoom), asked about the 20 to 30 buses going on the access road for the school children to go to school in Bellingham.

There was a motion made by Mark LePage to continue the NOI for Prospect Street Access Drive to May 2, 2024, at 7:07 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Chair Livingstone confirmed with Ms. Goodlander that her directive is to inquire and ask for the filing fees.

GENERAL BUSINESS

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

Minor Buffer Zone Activities: 11 Mount Street

Ms. Goodlander said the applicant has requested a continuance; she would like to continue this to the next meeting on May 2.

There was a motion made by Richard Johnson to approve the Minor Buffer Zone Activity for 11 Mount Street to May 2, 2024. The motion was seconded by Mark LePage and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Minor Buffer Zone Activities: 1 Spruce Pond Road

Mr. Chris Campbell of Campbell Construction addressed the Commission for this MBZA for a deck replacement in existing, disturbed lawn within the 50 ft. to 100 ft. buffer zone to BVW. He said they plan to tear down the current 10 ft. x 20 ft. rear decks that are adjoined for 1 Spruce Pond Road and 2 Spruce Pond Road. He said they will be hand digging the eight footings for the two decks and back filling them by hand.

Chair Livingstone confirmed standard conditions.

There was a motion made by Mark LePage to approve the Minor Buffer Zone Activity for 1 Spruce Pond Road with standard MBZA conditions. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Minor Buffer Zone Activities: 2 Spruce Pond Road

There was a motion made by Mark LePage to approve the Minor Buffer Zone Activity for 2 Spruce Pond Road with standard MBZA conditions. The motion was seconded by Richard Johnson and accepted with a roll call vote of 6-0-0. Roll Call Vote: Livingstone-Yes; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Request for Determination of Applicability: None.

Permit Modifications/Extensions: None.

Certificates of Compliance: None.

Violations/Enforcement: None.

Minutes: April 4, 2024

There was a motion made by Mark LePage to approve the meeting minutes for April 4, 2024. The motion was seconded by Richard Johnson and accepted with a roll call vote of 5-0-1. Roll Call Vote: Livingstone-Abstain; LePage-Yes; Milne-Yes; Rein-Yes; Trahan-Yes; Johnson-Yes.

Discussions: CCRC MVP Application Invitation

Ms. Goodlander said that she has renewed the Town of Franklin, herself, for the climate compact, CCRC MCP. She said she will be submitting a letter of support to the CCRC so they can include it in their MVP grant for us as an entity to continue to do flood modeling. She said her participation in that is \$250 billable hours even though she is a government employee to participate in this climate compact; it averages one to three hours per month. She said they give you a template for the letter.

Chair and Commission Comments: Friends of Franklin Liaison Update

Mr. Rein said the Friends will be participating in both this Saturday's Earth Day at Beaver Pond as well as our Conservation Commission event the following Saturday. He thanked Ms. Goodlander for putting together great flyers for the events.

Chair and Commission Comments: Master Plan Liaison Update

Ms. Goodlander said she has not received anything.

Chair and Commission Comments: Natural Resource Protection Manager Update

Ms. Goodlander said she wanted to put on their radar DCR dam safety in conjunction with Medway. They are looking to do a feasibility study and inspection on the Sanford Mill dam. She said she gave administrative approval for DCR to bushwhack down to the dam. She said at some point Medway wants to try to receive a grant for dam removal. Chair Livingstone said it was in pretty bad shape.

Ms. Goodlander said Town Administrator Jamie Hellen asked Ms. Goodlander to think of any CPA projects in any conservation areas. Ms. Goodlander asked the Commission if they have anything to be considered let her know by next Wednesday.

Ms. Goodlander said that for Schmidt's Farm and Maple Hill, she and Director of Planning and Community Development Bryan Taberner are working together to review all of the master plan and open space comments. She said this Saturday, April 20, from 9 AM to 12 PM, is the townwide pickup at Beaver Pond. She said at 10 AM to 11 AM there will be the first accessible Earth Day event. She said the DelCarte event is April 27. She said Forester Tom Ashton will do a wood's walk. She said Mr. Ashton asked if Ms. Goodlander would walk with him. Ms. Goodlander said she will look for salamander eggs. She said she was going to harvest her bee cocoons.

Mr. Trahan noted that the Town Council will be appointing the new Conservation Commission member, Nicole. Ms. Goodlander said Conservation will become its own separate department as a separate budget item, and her title changed to conservation director.

Executive Session: None.

There was a motion made by Richard Johnson to adjourn the meeting. The motion was seconded by Mark LePage. No Roll Call Vote.

The meeting adjourned at 8:56 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary