

Town of Franklin



Conservation Commission

**March 21, 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, Richard Johnson, Roger Trahan. Absent: Michael Rein. 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) stated that information was submitted to Ms. Goodlander yesterday. He shared his screen and reviewed the site plans. He pointed out the location of Liberty Way, the building, and the work portion of the site. He showed the latest iteration of the site plan. He pointed out where the parking area was scaled back. He pointed out where they have provided some wetland replication. He said the isolated vegetative wetland has an impact of about 1,300 sq. ft. for the proposed parking area. He said there is replication of about 2,300 sq. ft. He pointed out some features categorized as IVWs; he said they were failed or poorly maintained stormwater features. He pointed out the area for the enhanced stormwater feature of about 5,200 sq. ft. He said they are still working through this; he just received the plans yesterday. He said they are coming up with some replication protocols. He said he has a revised variance request coming.

Chair Livingstone said there is an outstanding fee for the stormwater review. Mr. Frattaroli said he heard from the engineers paying the fee that there seemed to be some kind of mix up on the Planning Board's side. He said the fee was sent in, and they do have that check.

Ms. Goodlander noted the legal ad fee. Mr. Frattaroli said he would follow up on that. Mr. LePage requested the applicant put some effort into getting something completed in a couple of weeks. Mr. Frattaroli said they would work to get that done.

There was a motion made by Mark LePage to continue the NOI for 15 Liberty Way to April 4, 2024, at 7:01 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

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

Ms. Goodlander noted the small wetland puddles between the panels and noted the Commission needs to make a decision on the puddles.

Mr. Johnson confirmed they were removing the puddles from the ORAD.

Mr. Steve Powers of Samiotes Consultants addressed the Commission to seek verification of four proposed BVWs, two proposed IVWs, and subsequent buffer zones. He handed out an exhibit. He noted the wetland puddles and said they were highlighted in the provided exhibit. He said they are looking to eliminate the blue areas; the green areas they are looking to consider local jurisdictional bylaw. He said he thinks this is the last piece before finalizing the ORAD.

Ms. Goodlander stated that she would like to read the findings aloud for the record. As stated in her agent's report, the findings are attached.

Mr. Powers said they are good with this.

No motion was made to close the public hearing.

There was a motion made by Richard Johnson to approve the ORAD for the ANRAD for Tri-County Regional Vocational Technical HS with findings as indicated. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

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

Ms. Allison Finnell of Brown Legal (via Zoom) stated that Mr. Greg DiBona of Bohler and Mr. Dan Wells of LEC Environmental were in attendance at other meetings. She asked if this item could be continued to the end of tonight's Commission meeting.

Chair Livingstone said that was fine.

Public Hearing – NOI – 121 Grove Street – Waiver Request

Ms. Goodlander stated the applicant requested a continuance. She said she had nothing new on this item.

There was a motion made by Mark LePage to continue the NOI for 121 Grove Street, Waiver Request, to April 4, 2024, at 7:03 PM. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – South Street, Miscoe Brook

Ms. Goodlander stated the applicant requested a continuance. She said the applicant received BETA peer review comments, and now they are going through the comments.

There was a motion made by Roger Trahan to continue the NOI for South Street, Miscoe Brook, to April 4, 2024, at 7:04 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – Beaver Pond Hydro-Raking

Ms. Goodlander stated the applicant requested a continuance.

Chair Livingstone said a question that came up was hydro-raking versus dredging. He said they would want the applicant here to discuss that.

There was a motion made by Richard Johnson to continue the NOI for Beaver Pond Hydro-Raking to April 4, 2024, at 7:05 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – ANRAD – Louise Drive Extension

Ms. Marianne Diffin of DiPrete Engineering representing the applicants Paul and Joanne Longobardi addressed the Commission for an ANRAD to determine the boundaries of isolated and bordering vegetated wetlands, a potential intermittent stream, and their associated buffer zones at Louise Drive Extension. She noted Mr. Tim Twohig, wetland biologist who conducted the ANRAD, was in attendance. Ms. Diffin reviewed the site plan and noted this is an existing subdivision. She said the lots not developed are 100 percent wooded. She said there is about an 8 percent slope from south to north. She noted the existing wetland.

Mr. Twohig said he visited the site in October 2023 and delineated two wetlands: a bordering vegetative wetland and an isolated wetland. He said they do not seem to be connected.

Ms. Goodlander said she has yet to conduct a site visit, and BETA is currently reviewing the project. She said DEP provided comments which she reviewed as outlined in her agent's report. The narrative provided documents the presence of a narrow channel that would be best classified as an intermittent stream offsite between flags AWE-B21 and B15. DEP recommends the Commission confirm whether the defined channel extends onto the project site between flags B14 and B41. If so, the applicant should submit a revised site plan and WPA Form 4A showing bank resource area. DEP recommends confirmation if a hydrologic connection exists between the A-series wetland and the B-series wetlands as the closest point there appears to be 40 ft. of distance between flags A22 and B2.

Ms. Diffin noted the subdivision was approved in 1994. She said the site was again flagged in 1998 which she showed and said she could provide it. She said it is similar to what is showing now. Mr. Twohig said it is basically static. Ms. Diffin said it was a piecemeal subdivision, and this is the extension of Louise Drive.

Ms. Goodlander said that since the item is now on record, she would need the 1998 information provided. She said she met with the town planner and discussed this, and there is a stipulation with the site plan that the applicant will have to go before the Planning Board.

Audience member said she is on the board for the Villages at Oak Hill, and that is an area that is right behind this. She said our experience this past winter is that all the wetlands surrounding our area have increased considerably. She said they almost look like ponds, and they had buildings that flooded this past January. She said this is concerning to their association as wetlands could build up behind them and affect their community. She discussed the location of Cassandra Avenue. She said the streams and wetlands all go through their property. She said this is just a concern.

Ms. Diffin said the site has already been approved for the right of way and the lots. She said she thinks the audience member's development is on the other side of the hill. Ms. Diffin and the audience member reviewed the map and discussed the location of the site.

Chair Livingstone said that for the record, they have had several instances of things like this, and he provided an example. He told the audience member it is good to come forward. He reviewed that this hearing is for an ANRAD, and he reviewed the process.

Audience member explained that beavers got into their drainage system, and it blocked their retention pond area. She said one thing leads to another.

Mr. Johnson asked about the lots inside the 50 ft. and 100 ft. buffer zones. He asked if this would affect the ability to make the lot viable. Ms. Diffin said to stay tuned.

There was a motion made by Mark LePage to continue the ANRAD for Louise Drive Extension to April 4, 2024, at 7:06 PM. The motion was seconded by Richard Johnson and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Public Hearing – NOI – 32 Forge Parkway

Mr. Chris Frattaroli of Goddard Consulting (via Zoom) addressed the Commission for a locally filed NOI for proposed utility work within the 100 ft. buffer zone to bordering vegetated wetland and the 200 ft. riverfront area to a perennial stream. The project proposed the installation four utility poles, of which two are located within jurisdictional buffer zone, 25 ft. to 50 ft., and RFA, with associated guy wires to connect to the existing solar infrastructure on the property. All proposed work will be overhead, minimizing soil disturbance and within existing disturbed lawn. He shared his screen and reviewed the site plan and pointed out the buffer zones, riverfront area, and the location of the poles. He said this proposed work is considered exempt under the Wetlands Protection Act. He said they are filing under the local bylaw. He said this will be a minor impact. He said this is very straightforward.

Ms. Goodlander said she has not conducted a site visit; she said she has it scheduled. She noted that it is existing disturbed area. She said the applicant provided many photographs. She said she would be comfortable with the Commission approving it.

There was a motion made by Mark LePage to close the NOI for 32 Forge Parkway. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

There was a motion made by Richard Johnson to approve the NOI for 32 Forge Parkway. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

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

Ms. Allison Finnell of Brown Legal (via Zoom) stated that it does not seem like Mr. Greg DiBona of Bohler and Mr. Dan Wells of LEC Environmental have yet finished with their other meeting. She said she can speak on the item. She said at the last meeting it was discussed that essentially everything was good to go. She said she did not think BETA had any additional comments. She said she thinks the Commission just wanted BETA to review on the Planning Board side regarding stormwater. She said it was a possibility that it could be a condition of approval for the Commission that it just go through the process with the Planning Board. She said they were hopeful they could have this public meeting closed tonight and move forward with conditions for the next meeting.

Mr. LePage questioned if sign off by fire had been done. Ms. Goodlander said when the project was originally proposed, there were two accesses: one in Bellingham and one in Franklin. She said Bellingham denied the secondary access which leaves about one mile stretch into the facility. She said the

Franklin deputy fire chief raised concerns about the singular access. She said the town planner is out on vacation. She said she does not have any letter from fire. She recommended a continuance.

Ms. Finnell said they do have a particular road at 186 Maple Street, which she said MapleGate Realty Trust has an easement for. She said that road is there, and it was approved through Bellingham to use as an emergency access road. She said the project has always intended for the ingress/egress through the north parcel at 160 Maple Street. She said they spoke with the deputy fire chief last week, and we did get an email from the deputy fire chief that he had no further questions and was comfortable with the access as is. She said he asked that the fire chief look at it as well when he returns from vacation. She said she understands where the Commission's concern would be. Ms. Goodlander recommended a continuance for two weeks to ensure the documentation from the fire chief is received.

There was a motion made by Richard Johnson to continue the NOI for the Proposed Solar Array for Parcel 3, 160 Maple, Street to April 4, 2024, at 7:02 PM. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

GENERAL BUSINESS

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

Minor Buffer Zone Activities: Lot 1 Bent Street

Ms. Amanda Cavaliere of Guerriere and Halnon addressed the Commission for an MBZA to conduct soil testing in the form of deep test holes and percolation tests at 0 Bent Street within the 50 ft. to 100 ft. buffer zone; proposed scope of work includes site access via an excavator to dig the deep test holes and use hand tools to dig percolation holes, and all holes will be immediately backfilled. She shared her screen and showed the location on the map. She said there are some wetlands on the east side of the property, and they want to make sure they are doing the test pits in accordance with the existing bylaws. She said this will determine ground water and soil classifications in the area. She said it will be a minor disturbance. She reviewed the typical number of test pits for septic systems and said maybe six to eight pits maximum.

There was a motion made by Mark LePage to approve the Minor Buffer Zone Activity for Lot 1 Bent Street. The motion was seconded by Richard Johnson and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Minor Buffer Zone Activities: 14 Oxford Drive

Mr. Robert Underwood, owner, reviewed the MBZA for the removal of 10 total trees, three of which are within the 0 ft. to 25 ft. no-touch zone, two within the 25 ft. to 50 ft. buffer zone, and one additional within the 50 ft. to 100 ft. buffer zone to BVW. He said the trees are along his property line. He said the state forest and some wetlands are behind his house. The location of the property was shown on the map as well photographs of the trees. He said they want to cut down the trees that are threatening the property. He said that Destito Tree Services has provided a letter noting that these trees are all compromised by rot and dangerous. He discussed a 250 ft. tall pine tree and the danger it poses if it were to come down. He said they would like to do some stump grinding. Stumps within the 0 ft. to 25 ft. no-touch zone are proposed to be left in place, and the remaining stumps within the existing disturbed lawn area proposed to be ground.

Chair Livingstone discussed that stumps within the 0 ft. to 25 ft. no-touch zone are to be left in place. He noted that machinery that comes in to do the grinding should not disturb the wetlands. Mr. Underwood explained how the machinery/equipment can access the site locations.

Ms. Goodlander noted a rock wall in the back of the property. She said the applicant also proposes to replace with blueberry, raspberry, and blackberry plantings.

There was a motion made by Richard Johnson to approve the Minor Buffer Zone Activity for 14 Oxford Drive. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Minor Buffer Zone Activities: DelCarte Concrete Hatchery

Ms. Goodlander introduced herself; she said she was wearing her natural resource protection manager hat. She said last October she was before the Commission to present a MBZA for the concrete hatchery at DelCarte. She said the Commission had tabled the discussion at that time. She said she is back by popular request. She said they are proposing to remove the concrete hatchery which is the rectangle at DelCarte. She said it is not fixed to the concrete pad below; it just sits on the pad. She said she had requested to breakup the concrete pad as much as possible, but the pad is built into the bank. They will break it up as much as possible by jack hammer and then loam and seed it. She said this is a small component of revitalization of DelCarte for accessibility as well as being part of the bio-diversity habitat. She said that it is really hard to get down to the water if you navigate life with disabilities. She said there can be a nice seating area where the hatchery was.

Chair Livingstone said it was an eyesore and a safety issue.

There was a motion made by Mark LePage to approve the Minor Buffer Zone Activity for DelCarte Concrete Hatchery. The motion was seconded by Roger Trahan and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Request for Determination of Applicability: None.

Permit Modifications/Extensions: 585 King Street

Mr. Mark Manganello of LEC Environmental Consultants (via Zoom) addressed the Commission. He said this project was permitted by the Commission in August 2022. It involves a big wetland crossing for a warehouse project off King Street. He said the project is set to go to construction this spring. He said they have had a meeting with Ms. Goodlander regarding phasing and construction sequencing. He said one item from the meeting is that in the Order there is a condition which requires that the replication areas be constructed before additional work can be done on the warehouse part of the project. He said it is a fairly common special condition in such projects. He said that the construction sequence and site access as well as the intent to stay out of the wetland crossing until the drier summer months made us realize we need to ask for some relief from that condition. He said Ms. Goodlander was generally supportive and suggested we come before the Commission and have a conversation about it.

Ms. Goodlander said she did not have the revised maps and needs them for the records. She said she wanted to talk about the three replication areas we can start excavating now versus the two that are closer to King Street that will need to wait. Mr. Manganello shared his screen and showed some graphics. He pointed out and explained the wetland crossing and the phase 1 footprint of work, and he explained the work in phase 1-B and the replication areas. He said this is not perfectly in compliance with the special condition, but it is close. He said they are looking for approval to proceed with the phasing plan.

Ms. Goodlander said there was another item talked about. She said they need to do some more pruning along the existing access to make sure they have clearance for their machines. She said they can base it off of site conditions. She reviewed that additionally, based on DEP comments, it is recommended that the Commission add a condition stating that, "Trees larger than 15" DBH near Replication Area #4 shall be avoided, to the best extent practicable. The Replication Area footprint may be able to be shifted to allow for the conservation of trees larger than 15" DBH. The Applicant shall report any trees larger than 15" DBH to the Conservation Agent and any manipulation of the approved Replication Area boundaries shall also be approved by the Conservation Agent and Conservation Commission." She said it sounds like the stormwater basins also shifted and then access needed to shift because of the powerlines.

Mr. Manganello said there was some minor reconfiguration of the stormwater basins which are almost all out of jurisdiction. He said it does not really change the scope of disturbance. Ms. Goodlander said that for the record, she would like to read in that additional condition for the trees. Mr. Manganello said they will evaluate that in the field once they get out there and can look at it more closely, and he will be in touch with Ms. Goodlander and will try to protect as many trees as they can.

Ms. Goodlander said it would be called additional condition A and read aloud the following: Trees larger than 15" DBH near Replication Area #4 shall be avoided, to the best extent practicable. The Replication Area footprint may be able to be shifted to allow for the conservation of trees larger than 15" DBH. The Applicant shall report any trees larger than 15" DBH to the Conservation Agent and any manipulation of the approved Replication Area boundaries shall also be approved by the Conservation Agent and Conservation Commission.

There was a motion made by Mark LePage to approve the Permit Modification for 585 King Street with condition A as stated. The motion was seconded by Richard Johnson and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Certificates of Compliance: 725 Union Street

Mr. Scott Rogers of JK Holmgren Engineering addressed the Commission. He said they did an as-built plan for the hotel. He said the area within the buffer zone is mostly stormwater basin that has been stabilized for about two years. He said BETA has been out there twice; there were a few things they needed to revise. He said they did receive a partial Form H from the Planning Board.

Ms. Goodlander said that in the buffer zone there is a lot of trash and packages of construction materials. She recommended approval and asked if it could be cleaned up. Mr. Rogers said he was good with that and would be talking to the contractor.

There was a motion made by Richard Johnson to approve the Certificate of Compliance for 725 Union Street as stated. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Violations/Enforcement: None.

Minutes: March 7, 2024

There was a motion made by Richard Johnson to approve the meeting minutes for March 7, 2024. The motion was seconded by Mark LePage and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Discussions: Appointments

Ms. Goodlander said we invited several people for the open position. Chair Livingstone invited the candidates to speak about themselves.

Mr. Lui Puga, 621 Old West Central Street, introduced himself. He reviewed his background and interest in the Commission. He said he has had an interest in serving the community for many years. He has been balancing work and military and will soon have more time for this position. He said he finds DelCorte dear to his heart. He said he and his family members have caught fish there and enjoy the area. He said he is interested in preservation. He said he is a licensed civil engineer; he reviewed some projects he has been involved in. He reviewed how he learned about the open position.

Chair Livingstone reviewed some of the history of the Commission. He reviewed how people may purchase conservation property and may be unaware of it. He explained that Franklin is very innovative in their Conservation Commission.

Mr. Andrew Onderdonk said he has been a resident in Franklin for a few years. He said was a district water commissioner in another district which is where he developed interest in protecting watersheds, open space, and conservation property. He said he is a recently retired professor, and he now can devote time to some of his other interests which include conservation. He provided examples of his work in the water district. He noted the water runoff issue discussed in tonight's meeting and noted the changing environment as related to the work of the Commission.

Chair Livingstone said he feels there will have to be more interplay with the other town boards which could arise because of climate change.

Ms. Patricia Robinson, 134 Matro Drive, reviewed her background and interest. She said she had taught accounting at a college and is currently retired; she has time to devote to this. She said she was the chair of two university committees which she brought together as one. She stated that in the past three years, she has not even turned her lawn sprinklers on, and she thinks that is a problem. She said there is a water issue, and we need to be protecting our water. She said there is too much building going on too close to the water sources. She suggested having a member of the Planning Board on the Conservation Commission to get the boards together. She said they have a very testosterone-heavy committee. She said she thinks they need a woman's perspective.

Chair Livingstone discussed that he came to Franklin 26 years ago, and the town was in the same situation due to overbuilding in the previous 10 years. He reiterated that the different boards are going to have to work more closely together to resolve this. He confirmed they are taking input but not making a decision tonight.

Discussions: Stormwater Discussion

Mr. Derek Adams, Stormwater & Environmental Affairs Superintendent, discussed a large task in front of the stormwater division of maintaining and retrofitting various retention basins around town. He said there are over 100 of them. He said over the last 30 years, any subdivision or neighborhood developed in town has been required to treat and temporarily store water that comes off the roadway drainage. He discussed the process of runoff, where the water flows, and what happens when it goes into a retention basin. He said the overflow area is very close to or is a wetland. He discussed the retention basins are living breathing pieces of infrastructure that receive water, grows vegetation, and reacts to elements around it; it is going to have under certain conditions characteristics of a wetland. He discussed the MS4 permit that the town is required to abide by. He said that as it becomes more stringent, we have to enhance our efforts in maintaining these pieces of infrastructure that the town owns. He said that to put in perspective, just to go out to do a visual inspection at the location is about 60 hours of work. He said they

need to enhance the level of maintenance. He discussed that the inlet and outlet control structures need to be free of vegetation. He said access to them is an issue as well; he provided an example on Mary Jane Road on the difficulty of access. He said he is hoping to take a systematic approach to this. He reiterated there are over 100 in town. He said there has been very little maintenance done to them over the past 30 years; it is very important that we start to maintain these. He said there is a lot of work. He said it will take 15 to 20 years to get to level maintenance. He said this is important to him, the community, and the environment to get these to function properly. He said he wanted to start the discussion.

Chair Livingstone said that sounds like due to the magnitude of the project, one would want to have a separate fund/line item for this.

Ms. Goodlander said there are three pathways to utilize concurrently to retrofit these basins. She said there is the 1996 rule. She discussed that they were constructed as basins per stormwater standards, and they need to be retrofitted. She said there are basins directly connected to a water resource area or you have those that are in a buffer zone. She said those are looked at differently and looked at separately. She reviewed the town's bylaw. She said it is an offensive measure to ensure the basins are maintained. She said what she has been discussing offline with Mr. Adams and what she would be supportive of putting in front of the Commission is once these basins are identified, perhaps having a conversation, writing a letter, putting it on record of a variance from local bylaw and having a courtesy notification when these systems are being altered knowing that inevitably if they are state jurisdiction, they are going to have to come in front of us.

Mr. Johnson said the biggest problem is going to be getting access to them. Ms. Goodlander discussed reasons for the Commission putting this in a letter. Mr. Adams said he agrees access is going to be an issue. He said he will try to work with the neighbors as necessary.

Ms. Kate Hinckley, Director of GIS, said a lot of these we have easements for. She said it is difficult when we do not own the road yet; when it is an accepted road, the town will maintain it.

Chair Livingstone wondered what this will end up costing the town. Mr. Adams explained that if the town wants to get its phosphorus removal credit and possibly enhance it, doing this, as routine maintenance, has to start somewhere.

Ms. Goodlander said in brainstorming, Mr. Adams and Ms. Hinckley have been operating out of grants. She said she does not know if there is merit in picking basins that are only local jurisdictional. Discussion commenced on the selecting of basins. Mr. Adams said his approach is after the inspections, they have a priority, and take the high priority ones that are at risk and go do those first. Ms. Goodlander said what the Commission can do now is if you wanted to grant a variance from replication 2:1, in case these are locally jurisdictional, the Commission has seen the relation between Conservation and DPW is well-off and thriving, and explained the beaver deceivers and the turtle habitat seeding and all time and hours of DPW, and if we are talking about replication 2:1, Mr. Adams is paying for it in other ways. She said she feels comfortable that we can do a blanket variance moving forward in perpetuity for this project with courtesy notification. She said what we can control is local bylaw. She said she defers to the Commission on if they want to put on record any deviation from the local bylaw for this project. She said she is supportive of this town project. She said her caution is putting something in the letter on record that another external applicant, private applicant, could come and put in front of the Commission. She said it is letter of support and acknowledgement of variance that you are granting that will help them to move forward in their other permitting process. She recommended Mr. Adams and Ms. Hinckley get a MEPA letter also.

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

Mr. Derek Adams said that he and Ms. Goodlander are collaborating on a grant application for the Brook Street culvert which is in rough shape. He explained the situation. Ms. Goodlander said it is a protected resource of trout fisheries. Mr. Adams reviewed stormwater control measures (SCM) and said there is a very small one at the very low point of Brook Street. He explained and showed on the screen the location. He said it needs to be retrofitted or enhanced in some way. He showed and explained an aerial view of the stream, the culvert, and the start of the brook. He discussed the catch basins and the overflow goes directly into the river. He explained they are going to do community outreach. He said it will cost \$800,000 to completely reconstruct this. He said they are proposing \$165,000 for the design and environmental studies; the construction would be about \$635,000 and would be a different grant. He said it would be about a three-year process.

Ms. Goodlander said that Shepard’s Brook goes directly into the Charles. She said for outreach, they are presenting to fifth-graders at the school. She said they are seeking a letter of support from the Commission to put in their grant and then there is a 10 percent match which is \$16,500. She said the Commission can do whatever percentage up to 10 percent. Commission members agreed to do 10 percent.

There was a motion made by Mark LePage to support the grant with a 10 percent match from the Conservation Commission. The motion was seconded by Jeffrey Milne and accepted with a roll call vote of 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

Chair and Commission Comments: Friends of Franklin Liaison Update

Ms. Goodlander said there is no update. She said there is a meeting coming up to discuss the April 27 Friends of Franklin/Conservation Commission potential walk.

Chair and Commission Comments: Master Plan Liaison Update

Chair Livingstone noted the open house on Saturday.

Chair and Commission Comments: Natural Resource Protection Manager Update

Ms. Goodlander said Earth Month is coming up, and April 4 is the Cosmic Pizza Party. She said they will be making solar eclipse viewing boxes. She said the BEE program is fast approaching. She said April 20 is Earth Day celebration here in town. She said the Recreation Department will be hosting their annual cleanup at Beaver Pond; DPW will be handing out trees. She said they will be there, and they will also be having a small celebration with the Disabilities Commission at the Sculpture Park since it is accessible. She noted that the Disability Working Group has met twice. She explained the accessibility at the Sculpture Park. She said she has reached out to our consulting forester to get a forester stewardship plan on Schmidt’s Farm and Maple Hill already, and we are moving forward on that. She said Town Administrator Jamie Hellen has tasked her with doing the Franklin Greenway project. She said she will have time to move forward with that at the latter half of the year.

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 5-0-0. Roll Call Vote: LePage-Yes; Livingstone-Yes; Milne-Yes; Trahan-Yes; Johnson-Yes.

The meeting adjourned at 9:08 PM.

Respectfully submitted,

Tel: (508) 520-4929

Fax: (508) 520-4906

Judith Lizardi
Recording Secretary

Town of Franklin



Conservation Commission

**147 Pond Street, Map 259 Lot 4
Franklin, Massachusetts
Order of Resource Area Delineation
Massachusetts Wetlands Protection Act & Regulations
Town of Franklin Wetlands Protection Bylaw & Regulations
DEP File #159-1277**

List of Submittals for the Record:

- “Topographic Plan of Land”, “52033 Tri County School Franklin TOPO 2024-3-18-30x42 ECP” Pages T-1 to T-6 “, Tri-County Regional Vocational Technical High School, 147 Pond Street, Franklin, MA prepared for Tri-County Regional Vocational Technical High School (147 Pond Street, Franklin, MA 02038) by Samiotes Consultants Inc. (20 A Street, Framingham, MA 01701) stamped by Daniel F. Fleming No. 55476, revision date March 18, 2024 “Wetland Update” with a scale of 1” = 100’
- Peer review letters from BETA Group, Inc. dated October 13, 2023, December 7, 2023, and March 19, 2024
- Peer review response letters from Samiotes Consultants Inc. dated November 21, 2023 and March 1, 2024
- Wetland Report Update from Environmental Consulting & Restoration, LLC dated March 4, 2024
- Supplemental historic stormwater documentation “Preliminary & Final Site Plan Drawings for Ground Mounted +/- MW (DC), 1.0 MW (AC) Photovoltaic System Sun Edison Project #MA-12-0172” prepared for Tri-County Regional Vocational Technical High School (147 Pond Street, Franklin, MA 02038) by Whitman (7 Pleasant Hill Road, Cranbury, NJ 08512) stamped by John W. Colagrande No. 48784, revision date March 12, 2014 “Final Submission” with a scale of 1”=150’
- Supplemental historic stormwater documentation “Stormwater Engineering Report” prepared for Whitman (7 Pleasant Hill Road, Cranbury, New Jersey, 08512) by Strong Civil Design (53 Peach Street, Braintree, MA 02184) and SLB Group, LLC (14 Thompson Court, Stoughton, MA 02072) dated March 3, 2014
- Supplemental historic stormwater documentation “Town of Franklin – Site Observation Report” prepared by BETA Group, Inc. for “Applicant’s request for acceptance of Form H – Certificate of Completion” dated June 17, 2015

Wetland Resource Areas:

Resource Areas under M.G.L. 131, S 40, 310 CMR 10.00 and covered under the Franklin Wetlands Protection Bylaw Chapter 181 and associated Regulations. **This ORAD approves the delineation of the Resource Areas series flag as drafted on revised plan dated March 18, 2024 incorporating revisions reflecting BETA Group, Inc. peer review comments from peer review comments from letter dated October 13, 2023, December 7, 2023, and March 19, 2024.**

Findings:

- 1) Bordering Vegetated Wetland flags A1 to A30
- 2) Bordering Vegetated Wetland flags B1 to B40
- 3) Bordering Vegetated Wetland flags C1, C1-1R, C2R, and C3 to C12
- 4) Bordering Vegetated Wetland flags F1 to F25
- 5) Isolated Vegetated Wetland flags G1 to G13
 - a. A Vernal Pool study was not conducted as part of the ANRAD process; therefore the G-Series IVW status as a Vernal Pool cannot be confirmed. A Vernal Pool study should be conducted during the Vernal Pool breeding season after issuance of any subsequent Order of Condition, but prior to end of construction. The Vernal Pool should be certified if Vernal Pool indicators are met.
- 6) Isolated Vegetated Wetland flags 200 to 219
- 7) Isolated Vegetated Wetland flags SW1 to SW6, SW100 to SW105, and BA1 to BA9
 - a. Upon review of this Isolated Vegetation Wetland, several Vernal Pool indicators were noted, however a Vernal Pool study was not conducted as part of the ANRAD process; therefore the SW/B-Series IVW status as a Vernal Pool cannot be confirmed. A Vernal Pool study should be conducted during the Vernal Pool breeding season after issuance of any subsequent Order of Condition, but prior to end of construction. The Vernal Pool should be certified if Vernal Pool indicators are met.

Modified Delineation:

- 1) The Applicant confirmed that they are not seeking approval of BVW flags E1 to E9, therefore BVW flags E1 to E9 are not confirmed under this ORAD. The associated Buffer Zones from the E-Series BVW are approximated.
- 2) Various Isolated Vegetated Wetlands located underneath the existing solar panels (survey located only) were confirmed not jurisdictional under this ORAD.