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Agent's Report - 02/18/2016

[Printer-Friendly Version](#)**TO: Franklin Conservation Commission****FM: George Russell, AICP
Conservation Agent****RE: Agent's Report****DATE: February 16, 2016****1.0. Projects**

1.1. NOI Amendment, 39 Opal: This amendment has been submitted "after the fact" to obtain approval for a fence that was erected around the pool and was not shown on the original plan. I did conduct a field inspection prior to the submission of this amendment and there is no change since the applicant was last before the Commission. This amendment needs to be approved, and I recommend approval, prior to any action on the release from conditions below.

1.2. South Hill Estates, NOI: Based on recent observations of two Eastern Box Turtles in the immediate vicinity of this proposed roadway, and on my recommendation, this application has been sent to Mass Fisheries by the applicant for review and comment. I have spoken to Mass Fisheries and unless there is an actual taking of habitat, they may not be able to legally "do anything" since the work is outside of the estimated priority habitat area.

I would recommend that should the permit be approved, the following stipulations be attached: 20-22, 24, 27-32, 34, 38, & 44.

1.3. 23 Longfellow RDA: The submission of the RDA satisfies the requirement of the enforcement order.

A field inspection revealed considerable additional clearing of vegetation and the downing of what appears to be a cable line immediately adjacent to the "original" pile of vegetative debris that was the subject of the enforcement order. (Please see the pictures in your packet.) I would suggest that the given the extend of the delineation shown of the plans and the "new" vegetative clearing, that a positive determination may be warranted and that peer review of the wetlands line is in order.

1.4. 120 Conlyn Ave, RDA: This RDA is submitted in accordance with the Commission's decision that given the location of the activity relative to the BVW, that a MBZA was not in order. The proposed activity would normally be a MBZA and I would recommend that a negative #3 determination is in order.

1.5. 300 & 340 East Central St. NOIs: Final plans have been submitted to BETA Engineering but the final approval has NOT been received from BETA. Until this final approval is received, I would suggest the application be continued.

When the final approval is received, I would suggest the following reasons for approval:

- The proposed improvements will allow great management of stormwater generated on site and help prevent illicit discharges to the wetlands resource areas;
- The wetlands boundaries have been deemed to be accurate and approved by the Commission's peer reviewer;
- The construction of the drainage improvements falls within the Commission's jurisdiction under 310 CMR 10.02 (1) and is subject to regulations under 310 CMR 10.02 (2) and (2) (b);
- The project is subject to the Franklin Wetlands By-law and regulations and compliance with these have been verified by the Commission's peer reviewer;
- There are no known or suspected priority habitats on the site; and
- The site is subject to the local and state stormwater requirements and the proposed stormwater management systems and the incorporated detention basins have been reviewed by BETA Engineering as part of the Planning Board's and the Commission's peer review process.

I would also recommend that the following stipulations be attached to the approval: 19-41, 44, 46 & 47.

1.6. 100 Financial Park, ANRAD: This application has been sent for peer review, and the peer review has been received. Given, that the review indicates there are issues with the filing fee and that the plans need to be revised, and these revisions reviewed, I would recommend that the

hearing be continued until March 3, 2016.

1.7. ANRAD Lincoln Street: This application has been sent for peer review and the initial review has been received. This review is included in your packets. It is important to note that revised plans need to be submitted and reviewed (item 7) and that the application fee paid appears to be incorrect (item 2). Based on these items, I would recommend that the hearing be continued until March 3, 2016.

2.0. General Business

2.1. Minor buffer Zone Activities

2.1.1. 66 Phyllis: A field inspection revealed that three trees were taken down, but the stumps were not removed, immediately adjacent to, or slightly within the 100' buffer. On my recommendation, the property owner has amended the application to include the removal of these trees. The deck replacements are along just within, or adjacent to the buffer and should not pose any issues.

2.2 Permit modifications/extensions

2.2.1. Weston Woods NOI: Included in your packets are a letter, a map and a table outlining the proposed changes to the NOI. Although they are significant from a development standpoint, they do not significantly change the impact of the approved permit on the resource areas or the buffer. I would recommend these proposed changes do not rise to the level of requiring a new NOI or peer review.

2.2.2. 67 Prospect St. NOI: This NOI was approved at the last meeting. The proposed modification will reduce the proposed slope and may have less impact and potential impact on the resource area. I would recommend the proposed changes do not rise to the level of requiring a new NOI or peer review.

2.3. Certificate of Compliance

2.3.1. 39 Opal: Once the amendment is approved, all is in order for the release to be granted.

2.3.2. 2 Angelo: We have received the report from a wetlands scientist as requested by the Commission which has indicated "all is well". Given that, all is in order for the release to be granted.

2.4. Discussion items

2.4.1. DelCarte Pond Study: This report has been finalized.

The Commission needs to indicate to the Council which management options should be funded and when. The "presentation" to the Council has been moved to the 24th of next month. I have started to investigate grants from the list compiled by ESS at the Commission's request of potential grants that may be accessed. In addition, we have submitted a request to EOEEA for funding of some of the work for year one. I have also reached out to BETA to obtain a cost to permit these activities. This has been received and the fees are in line with what is requested. In preliminary discussion with BETA, they have indicated that the year 3 activities may require a MEPA filing which will change the cost structure significantly.

Below is a table that I think we can use as a starting point. These figures come from pages 23-29 of the report from ESS and I would ask the Commission to double check my math. Obviously it must be borne in mind that year 2 will be partially dependent on the results from year 1 and year 3 on years 1 & 2. In addition, activities on years 4+ can only be determined based on the success of the preceding years.

YEAR 1	YEAR 2	YEAR 3			
Action	Cost	Action	Cost	Action	Cost
Permitting	\$5,000			Permitting	\$15,000
Herbicide treatment (2,4-D, & Imazmox)	\$39,500	Herbicide treatment (2,4-D, & Imazmox)	\$39,500	Spawning Habitat Enhancement	\$30,000
Monitoring	\$5,000	Monitoring	\$5,000	Monitoring	\$5,000
Contingency	\$5,000		\$4,000		\$5,000
Total Costs	\$54,500		\$48,500		\$55,000

I have also talked to the Health Department and Engineering concerning the high nitrogen levels in the pond. Neither department feels the source is the town's sewer system or a failed septic. However, the Health Department recommends fecal chloroform sampling to verify whether or not there is a sewerage inflow into the watershed. It would appear that the most likely source of the pollutant is home lawn care. This would be especially true considering that lawn fertilizers now have very low phosphorus content but high nitrogen content.

Below is a memo on this to the Town Administrator. IT SHOULD BE NOTED THAT THE TOWN ADMINISTRATOR HAS REQUESTED THIS MEMO BE FINALIZED IN ORDER TO ALLOW HIM TO FINALIZE HIS CAPITAL BUDGET. HE HAS INDICATED THAT IF THE COMMISSION MODIFIES WHAT IS IN THE MEMO, IT CAN BE REVISED AND RESUBMITTED.

2.4.2. Education and Outreach: In a meeting with the Assistant Town Administrator, I "discovered" that the town has a Facebook page and a Twitter account. These can be used by the Commission to "promote" what we are doing at any time. Should the Commission wish to get something "out there", e.g. the DelCarte study, let me know and it will be funneled upstairs.

I would also like to know if the Commission would like me to reach out to the property owners of the potential vernal pools, e.g. Miller and Pleasant, to see if they would be amenable to us doing the leg work to certify these. If so, we can use our summer intern to at least start the process.

2.5. Minutes**2.6. Violations:**

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