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Agent's Report - 08/04/2016

[Printer-Friendly Version](#)**TO: Franklin Conservation Commission****FM: George Russell, AICP
Conservation Agent****RE: Agent's Report****DATE: August 2, 2016****1.0. Projects**

1.1. 291 Washington St, NOI: This permit application is for the clean-up of a commercial site that has significant debris placed within jurisdiction. There are some issues with mapping and filing fees which have been brought to the attention of the applicant. DEP has also commented on the lack of information on the plans and has requested revisions. As of this report, these issues are being addressed and I would thus recommend a continuance if not finalized by the meeting.

When approved, I would recommend special conditions: 20, 21, 24, 27-30, 34, 35, 41 & 44.

1.2. 176 Grove Street – NOI Amendment: This project was before the Commission some time ago the Commission voted that the proposed changes constituted an amendment only. The proposed modifications outlined on page two of the submission cover letter from the applicant's representative should not pose any issues with the resource areas. A site infection did not reveal any additional issues.

All original conditions should remain in force.

1.3. South Hill Est. NOI: This NOI is being submitted as a result of the vote of the Commission that the proposed work was not an amendment to the existing permit and the stop work order issued by my office. Also in your packet are some e-mails and photographs of damage done to a portion of the ROW, but may be perceived to be on private property, and the roadway allegedly by the contractor working in Wrentham but accessing the area via Franklin. This access is not considered "work" and thus does not violate the stop work order.

In order for this development to proceed, it is imperative that the approvals from the Planning Board and the ConCom are based on the same plan. As of this report, the plans submitted to the Planning Board are NOT the same as the ones submitted to the ConCom. Based on this difference, this appears to be a waste of time.

As of this report, the DEP NOI # has not been received and if not received by the meeting, the hearing should be continued.

If approved, I would recommend that all original special conditions be attached to this approval.

1.4. Eversource Access Road Maintenance, RDA: This RDA is being submitted under the local by-law only. The third paragraph of your application letter references MGL 131-40. This section of the statutes is also found in 310 CMR 10.02 (2) (a) 2 and is accurate as far as it goes. To be exempt from an NOI under 310 CMR10.02 (2) (a) 2, the applicant has the burden of proof that an NOI is not required. The RDA indicates that several resource areas will be crossed or otherwise impacted by the proposed maintenance.

The applicant has requested a continuation of the hearing to the 18th.

1.5. **(NOTE THIS IS NOT A PUBLIC HEARING)** Emergency Certification, Franklin DPW: This is a request to remove material at the lower dams at Delcarte to prevent downstream flooding. The material was placed by the dams by beavers and all is outlined in your packets.

1.6. 100 Financial Drive: This application was continued from the last meeting due to a quorum issue. We have received the final review from the peer reviewers as of this report and I would recommend the hearing be closed since it was kept open due to quorum issues. I would recommend the following stipulations be attached to the approval: 19-40 & 44.

1.7. 14 Oxford NOI: This application was continued from the last meeting due to a quorum issue and the lack of an NOI # from DEP. The NOI # has been received. From my review e-mail to the applicant's engineer outlining an issue that I believe needs to be addressed prior to any decision by the Commission:

... there has been deposition of vegetative material, actually in the resource areas, in a couple of locations just beyond the rock wall. This is technically a wetlands violation and we will have to determine if this material should or should not be removed as part of the permit.

I would suggest that you may want to have your wetlands scientist look at these and make a determination if the grass clippings (which are over by the shed) should be removed or stay in place. This report will be strongly recommended by me before the Commission takes any action. This is the process they have followed with every similar issue.

I have been informed by the applicant's engineer that this grass has been removed. This is technically a violation and we do not know if the grass should have remained or have been removed. The grass was in the BVW, wetland vegetation was impacted by the removal and I believe it should have been looked at by a wetlands scientist BEFORE it was removed.

If this application is approved, I would recommend the following special conditions: 20,-22, 27, 28, 29, 34, 35, 38 & 44.

1.8. 35 Meadowlark NOI: This application was continued from the last meeting due to the lack of an NOI # from DEP. The NOI # has been received. This NOI was submitted to allow to the current owner to clear the title for a project that was started, the permit expired, and the COC never issued. No special conditions are warranted.

2.0. General Business

2.1. Minor buffer Zone Activities

2.1.1. 19 Northern Spy: This permit is for a shed, patio and regrading to accommodate them. The work is not in the 25' buffer. A site visit indicates that there should be no issues with the proposed activity.

2.2 Permit modifications/extensions

2.2.1 Dacey Fields Culvert: This project is outlined in the material in your packet and it is my opinion that an amendment to the existing NOI would suffice.

2.2.2 Police Station Dumpster Pad: This project is outlined in the material in your packet and it is my opinion that an amendment to the existing NOI would suffice.

2.3. Certificate of Compliance

2.3.1. None

2.4. Discussion items

2.4.1. DelCorte Educational Information: – Mike Perrin

2.4.2. Bellingham Dam Removal: Besides the request in the first paragraph of the memo to the Commission, I think it would be prudent to ask for a direct link that can be put on the Commission's webpage.

2.5. Minutes

2.6. Violations:

3.0. Chair and Commission Comments

4.0. EXECUTIVE SESSION