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## Agent's Report - 07/21/2016

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TO: Franklin Conservation Commission

FM: George Russell, AICP  
Conservation Agent

RE: Agent's Report

DATE: July 19, 2016

## 1.0. Projects

1.1. DelCarte Pond NOI: This NOI is to allow for the treatment of the invasive plant in the Pond as recommended in the ESS Study. The next step after this is to prepare the bid specs, which we are working on with BETA and go out to bid. Unfortunately, given the time parameters and the DEP processes we need to go through, the project may not be done this summer.

1.2. 14 Oxford NOI: 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 BWV, 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.

1.3. 35 Meadowlark NOI: 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. After this is approved, item 2.3.2 below needs to be approved to close the loop on the project.

1.4. 723 Washington ST. RDA: Please see the information in your packet on this RDA. Basically a neighbor appears to have encroached onto the applicant's property with a motorcycle track and vegetation clearing/deposition. The RDA is to erect a fence and clean-up the vegetative debris on the property. I would recommend a negative #3 determination.

1.5. 0 Pond Street, ANRAD: This has gone to peer review but final review comments have not been received from BETA as of this report, but it may be heard by the hearing.

1.6. 7 Briarwood, NOI (cont.): We have received the review from MF&W and there does not seem to be any issues from their perspective and thus the hearing can be closed.

This application has been filed to address violations concerning the deposition of vegetative debris in a jurisdictional area and the cutting of vegetation in a priority/estimated habitat under the jurisdiction of Mass Fish and Wildlife (MF&W). **It needs to be very clearly understood that this NOI is for restoration and clean-up only; it is not an application to expand any portion of the lawn or yard area. This is especially true considering the priority/estimated habitat area.**

If the NOI is approved, I would recommend the following special conditions: 19, 20, 23, 24, 27-30, 33, 34, 39, 40, 44 & 47.

1.7. 82 Elm St. RDA: After discussion at the last meeting, the applicant agreed to try and determine that the stream was intermittent and thus "eliminate" 100' of riverfront buffer. The state has declared a drought for our area effective 7/1/16 and thus the Commission will legally not be able to determine the stream to be intermittent.

Based on this and conversation with the applicant's representative, I would still recommend a positive determination, or allow withdrawal of the application and an NOI be filed.

In addition, the application has requested via correspondence with my office that the hearing be continued until the first meeting in September, which is the 1<sup>st</sup>.

1.8. 100 Financial Drive NOI: We have not received the final review from the peer reviewers as of this report and I would recommend the hearing be continued.

## **2.0. General Business**

### **2.1. Minor buffer Zone Activities**

2.1.1. Villages at Oak Hill: this permit is for the removal of a tree which is a risk to public safety and thus is being allowed to be removed under and MBZA.

**Prior to acting on this permit, item 2.2.1 below needs to be voted on.**

### **2.2 Permit modifications/extensions**

2.2.1. Oak Hill: This extension can only be granted for one year under the local by-law. There are some reporting requirement issues that need to be addressed prior to any action by the Commission.

2.2.2 55 Constitution Blvd.: This extension can only be granted for one year under the local by-law.

### **2.3. Certificate of Compliance**

2.3.1. 45 Kenwood Circle: This is a request for an RDA, something I have never seen before. Given the complexity of what has happened on the site, the applicant has indicated that this would be an appropriate way to indicate that the work actually has been completed according to all conditions imposed by DEP and the local ConCom. I agree. There is a formal COC to sign, but it will not be recorded and will be used to show that all is "OK"; a vote should be taken as if this was a "regular" request and the COC will thus indicate the project has been completed and closed.

2.3.2. 35 Meadowlark: See item 1.3 above.

### **2.4. Discussion items**

2.4.1. QSRP: The Commission needs to go on record as endorsing the plan which was distributed at the last meeting. We have found a couple of typos which have been corrected and we are adding one paragraph based on just received input from MAPC.

2.4.2. MACC meeting: MACC has contacted us concerning the proposed pipeline that will go through Franklin and will need to be permitted by the Commission. MACC would like to know if any members of the Commission would like to attend an information meeting dealing with the approval process on the federal and state levels, or would they be in favor of a meeting in Franklin that could be attended by area ConCom's that will be potentially involved. It is critical to bear in mind that this will be a meeting hosted and run by MACC and not a public meeting of the Commission.

Enclosed in your packets is a letter from the Sharon ConCom as an example of what may come out of such a meeting.

2.4.3. DeCarte: As per the Commission's request I have spoken to the DPW Director concerning maintenance at DeCarte. There is no formal maintenance plan in place but the department will undertake maintenance of any specific items needed and if they are directed to do so; e.g. clear the vegetation from the entrance to the trails system.

I have also touched base with our wetlands scientist concerning the area in question. It is her opinion that no formal study of the area is necessary. Routine maintenance as indicated above is all that is needed. Given the time of year, she is confident that there are no worries concerning invasives etc.

Signs have been order by DPW and will be installed when received. Rocks will be installed next week to prevent trucks from accessing the area when the wood chips are. And the police have been contacted by the administration to "keep an eye" on the area.

### **2.5. Minutes**

2.5.1. Minutes of 4/28/16: I would add under item 2.4.1 that it was correspondence from the abutter at 17 Forest St. that was the basis for the discussion.

### **2.6. Violations:**

2.6.1. 656 King Street: The Commission requested a report on the drainage system by 7/1/16. This report was to outline findings as to why the system was not working. This report has not been received, but we have received an e-mail from Bruce Wilson that states:

Just to keep you updated with the efforts on the detention pond draw down issue... We have been monitoring the pond after any storm events and have found the issue basically occurs during periods of time where the soil is in a frozen state or frost conditions and that the pond has been functioning as designed since March...As you may recall we have done soil testing within the basin and found soils

consistent with the design plans and calculations. We wanted to wait for a time to test in the pond after it had a chance to dry so the machine would not sink or cause issues with stirring up soil into the outfall pipe. ~We are in the process of preparing a solution to draining the pond after storm events for the winter months. We are working on providing a low flow 4" diameter pipe which will be capped and placed into the base of the pond which can be manually opened in the severe cold periods after storm events if the pond fails to completely drain in 72 hours. We have discussed this method with the Town Engineer and feel this would be a good solution based on the soils and frost conditions.

FYI since early spring once the frost subsided the pond has been functioning as designed and that there have been no issues with any stagnant water to cause a mosquito breeding grounds. We anticipate a set of drawings with supporting drain calculations shortly for your commissions review

This leaves the drainage issue still unresolved. I would recommend that unless a formal application is filed by 10/1/16 to "fix" this problem, an enforcement order be issued.

### **3.0. Chair and Commission Comments**

### **4.0. EXECUTIVE SESSION**

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