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Agent's Report - 09/01/2016

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TO: Franklin Conservation Commission
FM: George Russell, AICP
Conservation Agent
RE: Agent's Report
DATE: August 30, 2016

1.0. Projects

1.1. 82 Elm St. RDA: After discussion at a prior 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. As a result, the applicant has requested a continuance until this meeting to evaluate the available options.

1.2. 20 Liberty Way NOI: In your packet is a copy of a review letter generated on this application. We have advertised the permit since the fee was submitted. However, I cannot recommend that this application proceed, or any testimony be taken, until such time as the "missing" application sections are submitted, bullet points 1 & 4, and the clearing, bullet point 2 is addressed. As of this report, there has been no response to my letter.

1.7. 14 Oxford NOI: This application was continued from the last meeting due to a quorum issue and the lack of a report from a wetlands scientist concerning the removal of the vegetative debris. We have received the report from the applicant's wetlands scientist and it is included in your packet. Based on this report, I would recommend that the application proceed and that any approvals include a statement that no vegetative debris shall be placed beyond the rock wall at the rear of the lawn area.

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

2.0. General Business

2.1. Minor buffer Zone Activities

2.1.1. 1 Peters Lane: The two trees in question are just within jurisdiction and a field inspection did not reveal any issues. The applicant is out of the country and has requested the Commission act without them present. I have explained the risks involved, e.g. additional questions from the Commission, denial of the permit etc.", but they have decided that this is the best course of action.

2.2 Permit modifications/extensions

2.2.1 31 Hayward: The work for this modification is complete and due to the somewhat emergency nature of the work, I authorized the work to proceed on the condition that a modification to the existing NOI be obtained from the Commission. This is the first step in the process and I would recommend an amendment is in order vis-à-vis a new NOI.

2.3. Certificate of Compliance

2.3.1. 35 Meadowlark: All is ready for the certificate to be issued. This is the NOI that was just approved to address the title issue; no work is actually being done.

2.3.2. 6 Dwight St.: This is a very old application that has never been released. A file and site inspection did not reveal any issues and the request should be granted.

2.4. Discussion items

2.4.1. Starter Homes bill: Included in your packet is information on this new legislation that was signed by the Governor. The major impact for the Commission will be that the local wetlands by-law will not be applicable in these districts. It is important to remember that the town must create these districts.

2.4.2. Best Development Practices Guidebook: In your packet is the latest permutation of this document which is being given to the Commission for review and comment. The book has been dramatically revised and the plant listings updated since the originally listing 10 years ago. It should also be noted that the section on low impact development (LID) is new. Both 310 CMR 10.00 and the local by-law, Chapter 181, reference LID as being preferred and/or required in certain circumstances.

I am asking the Commission to set this item for a public hearing for the 9/15/16 meeting. After that hearing, a recommendation should be sent to the Planning Board so that they can see if there are any areas of conflict. After both land use bodies agree on the language, it will be formally adopted by both. In the interim, if you have any comments etc., please notify me asap.

2.4.3. Franklin Hts. Tree removal: In your packet is a request from the property manager to remove trees from the site. Also included are a series of letters dating back a little over a year. These letters indicate a history of problems and issues with this site and are being included only to show the Commission that not all has been "smooth" with this development.

I have inspected the site and I do not see the trees as being an immediate threat to the residences or the residents. Therefore, the removal would not meet the criteria established by the Commission for an MBZA on an existing NOI. I believe an NOI amendment is in order.

2.5. Minutes

2.6. Violations:

2.6.1. 723 Lincoln St.: Included in your packet are a series of letters and photographs concerning this issue. The applicant had until 9/1/16 to submit an NOI for this and this application has not been forthcoming (see the 7/12/16 letter). The applicant has requested a discussion on this issue with the Commission.

The original "directive" from the Commission was issued due to the applicant not attending a meeting where the violation was discussed and this "directive" is SOP in such cases (See item below.) I would recommend that the directive to the applicant be altered to require an RDA filing when the wetlands scientist who has been retained has completed the necessary report. Again, this is SOP for this type of situation. I would suggest that this application be submitted no later than 12/1/16.

2.6.2. 6 Dominica Way: Included in your packet are a series of letters and photographs concerning this issue. The applicant had until 9/1/16 to submit an NOI for this and this application has not been forthcoming (see the 7/12/16 letter). Nor have we had any contact with the property owner. As a result, I am requesting the Commission issue an enforcement order for this violation.

2.6.3. 23 Longfellow: A positive determination on this violation has been issued by the Commission, but despite repeated correspondence, no NOI has been forthcoming. The Commission may want to consider another enforcement order, keeping in mind that it took an enforcement order to get the property owner to file the original RDA.

3.0. Chair and Commission Comments

4.0. EXECUTIVE SESSION