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Agent's Report - 03/29/2016

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TO: Franklin Conservation Commission
FM: George Russell, AICP
Conservation Agent
RE: Agent's Report
DATE: March 29, 2016

1.0. Permits

1.1. 5 Natalie Circle, NOI: In your packets are photos and letters concerning this application. I have conducted a site visit and generated a review letter requesting clarification on some issues. This information has been received.

When approved, I would recommend the following special conditions: 20, 22, 24, 27, 28, 34, 43, and 44.

1.1.1. Keolis RDA: The area in which this project is to take place is 100% jurisdictional. The requested RDA has been issued with a negative determination in the past, but has expired. Given the scope of the project, the minimal impact and the real need that it be undertaken, I would recommend a negative 5 determination.

1.2. Weston Woods NOI Amendment: As was presented at the March 3rd meeting, the changes proposed to the project while substantial; do not materially impact the resource areas in any negative way. I would therefore recommend the amendment be approved and all original conditions will still remain in force.

1.3. Expansion of FPD Parking, NOI: As part of this application, the applicant (the Town) is requesting a waiver to work within the 25' no touch zone. In your packet please find the reasons this variance is needed. As of this report, the NOI # has not been received.

When approved, I would recommend the following special conditions: 20, 34, and 44.

1.4. 67 Prospect St., NOI Amendment: The proposal is to change the configuration of the access to the garage of the proposed house. It appears that there may be less impact on the resource area, but greater vegetation removal. The original stipulations should remain.

2.0. General Business

2.1. Minor buffer Zone Activities

2.1.1. There are 8 MBZA applications for basically the same deck replacement work in one condo complex. The Commission has previously approved a number of deck replacements in this complex. I would recommend that all can be issued under one vote as long as the motion references all of them. All eight MBZA forms will need to be signed however.

2.2 Permit modifications/extensions

2.2.1. 66 Phillips MBZA Amendment: On my advice, the property owner has submitted an amendment to an approved MBZA permit. The original permit was to replace two decks. The amendment is to remove some pervious stone from the rear of the house and replace it with pervious pavers and thus there will be some decrease in the amount of water that will percolate directly into the soil. The activity will take place close to the very end of the 100' buffer.

2.3. Certificate of Compliance

2.3.1. 860 West Central: The building department has no record of any internal system being installed or inspected. The exterior work is complete but without knowledge of the "new" internal system being in and working, it is only a matter of time until the grease backups happen again and dump pollution into Mine Brook. Unfortunately the Commission's jurisdiction does not extend into the structure and thus there is no legal reason to hold up the COC. I would suggest the Commission vote to authorize a letter to the Building Department requesting a "report" on the status of this system, including any violation actions taken.

2.4. Discussion items

2.4.1. Eagle Scout Project: This project is designed to improve and connect the trails in the Indian Rock Area. THIS PRESENTATION IS BEING POSPONED TO THE NEXT MEETING.

2.4.2. 5 Briarwood: In your packets are copies of letters and photographs concerning an issue at 5 Briarwood Lane. It is my opinion that scope of the MBZA that was approved for the pool and the area that was to be regraded appears to have been exceeded and that there is a significant safety issue with the very steep and unconsolidated slopes. I think that immediate action to stabilize the slopes is necessary and additional permitting, may be required.

2.4.3. Education and Outreach: I have checked with the administration and there is no budget for the type of activities the Commission is discussing. Some supply type material may be available from DPW.

Earth Day in town is scheduled for 4/30/16 from 9-noon.

2.4.4. House Bill 3906: I would recommend that the Commission go on record as supporting the letter from MACC. The bill as proposed would basically eliminate the source of funds the Commission used to fund the DeCarte Study. A draft letter is included in your packets for your review and consideration.

2.4.5. National Grid Maintenance Plan: I have placed this item on the agenda since there have been significant issues with National Grid's vegetation maintenance in the past. Specifically, they are mostly exempt from 310 CMR 10.02, but they are not exempt from the local wetlands by-law. As an example of what they have done in the past couple of years – the wetlands flags making the wetlands line in the rear of 5 Kenwood where removed by National Grid when they cut down the trees in the wetlands with the flags on them. I would suggest that a letter be sent to NG explaining that they are NOT exempt from the local wetlands by-law and ask that they submit exact locations of proposed work to determine if local permits are necessary.

THIS LETTER HAS GONE OUT.

2.4.6. Emergency Certification for Keolis: There was a culvert replacement permitted under an NOI in the same area. It is my opinion that the applicant needs to present greater justification on the emergency need for this project. It may be a safety risk, but how imminent is the threat of "rail deviation".

In addition, an NOI has been filed for this work which will allow the town engineer to review the project in more detail. There is a timing issue in that there is a very high probability we will not have the NOI # from DEP by the 4/14/16 meeting. I would recommend that if the criteria above are met, the emergency cert. be issued but the NOI still proceed to allow the engineering review necessary. If the Commission decides to do this, the emergency cert. can be made effective only until such time as the NOI is pending.

2.5. Minutes

2.6. Violations:

2.6.1. 23 Longfellow: The applicant has submitted the required remediation plan and has received the cost estimate for review of the plan and the wetlands line. We have not received the fee for the peer review and thus "nothing" is happening and the violation continues. I have been informed that the owner has some medical issues that may be delaying the payment for the peer review. He has made a request to discuss this issue with the Commission on 4/14/16.