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Agent's Report - 04/12/2016

[Printer-Friendly Version](#)**TO: Franklin Conservation Commission****FM: George Russell, AICP**
Conservation Agent**RE: Agent's Report****DATE: April 12, 2016****1.0. Projects**

1.1. Railroad ROW off Hayward St. NOI: The instant application tonight is the NOI mentioned in my previous report. This has been reviewed by the Town Engineer who has indicated that the engineering for the project is sound. The applicant is working within the 25' "No Touch" zone, but this is unavoidable by the very nature of the project and thus the need for a variance is self-explanatory. The applicant indicates that 24 ft² of BWV will be impacted but no mitigation is proposed and the Commission needs to evaluate the applications rational for this. (See section 7.14.1 on page 29.)

We have not received the NOI # from DEP and I would recommend that the hearing be continued until such time as this number is received. If the number is not received by the window under which the work needs to be done, the applicant can proceed under the emergency cert.

Even though the work will be done very quickly, I would recommend stipulations 20, 21, 28, 34 & 44.

1.2. Rolling Brook – Lincoln Street, NOI: I would strongly recommend that this permit undergo peer review and in light of this, I have requested a cost figure from BETA for this review. BETA/WSI did do a peer review for the wetlands line. Due to scheduling conflicts, the 4/28/16 meeting is going to be held in a small conference room in the town hall. Given this and the peer review, I would also recommend that the hearing be continued to 5/12/16 to receive the results of the peer review and any plan revisions necessary can be made and addressed by the applicant. Finally, we do not have an NOI # from DEP.

It should also be pointed out that the utility connections that this development will use were placed in Lincoln St. by another developer under NOI 159-1067. This NOI (1067) will expire in June 2017. The subdivision cannot be serviced except by the utility connections installed under 159-1067. Given the symbiotic nature of the two, it is important that 159-1067 not expire while this subdivision is being developed. This issue has been discussed with the applicant.

1.3. Charles River Farms – New England Power, RDA: This application is being filed under the local by-law since there is no exemption for this activity as there is in 310 CMR 10.02. Given the mitigation measures proposed in section 4 of the narrative and the fact that all of the work will take place within the paved area, I would recommend a negative #5 determination citing the exemptions under 310 CMR 10.02 (2) (a) (2) as well as a negative #3 citing the local wetlands by-law, chapter 181, section 181-2 B.

1.4. Indian Rock Conservation Area Trails, RFD, DPW: This RDA is for the Eagle scout project that is also listed below under item 2.4.3 and is necessary to work in a jurisdictional area. No land disturbance will take place and I would recommend a negative # 3.

1.5. Expansion of FPD Parking, NOI: This hearing was continued to receive the NOI # from DEP. This number has been assigned. When approved, I would recommend the following special conditions: 20, 34, and 44.

2.0. General Business**2.1. Minor buffer Zone Activities**

None

2.2 Permit modifications/extensions

None

2.3. Certificate of Compliance

None

2.4. Discussion items

2.4.1. Annual Report: Enclosed in your packets is a first draft of the upcoming annual report. Please review and let me know if you have any comments, suggestions etc. The report still needs the numbers etc. but we can't do these until the end of the fiscal year.

2.4.2. Education and Outreach: A lot of very positive responses to the TV show on DelCorte and the proposed clean-up of the area.

2.4.3. Eagle Scout Project: This project is designed to improve and connect the trails in the Indian Rock Area and is the subject of the RDA above.

2.4.4. 860 W. Central Street: A report on the internal sewer system has been requested. NO internal sewer system work has been done except to enlarge the grease trap. The town attorney has indicated that as long as the "system" is working, there may be nothing that can be done until there is another grease spillage.

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.

The owner has also has indicated that the utility company has clear cut the area adjacent to the original violation and that they have an easement to do this. While an easement may give the utility company permission from the property owner to cut vegetation, it **does not** grant permission to do what they did without a permit under the Wetlands Protection Act. Unfortunately, the ultimate legal responsibility still rests with the property owner.

I would recommend that the Commission vote that if the peer review fee is not paid by the next meeting, 4/28/16, that an enforcement order will be issued and fines imposed for the continued violation.

2.6.2. 7 Briarwood: In your packets are a series of letters and photos outlining the issue. I am requesting that the Commission vote that the owner file the NOI by 5/16/16 and if not filed an enforcement order be issued and fines under the local by-law be imposed.

3.0. Chair and Commission Comments**4.0. EXECUTIVE SESSION**