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Agent's Report - 05/10/2016

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TO: Franklin Conservation Commission

FM: George Russell, AICP
Conservation Agent

RE: Agent's Report

DATE: May 10, 2016

1.0. Projects

NOTE: All of the projects listed below, save 1.3, in my opinion should be sent for peer review. I have so informed the applicants and asked that plans be delivered to BETA for development of the costs. Item 1.1 is already under peer review.

1.1. Rolling Brook Estates NOI: This subdivision was not approved by the Planning Board and thus it is critical that any revised plans submitted to the Board be the same as those before the Commission.

We have received the NOI number and extensive comments from DEP. We have also received extensive comments from our peer reviewer and I would call your attention to comment #3. These have been sent to the applicant and BETA Engineering. These need to be addressed and resolved prior to any Commission action.

Also included in your packet is a memo from the Town Planner, who is a registered landscape architect, concerning the proposed plantings in the new detention basins.

1.2. 300 Fisher St. NOI: I have reviewed the application and conducted a site visit. I strongly recommend peer review.

1.3. 2 Maria Circle NOI: I have reviewed the application and conducted a site visit. Revisions to the plans were necessary and have been received. When the application is approved, I would recommend the following special conditions: 20, 24, 27, 28, 29, 34 & 44.

1.4. Map 242, Parcel 12, Maple Street, ANRAD: This project is only for a delineation at this point and I strongly recommend peer review.

1.5. Ben Franklin Charter School, 100 Financial Plaza, NOI: I have reviewed the application and conducted a site visit. I strongly recommend peer review. Revisions to the plans are necessary. I have advised the applicant not to redo any plans until peer review is complete.

2.0. General Business

2.1. Minor buffer Zone Activities

2.1.1. 5 Chilmark: This is a deck replacement project that will involve footings only, no foundation work.

2.2 Permit modifications/extensions

None

2.3. Certificate of Compliance

None

2.4. Discussion items

2.4.1. DeCarte: There are three issues that I want to bring to the Commission's attention:

2.4.1.1. BETA is helping us develop the bid specs for the herbicide treatment and is developing the permitting for the project. The treatment will require an NOI and maybe a 401 Water Quality Permit.

2.4.1.2. DPW has placed the wood chips in the area between the pond and the playground. About 50% of his area is jurisdictional and the mulch is intended as a partial control to help prevent the return of the invasive species that were in the area and were removed via a

permit from the Commission. The question I would propose is does the Commission want another permit for the placement of these wood chips.

2.4.1.3. DPW has placed a work order with the facilities department for repair of the fencing at the dam.

2.4.2. Education and outreach:

2.4.3. Local Filing Fees: The local filing fees that are in Chapter 82 of the town by-laws have not been updated since the by-law was originally adopted which was in December 1987. I have included a copy of the fees in your packet. It is my opinion that these fees should be updated and clarified; e.g. what exactly is a drainage structure and why is it measured in ft² instead of a unit number. Also, why is there no fee for an RDA?

I have developed a draft "new" local fee for your review. However, I am not recommending any specific numbers at this point for two reasons: (1) the Town Administrator is going to have every department look at their fees and he is going to handle this on a "global basis and (2) I need to reach out to other communities with local by-laws and develop a "comparison chart". When this is ready, I will bring it to the Commission for suggestions on a new fee schedule. The new document has been restructured however to make it more user friendly; e.g. disturbance of all resource areas, not just BVWs are subject to a filing fee.

2.4.4. DPW Annual Herbicide Treatment: This needs to be signed off by the Commission.

2.5. Minutes

2.6. Violations:

2.6.1: 23 Longfellow: Enclosed in your packets is the report from our peer reviewer. As you can see, the "clean-up" was done **BEFORE** the review was complete and **BEFORE** a permit was issued. In addition, the work was done by heavy equipment and the installed erosion control barriers are filter fabric which are not allowed. Also, and perhaps most importantly, you will note in the review by WSI, that the wetlands line may not be where the plans say it is and thus the impact of the work may be greater.

I would recommend that the owner still needs to file a NOI for the work that was completed as well as the work still to be done as outlined in the report from WSI and to remove the filter fabric and install approved erosion control. I would further recommend that since the property owner has **NOT** complied with the peer review report, may have greater impact on the resource areas than initially believed, used the wrong barriers and has thus created additional problems, that an additional enforcement order be issued to insure compliance and that fines be authorized if the dates in the enforcement order are not met. I will bring photos to the meeting.

3.0. Chair and Commission Comments

4.0. EXECUTIVE SESSION