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Agent's Report - 04/28/2016

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TO: Franklin Conservation Commission

**FM: George Russell, AICP
Conservation Agent**

RE: Agent's Report

DATE: April 26, 2016

1.0. Projects

1.1. 14 Clara Louise, RDA: I have conducted a site inspection for this permit application and that inspection revealed a significant wetlands violation. As you can see from the pictures in your packet, there is a relatively large pile of vegetative debris immediately adjacent to, if not in, the resource area. I would recommend that as part of any permit approval, that the vegetative debris pile be removed, and that the applicant notify my office when said pile is removed. In addition, the property owner needs to be aware that the future placement of any such debris piles anywhere on the property without a permit constitutes a violation of the statute and the local by-law.

Given the proximity of this project to the water and the resource areas, e.g. bank, I would recommend that the following conditions be attached to any negative determination: 20, 28, 34 & 44.

1.2. 9 Molly Lane, NOI: When the subdivision was built that contains this lot, and the instant lot was permitted, the two plans did not match. Thus when the request for a certificate of compliance was submitted, it was not granted since the approved plans did not match the as-built plans. In order to obtain the release, the applicant has filed a new NOI to correspond with what was actually built. No construction will actually occur and thus no special conditions are required. Once approved and recorded, the COC can be requested and granted. At the same time, a COC can be requested and granted as "invalid" for the original NOI.

1.3. Recreation Dept. Parking Lot, Beaver St. NOI: A review of the application and a field inspection was undertaken and some issues were raised with DEP that need to be addressed. As part of this application, the applicant (the Town) is requesting a waiver to work within the 25' no touch zone. As of this report, the NOI # has not been received.

When approved, I would recommend the following special conditions: 20, 34, and 44. I would also recommend that a stipulation be added requiring the removal of the buried filter fabric on site.

2.0. General Business

2.1. Minor buffer Zone Activities

2.1.1. 111 King St.: This MBZA is for the removal of 1 large tree and is an "after the fact application". I observed the work being done on my way into work and informed the applicant that the tree was within jurisdiction (See letter in the application.) and a permit was required. I would recommend the application be approved.

2.1.2. 11 Amy: I have reviewed the application and conducted a field inspection and see no issues concerning the removal of the tree and the grinding of the stump.

2.2 Permit modifications/extensions

2.2.1. 11 Evergreen NOI: Based on a complaint and a follow-up field inspection, a stop work order was issued for this project. Given the changes that have been made that are not in compliance with the original orders, including working on the adjoining property and impact closer to the resource area, I would suggest that a new NOI is warranted.

2.3. Certificate of Compliance

None

2.4. Discussion items

2.4.1. 656 King Street: Please see the correspondence in your packets on this item. There appears to be a violation of special condition # 62 on the use of salt and the drainage system is not functioning as originally certified.

The Commission may recall that the owner requested a modification to stipulation 62 and paid for a salt study from BETA. This study is also included in your packets. The applicant has not requested any additional action on the use of salt. I would suggest that any additional use of salt in violation of stipulation # 62 should precipitate enforcement action, either an enforcement order of fines.

The way stipulation # 62 is worded, the Commission can approve an alternative to salt in writing upon the request of the applicant. This would not be an amendment to the approval since the authority is already there to allow the Commission to act.

I would also recommend that the Commission direct the applicant to review the drainage system as constructed and as designed to ascertain why it does not appear to be functioning as designed and to prepare a report that can be reviewed by BETA. The end result may be a redesign and/or some retrofit to the system which may require a new NOI.

Finally, there was a fence erected as part of this project to shield the abutters on King Street. The fence in the rear of the abutters' property to the west of the entrance to the site is failing and sections have fallen. According to the abutter, the reason for the failure is related to increased ground water saturation from the development. I have no way to verify this.

The approvals and conditions from the Planning Board are also being reviewed in light of these issues.

2.4.2. OSRP: I would propose the following concerning the OSRP that was distributed at the last meeting:

- A public hearing be advertised on the draft plan for 5/26/16;
- The final draft be developed and the plan be distributed to appropriate agencies, e.g. the Planning Board for review;
- The town put on its social media outlets that the draft plan is available;
- The Plan be formally adopted by the Commission after the 30 day review/comment period has run and any requested amendments (e.g. DCR) are made; and
- The final plan is submitted to DCR.

2.5. Minutes

2.6. Violations:

2.6.1. 31 Hayward: In your packet are a series of letters on the issues at this address. This item has been pending and/or extended for almost a year and no movement has taken place. I recommend that the date for "action" not be extended beyond the 4/30/16 deadline and that enforcement action be initiated to correct the violations on site. As you can see from the information in your packets, issues with this site have been "on-going" for two years.

2.6.2. 23 Longfellow: As of my draft report, we have not heard from the property owner or his representative. I would recommend that the issue be turned over to the town attorney for action on the enforcement order and that fines be issued under the local by-law.

2.6.3. 7 Briarwood: As of my draft report, we have not heard from the property owner. In your packets is an enforcement order for this property which I request be approved and issued by the Commission.

3.0. Chair and Commission Comments

4.0. EXECUTIVE SESSION