

Town of Franklin

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Conservation Commission

To: Franklin Conservation Commission
From: Breeka Li Goodlander, CWS, PWS, CERPIT
Re: Conservation Agent Report
Date: January 12, 2023



1.0 Public Hearings

1.1 NOI – 74 South Street (CE159-1259)

Recommendation: Continue

This public hearing is for an after-the-fact approval of unpermitted vegetation removal/brush cutting within the 25 to 100-foot Buffer Zone to BVW and for the construction of a proposed 3,240 sf barn, 460 sf of which is proposed within the Buffer Zone. An optional future 14'x60' RV storage area and optional extension are also proposed within the Buffer Zone, in addition to a gravel “bump-out” from the barn. The NOI proposes to remove an additional 7 trees and their root mass, 5 of which are within the 50 to 100-foot Buffer Zone. Proposed alteration include 3, 138 sf within the 100-foot Buffer Zone, 690 sf within the 50-foot Buffer Zone with 1,200 cubic yards of fill. Grading is not proposed to extend past the 50-foot Buffer Zone.

No new information has been submitted for the project since the last hearing and the Applicant has requested a continuance. Recommend continuing to Jan 26.

1.2 NOI – 0 Lincoln Street, Franklin Heights Parcel B (CE159-1260)

Recommendation: Continue

This public hearing is for a “Friendly” 40B application with an existing ORAD. The Project proposes one stormwater basin and 19 buildings located within the 25 to 100-foot Buffer Zone and one BVW/intermittent Stream crossing.

Since the last hearing, BETA has submitted their second review (12/29/2023) for the Project. Outstanding Project deliverables/requirements identified by BETA include:

- The WPA Form 3 does not include temporary Bank impacts associated with the crossing/retaining wall installation. It is also unclear if temporary LUWW impacts have been included.
- The Applicant provided a phasing plan which did not include additional e/s controls at the toe of the slope or timelines for stabilization. It is also unclear if permanent stormwater BMPs will be used for construction-period stormwater management, as the notes indicate that basins will be cleaned in Phase V, but also

state that temporary sediment basins will be used for construction-period stormwater control. The Applicant should clarify construction period stormwater management and stabilization phasing and provide consistency with [previous G&H responses]. Use of permanent infiltration BMPs for construction-period stormwater management is not recommended.

- The Applicant should provide a detail for the temporary crossing.
- The provided slope stabilization plan is not anticipated to be sufficient given the length and pitch of the slope, as well as its proximity to Resource Areas.
 - Stabilization, even if only temporary, should be completed along lower portions of the slope as it is constructed. A phased stabilization plan would reduce the area of soils exposed at any given time.
 - A “berm” of onsite loam tailing with an upgradient stone trench and underdrain will be constructed at the top of the slope to prevent uncontrolled runoff from flowing down the slope. However, precipitation falling on the slope itself will not be captured by the trench and is anticipated to erode the loam layer from the slope if left unprotected.
 - The above-referenced “berm” is pitched in two (2) directions, which will likely result in sediment accumulation occurring within the stone trench. This trench is now shown on the drainage plans. The Applicant should clarify whether this trench is temporary, and depict it on the Erosion Control Plan, including its discharge point if applicable.
 - As noted [previously], it is recommended that the perimeter erosion controls be doubled in locations where high runoff is anticipated, i.e., the toe of the proposed slope. A mulch berm, if feasible, could be considered for this area.
- [A dewatering detail should be provided and revised:]
 - Remove reference to hay bales;
 - Clarify whether the 4-6 inch high density polyethylene (HDPE) pipe is intended to divert streamflow through the work area during utility and culvert construction;
 - Relocate dewatering pump inlet to the work area within the crossing/utility trenches;
 - Depict locations of utility lines;
 - Quantify impacts to LUWW associated with dewatering;
 - Clarify the need for the swale and sediment basin on the upstream side of the culvert. The Applicant may want to consider relocating the dewatering area to the downstream side of the culvert;
 - Provide Buffer Zone restoration for the dewatering area if dewatering is conducted.
- The Applicant has quantified temporary impacts to BVW associated with the construction of the retaining wall; however, a wall detail has not been provided and the quantification of temporary Bank/LUWW impacts is unclear. Permanent and temporary Bank and LUWW impacts should be depicted on the plans.
- Temporary impacts associated with the e/s controls along the BVW boundary downgradient of the BVW replication area have not been quantified. Restoration details for this area have not been provided.

- Temporary impacts are likely to occur along the wetland boundary and should be quantified, depicted, and restored.
- The Wetland Replication and Stream Crossing plan notes should include a requirement for the contractor to cover all stockpiled hydric soils and keep them moist until their eventual reuse.
- The Applicant should provide an appropriate restoration plan with native woody species to reestablish the existing Buffer Zone functions upgradient of the wetland replication area.
- A restoration planting plan should be provided for temporary BVW and Bank impacts associated with the crossing, and measures to stabilize the entirety of the Banks under the crossing should be provide. The Applicant may consider placement of coir logs along the banks.
- The Applicant should depict all temporary and permanent Bank impacts associated with the construction of the crossing.
- Quantification and restoration details for temporary Bank impacts, as well as the stabilization of Banks under the culvert, should be provided to demonstrate compliance with the Performance Standards.
- Temporary LUWW impacts should be quantified, and a restoration plan should be provided to comply with the Performance Standards.

Additional stormwater design changes were requested by BETA. As this time, the Applicant has not submitted sufficient information to describe the Site, the work, and the effects of the work on the interests of the Act. In addition, the Project does not comply with the Massachusetts Stormwater Management Regulations. The Applicant has yet to submit revised details and plans to satisfy these requirements. Recommend continuing to Jan 26.

1.3 NOI – 803 Washington Street (159-1262)

Recommendation: Continue

This public hearing is for the demolition of an existing single family home and the construction of a new single family home within the 100-foot Buffer Zone to BVW. I reviewed the delineation on 11/28 and agree with the boundary, however the NOI narrative is incomplete. Temporary and permanent impacts still need to be quantified, similar to the scope of work and construction sequence (i.e. location of stockpiled materials, access issues, proposed seed mixes, e/s controls, etc.). The Resource Area Impact Summary Form reflects 7,470 square feet (sf) of temporary disturbance within the Buffer Zone, with notes reflecting additional disturbance totaling approximately 10, 370 sf (needs confirmation). The NOI narrative reflect approximately 6,420 sf of disturbance, with 1, 050 sf within the 25 to 50-foot Buffer Zone and the remaining sf within the 50 to 100-foot Buffer Zone (needs confirmation).

The Applicant has requested a continuance until the first meeting in February 2023. Recommend continuing to Feb 9.

1.4 NOI – Bent Street, Lot 1 (CE159-1257)

Recommendation: Approval with Conditions based on discussion

This public hearing is for the construction of one single family home with a septic system, driveway and utility connections within the 100-foot Buffer Zone to BVW.

Since the last hearing, the Applicant submitted additional information in response to the Agent and BETA. As this is a single family home, the Applicant is under no obligation to provide stormwater management under state or local regulations, however the Applicant has provided designs for an onsite rain garden and roof infiltration system to meet stormwater standards to the best extent practicable. BETA reviewed the designs and their comments are as follows, to the best extent practicable:

- The Applicant should provide 2' separation in their raingarden design to the estimated seasonal high groundwater table. If this can't be achieved, the designer should consider providing an impermeable liner and underdrain (if grades allow) to allow the raingarden to function as a filtering bioretention area.
- In conjunction with the comment above, the installation of an underdrain should be considered (if grades allow) to ensure that the rain garden doesn't retain water for 72 hours or longer. At a minimum, the Engineer of Record should observe soils during construction to confirm final design criteria.
- The O&M plan should include provisions to address water that stands for 72 hours or longer in the rain garden.

Aside from the above comments, the Applicant has submitted adequate information for the Project to be conditioned by the Conservation Commission. Recommend approval with standard special conditions 20, 21, 24, 27, 28, 29, 30, 34, 41, 44, and 51. Additional conditions include any discussed during the hearing based on the above comments, such as "The Applicant shall submit underdrain designs to the Conservation Agent and Commission prior to the start of work."

1.5 ANRAD – 121 Grove Street (CE159-1261)

Recommendation: Continue

This public hearing is the first hearing for an Abbreviated Noticed of Resource Area Delineation (ANRAD) at 121 Grove Street. An ANRAD provides a procedure for an Applicant to confirm the delineation of resource areas onsite. Onsite wetland resources identified include two BVWs, one IVW, and inland bank associated with three intermittent streams (confirmed by StreamStats at prior hearings).

Since the last hearing, the Applicant, BETA, and Agent met on site to review site conditions. BETA submitted a peer review on January 6. The Applicant and Agent has yet to submit a response and review, respectively. The Applicant has requested a continuance to Jan 26. Recommend continuing.

1.6 NOI – 30 Uncas Brook Row (NO DEP#)

Recommendation: Continue

This public hearing is the first hearing for a Notice of Intent to replace a failing cesspool with a new septic system and upgrade the existing foundation under the existing dwelling (single family home) (approx. 4,000 sf of impact) located at 30 Uncas Brook Row within the 100-foot Buffer Zone. Per the NOI Narrative, the new septic system will consist of a 1, 500 gallon septic tank and a leaching field. The existing foundation for the dwelling is

to be replaced with a concrete foundation in the same location. All proposed work is stated to occur in areas that are existing and previously disturbed. All areas of current landscaping will be restored in-situ.

Given that the Project does not have a DEP #, BETA has yet to complete a peer review, and the Applicant requested a continuance, recommend continuing to Jan 26.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 6 Georgia Drive

Recommendation: Approval

This MBZA is for the removal of four boxelder maples due to boxelder bug infestations within the 25-foot No Touch Zone. The Applicant proposed to mobilize over the existing turf lawn during winter with mats to minimize soil compaction. The tree would be removed to near ground level with stumps left in place. Recommend approval.

2.1.2 727 Lincoln Street

Recommendation: Ratification

This MBZA is for a ratification of an administratively approved permit (emergency authorization) the removal of seven trees within the 100-foot Buffer Zone, four of which within the 25-foot No Touch Zone to jurisdictional stormwater infrastructure (e.g., culvert). Recommend ratification.

2.2 Permit Modifications/Extensions

2.2.1 Franklin Ridge

2.2.2 Franklin Ford

This permit modification is for a field change/site plan change at Franklin Ford, 175 East Central Street (DEP# 159-1254). Per the Applicant, revisions reflected on the site plans last revised December 12, 2022 are:

- The pond outlet location was revised to the north of the infiltration pond, the outlet was revised to a headwall, and the riprap energy dissipater was revised.
- The parking lot grading in the vicinity of the infiltration pond was revised and catch basin 5 was relocated to allow for the regrading.
- The building addition roof was directed to the infiltration pond to provide treatment.
- The pond was increased in size to address the additional rainfall requested to be modeled as well as accommodate the building addition roof.
- The 25 to 50-foot Buffer Zone disturbance was revised from 1,429 sf to 1, 896 sf, which is in the gravel area to allow for the pond outlet headwall and riprap. The 50 to 100-foot Buffer Zone disturbance was revised from 8, 501 sf to 8, 231 sf.

(Commissioners – difference of 467 sf increase in the 25 to 50-foot; 270 sf decrease in the 50 to 100-foot = increase of 197 sf total disturbance from previously approved plans (9, 930 sf) = 10, 127 sf total for Buffer Zone impacts)

Impacts are negligible, are occurring in existing disturbed areas, and are a byproduct of stormwater engineering. Recommend approval without needing to refile or amend Conditions.

2.3 Certificates of Compliance

2.3.1 381 Prospect Street

Applicant requested to continue to Jan 26.

2.4 Violations

2.4.1 305 Union Street

Per the Representative (01/11/2023), "I have been in contact with the asbestos designer who plans to have a draft plan available for internal review to Margaret's team next week. His goal is still to have a plan ready for submittal to MassDEP before the end of January. You will be given a copy of this plan when it is submitted."

Recommend extending the Enforcement Order for 30 days.

2.4.2 Lot 5 Prospect Street

This Enforcement Order is for an e/s control violation of an existing Order of Conditions. The Applicant has since complied with the Order and has resolved the issue. Recommend ratifying and closing out (Agent to send a letter).

2.5 Minutes

2.6.1 December 15, 2022

2.6 Discussion Items

2.6.1 160 Grove Street

This discussion is an update for a field change for a portion of previously approved work outside of Conservation jurisdiction for the Hennep facility (DEP# 159-1218). This update is to keep the Commission current throughout the construction of the facility and the future final as-built plan.

Chair & Commission Comments