

# Town of Franklin

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## Conservation Commission

**To:** Franklin Conservation Commission  
**From:** Breeka Lí Goodlander, CWS, PWS, CERPIT  
**Re:** Conservation Agent Report  
**Date:** February 9, 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. Recommend continuing to February 23.

#### 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.

Two work sessions addressing BETA’s previous letter have occurred since the last hearing between BETA, the Town, and the Applicant/Representative. As a result of these work sessions, the Representative submitted revised details and plans on January 25. These deliverables have yet to be reviewed by BETA and the Applicant has an outstanding balance for peer review fees. Recommend continuing to February 23.

#### 1.3 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 (6818 lf), one IVW (253 lf), and inland bank associated with three intermittent streams (4345 lf) (confirmed by StreamStats at prior hearings). The Applicant is also requesting that the Conservation Commission confirm that the three intermittent streams are classified as intermittent; that RFA does not exist at the Site; and that there are no other Resource Areas located at the Site beyond what has been identified in the ANRAD application.

BETA submitted a peer review on January 6. Outstanding BETA comments (**excerpted in brown**) include:

W1. BETA provides the following administrative and plan comments after conducting a review of the submitted application and plan set:

- a) Provide a survey benchmark with a referenced NAVD88 elevation.
- b) Provide Assessor References for all abutting properties.
- c) Depict all Act and Bylaw Buffer Zones associated with the delineated Resource Areas.
- d) Include a note stating that Buffer Zones associated with offsite Resource Areas not assessed during the ANRAD process may constrain the Site.

W4. BETA observed groundwater seeps with observable flow interior of both the WFA-Series and WFB-Series BVWs at the following locations:

- North of flag BF2-74;
- East of BF2-2;
- East of flag WFA-69 and south of flag BF1-104;
- East of flag WFA-65;
- South of flag WFA-109; and
- East of flag WFB-64

These groundwater seeps meet the definition of intermittent streams per 310 CMR 10.04 with jurisdictional Bank due to the presence of a defined channel and hydraulic gradient. It is recommended that the Applicant delineate and survey locate these Banks for inclusion in the ANRAD, as these constitute additional Resource Areas not discussed in the ANRAD. The centerline of several of these features appear to have already been survey located. Should the Applicant elect to not delineate these additional streams within BVWs, BETA recommends that a note be added to the plans indicating that interior intermittent streams within A and B Series BVW are present but were not subject to review under this ANRAD. In addition, the findings of the Order of Resource Area Delineation (ORAD) could reflect this.

W8. The Applicant appears to have accurately identified the extent of wetland indicators from flags WFC-1 to WFC-3 and WFC-6 through WFC-11. However, BETA observed a continuation of wetland indicators beyond the northern extent of this Resource Area from

flags WFC-4 through WFC-5 to the boundary of the WFA-Series BVW, connecting the WFC Series wetland to the WFA series BVW.

d) The Act Regulations at 310 CMR 10.55(2)(c)2 state that when vegetation alone is not presumed to accurately delineate the BVW boundary, the Conservation Commission may also consider evidence of saturated / inundated conditions sufficient to support wetland indicator plants. 310 CMR 10.55(2)(c)2 states that these conditions shall be determined by presence of one or more of the following:

- Groundwater, including the capillary fringe, within a major portion of the root zone;
- Observation of prolonged or frequent flowing or standing surface water; and
- Characteristics of hydric soils.

BETA observed root zones within the capillary fringe as indicated by the presence of redoximorphic features, as well as the presence of a hydric soil indicator. BETA recommends that the Applicant re-delineate this portion of the Site to include the WFC-Series wetland as part of the WFA-Series BVW.

W9. BETA observed standing water at the location of test pit TP-6. Upon further investigation, BETA observed a soil profile consisting of several inches of organic material underlain by a soil horizon with a depleted matrix (chroma 2 or less) with approximately 15% coverage by prominent redoximorphic concentrations. Groundwater filled the entirety of the hole immediately upon investigation. Sparse vegetation was present in this area due to the disturbance caused by machinery; however, BETA observed sweet pepperbush (*Clethra alnifolia*) and several Eastern white pines with stressed/shallow root systems. Groundwater levels at the ground surface were also observed north of test pit TP-6 within a dense stand of sweet pepperbush and highbush blueberry (*Vaccinium corymbosum*). Several dead, mature trees were also observed to be exclusive to this area. It appeared that an upland plant community was present between these two (2) areas. Based on these observations, it appears that these areas meet the definition of Freshwater Wetland (i.e., IVW) due to a predominance of hydrophytic vegetation, hydric soils meeting hydric soil indicators referenced by MassDEP and USACE, and evidence of hydrology including saturated soils and stressed/dead vegetation. The Applicant should reevaluate these areas and document their findings on MassDEP Wetland Data Forms.

The Applicant/Rep submitted a response letter on January 23, but it has yet to be formally reviewed by BETA. The Applicant has an additional outstanding balance with the Town for peer review fees. Recommend continuing to February 23.

#### **1.4 NOI – 30 Uncas Brook Row (CE159-1263)**

##### ***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.

The Applicant has yet to pay the scope and fee for peer review. Recommend continuing to February 23.

## **1.5 RDA – Franklin Ridge Senior Housing**

*Recommendation: Approve*

This public hearing is the first hearing for a previously approved Request for Determination of Applicability for the Project “Franklin Ridge Senior Housing” located off of Veterans Memorial Drive. The previously approved RDA expired and the Applicant is required to refile.

Recommend Approval with a Negative Determination.

## **2.0 General Business**

### **2.1 Minor Buffer Zone Activities**

### **2.2 Permit Modifications/Extensions**

#### **2.2.1 Permit Modification – Villages at Oak Hill**

The Applicant has finalized a Restoration Plan to become fully compliant with the OOCs and is seeking feedback/approval from the Commission. Recommend approval.

#### **2.2.2 Permit Modification – Chilson Park**

DPW is proposing a change in substrate in the area of Chilson Park that was previously proposed as wood chips. No net increase in impacts is proposed. Recommend approval.

### **2.3 Certificates of Compliance**

### **2.4 Violations**

#### **2.4.1 305 Union Street**

Update: A Non-Traditional Work Plan to remove the asbestos-containing materials was submitted to MassDEP January 30, 2023.

### **2.5 Minutes**

#### **2.6.1 January 26, 2023**

### **2.6 Discussion Items**

## **Chair & Commission Comments**