

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: February 23, 2023



1.0 Public Hearings

1.1 NOI – 74 South Street (CE159-1259)

Recommendation: Continue – Applicant still needs to definitively respond to BETA

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.

Revised plans were submitted February 15, 2023. Below are comments from BETA with Applicants responses in italics – however many comments were missed in their response. Agent comments are in green.

W1. Add a note on the plans indicating how the site will be restored if heavy machinery is required to assist with the existing debris removal or proposed tree removal within the buffer zone.

The revised plans now states, “Upon completion of construction, bare soils within the project limits shall be stabilized with a conservation seed mix.”

W2. Indicate the location of laydown or stockpile areas on the Project plan for use during construction of the barn. These areas should be cited outside of the buffer zone to BVW.

No soil will be stockpiled within the 100-foot buffer zone. Soil is proposed to be brought in during grading to accommodate the slope at the back of the proposed barn.

Applicant should define the process/scope of work for how the grade will be raised and mobilization methods.

W3. Provide confirmation that the “optional extension” of the driveway as labeled on the Project plan would consist of gravel as described in the project narrative. The Plan should be updated to indicate this.

The Applicant has removed the extension of the driveway outside of the barn. The drive down to the barn is proposed to be gravel. The revised plan reflects this change.

The plans mentioned a paved driveway is to be installed. Please confirm gravel or pavement. Additionally, the entrance is proposed to be installed prior to any excavation work. Please confirm this is the preferred method of mobilization.

W4. Approximately 1,200 cubic yards of fill will be required for construction of the proposed barn. The Applicant should depict the proposed topography on the plans and the plan should note method of long-term stabilization (i.e. The “Conservation Seed Mix”). In addition, the Applicant should indicate the type of fill proposed and confirm that only clean fill will be used.

Approximately 1,200 cubic yards of clean fill shall be brought in to raise the elevation at the back of the proposed barn. Upon completion of construction, the site shall be stabilized with a Conservation Seed Mix. This is shown on the revised plan.

General inquiry “food for thought” – considering this was an existing forested/scrub-shrub Buffer Zone, there is a change of ecosystem type by exclusively planting Conservation/Wildlife Mix. Is it possible to compromise and revegetate with native shrubs species to preserve the natural character of this Buffer Zone as would be typical for a restoration plan stemming from an Enforcement Order?

Additionally, the Applicant should review the success of a Conservation/Wildlife Mix as an understory, herbaceous layer considering the amount of large pines and their canopies (e.g., will this seed mix grow in shade? Will it be successful? Will the Applicant continue to mow and reseed as necessary?)

W5. A detail for the cistern and plan showing how water will flow to the cistern should be included on the plans.

A cistern is no longer planned to be installed at the site. Instead, a Cultech system shall be installed northeast of the proposed barn. It will collect clean rooftop runoff from the barn and infiltrate it into the ground. The new system has been sized to hold 261 cf of storage which will accommodate the runoff from the new barn during a 1-inch storm event.

Is it possible that the infiltration field become a more natural feature instead of crushed stone?

W6. A method of interim soil stabilization, such as straw mulch, should be provided to

cover exposed soils within cleared areas of the buffer zone until permanent stabilization with seed mix can be completed. The Applicant should also provide a schedule for permanent stabilization.

Straw mulch shall be spread over bare soil until the site is stabilized with conservation seed mix.

Straw is typically not utilized within Franklin due to its reseeding/germination capabilities. The Applicant should consider other methods to the best extent practicable.

W7. The Plan should depict the location of the existing erosion control barriers.

The revised plan shows the locations of the erosion and sediment control barriers.

The plan mentioned use of “non-biodegradable socks”. Applicant should use biodegradable compost socks. This is generally conditioned under the standard special conditions.

W8. The project narrative indicates use of a conservation seed mix to stabilize cleared areas within 100 feet of the BVW. Specifications of the proposed conservation seed mix should be provided.

The bare soils within the project limits shall be loamed and seeded with a conservation seed mix consisting of the following or similar species: Virginia Wild Rye (Elymus virginicus), Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Red Fescue (Festuca rubra), Switch Grass (Panicum virgatum), Partridge Pea (Chamaecrista fasciculata), Panicleleaf Tick Trefoil (Desmodium paniculatum), Indian Grass (Sorghastrum nutans), Blue Vervain (Verbena hastata), Butterfly Milkweed (Asclepias tuberosa), Black Eyed Susan (Rudbeckia hirta), Common Sneezeweed (Helenium autumnale), Heath Aster (Aster pilosus/Symphotrichum pilosum), Early Goldenrod (Solidago juncea), Upland Bentgrass (Agrostis perennans).

See comments to W4.

W9. Indicate the anticipated use of the cleared buffer zone area within the 50-100 foot buffer zone, specifically whether this area will be maintained as a lawn or naturalized using the seed mix discussed in W8.

Areas within the buffer zone will be planted (naturalized) with herbaceous vegetation as indicated above. There are no plans to create a formal lawn in this area.

See comments to W4.

Lastly, the original NOI submission mentioned removing trees within the Buffer Zone by “bucking” them up. It is presumed this means to remove the root mass of the trees. Please note that stumps are historically left in place within the Buffer Zone.

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

Recommendation: Approval with Conditions (to be drafted and signed at the next hearing)

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.

BETA submitted their final response letter February 23. BETA feel that the Commission has sufficient information to issue an Order of Conditions, subject to a few points of clarification being requested from the Applicant. Many of these points can be addressed through the Order of Conditions itself.

Recommend approval with conditions to be drafted and signed at the next hearing.

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.

The Applicant/Rep submitted a response letter on January 23, but it has yet to be formally reviewed by BETA. The Applicant recently paid the outstanding balance with the Town for peer review fees and has requested continuing to March 9.

SITE VISIT SCHEDULING – The Applicant is requesting the availability of Commissioners for the week of Feb 27 and Mar 7 prior to the Mar 9 meeting. Please discuss.

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.

BETA has yet to submit an initial peer review. Recommend continuing to March 9.

1.5 NOI – Grove Street Phase II Roadway Improvements

Recommendation: Approve with standard special conditions (drafted and signed at the next hearing)

This public hearing is the first hearing for the construction of an approximately 6,000-linear foot shared use path along Grove Street; pavement and roadway geometry improvements; signage improvements; intersection improvements; and upgrades to the existing stormwater management infrastructure. Proposed work will occur within BVW, Bordering Land Subject to Flooding (e.g., floodplain) (BLSF), 200-foot Riverfront Area (RFA), and the 100-foot Buffer Zone. Proposed mitigation measures include wetland replication and restoration (2:1), stabilization of disturbed soils, and improvements to the local stormwater system.

Please review the attached NOI narrative for project specifics, including impacts, design, and proposed mitigation measures. This is an extensive project best reviewed in its original language. A Variance Request from the Buffer Zone Resource Area Performance Standards is provided.

Recommend Approval with standard special conditions 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 42 (Commission please discuss), 43, 44, 46, 47, 49, and 50. Additional Condition 52: The Conservation Agent and/or Commission shall review the dewatering setup in the field, as recommended by the Applicant in the NOI submission.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 11 Berkeley Drive

This MBZA is for the ratification of an MBZA for tree removal within the 25-foot No Touch Zone and 25 to 50-foot Buffer Zone given Administrative Approval on Feb 9.

2.2 Permit Modifications/Extensions

2.3 Certificates of Compliance

2.3.1 3 Peppermill Lane

This Certificate of Compliance is for a property built in 1988, of which a Certificate of Compliance was never requested. The property owner is looking to sell the property and needs a signed Certificate of Compliance for sale. Commissioners please note that site conditions generally reflect the permitted plan, sans a shed within the 50 to 100-foot Buffer Zone that was never permitted. The buyers are aware of the jurisdiction they have on their property and will coordinate with Conservation for any work within the Buffer Zone in the future. Recommend approval.

2.4 Violations

2.5 Minutes

2.5.1 February 9, 2023

2.6 Discussion Items

Chair & Commission Comments – OSRP? Spring Event? MACC Conference?