

Town of Franklin

355 East Central Street
Franklin, Massachusetts
02038-1352



(Phone) 508-420-4929
www.franklinma.gov

Conservation Commission

To: Franklin Conservation Commission
From: Breeka Li Goodlander, CWS, PWS, CERPIT
Re: Conservation Agent Report
Date: March 09, 2023



1.0 Public Hearings

1.1 NOI – 74 South Street (CE159-1259)

Recommendation: Continue – Applicant still needs to definitively respond to BETA and respond to Agent/Chair emails re: e/s controls – No change since last Agent Report

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 ANRAD – 121 Grove Street (CE159-1261)

Recommendation: Continue – No change since last Agent Report

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 March 13 or early the week of March 20 prior to the Mar 22 meeting.

1.3 NOI – 30 Uncas Brook Row (CE159-1263)

Recommendation: Continue – No change since last Agent Report

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 22.

1.4 NOI – Grove Street Phase II Roadway Improvements (CE159-1264)

Recommendation: Approve with standard special conditions (drafted and signed at the next hearing) – No change since last Agent Report

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.

1.5 NOI – 25 Forge Parkway

Recommendation: Continue to allow sufficient time for legal ad circulation

This public hearing is the first hearing for a Notice of Intent at 25 Forge Parkway. The project proposes to construct at 16,000 square foot building addition, 17 additional parking spaces, and a paved contractor yard within the 100-foot Buffer Zone to BVW, specifically within the 25- to 100-foot Buffer Zone. Disturbance within the 25- to 50-foot Buffer Zone is limited to grading; disturbance within the 50- to 100-foot Buffer Zone includes grading, paving, and the proposed building addition. Approximately 24.5% of the 50- to 100-foot Buffer Zone is proposed to be impervious.

Agent and BETA to review the NOI further.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 47 Southgate Road

This MBZA is for an after-the-fact filing stemming from a Buffer Zone violation. Violations include the cutting/removal of three trees, the placement of a 10-foot by 20-foot shed (200 sf), and stockpiling vegetative debris within the 25- to 50-foot Buffer Zone. The MBZA also proposes to install a steel rod fence partially within the 25-foot Buffer Zone to demarcate the property boundary (sf TBD), install an 18-foot by 23-foot aboveground pool (794sf), and cut two additional trees (stumps left in place). Total square footage TBD based on number of fence posts, but presumed less than 1,000 sf total.

Recommend approval for work with restoration components to be discussed at the public hearing.

2.1.2 45 Southgate Road

This MBZA is for an after-the-filing stemming from a Buffer Zone violation. Violations include the in-situ replacement of a steel rod fence (38 sf) and the removal of two trees within the 25- to 100-foot Buffer Zone; and vegetative debris stockpiling within the 0- to 25- foot Buffer Zone. The MBZA also proposes to remove two additional trees and the lateral movement of an existing shed.

Recommend approval for work with restoration components to be discussed at the public hearing.

2.1.3 12 Corey Way

This MBZA is for the approval of 40 yards of fill/loam to raise the grade of existing, disturbed lawn by 1 to 1.5 feet and the installation of a 10-foot by 12-foot (120sf) shed within the 25- to 50-foot Buffer Zone and 200-foot RFA. There is an existing berm running parallel to the river which would “naturally” contain the proposed fill. The Applicant proposes to hydroseed the fill immediately to promote soil stabilization.

BG to meet with Assistant Town Engineer 3/9 to discuss potential runoff issues.

2.1.4 9 Maple Tree Lane

This MBZA is for an after-the-fact filing stemming from a Buffer Zone violation. Violations include the cutting/removal of nine trees and vegetative debris stockpiling within the 50- to 100-foot Buffer Zone.

Recommend approval for work with restoration components to be discussed at the public hearing.

2.2 Permit Modifications/Extensions

2.2.1 Permit Modification – 33 Charles River Drive CE159-1258

Per the previous permit approval, the Applicant was required to show a finalized stormwater plan to the Commission prior to building permit approval. The Applicant has finalized the plan and is seeking a permit modification approval; recommend Approval with the same Conditions previously approved.

2.2.2 Permit Modification – 137 Mastro Drive CE159-1230

This permit modification is for proposed work within the 200-foot Riverfront Area. The Applicant proposes to have their septic “reserve” location within the 200-foot RFA. The Applicant was requested to come to the hearing with a narrative demonstrating that the septic system and reserve areas meets the performance standards of 310 CMR 10.58.

It is requested that the Commission discuss enacting Special Condition 29 (Right to Impose Additional Conditions) to require the Applicant to comply with Special Condition 32 (Weekly Monitoring Reports) with the Applicant and Agent.

Recommendation dependent on meeting discussion.

2.3 Certificates of Compliance

2.4 Violations

2.4.1 305 Union Street

No response from MassDEP on the NTWP.

2.5 Minutes

2.5.1 February 23, 2023

2.6 Discussion Items

2.6.1 Eagle Scout Project - DelCarte

Chair & Commission Comments – OSRP? Spring Event Confirmed for April 23