

# 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: March 22, 2023



### 1.0 Public Hearings

#### 1.1 NOI – 74 South Street (CE159-1259)

***Recommendation: Continue until the Project proposal is in compliance, unless the Applicant can provide a response during the hearing to all outstanding comments***

**NOTE: The applicant did replace the straw wattles with biodegradable compost socks since the last hearing as required under 7.12.1 of the local Regulations**

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 information was submitted by the Applicant on March 8. Below are comments (March 14, 2023) from BETA. Agent comments are in green.

A4. The Applicant has indicated that the plan does not provide sufficient space to include the Construction Sequence and Schedule. BETA defers to the Commission on whether they would like the Applicant to provide this information on the plans.

Agent: The benefit to having the Construction Sequence and Schedule on the plans is for contractors to have necessary information on hand, in front of them and spelled out plainly, without needing to reference the OOCs. In other words, the Sequence and Schedule is a snapshot of the sequential steps that everyone involved in the Project needs to follow for compliance during construction. It is a requirement under 7.15 and 7.18.1.14 of the local Regulations.

Historically, the Commission has approved projects without a Construction Sequence and Schedule in place, but has Conditioned that one be provided prior to the start of work. It is possible to Condition something to that effect for this Project.

W2 – BETA3. Stockpile and laydown areas are not depicted on the plans; however, the Applicant has indicated on the plans that no soil stockpiling will occur at any point during construction. The intent of this comment is to ensure that there is sufficient space within the proposed limit of work to support the proposed construction and is meant to encompass all construction support and staging areas. BETA defers to the Commission on whether these areas must be shown on the plans.

Agent: It is typical for construction projects to show stockpiling areas, especially in relation to resource areas. The benefit of having finalized plans that show stockpiling areas is to give contractors a definitive roadmap for this Project to be completed in compliance.

This property has a history of stockpiling within resource areas without prior approval. It would be within the right of the Commission to require that these stockpiles be shown on an updated plan. To that point, it is possible to Condition that stockpiling occur outside of jurisdiction. The Commission has done this historically for other projects.

W5 – BETA2: Although a cistern is no longer proposed, a detail has been provided on the plan for the newly proposed infiltration field. Because the proposed infiltration unit is subsurface, it is recommended that installation of this feature be witnessed by the Conservation Commission or their Agent.

Agent: Agreed – this should be Conditioned.

W6. ...use of straw mulch is not a permitted stabilization strategy in Franklin. The Applicant should propose additional interim stabilization methods.

Agent: Agreed – or at the very least, the Applicant should conduct their due diligence to exhaust other stabilization options and seek a Variance.

W10 – BETA3: ...the Applicant's Functions and Characteristics Statement did not discuss the Project's impacts on the following functions: Storm Damage Prevention, Water Quality, or Water Pollution Control. BETA defers to the Commission on whether the Functions and Characteristics Statement is sufficient to issue an Order of Conditions.

Agent: This is a requirement under 7.10 of the Regulations (excerpted below).

Storm Damage Prevention: Address whether the project will have an adverse effect on the way that the wetland or flood plain will be able to minimize water and wind related impacts during large-scale storm events.

Water Quality: This item must be addressed for both the construction and post construction conditions at the property. This item will address the quality of the surface water associated with the resource area being impacted by the project.

Water Pollution Control: This item must be addressed for both the construction and post construction conditions at the property.

Additional Agent Comments:

No response regarding plantings or seed from the Applicant. No confirmation that root balls from trees outside the footings of the barn will be kept in place. These can be Conditioned.

## **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 April 6.

SITE VISIT SCHEDULING – The Applicant is requesting the availability of Commissioners for the week of March 27.

## **1.3 NOI – 25 Forge Parkway (NO DEP#)**

***Recommendation: Continue to allow sufficient time for peer review and DEP# issuance***

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.

## **1.4 ANRAD – 1 Paddock Lane (NO DEP#)**

***Recommendation: Continue to allow sufficient time for peer review and DEP# issuance***

This public hearing is the first hearing for an Abbreviated Notice of Intent (ANRAD) at 1 Paddock Lane. Onsite wetland resources identified include one BVW and one enclosed upland island. The Applicant is seeking confirmation of these resources.

Agent and BETA to review the ANRAD further.

## **2.0 General Business**

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

#### **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 and has requested a variance to fill two small depressions within the 25-foot No Touch Zone with 4 to 5 yards of fill. The Applicant has volunteered to lay some boulders to retain other fill areas to lessen the chance of washout.

Recommend approval with conditions/parameters as described. Note: the hydroseeding machine should hydroseed within the existing lawn only

#### **2.1.4 4 Farm Pond Lane**

This MBZA is for a proposed 24-foot above ground round pool within the 50- to 100-foot Buffer Zone (field verified by Agent). Prior to Project approval, the Applicant should describe the scope of work for the pool installation (e.g., total sf impacts, any grading, etc.)

Recommend approval with a condition that chlorinated water should be disposed of properly and not be discharged toward the wetland resource area.

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

### **2.3 Certificates of Compliance**

#### **2.3.1 Amego School CE159-1200**

This Certificate of Compliance (CoC) is requested to close out the permit extension/OOCs for the “Amego School” project, which consisted of proposed boarding school residences, a multipurpose building (for educational use), a maintenance building, and associated access driveways, parking, and utilities within the 25- to 100-foot Buffer Zone to BVW, vernal pool, and Zone II Wellhead Protection Area.

Final site conditions match what was previously approved by the Conservation Commission, sans one small area of riprap surrounding the footbridge within the 25- to 50-foot Buffer Zone; presumably placed to aid in runoff issues and demarcate the path.

Recommend approval.

#### **2.3.2 Strawberry Fields/7 Penny Lane SE59-917**

This CoC is requested for 7 Penny Lane, which is a part of the “Strawberry Fields” subdivision, and within the 25- to 50-foot Buffer Zone. This lot was not released from the

original Order of Conditions upon occupancy and initial sale of the property. The Conditions were found during a more recent sale and the seller is seeking to close out the permit. Site conditions match previously approved site plans.

Recommend approval.

### **2.3.3 7 Penny Lane SE59-934**

This CoC is also requested for 7 Penny Lane for a septic system design and installation project that never occurred.

Recommend approval.

### **2.3.4 Griffin Road CE159-1216**

This CoC is requested for a raingarden project within the 0- to 100-foot Buffer Zone. Site conditions match previously approved site plans.

Recommend approval.

## **2.4 Violations**

## **2.5 Minutes**

### **2.5.1 March 9, 2023**

## **2.6 Discussion Items**

### **2.6.1 Franklin FlexSpace**

This Discussion item is to communicate site plan changes to the Washington Street FlexSpace project. Due to some ledge encountered in the field they have proposed some drainage modifications to the underground systems. In short, the Applicant has reduced the size of one underground system and increased the sizes of all the others. There are no changes to the outfalls and all stormwater objectives of the approved design are still being met, such as recharge, peak flow rates, etc. No changes in Buffer Zone impacts are proposed; all of the changes are located beneath the previously approved parking area limits.

## **Chair & Commission Comments**