

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: May 04, 2023



1.0 Public Hearings

1.1 NOI – Spruce Pond Aquatic Management Program (CE 159-1267)

Recommendation: Continue

This public hearing is the first hearing for a Notice of Intent to apply aquatic herbicides at Spruce Pond. A similar NOI was historically approved by the Conservation Commission, but expired early last year. The Applicant conducted one unpermitted herbicidal treatment last fall. The Town requested the Applicant file a new NOI, including an after-the-fact filing component for the unpermitted herbicide application last fall. Project objectives include the aquatic herbicide treatment of variable watermilfoil, purple loosestrife, and other nuisance filamentous algae. The Project has been filed as an Ecological Restoration Limited Project under 310 CMR 10.53(4) (refer to the WPA regs).

2023/04/06 Initial NOI deficiencies include:

- Ecological restoration goals under 310 CMR 10.12(1)(a) – these need to be quantified
- Event sequence required under 310 CMR 10.12(1)(c) – to the best extent practicable. This can mirror time of year restrictions required under 310 CMR 10.11(3)
- Work is proposed at a perennial stream crossing (Town-owned). Stream crossing information required under 310 CMR 10.12(1)(m) and (n). The Applicant has not contacted Derek Adams, DPW, for work surrounding the proposed culvert.
- Time of year restrictions required under 310 CMR 10.11(3)
- Alternatives Analysis to the chemicals used in the treatment (Agent to review/research further)

2023/04/19 MassDEP Comment:

- Higher value wildlife habitat is achieved when there is less than 100% open water surface, and at least 30% coverage of native aquatic plant species. MassDEP recommends that treatment be limited to areas where invasive non-native species are dominant.

No new information from the Applicant has been provided. Recommend continuance.

1.2 NOI – 25 Forge Parkway (CE 159-1265)

Recommendation: Continue per request of Applicant

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.

Applicant requested continuance to provide a response to stormwater review.

1.3 ANRAD – 1 Paddock Lane (CE 159-1266)

Recommendation: Continue

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.

BETA and Town to review the delineation, ANRAD, and revised submissions further, including a site visit scheduled for May 05, 2023.

1.4 ANRAD – Maplegate Solar North (CE 159-1268)

Recommendation: Continue

This public hearing is the first hearing for a Notice of Intent for a proposed solar array project. Work is proposed within the 100-foot Buffer Zone, including the 0- to 25-foot No Disturb Zone (16,189 sf), for a total of 184,601 sf of impacts. Mitigation proposed includes a reduction of approximately three acres of impervious surface with a conversion to a native meadow. Work proposed within the 0- to 25-foot No Disturb Zone is limited to an erosion control barrier.

Recommend continuance to allow sufficient time for BETA and Agent to review.

1.5 RDA – 160 Grove Street (CE 159-1268)

Recommendation: Continue

This public hearing is the first hearing for a Request for Determination of Applicability (RDA) for a sewer extension within the existing paved right of way approximately 87 feet from the nearest BVW boundary line. The “installation and repair of underground sewer lines within existing paved or unpaved roadways and private roadways/driveways, provided that all work is conducted within the roadway or driveway and that all trenches are closed at the end of completion of each workday” is exempt minor buffer zone activities under the Act (310 CMR 10.02(2)(b)(2)(j)).

Recommend approval, provided that trenches are backfilled at the end of each workday.

1.6 NOI – 2 Elm Street (NO DEP#)

Recommendation: Continue

This public hearing is the first hearing for an after-the-fact Notice of Intent for partial work/fill within BVW and associated Buffer Zone. The Applicant is in front of the Commission to 1) seek approval to install an above ground pool, but more importantly 2)

discuss with the Commission proposed restoration and/or replication work for the fill within BVW.

The Applicant has already installed a substantial slope toward and on top of BVW and will need to scale back this slope to remediate the violation. The Commission, Agent, and Applicant should discuss scope of work, methodologies for restoration, and potential replication.

After discussion, recommend continuance.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 12 Addison Avenue

This MBZA is for proposed vegetation work including cutting a fallen birch tree, partially located within BVW and existing lawn. The Applicant proposes to cut and remove portions of the tree located within the lawn, and leave behind the portions of the tree that are within BVW. The Applicant also proposed to vista prune vegetation surrounding utility boxes (exempt minor buffer zone activity provided that the location of the utility boxes is >50 feet away from BVW). Applicant should confirm is the vegetation surrounding the utility box is invasive or not (I believe it is multiflora rose and oriental bittersweet – both invasive and should be eradicated).

Recommend approval.

2.1.2 1 Green Street

This MBZA is for proposed buffer zone restoration work within the 100-foot Buffer Zone to BVW and 200-foot Riverfront Area to Mill Brook. Proposed work includes shallow tilling (<6”) to remove the roots of oriental bittersweet and mugwort (invasives) during dry weather. Additional hard raking may be required. Disturbed areas will be stabilized immediately with a native seed mix and/or native herbaceous plugs. The Applicant is seeking a variance to work within the 0- to 25-foot No Disturb Zone. All of this work is considered an exempt minor buffer zone activity under 310 CMR 10.02(2)(b)(2)(d).

Recommend approval.

2.2 Permit Modifications/Extensions

2.3 Certificates of Compliance

2.4 Violations/Enforcement

2.4.1 305 Union Street

Recommend 30 day extension.

2.5 Minutes

2.5.1 April 20, 2023

2.6 Discussion Items

2.6.1 137 Mastro Drive

The original hardcopy of the previous approval was lost prior to recording it with the Registry of Deeds. Need a new copy with new wet signatures.

2.6.2 Franklin FlexSpace

The Applicant has had additional site plan changes/violations including installing subsurface propane tanks and unpermitted tree removal. The Commission should discuss next steps considering these violations.

Chair & Commission Comments – May 7 DelCarte, Friday OSRP Office Hours