

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: May 18, 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: Approval

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.

Stormwater report has been submitted, yet to be reviewed. Recommend approval with Special Conditions #20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, and 51.

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

Recommendation: Continue per Applicant

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. Recommend continuance.

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

Recommendation: Continue per Applicant

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.

Applicant requested continuance.

1.5 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.

No new information has been submitted by the Applicant. Recommend continuance.

1.6 RDA – Grove Street Well 6

Recommendation: Approve with Negative Determination

This public hearing is the first hearing for a Request for Determination of Applicability for DPW to “top” snags within a BVW complex surrounding the Grove Street Well 6 Field/Water Treatment Plant. A wellhead has already been damaged by a deceased tree. Any trees cut will be left in place as habitat, and where possible, trunks will be left standing to a height that eliminates them as a threat to existing wellheads. Access to the trees will occur within the Buffer Zone, on level upland. DPW is seeking Conservation Commission guidance on whether these activities are jurisdictional under the WPA and if the activities will cause adverse harm to the BVW complex.

Any work within jurisdictional resource areas is non-exempt from the WPA, however considering the impact of the proposed work is negligible to the BVW ecosystem, conservative in nature, and is in the best practice to protect utilities and human health/safety, I recommend the Commission issue a Negative Determination. Please note that any ruts from access within the Buffer Zone shall be smoothed out once the tree tops are removed.

1.7 RDA – Fisher Street Water Treatment Plant Pilot Test

Recommendation: Approve with Negative Determination

This public hearing is the first hearing for a Request for Determination of Applicability for DPW to conduct an iron and manganese removal pilot pump test at the Fisher Street Water Treatment Plant to two stormwater basins within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to BVW. Proposed work, including the discharge, is considered exempt from state review since it consists of public utility maintenance, repair, and replacement activities. The stormwater basins to which the test is discharging toward/to are jurisdictional under the local Wetlands Protection Bylaw (Chapter 181) only.

Erosion control and mitigation measures include secondary containment of filtered effluent, temporary splash pad, and erosion control seed mixture to stabilize any altered bank, as deemed necessary. DPW or CDM Smith should give courtesy notification to Conservation Department prior to start of work.

Recommend approval with negative determination.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 6 Dwight Street

This MBZA is for a buffer zone restoration project (exempt under 310 CMR 10.02(2)(b)(2)(c) & (d)). Proposed work includes the removal of multiflora rose (INVASIVE), as well as phragmites (INVASIVE), dandelions (NON-NATIVE), and clover (NON-NATIVE) within existing lawn. Note that the lawn extends to the wetland boundary edge and a undisturbed vegetated 25-foot Buffer Zone does not exist, however the Applicant is still seeking relief from local regulations which prohibit work within the 25-foot Buffer Zone. The Applicant is looking to replace removed non-native vegetation with native vegetation, and till to remove root systems of invasive vegetation. The Applicant proposes tilling next spring, if this year does not appear conducive to tilling (i.e., precipitation). The Applicant acknowledges e/s controls may be necessary. The

Commission should discuss if biodegradable erosion controls are required of the Applicant.

Recommend approval with conditions:

- The Applicant shall contact the Conservation Agent prior to the removal of vegetation to ensure identification of invasive/non-native species.
- The Applicant shall contact the Conservation Agent/Commission prior to rototilling the existing lawn to confirm if erosion and sedimentation controls are necessary.
- The Applicant shall conduct a turtle sweep prior to the start of any rototilling.
- (POTENTIAL CONDITION RE: TIME OF YEAR FOR TILLING)

All other standard MBZA conditions apply.

2.1.2 23 Spruce Pond Road

This MBZA is ratification for an administrative approval for a proposed in-situ deck replacement within the 100-foot Buffer Zone. The Buffer Zone in this area consists of existing, disturbed and manicured lawn. The new 12-inch deck footings (3) will be hand dug, poured concrete for a total disturbance of 3 sf.

Recommend ratification/approval.

2.1.3 Sculpture Park – Town of Franklin

I recuse as I assisted with this project. You'll have to listen to the presentation or read the materials to know what the project proposes. ☺

2.2 Permit Modifications/Extensions

2.2.1 33 Charles River Drive – Permit Modification

2.3 Certificates of Compliance

2.3.1 Margaret's Cove

Agent yet to conduct a site visit at the time of this publication. Please follow up with the Agent at the hearing.

2.3.2 16 Hemlock Lane

Agent yet to conduct a site visit at the time of this publication. Please follow up with the Agent at the hearing.

2.4 Violations/Enforcement

2.5 Minutes

2.5.1 May 4, 2023

2.6 Discussion Items

2.6.1 126 Grove Street

2.6.2 OSRP Update – Looking Ahead

2.6.3 Budget Inquiries

2.6.3.1 Summer Intern

2.6.3.2 Beaver Institute Tuition Reimbursement

Chair & Commission Comments