

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: June 01, 2023



1.0 Public Hearings

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

Recommendation: Continue to June 15 7:01 pm

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 ANRAD – 1 Paddock Lane (CE 159-1266)

Recommendation: Continue to June 15 7:02 pm

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. Site visit scheduled for June 8. Recommend continuance.

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

Recommendation: Continue per Applicant to June 15 7:03 pm

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.

BETA and Town to review the delineation, NOI, and revised submissions further. Site visit scheduled pending. Recommend continuance.

1.4 NOI – 2 Elm Street (CE159-1269)

Recommendation: Continue per Applicant to June 15 7:04 pm

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.

1.5 NOI – 100 Financial Park

Recommendation: Continue to June 15 7:05 pm

This public hearing is the first hearing for a Notice of Intent for a proposed 220,000+/- sf flex-warehouse building and 65,000+/- sf flex-warehouse building expansion at 100 and 200 Financial Park. Proposed impacts include approximately 67,600 sf of the 100-foot Buffer Zone to BVW and Vernal Pools.

Applicant should confirm total disturbed square footage, and how square feet of which is existing disturbed. BETA has yet to review. Recommend continuance.

1.6 RDA – 585 King Street

Recommendation: Approve with Negative Determination

This public hearing is the first hearing for a Request for Determination of Applicability for roadway and transportation improvements on King Street and Constitution Boulevard, in relation to the previously approved 585 King Street Project. Proposed work includes

future access driveway construction, new traffic signal, sidewalks, drainage improvements, utility connections, and new traffic lanes (painting). The intersection will also be resurfaced (mill and overlay) once the subsurface work is complete. No significant grading is proposed and the proposed work will not extend out of the existing disturbed roadway. A small portion of work is proposed within the existing disturbed 25-foot “No Touch” Zone, with the rest partially occurring within the 100-foot Buffer Zone to BVW and Bank to an intermittent stream. Applicant to confirm total square footage of disturbance.

Commissioners note that Condition #53 of the previously approved Projects allows site access work. Condition #53 states:

“All Replication Areas shall be completed per the approved plans prior to the construction of any other work shown on the approved plans; except for the construction of the site access road. The site access road may be constructed prior to the construction of the Replication Areas to allow property access.”

Additional corresponding Conditions are as follows:

Condition #54: “The Conservation Agent must confirm that the E/S controls have been installed per the approved plans prior to the construction of the site access road and be invited to any pre-construction meeting.”

Condition #55: “The Conservation Agent must confirm that the site access road and the E/S controls have been installed and maintained per the approved plans prior to the construction of the Replication Areas and be invited to any pre-construction meeting.”

Condition #56: “The Conservation Agent must confirm that the E/S controls have been installed and maintained per the approved plans after the construction of the site access road...”

Condition #58: “Any new contractors must receive an environmental training from a Wetland Scientist to ensure compliance with the OOCs.”

Condition #61: “No debris, fill, or excavated material shall be stockpiled within the 100-foot Buffer Zone.”

Condition #62: “All stockpiles shall be surrounded by biodegradable compost wattles for the duration of the Project. The wattles shall be kept in good working condition for the entirety of the Project.”

Condition #64: “Beginning the first week of construction, in which construction activity occurs onsite and for as long thereafter as the ground remains destabilized, a Wetland Scientist must submit a written report to the Conservation Agent. The report must include weekly erosion control inspections log, details of any construction or remediation activities taken, and descriptions of any deviations from approved plans.”

Recommend approval with a negative determination, noting that the above Conditions apply.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.2 Permit Modifications/Extensions

2.2.1 Grove Street Shared Use Path

[Excerpt from BETA letter] “After receiving the Town’s comments on the 100% design, it was determined that a rock fill slope would be preferable to the originally proposed retaining wall at Station 47+00. A rock fill slope would offer far lower construction costs and present a safer alternative that does not have as abrupt of a drop-off. The proposed slope would result in 58 square feet of BVW fill opposed to the 29 square feet permitted at this location under the original design. Although permanent impacts would be increasing, it is anticipated that temporary impacts to BVW would be reduced at this location since the extent of staging required for wall construction would not be needed. Under this scenario, the replication area would be increased to 120 square feet to maintain compliance with the 2:1 replication requirement of the Bylaw.

Although permanent impacts have been increased, temporary BVW impacts at this location have been reduced from 813 square feet to 260 square feet since the extent of staging required for wall construction will not be required. Under this revised design, the wetland replication area is being increased to 124 square feet as depicted on the attached wetland replication/restoration plan to maintain compliance with the 2:1 replication requirement of the Bylaw. To account for the increase in the size of the replication area, three (3) additional silky dogwood (*Cornus amomum*) plantings are proposed. All temporarily impacted areas of BVW will be restored in place as described in the original Notice of Intent submission.”

Recommend approval of minor plan change.

2.3 Certificates of Compliance

2.3.1 39 Blueberry Lane

Two dogwoods (*Cornus spp.*) failed to survive in the restoration area. Applicant should replace the dogwoods this spring, and monitor until the next growing season. Recommend denial of CoC.

2.3.2 226 Daniels Street

Recommend approval.

2.4 Violations/Enforcement

2.4.1 305 Union Street

Recommend extension to June 29

2.5 Minutes

2.5.1 May 18, 2023

2.6 Discussion Items

2.6.1 CPC Appointment

Chair & Commission Comments