

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 15, 2023



1.0 Public Hearings

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

Recommendation: Continue per Applicant Request to June 29 7:01 pm

This public hearing is 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. Applicant recommend continuance. Recommend continuance.

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

Recommendation: Continue to June 29 7:02 pm

This public hearing is 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.

Site visit occurred June 8. Boundary lines are being revised. No new information has been delivered. Recommend continuance.

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

Recommendation: Continue to June 15 7:03 pm

This public hearing is 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 provided new stormwater information reflecting BETA Planning Board comments on June 13. Agent yet to review. BETA and Town to review the delineation, NOI, and revised submissions further. Site visit completed as of June 13. Recommend continuance.

1.4 NOI – 2 Elm Street (CE159-1269)

Recommendation: Continue per Applicant to June 29 7:04 pm

This public hearing is 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.

Revised submissions have not been submitted by the Applicant. Recommend continuance.

1.5 NOI – 100 Financial Park (CE159-1270)

Recommendation: Continue per Applicant request to June 15 7:05 pm

This public hearing is 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 submitted a review letter June 13. Agent and Applicant have yet to review. Recommend continuance.

1.6 NOI – 15 Liberty Way (NO DEP #)

Recommendation: Continue to June 29 7:06 pm

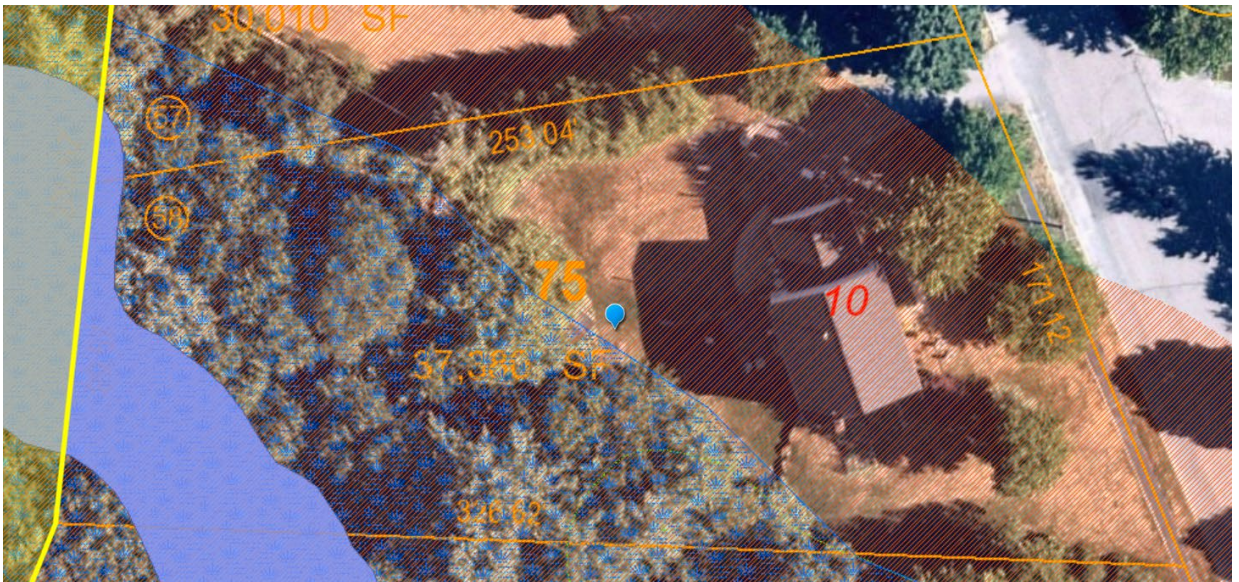
This public hearing is the first for a Notice of Intent for a proposed parking lot expansion (approximately 105,320 sf) within an Isolated Vegetated Wetland (IVW) (264 sf impact) and all associated Buffer Zones, including the 25-foot “No Touch” (5,000 sf impact). The Applicant has included a Variance Request to work within the Resource Areas and 25-foot “No Touch”. Please note that the Applicant did include invasive species management as a proposed mitigation to work within these area. Based on a very brief review of the Project, the use of the site, and the existing invasive species and their growth patterns (i.e., phragmites, oriental bittersweet), it is my opinion that this proposed mitigation is not viable long term (i.e., maintenance, herbicide application) and should not be considered as true mitigation as it relates to the Variance Request. While a great idea, the Variance Request should be considered as purely a waiver request from the Bylaw, as the mitigation is not viable.

Applicant just paid the BETA peer review fee on June 13. BETA and Agent to review the submission further. Recommend continuance.

1.7 NOI – 10 Echo Bridge Road (NO DEP #)

Recommendation: Continue per Applicant request to June 29 7:07 pm

This public hearing is the first for a Notice of Intent for a proposed 21,479 gallon pool, fence, patio, and retaining wall – with grading – within the 100-foot Buffer Zone to BVW (3,300 sf impact). Per the NOI, all work is proposed outside of the 25-foot “No Touch” Zone, however based on a brief desktop review, the onsite wetlands are far more expansive than what the original delineation shows (see screenshot below). Resources need to be delineated and confirmed by the Agent.



This Project has yet to be reviewed by the Agent in its entirety. More details to follow at the June 29 meeting. Recommend continuance.

1.8 RDA – 21 Grove Street/NuStyle

Recommendation: Approve with Negative Determination

This public hearing is the first for a Request for Determination for exempt buffer zone activities under the Act (test borings/samplings) (310 CMR 10.58(6)(b); 310 CMR 10.02(2)(b)(1) and invasive species/vegetation removal within the 100-foot Buffer Zone to BVW and 200-foot Riverfront Area to Mine Brook. Note that these activities are not exempt under local Bylaw. Proposed drilling includes four soil borings/monitoring wells to an approximate depth of 15 feet below ground surface; in addition to four shallow bedrock wells (25 foot depth). Site access may include minor soil compactions and rutting. Spoils will be backfilled in-kind and/or collected with hand tools and placed in secure drums for off-site disposal, as necessary. These borings are proposed to determine scope of contamination and outline future remediation activities.

Agent inquiries: Can ruts be smoothed out, as needed? Can we ensure that the Japanese knotweed does not mobilize within Mine Brook?

Recommend approval with Negative Determination.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 4 Cohasset Way

This MBZA is an after-the-fact filing for tree removal within the 100-foot Buffer Zone. Work was completed conservatively and reflects what would have been approved had the Applicant asked permission before filing. Stump was left in place. Recommend approval.

2.2 Permit Modifications/Extensions

2.3 Certificates of Compliance

2.4 Violations/Enforcement

2.5 Minutes

2.5.1 June 1, 2023

2.6 Discussion Items

2.6.1 Draft 2023 OSRP/Farmer's Market

Chair & Commission Comments