

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 29, 2023



1.0 Public Hearings

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

Recommendation: Continue to July 13 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.

Applicant provided revised information on June 28. BETA and the Agent has to review. Recommend continuance.

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

Recommendation: Continue to July 13 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.

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

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

Recommendation: Continue per Applicant Request to July 13 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.

BETA provided a review letter on June 27. Applicant and Agent have yet to review. Recommend continuance.

1.4 NOI – 2 Elm Street (CE159-1269)

Recommendation: Approval based on discussion

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.

Revised submissions have yet to be submitted by the Applicant (3:38p 06/29). Revised information should be delivered by the time of the hearing. Recommend approval based on hearing discussion.

1.5 NOI – 100 Financial Park (CE159-1270)

Recommendation: Continue per Applicant Request to July 13 7:04 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. Applicant has yet to review. Recommend continuance.

1.6 NOI – 15 Liberty Way (NO DEP #)

Recommendation: Continue per Applicant Request to July 13 7:05 pm

This public hearing is 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.

BETA and Agent to review the submission further. Recommend continuance.

1.7 NOI – 10 Echo Bridge Road (CE 159-1271)

Recommendation: Continue to July 13 7:06 pm

This public hearing is 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.

The Agent conducted a site visit on June 27 to confirm Resource Area boundaries and the delineation. The delineation is conservative in nature, however the basin to the east was not delineated, and therefore the subsequent Buffer Zone is not reflected on the site plans. The Applicant should GPS the basin and include the onsite Buffer Zone on a revised plan (the 100-foot mark is generally around the edge of lawn). The NOI has yet to be reviewed in its entirety. Recommend continuance.

(NOTE: The Applicant was given the choice to have BETA review the Project to expedite the review timeline considering the Agent’s schedule. The Applicant has yet to respond if they would prefer a BETA review.)

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 4 Fannie Way

This MBZA is an administrative approval for an in-situ 12x12 deck replacement/upgrade partially within the 50- to 100-foot Buffer Zone to BVW (footings sf not provided). For the record, the applicant conducted work outside of a building/conservation permit, and in lieu of an Enforcement Order, they are requesting ratification of an MBZA. Recommend ratification.

2.1.2 16 Chilmark Road

This MBZA is for an in-situ deck replacement/upgrade within the 50- to 100-foot Buffer Zone to BVW (2 sf?). Recommend approval.

2.2 Permit Modifications/Extensions

2.2.1 160 Grove Street CE159-1218

Recommend approval for one year extension. Henep to confirm mailing address for permit.

2.3 Certificates of Compliance

2.3.1 176 Grove Street CE159-1086

Applicant should reseed and/or place barriers on the northern side of the drive (within 25-foot Buffer Zone) to prevent truck traffic from degrading the vegetation/causing more vegetation erosion. Recommend approval.

2.3.2 84 Populatic Street

Need to discuss conditions/discussions re: grading on the slope toward Populatic Pond. The Applicant removed vegetation, graded, and added a shallow stone wall (single level) to the slope, backfilled with mulch, and added salvia (Lamiaceae spp.), which is a mint (i.e., highly aggressive and opportunistic). Based on meeting minutes and conditions, nothing past the deck toward the Pond was proposed to be altered.

Ideally, the salvia would be removed and native vegetation restored. Open to discussion.

2.4 Violations/Enforcement

2.4.1 305 Union Street

2.5 Minutes

2.5.1 June 15, 2023

2.6 Discussion Items

2.6.1 121 Grove Street Test Pits

Chair & Commission Comments – Aug 16 OSRP Town Council