

# 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:** July 13, 2023



### 1.0 Public Hearings

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

***Recommendation: Continue to July 27 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).

BETA provided a review letter on July 12. Agent and Applicant have yet to review/provide a response. Recommend continuance.

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

***Recommendation: Continue to July 27 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 NOI – Maplegate Solar North (CE 159-1268)

***Recommendation: Continue to July 27 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 has yet to provide a response. Recommend continuance.

#### **1.4 NOI – 100 Financial Park (CE159-1270)**

***Recommendation: Continue to July 27 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.

BETA submitted a review letter June 13. Applicant has yet to review. Recommend continuance.

#### **1.5 NOI – 15 Liberty Way (NO DEP #, dependent on redelineation/confirmation of resource areas)**

***Recommendation: Continue to July 27 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 areas.

BETA provided a review letter on July 10. Please defer to Jon Niro (BETA) to provide an overview on non/jurisdictional resource areas. Agent and Applicant have yet to review/provide a response. Recommend continuance.

#### **1.6 NOI – 10 Echo Bridge Road (CE 159-1271)**

***Recommendation: Continue to July 27 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. Note that during the review, the Agent noted vegetation dumping within the Buffer Zone to BVW. 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. Local Bylaw and Regulation deficiencies to date include:

- Incorrect scale (should be 40’=1” or larger)
- No PLS stamp on the plans
- Resource areas and Buffer Zones should be accurately shown
- Construction sequence – stockpiles should be outside the Buffer Zone to the best extent practicable
- Plans do not include abutting property assessor’s reference

Agent may have additional comments at the time of the hearing. 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.)

### **1.7 NOI – Lot 1A Prospect Street**

#### ***Recommendation: Continue to July 27 7:07 pm***

This public hearing is the first for a Notice of Intent for a proposed single family home, with associated private well, septic system, driveway, landscaping, infrastructure, and site grading. A portion of the proposed work is located within the 200-foot Riverfront Area (RFA), including the house, private well, and site grading.

Approximately 4,350 sf of alteration is proposed within the 25- to 100-foot Buffer Zone. Approximately 4,312 sf of “degraded RFA” and 4,490 sf of “non-degraded RFA) will be impacted by the proposed work. The Applicant proposes to restore approximately 4,190 sf of degraded RFA (2.8:1 ratio). Proposed restoration of degraded RFA include the removal of a concrete block, removal of stockpile debris, grading to reduce slope, placement of topsoil, seeding with native upland herbaceous mix, and planting of native woody species (upland saplings, native shrubs).

The site plan does not show the local Buffer Zones to BVW nor does the narrative reflect impacts to each of the Buffer Zones, so it is difficult to determine approximate impacts per each Zone. The narrative does state that the work will occur outside of the 25-foot “No Touch”. Commissioners note Section 4.4 of the local Regulations for structures/impervious surfaces within the 25- to 50-foot Buffer Zone. Local Bylaw and Regulation deficiencies to date include:

- Incorrect scale (should be 40’=1” or larger)
- Current and proposed topo not shown and/or labeled
- Existing veg, including turf lawn areas, cultivated herbaceous and wood plant areas, uncultivated fields, scrub and woodland areas, and woody plants larger than 1” diameter at the base proposed to be removed not shown
- The narrative states that the E/S controls are upgradient from the non-degraded RFA, but the plans show that they are downgradient. E/S controls should be placed on the outer edge of the limit of work, therefore E/S controls should be shown on the outer limits of the degraded RFA, given that the degraded RFA is proposed to be restored.
- Planting list/restoration details on plan
- The narrative states straw bales and silt fences are to be used, but the plan shows compost socks. Applicant should confirm and note that straw bales are not an allowed use.
- RFA Alternative Analysis missing
- Water quality statement missing

Please note that an update site plan was only submitted July 12. BETA and Agent have yet to review further. Recommend continuance.

**1.8 ANRAD – Veterans Memorial Drive/Franklin Ridge**

***Recommendation: Continue to July 27 7:08 pm***

This public hearing is the first for an Abbreviated Notice of Resource Area Delineation at the Town owned property off Veterans Memorial Drive. The Applicant identified two Isolated Vegetation Wetlands (IVW), and one Bank of an Intermittent Stream channel with an associated BVW. No other resource areas or jurisdictional overlays were found.

This ANRAD is being reviewed in house. The Agent has yet to finish a field review and review the ANRAD in its entirety. Recommend continuance.

**2.0 General Business**

**2.1 Minor Buffer Zone Activities**

**2.2 Permit Modifications/Extensions**

**2.3 Certificates of Compliance**

**2.4 Violations/Enforcement**

**2.5 Minutes**

**2.5.1 June 15, 2023**

**2.6 Discussion Items**

**Chair & Commission Comments**