

# 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:** August 10, 2023



### 1.0 Public Hearings

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

***Recommendation: Continue per Applicant Request to August 10 7:01 pm***

This public hearing is for a Notice of Intent (NOI) 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).

Applicant requested continuance. Recommend continuance.

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

***Recommendation: Continue per Applicant request to August 10 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. Applicant requested continuance. Recommend continuance.

#### 1.3 NOI – Maplegate Solar North (CE 159-1268)

***Recommendation: Continue to August 10 7:03 pm***

This public hearing is for an NOI 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 a response on Friday, July 21. Agent and BETA have yet to review. Recommend continuance.

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

***Recommendation: Continue to August 7:04 pm***

This public hearing is for an NOI 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.

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

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

***Recommendation: Continue per Applicant request to August 10 7:05 pm***

This public hearing is for an NOI 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.

Applicant requested continuance until after a Commission site walk is scheduled. Recommend continuance.

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

***Recommendation: Continue to August 10 7:06 pm***

***Approval form not prepared, will need to sign at the next meeting***

This public hearing is for an NOI 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 Applicant has yet to present to the Conservation Commission, however revised information was submitted July 25 and reviewed by the Conservation Agent. All deficiencies were met, except for a correct scale (1”=40ft) on site plans. If the Commission is comfortable approving a project the same night as their initial presentation by an Applicant, including the last remaining deficiency, recommend approval with standard special conditions: 20, 22, 24, 27, 28, 29, 30, 33, 34, 35, 37, 38, 39, 40, 44, 46, 47, 51, and 52: The property owner shall not backwater or discharge chlorinated water downgradient toward Resource Areas.

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

***Recommendation: Continue to August 10 7:07 pm***

This public hearing is for an NOI 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).

A site walk is occurred the morning of July 27 with the Applicant, BETA, and Agent. No new information has been submitted. Recommend continuance.

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

***Recommendation: Continue per Applicant to August 10 7:08 pm***

This public hearing is for an ANRAD 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.

The Agent completed their site review July 20; ANRAD submission review still pending. The Agent and Applicant have a site walk scheduled for Tuesday, August 1. The Applicant requested a continuance. Recommend continuance.

### **1.9 NOI – 0 Upper Union Street Solar**

***Recommendation: Continue to August 10 7:09 pm***

***Applicant has outstanding local filing fees***

***BETA yet to provide scope & fee***

This public hearing is the first for a NOI for a proposed solar development project at 0 Upper Union Street including perimeter fencing, photovoltaic solar panels, racking systems, inverters, transformers with association concrete pads, above and below ground utilities, stormwater facilities, and gravel access road. The site is currently vacant and primarily forested. Work is proposed within the 100-foot Buffer Zone, specifically 308 sf within the 0- to 25-foot; 13,496 sf within the 25- to 50-foot; 20,119 sf within the 50- to 100 foot, for a total of 33,923 sf. The Applicant is proposing 616 sf of mitigation for proposed work within the 0- to 25-foot Buffer Zone.

Site conditions and NOI filing yet to be reviewed by Agent or BETA. Recommend continuance.

### **1.10 RDA– 121 Grove Street**

***Recommendation: Continue to August 10 7:10 pm***

This public hearing is the first for a Request for Determination of Applicability at the 121 Grove Street property. The Applicant is seeking to conduct test pits for a Zoning Board of Appeals filing. Note that this work is exempt under the WPA (310CMR10.02(2)(b)(2)(g)), but not exempt under the local Bylaw and associated Regulations (Chapter 181-2(a), Chapter 181-4(a), Chapter 271-13). The Applicant is seeking a Negative Determination (approval) to conduct the work.

A review of the submission showed that the plan provided does not include all Resource Areas previously identified in the existing ORAD for the property. Per the ORAD, onsite intermittent streams are to be delineated in any future permit filing. The Applicant should delineate these streams to 1) demonstrate that no adverse impacts to these streams or their associated buffers will occur and 2) have a complete site plan. Considering that BETA

was the original lead on this Project, it is recommended that the Commission request BETA to peer review this filing and delineation.

Recommend continuance.

#### **1.11 ANRAD – 124-126 Grove Street**

*Recommendation: Continue to August 10 7:11 pm*

*BETA yet to provide scope & fee*

*Existing site violation requiring mitigation*

This public hearing is the first for an ANRAD at 124 and 126 Grove Street. The Applicant identified one BVW, Intermittent Stream, and Bank within existing stormwater basins. The Applicant is seeking clarification on whether these areas are jurisdictional under the WPA and/or local Bylaw and associated Regulations.

Site conditions and ANRAD filing yet to be reviewed by Agent and/or BETA. Recommend continuance.

### **2.0 General Business**

#### **2.1 Minor Buffer Zone Activities**

#### **2.2 Permit Modifications/Extensions**

#### **2.3 Certificates of Compliance**

##### **2.3.1 803 Washington Street**

Recommend approval.

#### **2.4 Violations/Enforcement**

##### **2.4. 305 Union Street**

Recommend 30 day extension.

#### **2.5 Minutes**

##### **2.5.1 June 29, 2023**

##### **2.5.2 July 13, 2023**

#### **2.6 Discussion Items**

### **Chair & Commission Comments**