

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



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

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

Recommendation: Continue per Applicant Request to October 5 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 to October 5. Recommend continuance.

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

Recommendation: Continue per Applicant request to September 7 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 to September 7. Recommend continuance.

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

Recommendation: Continue to August 24 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.

BETA provided a response on August 9. Applicant has yet to review. Recommend continuance.

1.4 NOI – 100 Financial Park (CE159-1270)

Recommendation: Continue to August 24 per Applicant request 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. Applicant requested continuance to August 24. Recommend continuance.

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

Recommendation: Continue per Applicant request to August 24 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.

Agent and BETA identified 100-foot Buffer Zone to BVW onsite, requiring DEP filing.

Applicant requested continuance to August 24. Recommend continuance.

1.6 NOI – Lot 1A Prospect Street

Recommendation: Continue per Applicant request to August 24 7:06 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).

BETA submitted a peer review letter August 9. Applicant and Agent have yet to review. Applicant requested continuance to August 24. Recommend continuance.

1.7 ANRAD – Veterans Memorial Drive/Franklin Ridge

Recommendation: Continue to August 24 7:07 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 identified an IVW just past Irondequoit during site review. The Applicant submitted revised information August 10. The Agent has yet to review. Recommend continuance.

1.8 NOI – 0 Upper Union Street Solar

Recommendation: Continue to August 24 7:08 pm

Applicant has outstanding local filing fees

This public hearing is 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 and/or BETA. Agent may updated review at the time of the meeting. Recommend continuance.

1.9 RDA– 121 Grove Street

Recommendation: Continue per Applicant Request to August 24 7:09 pm

This public hearing is 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.

Applicant requested continuance to August 24. Recommend continuance.

1.10 ANRAD – 124-126 Grove Street

Recommendation: Continue to August 24 7:10 pm

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

2.1.1 4 Harborwood Drive

This MBZA is for a proposed residential addition (approximately 484 sf) within existing disturbed lawn within the 50- to 100-foot Buffer Zone to BVW, and 200-foot Riverfront Area. This MBZA is de minimis in nature and is subject to exemption under 310 CMR 10.02(2)(b)(1) and (2)(e).

Note that upon site inspection, the Agent noticed a substantial amount of fill and vegetative debris within the limits of the BVW. The Agent communicated to the Applicant that the fill and debris needs to be removed prior to a building permit approval.

Recommend approval with the above stated condition.

2.2 Permit Modifications/Extensions

2.2.1 Chestnut Senior Village CE159-1180

The Applicant is requesting a three year extension due to COVID related supply chain issues and building costs. Commissioners note that in past extensions have been granted in one year increments. Given that work has yet to even begin on this project, it is recommended that the full three year extension is granted. Recommend three year extension.

2.3 Certificates of Compliance

2.3.1 79 Grove Street

During site inspection, a modest amount of fill and vegetative debris (from ground crews) past the retaining wall to the east was noted, in addition to car parts (mirrors, trailer hitch, etc.) and a collapsed silt fence (cannot be removed until Agent sign off). Possible work is also being performed on vehicles within the 100-foot Buffer Zone which is non-compliant with previously approved Conditions. Recommend denial until these issues can be resolved.

2.4 Violations/Enforcement

2.5 Minutes

2.5.1 July 27, 2023

2.6 Discussion Items

Chair & Commission Comments – Rex ☺