

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: September 5, 2023



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

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

Recommendation: Continue to September 21 7:01 pm

RJ abstain from voting

Applicant yet to provide Certified Mail/Return Receipt for abutter notification to Conservation (i.e., green cards) – must provide prior to project approval – scanned copies ok

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. The Commission voted to continue the hearing to August 22 at the last Commission meeting (August 10). The Commission requested the Applicant submit additional information for/prior to the August 22 meeting.

Applicant has outstanding BETA fees; scope sent August 21. Recommend continuance for Applicant to provide funds to continue review.

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

Recommendation: Continue per Applicant request to September 21 7:02 pm

Applicant yet to provide Certified Mail/Return Receipt for abutter notification to Conservation (i.e., green cards) – must provide prior to project approval – scanned copies ok

This public hearing is for an Abbreviated Notice of Intent (ANRAD) at 1 Paddock Lane. Onsite wetland resources identified include one Bordering Vegetated Wetland (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 – 100 Financial Park (CE 159-1270)

Recommendation: Continue to September 21 7:03 pm

Applicant yet to provide Certified Mail/Return Receipt for abutter notification to Conservation (i.e., green cards) – must provide prior to project approval – scanned copies ok

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.

BETA submitted a review letter August 16. The Applicant responded and met all outstanding comments, sans requirements for state and local stormwater standards. Recommend continuance until these standards are met.

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

Recommendation: Continue to September 21 7:04 pm

Applicant yet to provide Certified Mail/Return Receipt for abutter notification to Conservation (i.e., green cards) – must provide prior to project approval – scanned copies ok

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.

Revised information has yet to submit revised information. Recommend continuance.

1.5 NOI – Lot 1A Prospect Street (CE 159-1272)

Recommendation: Continue per Applicant request to September 21 7:05 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 visit was conducted on August 29. The Applicant agreed to revise information per Agent and BETA recommendations. Applicant has yet to submit revised information and requested a continuance. Recommend continuance.

1.6 ANRAD – Veterans Memorial Drive/Franklin Ridge (CE 159-1273)

Recommendation: Approval with specific findings

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.

Recommend approval with specific findings (to be discussed at the meeting).

1.7 NOI – 0 Upper Union Street Solar

Recommendation: Continue to September 21 7:07 pm

Applicant yet to provide Certified Mail/Return Receipt for abutter notification to Conservation (i.e., green cards) – must provide prior to project approval – scanned copies ok

Applicant has outstanding local filing fees – must be paid prior to project approval

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.

A site visit is tentatively scheduled with the Applicant, BETA, and Agent for the week of September 11. No new information has been submitted otherwise. Recommend continuance.

1.8 RDA– 121 Grove Street

Recommendation: Continue to September 21 7:08 pm

Applicant yet to provide Certified Mail/Return Receipt for abutter notification to Conservation (i.e., green cards) – must provide prior to project approval – scanned copies ok (RDAs require Abutter Notification per Franklin Town Code Chapter 4 Section 4-15)

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 has yet to provide payment for BETA review. Recommend continuance.

1.9 ANRAD – 124-126 Grove Street (CE 159-1274)

Recommendation: Continue to September 21 7:09 pm

Existing site violation requiring mitigation

This public hearing is 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.

BETA submitted a review letter on August 29. Letter yet to be reviewed by Applicant. A BETA/Agent/Applicant site visit is tentatively scheduled for September 18. Recommend continuance.

1.10 NOI – 3 Mount Street (NO DEP #)

Recommendation: Continue to September 21 7:10 pm

This public hearing is the first for an NOI at 3 Mount Street (four lots total). Proposed work includes the construction of a single family home with associated garage, driveway and private well on Lot 4. Additional activities include the installation of individual septic tanks and an associated gravity sewer main that will discharge to a shared septic system on Lot 2 for Lots 1-3. Per the Applicant, onsite jurisdictional resources include BVW and the 100-foot Buffer Zone to BVW; with work proposed within the 25- to 50-foot Buffer Zone (850 sf, Lot 1) and 50- to 100-foot Buffer Zone (17,300 sf, Lots 1-4).

BETA conducted a site visit on August 31; and the Agent conducted a site visit on September 6 (after the issuance of this report). Details of the site visit to follow at the Commission meeting. Recommend continuance.

1.11 NOI – 122 and 138 East Central Street (NO DEP # REQ – Local Filing Only)

Recommendation: Continue to September 21 7:11 pm

This public hearing is the first for an NOI at 122 and 138 East Central Street. Proposed works consists of the redevelopment of a parking area, landscaping included, within the 100-foot Buffer Zone to IVW (locally jurisdictional) for a total of 7,327 sf of impacts. Specific Buffer Zone impacts forthcoming.

Agent and BETA have yet to review. Recommend continuance.

2.0 General Business

2.1 Minor Buffer Zone Activity

2.2 Permit Modifications/Extensions

2.3 Certificates of Compliance

2.4 Violations/Enforcement

2.5 Minutes

2.5.1 August 22, 2023

2.6 Discussion Items

Chair & Commission Comments