

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts  
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## Conservation Commission

**To:** Franklin Conservation Commission  
**From:** Breeka Li Goodlander, CWS, PWS, CERPIT  
**Re:** Conservation Agent Report  
**Date:** September 21, 2023



**NOTE: PLEASE SPEAK INTO YOUR MIC**

### 1.0 Public Hearings

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

*Recommendation: Approve with Conditions*

*RJ, MR abstain from voting*

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 met all outstanding requirements, except for delineating onsite resources. The decision to require delineation of onsite resources is deferred to the Commission. Given that the entirety of work is within the ingress and egress of the pond, and not within its upland landscape, orthoimagery is a practical alternative for determining resource boundaries. Recommend approval of NOI and Variance with Conditions:

- SSC #23 Written Conformance Report
- SSC #24 Work Performed According to Plan
- SSC #25 Referencing Order of Conditions
- SSC #26 Provision of Plans and Order of Conditions
- SSC #27 Approved Changes
- SSC #28 Notification Prior to Work
- SSC #29 Right to Impose Additional Conditions

- SSC #30 Errata as Changes
- SSC #31 Compliance Contact Information
- SSC #36 Cleaning Vehicles
- SSC #37 Remedy Upon Problem Identification
- SSC #48 No Refueling
- SSC #49 Emergency Repairs
- SSC #50 Leaks and Spills
- SSC #52: The Applicant shall aim to meet at least a 30% coverage of native aquatic plant species.
- SSC #53: The Applicant shall provide a revised volume of herbicide use to the Conservation Agent and Commission based on the provided application rates and areas to be treated.
- SSC #54: The Applicant shall provide the MSDS and product label for Fluridone (Sonar) to the Conservation Agent prior to the start of work.
- SSC #55: The Applicant shall provide a BMP plan to reduce overall nutrient load to the aquatic system to the Conservation Agent and Commission by March 1, 2023 for approval prior to the next growing season.
- SSC #56: The Applicant shall conduct three rounds (spring, summer, fall) of baseflow sampling and one stormflow sampling event. These baseflow samples will be collected from four locations (inlet, mid-pond, mid-pond deep, and outlet). The stormflow samples will be taken from primary tributaries to the pond during the first flush of a storm event.
- SSC #57: The Applicant shall provide monthly survey reports, including vegetation data, to the Conservation Agent and Commission.
- SSC #58: The Applicant shall avoid treatment early in the growing season, and only occur when weather conditions are appropriate (i.e. dry weather, calm winds) and application rates should remain consistent with the recommended rates for the product. Should the Applicant need to treat early in the growing season, the Applicant shall immediately contact the Conservation Agent.

Possible Conditions to meet BMP necessity: SSC #42 No Rock Salt, SSC #43 No Fertilizers

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

***Recommendation: Continue per Applicant request to October 5 7:01 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 October 5 7:02 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.

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 October 5 7:03 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.

BETA submitted a revised response to newly submitted information on September 21. Agent or Applicant yet to review. Recommend continuance.

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

***Recommendation: Continue to October 5 7:04 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. Revisions include a revised site plan with revised degraded RFA boundaries and RFA calculations; reduced limit of lawn; proposed e/s controls and stockpile locations; e/s control narrative; proposed monitoring and reporting plan; construction sequence; NOI For 3; mapping; VP statement; functions and characteristics statements; “avoid, minimize, and mitigate” language, and alternative analysis.

BETA required an amended scope to continue the review. Amended scope paid September 20. BETA and Agent yet to continue review. Recommend continuance.

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

***Recommendation: Continue per Applicant request to October 5 7:05 pm***

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 following weeks. No new information has been submitted otherwise. Recommend continuance.

## **1.7 RDA– 121 Grove Street**

***Recommendation: Continue per Applicant request to October 5 7:06 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.

## **1.8 ANRAD – 124-126 Grove Street (CE 159-1274)**

***Recommendation: Continue per Applicant request to October 5 7:07 pm***  
***Existing site violation requiring mitigation***

***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 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 and a site visit occurred on September 18. The Applicant will be submitted revised information, including additional soil information for the southernmost basin and flag numbers. Recommend continuance.

#### **1.9 NOI – 3 Mount Street (NO DEP #)**

***Recommendation: Continue to October 5 7:08 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). BETA submitted a peer review letter on September 21, 2023. Letter yet to be reviewed by Agent or Applicant. Recommend continuance.

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

***Recommendation: Continue per Applicant request to October 5 7:09 pm***

This public hearing is 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 of which 457 sf is within the 0- to 25-foot Buffer Zone (reduction of 204 sf), 1,692 sf is within the 25- to 100-foot Buffer Zone, and 5,178 sf within the 50- to 100-foot Buffer Zone (reduction of 32 sf within the 0- to 50-foot Buffer Zone).

BETA submitted a peer review letter September 6. Outstanding items including inlet protection measure, depiction of the stockpile locations, location and BMPs of invasive plant species. Additionally the Applicant is encouraged to consider a different native tree due to the predominance of Dutch Elm Disease and provide a proposed native seed mix for naturalized areas. Lastly, as it relates to local bylaw, the Applicant should provide a construction sequence and schedule, clarify the purpose of the variance request (i.e., 0- to 25-foot Buffer Zone) and provide an alternatives analysis for improvements within the 0- to 25-foot Buffer Zone, and vernal pool statement. Local bylaw does state that the Commission can require additional mitigation offsets (e.g., further reductions in impervious area or installation of additional plantings) due to more than 30% of the Buffer Zone being proposed as impervious. The proposed impervious areas are currently also impervious. Also pursuant to the Town of Franklin Best Development Guidebook the Applicant should consider, or the Commission should condition, applicable stormwater management BMPs.

Recommend continuance.

**1.11 ANRAD – Tri-County Regional Vocational Technical High School (NO DEP # REQ – Local Filing Only)**

***Recommendation: Continue to October 5 7:10 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 the first for an ANRAD at 147 Pond Street (Tri-County Regional Vocational High School). The Applicant is seeking verification of four proposed BVWs, two proposed IVWs, and subsequent Buffer Zones.

Agent and BETA have yet to review. Recommend continuance.

**1.12 NOI – 230 Grove Street (NO DEP #)**

***Recommendation: Continue to October 5 7:11 pm***

***Applicant yet to provide payment for BETA review***

This public hearing is the first for an NOI at 230 Grove Street for unpermitted stormwater improvements (531 sf) within the 200-foot RFA. Unpermitted work included the filling on an existing swale, installation of a drainage pipe, and reconstruction of an existing riprap area. Only a portion of the pipe and riprap area are located within the RFA. Additional stormwater improvements, such as an infiltration system, is yet proposed. The Applicant has provided an alternative analysis based on the current impervious surface within the 0- to 50-foot Buffer Zone:

1. The swale could be re-constructed and portion of the pipe removed.
2. The site could be left as is.

Agent and BETA have yet to review further. Recommend continuance.

**2.0 General Business**

**2.1 Minor Buffer Zone Activity**

**2.2 Permit Modifications/Extensions**

**2.3 Certificates of Compliance**

**2.3.1 Lot 1A Earls Way SE159-670**

The Applicant is seeking relief from expired, historic Conditions (1993). Site conditions are as conditioned. Recommend approval.

**2.3.2 Chestnut Street Park SE159-352**

The Applicant is seeking relief from expired, historic Conditions (1993). Site conditions are as conditioned. Recommend approval.

**2.4 Violations/Enforcement**

**2.4.1 305 Union Street**

Recommend extension.

## **2.5 Minutes**

**2.5.1 September 7, 2023**

## **2.6 Discussion Items**

### **Chair & Commission Comments**

**Possible internship – B.S. in Zoology**

**Town Council OSRP Resolution**

**Master Plan Liaison Comments**

**Farmers Market**