

To: Franklin Conservation Commission
From: Breeka Li Goodlander, CWS, PWS, CERPIT
Re: Conservation Agent Report
Date: October 5, 2023



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

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

Recommendation: Continue per Applicant request to October 19 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. Revised flagging has yet to be surveyed. Recommend continuance.

1.2 NOI – 100 Financial Park (CE 159-1270)

Recommendation: Continue per Applicant request to October 19 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.

Their team is still working on meeting stormwater requirements. Recommend continuance.

1.3 NOI – 15 Liberty Way (NO DEP #)

Recommendation: Continue per Applicant request to October 19 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. Revised information has yet to be submitted. Recommend continuance.

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

Recommendation: Approve with Conditions

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.

Two final outstanding items remain to bring the permit into regulatory compliance under the local Bylaw and Regs.

- Pursuant to local Bylaw and Regs, the Applicant has yet to provide a complete Alternatives Analysis for work within the RFA in the format of an RFA Alternatives Analysis under the Act. The Applicant should be or should have provided an Alternatives Analysis prior to or at the time of the public hearing.
- The Applicant has yet to submit a revised WPA Form 3. Recommend conditioning that the Applicant provide one prior to the start of work, if a revised form has not yet been provided at the time of the meeting.

Recommend approval with Conditions. Conditions include:

- SC20 Erosion Control Barriers
- SC21 Extra Siltation Barriers
- SC22 As-Built Plan
- SC23 Written Conformance Reports, including information denoting the success of restoration area plantings, plant cover, and recommendations for corrective actions as necessary.
- SC24 Work Performed According to Plan
- SC25 Referencing Order of Conditions
- SC26 Provision of Plans and Order of Conditions
- SC27 Approved Changes
- SC28 Notification Prior to Work
- SC29 Right to Impose Additional Conditions
- SC30 Errata as Changes

- SC31 Compliance Contact Information
- SC32 Weekly Monitor Reports
- SC33 Use of Clean Fill
- SC34 No Straw Bales
- SC35 Stockpile Maintenance
- SC36 Cleaning Vehicles
- SC37 Remedy Upon Problem Identification
- SC38 Barriers as Limit of Work
- SC39 Limit of Work Marked
- SC40 No Construction Materials
- SC41 Inspections and Disposal of Sediment
- SC44 Removal of Barriers
- SC46 Stockpile Location
- SC47 Removal of Sediment
- SC48 No Refueling
- SC49 Emergency Repairs
- SC50 Leaks and Spills
- SC51 Building Permit Sign Off
- SC52 The Applicant shall schedule and have a pre-construction meeting with the Conservation Agent prior to the start of work.

1.5 NOI – 0 Upper Union Street Solar

Recommendation: Continue per Applicant request to October 19 7:04 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 between the Applicant/Rep, BETA, and Agent occurred September 28. Flagging for the onsite IVW was revised. No new information has been submitted otherwise. Recommend continuance.

1.6 RDA– 121 Grove Street

Recommendation: Continue per Applicant request to October 19 7:05 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.

BETA submitted a peer review letter October 4. Agent and Applicant have yet to review.

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

Recommendation: Continue to October 19 7:06 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 yet to submit revised information. Recommend continuance.

1.8 NOI – 3 Mount Street (CE 159-1275)

Recommendation: Continue to October 19 7:07 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).

The Applicant submitted revised information September 29. Information yet to be reviewed by BETA and Agent in its entirety. Recommend continuance.

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

Recommendation: Approval with Variance Request Approval and Conditions

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).

The Applicant, Rep, BETA and Agent had a work session on September 25. Most outstanding items were addressed either at the meeting and/or since with revised submissions. Current outstanding items include those which must be deferred to the Commission. These items include:

- An invasive species management plan for Japanese knotweed: While, the Applicant has noted that herbicide will be applied to the knotweed and that knotweed debris will be managed in accordance with local, state, and federal laws, a detailed invasive species management plan has not been developed. Recommend conditioning a detailed plan prior to the start of work to ensure that the knotweed is managed in a way that facilitates the establishment of native vegetation.
- Pavement within the 25 to 50-foot Buffer Zone: Pursuant to Chapter 181 Section 4.3, any applicant proposing a project within this Zone shall indicate that there are no impervious areas that would significantly increase runoff; and alteration within this Zone is limited to grading and tree clearing. Stormwater management systems shall be allowed by the Commission based on an Alternatives Analysis and review of design and space limitations. However, areas disturbed prior to June 29, 2006 when there is a pre-existing disturbance and the work proposed is entirely within the disturbed area, of which this property qualifies, the applicant may propose impervious surfaces. Considering that this area is already disturbed and there will be an overall net decrease in impervious area within the entirety of the 100-foot Buffer Zone, including stormwater improvements, it is recommended that the Commission still approve the proposed work within this Zone.
- Alternatives Analysis: the Alternatives Analysis was updated to include an alternative that decreases pavement within the Buffer Zone, noting that it was not selected in order to comply with local parking requirements. The adequacy of the revised Alternatives Analysis is deferred to the Commission.

Recommend approval with Conditions. Conditions include:

- SC20 Erosion Control Barriers
- SC21 Extra Siltation Barriers
- SC22 As-Built Plan
- SC23 Written Conformance Reports, including information denoting the success of restoration area plantings, plant cover, and recommendations for corrective actions as necessary.
- SC24 Work Performed According to Plan
- SC25 Referencing Order of Conditions
- SC26 Provision of Plans and Order of Conditions
- SC27 Approved Changes
- SC28 Notification Prior to Work
- SC29 Right to Impose Additional Conditions
- SC30 Errata as Changes
- SC31 Compliance Contact Information
- SC32 Weekly Monitor Reports
- SC33 Use of Clean Fill

- SC34 No Straw Bales
- SC35 Stockpile Maintenance
- SC36 Cleaning Vehicles
- SC37 Remedy Upon Problem Identification
- SC38 Barriers as Limit of Work
- SC39 Limit of Work Marked
- SC40 No Construction Materials
- SC41 Inspections and Disposal of Sediment
- SC42 No Rock Salt within the 25-foot No Touch
- SC44 Removal of Barriers
- SC46 Stockpile Location
- SC47 Removal of Sediment
- SC48 No Refueling
- SC49 Emergency Repairs
- SC50 Leaks and Spills
- SC51 Building Permit Sign Off
- SC52 The Applicant shall provide an invasive species management plan to the Conservation Agent prior to the start of work to ensure that the knotweed is managed in a way that facilitates the establishment of native vegetation.

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

Recommendation: Continue per Applicant request to October 19 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

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.

No new information has been submitted by BETA. Recommend continuance.

1.11 NOI – 230 Grove Street (CE 159-1276)

Recommendation: Approve with Conditions

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 has had sufficient time to review alongside the Town Engineer. Outstanding comments include:

- The Commission may request the applicant plant native vegetation on the top of slope for the drainage swale and/or surrounding the swale as part of a mitigation planting plan (SC19).
- The Applicant has yet to provide a Vernal Pool statement as required under Chapter 181 Section 7.7. The Applicant was requested to provide one and may have at the time of the meeting.
- The Applicant has yet to provide a construction sequence and schedule as required under Chapter 181 Section 7.15. The Applicant was requested to provide a sequence and schedule and may have at the time of the meeting.
- The Agent defers to the Commission to accept the site plan at a scale of 1"=30' instead of 1"=40' as required Chapter 181 Section 7.18.1.
- The Agent defers to the Commission to consider the adequacy of the provided Alternatives Analysis for RFA.
- The Agent notes that an erosion control plan and erosion control locations were not provided as erosion control is not proposed. The Agent defers to the Commission if they would still prefer erosion control onsite. Based on the proposed work, erosion control may be foregone provided that all stockpiling occurs in the back (northeast) of the property outside of jurisdictional resource areas and the proposed trench is backfilled by the end of every workday.
- Maintenance requirements. The Applicant should continue to provide an OMP to the Town (with Conservation cc'd) to ensure upkeep of the stormwater system to prevent any future impacts to the 100-foot Buffer Zone to BVW, 200-foot RFA, BVW, and Perennial Stream.

Recommend approval with Conditions. Conditions include:

- SC19 Mitigation Planting Plan
- SC22 As-Built Plan
- SC24 Work Performed According to Plan
- SC25 Referencing Order of Conditions
- SC26 Provision of Plans and Order of Conditions
- SC27 Approved Changes
- SC28 Notification Prior to Work
- SC29 Right to Impose Additional Conditions
- SC30 Errata as Changes
- SC31 Compliance Contact Information
- SC33 Use of Clean Fill
- SC35 Stockpile Maintenance
- SC37 Remedy Upon Problem Identification
- SC39 Limit of Work Marked, including the extent of the 200-foot Riverfront Area
- SC40 No Construction Materials
- SC46 Stockpile Location
- SC47 Removal of Sediment
- SC48 No Refueling

- SC49 Emergency Repairs
- SC50 Leaks and Spills
- SC52 The Applicant shall continue to provide an Operations and Maintenance Plan to the Town of Franklin, including the Conservation Department, in perpetuity to ensure the upkeep of the proposed stormwater system to prevent any future impacts to the 100-foot Buffer Zone to Bordering Vegetated Wetlands, 200-foot Riverfront Area, Bordering Vegetated Wetlands, and Perennial Stream.
- SC53 The Applicant shall provide a Vernal Pool Statement pursuant to Chapter 181 Section 7.7 to the Conservation Agent prior to October 31, 2023.
- SC54 The Applicant shall provide a Construction Sequence pursuant to Chapter 181 Section 7.15 to the Conservation Agent prior to October 31, 2023.

2.0 General Business

2.1 Minor Buffer Zone Activity

2.1.1 3 Natalie Circle

This MBZA was a submission requirement for the Enforcement Order for 3 Natalie Circle. The property owner was required to remove the vegetative debris within BVW (approximately 295 sf), remove the carport with sand/gravel/stone fill within the 0 to 25-foot Buffer Zone, permit for the shipping container (25- 50-foot Buffer Zone), fence (50- to 100-foot Buffer Zone), and shed (50- to 100-foot Buffer Zone). Erroneous tree removal and woody debris and loam stockpiling also occurred within the 0- to 25-foot Buffer Zone.

Since the violation occurred, the property owner has removed the carport, removed several inches of sand/gravel/stone fill, remove the loam stockpile, and removed the woody debris stockpile. Outstanding items continue to include the vegetative debris within BVW and sand/gravel/stone fill. It is recommended the Commission request that the vegetative debris be removed from BVW, the sand/gravel/stone fill continue to be removed, and the property loam and reseed with a native seed mix for impacts within the 0- to 25-foot Buffer Zone. It is also recommended that the Commission continue the MBZA request and extend the existing Enforcement Order 30 days to allow sufficient time for the property owner to become compliant.

2.1.2 16 Oxford Drive

The Applicant is seeking approval to connect a 4” PVC pipe to a proposed catch basin (subsurface in driveway outside of jurisdiction) with the outlet just within the 100-foot Buffer Zone to BVW. No stormwater treatment is proposed given this is a single family home.

Recommend approval with standard MBZA Conditions and special Conditions. Special Conditions include:

- The Applicant install native perennials, such as Carex and Juncus, at the pipe discharge location to act as a pollution barrier to the resource areas beyond.
- The Applicant shall provide a planting plan to the Conservation Agent prior to the completion of installation for the PVC pipe.

2.1.3 393 Prospect Street

The Applicant is seeking approval to remove three trees (deemed hazardous by Agent – not a certified arborist) within the 50- to 100-foot Buffer Zone to BVW and 200-foot RFA. Trunks are proposed to be left in place approximately 5 to 6 feet high for forage and shelter.

Recommend approval.

2.2 Request for Determination of Applicability:

2.2.1 69 Charles River Drive

The Applicant is seeking approval to remove six trees, three of which are deemed hazardous trees (confirmed by Walnut Tree Service). The three hazardous trees are along the boundary of BVW with the remaining three located within the 0- to 25-foot Buffer Zone and 50- to 100-foot Buffer Zone. Stumps are proposed to be left in place, with the trees located on the boundary of BVW to have their trunks left approximately 12 feet high for forage and shelter.

Recommend approval.

2.3 Permit Modifications/Extensions

2.3.1 515 West Central Street

The Applicant is requesting several field changes due to utility and groundwater conflicts. The proposed field changes are as follows:

- **Proposed field change #1**– Due to underground utility conflicts, drain manhole (DMH 20-5 and 20-6) will shift slightly east within the 25- to 50-foot Buffer Zone as shown on the corresponding plan. Please note that DMH 20-5 and 2-6 were previously proposed and approved under the original Order of Conditions in the same general vicinity of proposed disturbance. No impacts to the abutting resource areas are anticipated. The overall change will reduce the length of the drain pipe by 20 feet.
- **Proposed field change #2**– The original underground power feed to the proposed building was to tie into the existing underground utility near Wendy’s to the southeast side of the property. However, upon retaining National Grid to provide power to the site, it was determined that the transformer was not able to provide the service necessary and the transformer in between Midas and the project site would need to be replaced/upgraded and a new electric line would need to be installed. This work is proposed within previously disturbed and/or areas anticipated to be disturbed during construction. No new impacts to the resource areas are anticipated or proposed with the construction of the new underground utility.
- **Proposed field change #3**- Proposed water and sewer services need to be shifted to the northeast approximately 10+/- to avoid utility conflicts and maintain 10’ minimum separation between water and sewer. The proposed water and sewer services were previously approved under the Order of Conditions in the general vicinity and no new or anticipated impacts to the resource areas are anticipated.
- **Proposed field change #4** -The Applicant is proposing to install a 9’ long x 1-’3” wide monument sign at the entrance within the 50- to 100-foot Buffer Zone to BVW. The sign was not originally proposed to be constructed in this area, but is proposed in

an area that will already be disturbed during construction. Therefore, no new or anticipated impacts to the resource areas are proposed.

The Applicant should clarify the substrate/proposed vegetation around the monument sign and total linear feet/sf of impacts within each Buffer Zone. Native perennials are recommended surrounding the monument sign, if revegetating.

Recommend approval.

2.4 Certificates of Compliance

2.4.1 79 Grove Street SE159-868

Recommend approval. Applicant has cleaned the Buffer Zone and has confirmed that they do not work on machines within the Buffer Zone.

2.5 Violations/Enforcement

2.6 Minutes

2.6.1 September 21, 2023

2.7 Discussion Items

Chair & Commission Comments

Master Plan Liaison Comments

Fall Events – Touch a Truck, ConCom?, MACC

Commissioner Q&A October 19

BG Schedule