

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts  
02038-1352



(Phone) 508-420-4929  
www.franklinma.gov

## Conservation Commission

**To:** Franklin Conservation Commission  
**From:** Breeka Li Goodlander, CWS, PWS, CERPIT  
**Re:** Conservation Agent Report  
**Date:** November 2, 2023



**NOTE: PLEASE SPEAK INTO YOUR MIC**

### 1.0 Public Hearings

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

**Recommendation: Continue to November 16 7:01 pm**

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 to November 2 7:02 pm**

This public hearing is for a Notice of Intent (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.

Applicant has met all outstanding items and provided documentation demonstrating compliance with Massachusetts stormwater standards. Recommend approval with Special Conditions: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, and 51.

#### 1.3 NOI – 15 Liberty Way (NO DEP #)

**Recommendation: Continue to November 16 7:02 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.

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Agent and BETA identified 100-foot Buffer Zone to BVW onsite, requiring DEP filing. Revised information has yet to be submitted. Applicant did have a site walk with DPW – Water & Sewer to discuss potential replication/restoration within the onsite sewer easement. DPW agreed to planting/seeding low herbaceous (mowable) groundcover, but no woody vegetation.

The Applicant has filed with DEP and submitted hardcopies on November 1. BETA and Agent have yet to review. Recommend continuance.

### 1.4 NOI – 0 Upper Union Street Solar (CE 159-1281)

***Recommendation: Continue per Applicant request to November 16 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.

DEP has submitted comments:

The applicant should confirm that the detention basin will drain within 72 hours of precipitation events. The Cultec infiltration system should be clearly labelled on the Site Plans, and the applicant should verify that there is adequate separation (>4' or >2' with mounding calculations) between the bottom of the system and mean annual high groundwater.

A seed mix comprised of a diversity of native herbaceous species, sufficient topsoil, and infrequent mowing are recommended beneath the array.

Many solar arrays in Massachusetts experience erosion problems during construction. Phasing of the project, extra erosion control measures, and frequent monitoring are recommended to prevent erosion problems, particularly in areas with steep slopes, stony soils, or where panel configurations can cause gullies to form at the driplines.

No new information has been submitted otherwise. Recommend continuance.

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

***Recommendation: Continue per Applicant request to November 2 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.

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

***Recommendation: Continue per Applicant request to November 2 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***

This public hearing is 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.

BETA submitted new information on October 13. Based on Agent and BETA review, there are significant portions of the solar array field which appear to be wetland resources and are jurisdictional either strictly under the WPA or both the WPA and local Bylaw and associated Regulations (please see BETA review dated October 13, 2023). A site visit is tentatively scheduled to occur to review onsite resources in the following week. Recommend continuance.

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### 1.7 NOI – 0 Bent Street (NO DEP#)

***Recommendation: Continue to November 16 7:07 pm***

This public hearing is for an NOI located at 0 Bent Street. Proposed work includes the construction, operation, and maintenance of a telecommunications facility and associated access within the 0- to 25-foot, 25- to 50- foot, and 50- to 100-foot Buffer Zones to BVW and Vernal Pool (see Section 4.0 of the NOI submittal). The telecommunications facility itself is outside of resource areas. Other nearby resources include BVW and potential ILSF (unconfirmed and improbable at this time). Total proposed sf impact is 8,545 sf.

BETA conducted a site visit October 23. BETA yet to submit peer review letter. Recommend continuance.

### 1.8 NOI – 100 Populatic Street

***Recommendation: Continue to November 16 7:08 pm***

This is the first public hearing for an NOI at 100 Populatic Street. Proposed work includes landscape and hardscaping, including the construction and installation of multiple planting beds, stone paves, meandering paths, landscape boulders, and other aesthetic stone features. Proposed work also includes the construction of a retaining wall and associated concrete landing and grading (see Section 2.0 of NOI submittal for more details). Jurisdictional resources include the 100-foot Buffer Zone to Bordering Vegetated Wetlands, Bordering Land Subject to Flooding (115 sf impact), and Populatic Pond. No work is proposed to raise BLSF elevation.

The Applicant has requested that this be reviewed internally, as is always offered by the Agent for residential projects. The Agent has communicated to the Applicant that while the project can be reviewed internally without outside consult, the permitting timeline for review may be longer than anticipated. The Agent and Applicant met onsite to review existing conditions on October 17. The delineation is conservative in nature and no flags were in need of revising. The Agent raised potential concerns on the original planting plan provided. The initial planting plan showed a majority of non-native, aggressive Japanese species and it was recommended the Applicant/Property Owner consider native plants for habitat/wildlife benefits and soil stability. Based on this conversation, the Applicant submitted a revised planting plan and an Invasive Species Management Plan on October 25. The Applicant has not submitted an impact summary form.

Agent has yet to review revised submission and original NOI filing in length. The review is anticipated to be complete early next week. To expedite the review, the Agent recommends a work session with the Applicant after the desktop review to more efficiently communicate recommendations.

Recommend continuance to November 16.

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### 2.0 General Business

#### 2.1 Minor Buffer Zone Activity

#### 2.2 Permit Modifications/Extensions

#### 2.3 Certificates of Compliance

#### 2.4 Violations/Enforcement

##### 2.4.1 3 Natalie Circle

Since the last meeting for this project, the Applicant was able to remove all of the fill within the BVW and excavate down to native soils within the carport area. The Applicant backfilled the excavated area with clean loam and on October 18, the Agent recommended Conservation/Wildlife Mix for seeding. The Agent has not yet heard back from the Applicant on if seeding occurred. Please confirm if seeding occurred. If so, the Enforcement Order may be closed out and it is recommended that the Commission condition two years of monitoring by the Applicant and with Agent approval for successful restoration. If the Applicant has not yet seeding, recommend continuing and strongly encouraging the Applicant seed in the next week for successful germination/overwintering

#### 2.5 Minutes

##### 2.5.1 October 5, 2023

##### 2.5.2 October 19, 2023

#### 2.6 Discussion Items

### Chair & Commission Comments

- Friends of Franklin Conservation
- Cider & Stroll
- Master Plan Liaison Update
- 2024 Draft Schedule