

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 16, 2023



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

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

Recommendation: Continue to November 30 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 – 15 Liberty Way (NO DEP #)

Recommendation: Continue to November 30 7:02 pm

Additional scope and fee yet to be paid to continue review

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. 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.

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

Recommendation: Continue per Applicant request to November 30 7:03 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.

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

Recommendation: Continue per Applicant request to November 30 7:04 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.

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The Applicant is seeking clarification on whether these areas are jurisdictional under the WPA and/or local Bylaw and associated Regulations.

Applicant submitted a soil analysis, as requested by BETA and Agent, on November 14. Agent and BETA yet to review. Recommend continuance per Applicant request.

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

Recommendation: Continue per Applicant request to November 30 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

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 occurred on November 14 to review potential BVW and VP areas. Four flags were shifted. Applicant to confirm regulatory compliance of onsite stormwater systems to determine state jurisdictional status of abutting wetlands. Applicant yet to respond to peer review letter, including Agent and DEP comments. Recommend continuance per Applicant request.

1.6 NOI – 0 Bent Street (159-1280)

Recommendation: Continue to November 30 7:06 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 submitted a peer review letter on November 14. Agent and Applicant yet to review. Recommend continuance.

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1.7 NOI – 100 Populatic Street (NO DEP #)

Recommendation: Continue to November 30 7:07 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 reviewed submission and identified several deficiencies including:

- Sec 8 Functions and Characteristics Statement “Water Pollution Control” states no chemical pollution, however the IVMP mentions herbicide treatment for knotweed. Applicant revised and comment addressed.
- Applicant should submit a construction schedule and sequence. This can be conditioned upon approval.
- Applicant should clarify if the IVMP is a Mitigation Plan, as identified under the local Bylaw.
- Applicant should clarify knotweed treatment and best management practices to avoid treatment during rain events, “pond bounce”, etc.
- Applicant should consider jute mesh for additional erosion/control on the slope.
- Applicant should confirm that NE Wildlife/Conservation Mix is a suitable seed mix for the slope and not a more traditional slope mix.
- Applicant should add the 100-foot Buffer Zone to BLSF, 100-foot Buffer Zone to Bank, E/S control specs, construction and sequence, and topo to final plan.

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Applicant submitted revised information and plans on November 9 and November 14, respectfully. Agent yet to review at the time of this Agent report. Conservation Commission should not approve until a DEP # is issued, regardless. Recommend continuance for DEP # to November 30.

1.8 OOC Amendment – 137 Mastro Drive (CE159-1230)

Recommendation: Defer to Commission based on information provided during the public hearing

This is the first public hearing for an OOC Amendment for the installation of new underground electric and gas utility services within the existing, unpaved driveway. The Applicant is permitting with the Commission because 1) the driveway spans a perennial stream crossing and is located within the Buffer Zone to BVW and 2) new utility installs are not exempt under the Wetlands Protection Act and any work within resource areas are subject to the local Bylaw and associated Regulations.

It is recommended that the Commission confirm scope and work within Mastro Drive, driveway, and upland areas, and any potential erosion controls throughout the entire install location (note: erosion controls are already onsite for existing, previously permitted work), specifically at the stream crossing. The Applicant did not provide a lf impact number for the proposed work given the work is proposed to occur within previously disturbed areas under the pre-existing Order of Conditions.

2.0 General Business

2.1 Minor Buffer Zone Activity

2.1.1 74 Elm Street

This MBZA is for tree removal, several deemed hazardous, within the 50- to 100-foot Buffer Zone to inland Bank/intermittent stream. The Applicant proposed to leave stumps in place and, where applicable, will leave trunks approximately 6' high. All access and work is proposed within existing, disturbed lawn or driveway. Recommend approval once Applicant confirms the number of trees.

2.1.2 84 Palomino Drive

This MBZA is for the installation of a fence (100 lf with 1 sf posts) and shifting of a shed within existing, disturbed lawn and the 50- to 100-foot Buffer Zone to BVW. Applicant should confirm square footage of shed and number of fence posts to determine total sf of impact to Buffer Zone; however all work is assumed to be less than 1,000 sf and de minimis in nature. Recommend approval.

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2.1.3 85 Partridge Street

This MBZA is for tree removal, several deemed hazardous, within the 50- to 100-foot Buffer Zone to BVW. All access and work is proposed within existing, disturbed lawn or driveway. Commission should confirm if the Applicant is amenable to leaving trunks in place, otherwise standards conditions apply (i.e., stumps left in place). Recommend approval once Applicant confirms the number of trees to be removed.

2.2 Request for Determination of Applicability

2.2.1 Flow Devices – Multiple Locations

Agent recused.

2.3 Permit Modifications/Extensions

2.4 Certificates of Compliance

2.4.1 Lot 5 Prospect Street CE159-1238

Recommend approval.

2.4.2 Lot 6 Prospect Street CE159-1239

Recommend approval.

2.5 Violations/Enforcement

2.4.1 305 Union Street

Recommend continuance.

2.6 Minutes

2.6.1 November 2, 2023

2.7 Discussion Items

2.7.1 Purchase Approval - \$5,100 for DelCarte Dam Inspection

Chair & Commission Comments

- Friends of Franklin Conservation Update
- Master Plan Liaison Update
- Accessibility Working Group
- Scheduled Leave