

# 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 30, 2023



**NOTE: PLEASE SPEAK INTO YOUR MIC**

### 1.0 Public Hearings

(NOTE: December 14 7:01 pm scheduled for 1 Paddock Lane)

#### 1.1 NOI – 15 Liberty Way (CE 159-1282)

*Recommendation: Continue to December 14 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. Applicant yet to pay second scope and fee. Recommend continuance.

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

*Recommendation: Continue to December 14 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

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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.

BETA submitted a peer review response on November 30. Agent and Applicant yet to review. Recommend continuance.

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

***Recommendation: Continue per Applicant request to December 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. 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. Applicant yet to provide revised plans. Recommend continuance.

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

***Recommendation: Continue to December 14 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.

Applicant submitted revised information November 27. BETA yet to provide amended scope and fee to continue the review. Agent yet to review revised information.

### **1.6 NOI – 0 Bent Street (159-1280)**

***Recommendation: Continue to December 14 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

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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. Applicant yet to provide revised information. Recommend continuance.

### 1.7 NOI – 100 Populatic Street (CE 159-1283)

#### *Recommendation: Approve with Conditions*

This 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.

DEP has provided a file # and provided three comments:

- The area of proposed invasive species removal should be shown on the site plan. If there will be soil disturbance associated with the invasive species control work, the erosion control line should be placed downgradient from this work.
- An estimate of the approximate volume of created flood storage should be entered into Section B(2)d(4) of the NOI.
- Is Riverfront Area present on this lot per 310 CMR 10.58(2)(a)(1)(e), which has precedence over 310 CMR 10.58(2)(a)(1)(h)? If so, proposed alterations should be quantified in Section B of the NOI, and an additional filing fee may be required.

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The Applicant has provided revised information noting the area of invasive species removal on the site plan, an approximate volume of flood storage (70 cf), and provided burden of proof that the project site is not within RFA.

Recommend approval with Standard Special Conditions: 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 48, and 50.

### **2.0 General Business**

#### **2.1 Minor Buffer Zone Activity**

#### **2.2 Request for Determination of Applicability**

#### **2.3 Permit Modifications/Extensions**

#### **2.4 Certificates of Compliance**

#### **2.5 Violations/Enforcement**

#### **2.6 Minutes**

##### **2.6.1 November 16, 2023**

#### **2.7 Discussion Items**

##### **2.7.1 Purchase Approval – Backyard Ecosystem Education (BEE) Program (75/25 - \$2, 915.25)**

### **Chair & Commission Comments**

- **Friends of Franklin Liaison Update**
- **Master Plan Liaison Update**