

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: December 14, 2023



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

1.1 ANRAD – 1 Paddock Lane

Recommendation: Defer to Commission, Continue or Deny to refile in 2024 due to lack of information

No information has been provided since November 16.

1.2 NOI – 15 Liberty Way (CE 159-1282)

Recommendation: Continue to January 11 7:01 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 still yet to pay second scope and fee. Recommend continuance.

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

Recommendation: Continue to January 11 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.

Since the last meeting, the Applicant provided a revised impact summary form and plans to reflect changes in site access, erosion controls, Bylaw compliance, and the proposed fill and replication of an IVW to BVW. Outstanding items include:

- The project does not yet meet MA Stormwater Management Standards.
- The Applicant still proposes the use of silt fence. The Commission generally conditions biodegradable compost wattles.
- Buffer Zone replication ratio is still proposed under 2:1. The decision to approve this ratio is deferred to the Commission, however the Applicant needs to submit a revised variance request as outlined under the Bylaw/Regs prior to project approval.

Resource Area	Alteration Proposed	Mitigation Proposed
Bordering Vegetated Wetland (SF)		
Bank (LF)		
Land Under Water Bodies (SF)		
Isolated Wetland (SF)	±1,647 SF	±3,294 SF Wetland Replication Area
Vernal Pool (SF)		
Buffer Zone (SF)	0-25': ±773 SF 25-100': ±55,963 SF	±617 SF Mitigation Planting Area
Riverfront (SF)		
100-Year Floodplain (CF)		
(SF) = Square Feet (LF) = Linear Feet (CF) = Cubic Feet Flood Storage		

Recommend continuance to January 11.

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

***Recommendation: Continue per Applicant request to January 11 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 and revised plans since the Commission last met. Agent and BETA yet to review. BETA site visit scheduled for December 19. Recommend continuance per Applicant request.

1.5 ANRAD – Tri-County Regional Vocational Technical High School (159-1277)

Recommendation: Continue to January 11 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 a peer review response on December 7. Peer review and Agent comments include:

- BVW on A-Series Wetland: This BVW is a small, fringe wetland within a historically disturbed area. Hydric soils and evidence of hydrology (i.e., water stained leaves, saturation) were observed. Supporting evidence of the source of water flowing through the associated pipe has not yet been provided. It's recommended that this area be depicted on the plans as BVW and that the Bank of the Stream delineated.
- Plans need to depict all revised flagging.
- Wetland C series: It's recommended this wetland be classified as BVW unless evidence to the contrary can be provided by the Applicant.
- The Applicant provided historic permitting documents and plans depicting the proposed "drainage ditches" under the solar panels rows. These "ditches" were solely intended to provide attenuation of stormwater sheet flow generated by the

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panels, which is consistent with MassDEP Wetland Program Policy 17-1 directives. Therefore, these “ditches” would not be considered jurisdictional under the WPA, however they would be jurisdictional under the local Bylaw as “Isolated Vegetated Wetland”.

- As such, all resource areas, IVW or BVW otherwise, within the solar field need to be delineated and depicted on site plans.
- In conjunction to the two prior comments, the basin within the southwest corner of the solar field was not constructed per previously approved site designs, therefore it was not constructed in accordance within any approved plans. Given that the solar project did not receive final closeout from the Planning Board, and analysis and design documentation supporting the field change being constructed in full compliance with Stormwater Management Standards/Regs was not provided. The depression and adjacent area to the west should be delineated as BVW, and the associated downgradient channel along the roadway should be delineated as an Intermittent Stream with jurisdictional Bank and LUW subject to jurisdiction under both the WPA and local Bylaw/Regs. Additionally, it is recommended the Commission condition a vernal pool survey at this basin during the next breeding season in 2024.
- The additional basins in the west and north of the solar field were constructed per previously approved plans for stormwater management purposes. These areas would not be considered jurisdictional under the WPA, but would qualify as jurisdictional under the local Bylaw/Regs as IVW.

Applicant yet to provide a response to comments. Recommend continuance.

1.6 NOI – 0 Bent Street (159-1280)

Recommendation: Continue to January 11 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. Applicant yet to provide revised information. Recommend continuance.

1.7 NOI – Proposed Solar Array – Parcel 3, 160 Maple Street (NO DEP # YET)

This public hearing is the first for an NOI located at Parcel 3, 160 Maple Street, otherwise known as “Maplegate South”, for the construction of an approximate 103 acre solar field

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with associated gravel access drives, utilities, stormwater management features, and a replacement stream crossing (see section 5 of NOI). Onsite resource areas under the Act and local Bylaw/Regs include Bordering Vegetated Wetlands, Intermittent Streams, Bank, Isolated Land Subject to Flooding, and a Vernal Pool. Impacts (sf) to resource areas and 2:1 mitigation (sf) include:

Resource Area	Alteration Proposed	Mitigation Proposed
Bordering Vegetated Wetland (SF)	854 sf	1,756 sf
Bank (LF)		
Land Under Water Bodies (SF)		
Isolated Wetland (SF)		
Vernal Pool (SF)		
Buffer Zone (SF)	0-25': 1,148 sf 25-50': 22,500 50-100': 60,992 sf Total: 84,640 sf	0-25': 26,992 sf restor. 25-50': 14,944 sf restor. 50-100': 5,131 sf restor. Total: 47,067 sf restor.
Riverfront (SF)		
100-Year Floodplain (CF)		
(SF) = Square Feet (LF) = Linear Feet (CF) = Cubic Feet Flood Storage		

Applicant yet to pay BETA scope and fee. Scope and fee provided to Applicant on December 5. Agent and BETA yet to review further until scope and fee is paid. Recommend continuance.

1.8 NOI – Lot 1, 60 Spring Street (NO DEP # YET)

This public hearing is the first for an NOI located at Lot 1, 60 Spring Street for the construction of a single family home, inclusive of septic and well, and associated grading within the 100-foot Buffer Zone to BVW. Approximately 5,291 sf of alteration is proposed with no mitigation. Upon initial review of the NOI,

- The Applicant needs to be provide more information regarding the project narrative and construction sequence and schedule. For example, the Applicant does not provide information regarding what work is proposed in which Buffer Zone (0-25, 25-50, or 50-100), scope of work, or total sf impact per structure (i.e., house, driveway, well, etc.). More information required.
- The Applicant proposes to install a silt fence and straw wattles as erosion controls. It's recommended that the Applicant be advised that the Commission generally conditions biodegradable compost wattles so the Applicant can plan accordingly.

Site conditions and further NOI review yet to be conducted or completed. BETA site visit scheduled for December 19. Recommend continuance to January 11.

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1.9 NOI – Lot 3, 60 Spring Street (NO DEP # YET)

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- The Applicant needs to be provide more information regarding the project narrative and construction sequence and schedule. For example, the Applicant does not provide information regarding what work is proposed in which Buffer Zone (0-25, 25-50, or 50-100), scope of work, or total sf impact per structure (i.e., house, driveway, well, etc.). More information required.
- The Applicant proposes to install a silt fence and straw wattles as erosion controls. It's recommended that the Applicant be advised that the Commission generally conditions biodegradable compost wattles so the Applicant can plan accordingly.

Site conditions and further NOI review yet to be conducted or completed. BETA site visit scheduled for December 19. Recommend continuance to January 11.

2.0 General Business

2.1 Minor Buffer Zone Activity

2.1.1 155 King Street

This MBZA is an after-the-fact filing for the unpermitted removal of two trees within the 50- to 100-foot Buffer Zone to BVW. The trees were located on existing, disturbed lawn and stumps were left in place. Recommend approval upon receipt of a check. Tyler to confirm receipt of check.

2.1.2 22 Southgate Road

This MBZA is for the removal of six hazardous trees within and on the border of existing, disturbed lawn that are girdled and decaying, and vista pruning of four additional trees within the 25- to 100-foot Buffer Zone to IVW. Stumps are proposed to be left in place with mats used for access and to prevent soil destabilization. Recommend approval.

2.2 Permit Modifications/Extensions

2.2.1 515 West Central Street

This proposed permit modification is associated with proposed permeable pavement, drainage and retaining wall design for 515 West Central Street within the 25- to 100-foot Buffer Zone to BVW and an Intermittent Stream. BETA is reviewing the changes to the

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stormwater design. Given that the changes to stormwater are within Conservation jurisdiction and BETA has not yet provided a stormwater review, it is recommended to continue this permit modification to January 11.

2.3 Certificates of Compliance

2.4 Violations/Enforcement

2.4.1. 305 Union Street

Recommend 30-day extension.

2.5 Minutes

2.5.1 November 30, 2023

2.6 Discussion Items

Chair & Commission Comments

- Friends of Franklin Liaison Update
- Master Plan Liaison Update

Happy Holidays, Folks. Thanks for being the best Commission an Agent could ask for and for closing out another great permitting year!

