

Town of Franklin

355 East Central Street
Franklin, Massachusetts
02038-1352



(Phone) 508-420-4929
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Conservation Commission

To: Franklin Conservation Commission
From: Breeka Li Goodlander, CWS, PWS, CERPIT
Re: Conservation Agent Report
Date: February 22, 2024



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

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

Recommendation: Continue to March 7 7:01 pm

New information submitted February 7 – BETA and Agent yet to review - Outstanding fees need to be paid

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.

The Applicant provided a response to BETA peer review letter dated January 2 on February 7. BETA and Agent yet to review. Applicant has outstanding fees with PB to continue stormwater review. Applicant needs to pay to continue a review. Applicant has not provided a response regarding eliminating parking spaces as discussed at the last meeting.

Recommend continuance.

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

Recommendation: Continue per Applicant request to March 7 7:02 pm

No new information

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:

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- 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 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.

A site visit occurred on Thursday, February 1. One notable item discussed was the jurisdictional status of the wetland in the southwest corner of the solar field. BETA and Agent defer to the Commission on determination of jurisdictional status. The Commission may classify the wetland as IVW, inclusive of a portion of the stormwater

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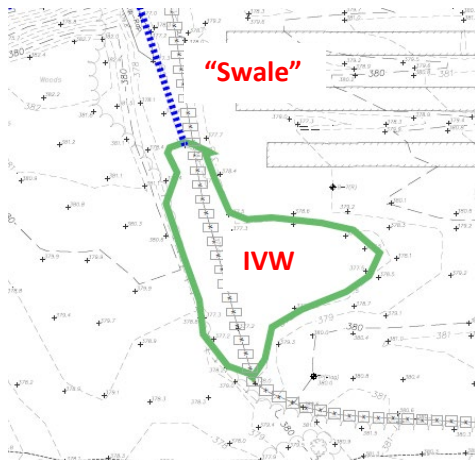


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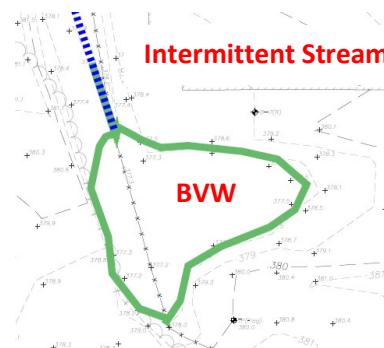
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“swale” until the predominance of a riprap bottom; or the Commission may classify the wetland as BVW, with the majority of the “swale” considered as intermittent stream. The “swale” is denoted on previously approved plans as a drainage ditch and does consist of a predominant riprap bottom with questionable soils. The “swale” does have hydrology and wetland vegetation. The Commission is tasked with determining if the area is a smaller BVW with an intermittent stream, or a larger IVW (inclusive of a portion of the “swale” without riprap) with connection to a pre-existing drainage ditch. Regardless of classification, it is recommended the Commission consider a portion of this area as Vernal Pool and condition a survey during vernal pool season as part of the ORAD. Picture examples are shown below. These areas are approximated to show shape of proposed resources, but not true to onsite conditions or delineated areas. The onsite visit did review and confirm the boundaries of the northerly IVW and IVWs between the solar panels.

Example: IVW with “swale”



Example BVW with Intermittent Stream



Applicant yet to provide an official response to comments or site visit.

The Applicant has hired an environmental compliance attorney. The attorney contacted the Conservation Agent on February 20 in concert with the Project Engineer to request a site visit for unknown reasons. Based on the nature of the contact, Town Counsel has recommended that the Applicant’s Representative write and submit a formal letter identifying himself, his involvement in the project, and the reasons behind his involvement and the site visit. The Agent is not to attend a site visit until this letter is provided and more information is provided. Agent documenting on record as memo to file. Recommend continuance per Applicant request.

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

Recommendation: Continue to March 2 7:03 pm

No new information

This public hearing is 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 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:

BETA completed their first peer review on February 22. Applicant has yet to respond. Recommend continuance.

1.4 NOI – Lot 1, 60 Spring Street (159-1285)

Recommendation: Continue or Close Hearing

Existing Violation - No new information

This public hearing is 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.

BETA submitted a peer review letter on December 21, 2023. Applicant has yet to respond. Recommend continuance per Applicant request.

1.5 NOI – Lot 3, 60 Spring Street (159-1284)

Recommendation: Continue or Close Hearing

Existing Violation - No new information

This public hearing is for an NOI located at Lot 3, 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.

BETA submitted a peer review letter on December 21, 2023. Applicant has yet to respond. Recommend continuance per Applicant request.

1.6 NOI - 121 Grove Street (159-1286)

Recommendation: Continue per Applicant Request to March 2 7:04 pm

BETA provided a peer response letter on February 20 – Applicant yet to review

This public hearing is for an NOI located at 121 Grove Street for the construction of five detached apartment buildings (330 units), including a clubhouse, swimming pool, parking

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bays and associated parking areas, impervious driveways, dog park with impervious pavement and access drives, landscaping, stormwater infrastructure (including two crossings), utilities and lighting. The Applicant is proposing to file this NOI as a Limited Project. Existing jurisdictional resources include BVW, IVW, intermittent Streams, and inland Bank. Most of those resources have been confirmed under the ORAD, with the exception of several streams the Applicant requested be delineated at the time of an NOI filing.

Given that the proposed development results in a net increase of impervious area, the Applicant is proposing a stormwater management system that is proposed to treat stormwater runoff, reduce peak flow rates of runoff, and provide water quality measures. The proposed stormwater management can be found in Section 4.1 of the provided NOI.

Resource area impacts provided by the Applicant include:

Impact Area	Area of Impact	BVW Alteration		Stream Alteration**
		Temporary (square feet)	Permanent (square feet)	Inland Bank (linear feet)
Northern Access Roadway Crossing	BVW/Bank	65	450	145
Southern Access Roadway Crossing	Bank	0	0	135
Clubhouse Pool	BVW	85	100	0
Northern Boardwalk	BVW/Bank	300	20	25
Southern Boardwalk	BVW/Bank	135	10	15
Total		585	580	320
Proposed Mitigation		585	5,875	500

* Impact Calculations provided by RJOC. Temporary impacts listed are necessary to complete the proposed work.
** Alterations to Inland Bank are listed in the Table, however, there will be no loss of Bank associated with these resource areas at the impact areas. Each impact area is associated with the installation of a three-sided, open-bottom box culvert or boardwalk span.
***Note: The construction of Building #4 will permanently impact 2,015 square feet of a non-regulated IVW. Impacts are not included.

Impact Area	Temporary (square feet)	Permanent (square feet)	
		Crossings and IVW	Buildings & Infrastructure
25-Foot Buffer Zone**	41,575	12,115	9,790
100-Foot Buffer Zone	113,150	340,350	

* Impact Calculations provided by RJOC. Temporary impacts listed are necessary to complete the proposed work.
** The Applicant is requesting a waiver to the 25-Foot Buffer Zone local requirements.

NEW: BETA provided a peer review on February 20 highlighting areas of project improvement to maintain compliance with state regulations and acts (see packet). The

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Applicant has yet to provide a response. ZBA has yet to vote or provide guidance on the waiver requests/waiver response letter. Recommend continuance per Applicant request.

1.7 NOI - 100 and 110 East Central Street (NO DEP #, Local Filing Only)

***Recommendation: Continue per Applicant request to March 2 7:05 pm
BETA provided a peer review on February 16 – Applicant yet to review***

This public hearing is the first for an NOI located at 100 and 110 East Central Street for the deconstruction of an existing house and removal of associated utilities, and the construction of a new multi-use building with commercial space and apartments, inclusive of new utilities and new parking areas. Tree planting, turf lawn and landscaping are also proposed. Existing jurisdictional resources include IVW and the 100-foot Buffer Zone to IVW. Proposed impacts include 1,852 sf within the 25- to 50-foot Buffer Zone and 13, 652 sf within the 50- to 100-foot Buffer Zone. No Buffer Zone mitigation is proposed, however stormwater improvements are proposed as part of this new construction.

The Applicant is seeking clarification on local filing fees and Buffer Zone impacts. As the Commission has enforced Applicants pay for Buffer Zone impacts, the Applicant would like clarification if the Commission does consider Buffer Zone a “Wetland Resource Area” and if the Commission would differentiate between disturbed versus undisturbed Buffer Zone. The Applicant did not pay a filing fee for previously approved projects for disturbed Buffer Zone, however the Commission has been enforcing filing fees for Buffer Zone impacts for all recently submitted projects. Buffer Zone is considered a Resource Area under local Bylaw and Regulations.

Recommend continuance per Applicant request.

1.8 RDA - 6 Forge Parkway

Recommendation: Continue March 2 7:06 pm

Applicant paid full filing fee early in the week of February 12 – Agent yet to review

This Request for Determination of Applicability (RDA) is for the proposed construction of a 36,000 sf building, 51 parking spaces, paved loading docks, and associated stormwater management systems on a parcel with BVW and associated Buffer Zone. No work is proposed within jurisdictional resource areas. An approximate 100 foot vegetative buffer to BVW Buffer Zone is proposed. Perimeter erosion and sedimentation control measures and catch basin silt sacks are also proposed.

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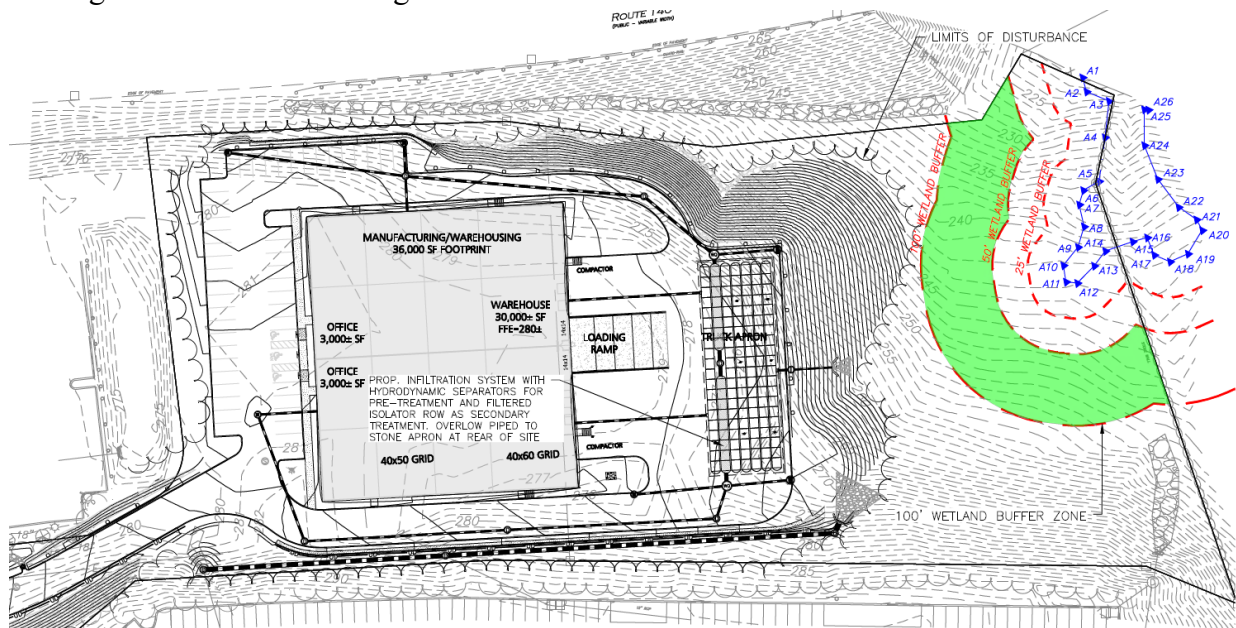
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Request continuance to allow for Agent review now that the filing fee has been paid in full. Applicant and Commission may anticipate a recommendation to approve and close the hearing at the March 2 meeting.



2.0 General Business

2.1 Friendly 40B LIP

2.2 Minor Buffer Zone Activity

2.2.1 11 Cotton Tail

Recommendation: Approve with Conditions

This MBZA is for tree removal within the 25- to 100-foot Buffer Zone to BVW. The Applicant is proposing tree removal within existing, disturbed lawn. The Applicant should confirm the number of trees proposed to be removed and method of removal. Recommend approval with standard MBZA condition, inclusive of stumps left in place.

2.3 Request for Determination of Applicability

2.4 Permit Modifications/Extensions

2.5 Certificates of Compliance

2.6 Violations/Enforcement

2.6.1 275 Washing Street – Franklin FlexSpace

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2.7 Minutes

2.7.1 February 8, 2024

2.8 Discussion Items

2.8.1 DelCarte Pond Treatment

Chair & Commission Comments

- **Friends of Franklin Liaison Update**
- **Master Plan Liaison Update**
- **Natural Resource Protection Manager Update**