

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: March 7, 2024



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

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

Recommendation: Defer to Commission

Applicant has not provided a response to Commissioner's questions posed February 8, nor has the Applicant provided requested supplemental information under peer review. Agent followed up with Applicant on February 23. No correspondence has been had to date.

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.

Defer to Commission.

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

Recommendation: Continue to March 7 7:02 pm

No new information – working group occurred February 28 – Applicant to provide additional supplemental 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.

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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 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

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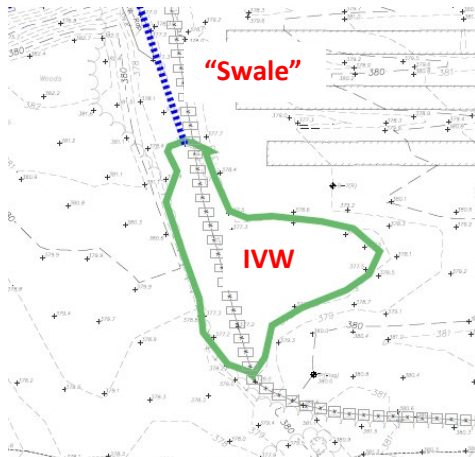


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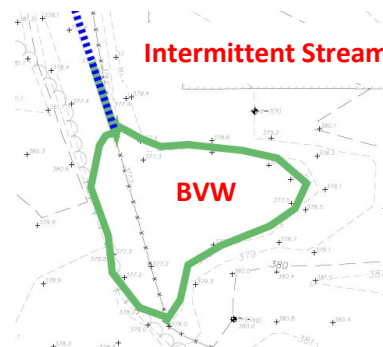
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Agent defer to the Commission on determination of jurisdictional status. The Commission may classify the wetland as IVW, inclusive of a portion of the stormwater “swale” until the predominance of a riprap bottom; or the Commission may classify the 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. Recommend continuance.

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1.3 NOI – Proposed Solar Array – Parcel 3, 160 Maple Street (159-1287)

Recommendation: Continue to March 21 for stormwater review OR Defer to Commission for Approval

See DEP comments below; BETA peer review submitted March 5

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).

NEW DEP Comments:

- The applicant should provide a wetland replication plan that meets the Massachusetts Inland Wetland Replication Guidelines (2022), which includes but is not limited to proposed grading; area cross-section; plant quantities species, & sizes; monitoring & inspection requirements; and soil specifications. Proposed plant species and quantities should also be provided for the Buffer Zone restoration areas. Species chosen for these areas should be comprised of upland species native to Massachusetts.
- The loss of forested areas that surround vernal pools and connect the vernal pools to other wooded areas may adversely impact the future migration of amphibians to these pools.

Other Outstanding Comments:

- The revised stormwater management report has yet to be submitted and approved.
- The Applicant has provided additional information with regards to Bylaw compliance, including the submission of a formal Variance request and accurate assessment of wetland functions and values as they relate to the proposed impacts and replication areas. However, there are a few remaining items that can be conditioned upon project approval, including the submission of an invasive species management plan, a dewatering/water control plan, and several other provisions. Should the Commission feel comfortable conditioning these items, the Project could be considered in compliance with the Act and Bylaw, pending the completion and approval of the stormwater management report.

Given that stormwater has yet to be submitted by the Applicant and reviewed internally and by BETA, recommend continuance.

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1.4 NOI - 121 Grove Street (159-1286)

Recommendation: Continue per Applicant Request to March 2 7:03 pm

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

Internal work session occurred on March 4

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 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.

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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.

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

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

Recommendation: Approve with Conditions

BETA provided a peer review on March 7- Comments are mainly administrative and any outstanding comments can be conditioned

This public hearing is 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.

Recommend approval with Conditions (Conditions inclusive of latest review):

- Standard Special Conditions: 20-41, 46-51, and
- Special Condition 52: Flags UC-5 and UC-6 are not approved under these Conditions as they are located outside of the Site boundaries on private property.

1.6 RDA - 6 Forge Parkway

Recommendation: Negative Determination

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

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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.

Recommend approval with a Negative Determination.

1.7 NOI – South Street, Miscoe Brook (NO DEP # YET)

Recommendation: Continue to March 21 7:04 pm

BETA and Agent yet to review – BETA taking lead due to NOI being a Town project within a water resource

This public hearing is the first for an NOI for culvert replacement work at South Street within Miscoe Brook. The proposed replacement is intended to replace the existing degraded and undersized culvert with a new MA Stream Crossing compliant, open bottom, 3-sided box culvert. The project includes new concrete headwalls, new steel guardrails, and a resurfaced roadway.

Resource area impacts and stream crossing standard compliance provided by the Applicant include:

The project will result in the following resource area impacts:

<u>Resource Area</u>	<u>Impact</u>
Bordering Vegetated Wetlands	275 s.f. (245 s.f. temp, 30 s.f. perm.)
Bank	120 l.f. (72' prev. disturbed within ex. culvert)
Land Under Waterways	355 s.f. (150 s.f. prev. disturbed within ex. culvert)
Bordering Land Subject to Flooding	3,000 s.f. (net increase in storage volume)
0'-100' Riverfront Area Miscoe Brook	6,595 s.f. total dist. within 100' of Miscoe Brook
	4,425 s.f. within ex. degraded area*
	1,970 s.f. within prev. disturbed area*
	200 s.f. new disturbance

*Degraded and previously disturbed riverfront areas defined as of 310 CMR 10.58(5).

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The project will result in the following resource area impact mitigation:

Resource Area	Replacement
Bordering Vegetated Wetlands	245 s.f. (restored in place following site grading) 30 s.f. loss due to new limit of LUW/ Bank
Bank	115 l.f. 52 l.f. recreated within pr. culvert 15 l.f. increase in bank outside of culvert
Land Under Waterways	795 s.f. total (355 s.f. restored, 440 s.f. increase)
Bordering Land Subject to Flooding	1,900 c.f. total increase in storage volume
0'-100' Riverfront Area Misco Brook	No increase in impervious area, revegetation of temporarily disturbed areas, 200 s.f. new disturbance within BVW areas which are proposed to be restored.

There is no proposed impact to rare species habitat. Work is proposed within the local Franklin Wetlands Bylaw 25' No Disturb Buffer and the 50' No Structure Area, however all work is proposed in previously disturbed and degraded area and is related to the replacement of an existing degraded and undersized public roadway culvert.

Almost all proposed work within the Miscoe Brook Riverfront Area is within previously disturbed and degraded Riverfront Area according to the definitions as set forth in 310 CMR 10.58(5), qualifies as a Limited Project per 310 CMR 10.53(3)(1) as it is in relation to the replacement of a public roadway culvert, and will result in significant improvement over existing conditions in terms of improved bank and land under water resource areas, habitat, hydraulics, and stream continuity.

Table 1 – Proposed Culvert Stream Crossing Standards Compliance

Standard	Standard Requirement	Optimum Requirement	Proposed Culvert	
			Provided	Check
1. Crossing Type	Open Bottom	Bridge	Open Bottom	OK
2. Embedment	2 ft min.		4 ft	OK
3. Crossing Span	1.2 Bankfull width	1.2 Bankfull width, headroom for dry wildlife passage	1.23 Bankfull width	OK
4. Openness	Ratio ≥ 0.82 ft	Ratio ≥ 1.64 ft, 6' height min.	16'x3'/26' = 1.85	OK
5. Substrate	Natural Substrate		Natural Substrate	OK
6. Water Depth and Velocity	Match Natural Channel		Match Channel via streambed restoration	OK
7. Banks	Present matching stream channel		Match Channel via bank restoration	OK

1.8 NOI – Beaver Pond Hydro Raking (NO DEP # YET)

2 Recommendation: Continue to March 21 7:05 pm

BETA yet to review – BETA taking lead due to NOI being a Town project within a water resource

This public hearing is the first for a previously approved NOI for a proposed Ecological Restoration Project for hydro raking to “remove nuisance vegetation to prevent eutrophication” in a portion of Beaver Pond. The project area is located just southwest of

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the floating dock within the pond extending northeast and ending at the shoreline (26,722 sf of total alteration to LUWW).

Proposed work include the removal of the vegetation and bottom debris by mechanical means. Hydro raking, similar to dredging, can disturb bottom sediments causing increased turbidity levels, however impacts are typically limited to the surrounding worksite. Suspended sediments will likely settle in a short amount of time. The hydro raking barge will access Beaver Pond from the existing boat launch to minimize further resource area disturbance. Temporary storage of any removed materials will take place on-site and be disposed of within 24 hours.

Recommend continuance.

2.0 General Business

2.1 Friendly 40B LIP

2.2 Minor Buffer Zone Activity

2.3 Request for Determination of Applicability

2.3.1 Beaver Pond Kayak Launch

Recommendation: Negative Determination

This RDA is for a proposed EZ Dock and associated pad installation at Beaver Pond within Chilson Beach. See spec sheets for scope of work and/or confirm square footage of impervious surface (concrete) for pad. Project is de minimis in nature, however, and the majority of it is considered temporary. Recommend approval with Negative Determination.

2.4 Permit Modifications/Extensions

2.5 Certificates of Compliance

2.5.1 380 Beaver Street Chilson Park (CE159-1231)

Recommend approval. The obstacle course is neat!

2.6 Violations/Enforcement

2.6.1 305 Union Street

2.7 Minutes

2.7.1 February 22, 2024

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2.8 Discussion Items

2.8.1 Appointments

Chair & Commission Comments

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