

# 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:** March 21, 2024



### **NOTE: PLEASE SPEAK INTO YOUR MIC**

#### 1.0 Public Hearings

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

*Recommendation: Continue to April 4 7:01 pm*

*Applicant yet to pay the Legal Ad fee. Applicant has not provided a response to Commissioner's questions posed February 8, nor has the Applicant provided requested supplemental information under peer review. Applicant did submit stamped site plans per PB requirement on March 20 and stated they would have revised information by the April 4 meeting.*

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 or defer to Commission. Applicant should prioritize providing the requested information.

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

#### ***Recommendation: ORAD approval with Findings***

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.

Recommend ORAD approval with Findings as attached.

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

#### ***Recommendation: Continue to April 4 7:02 pm or Defer to Commission***

***Applicant provided a response to DEP comments; Applicant yet to receive letter from Franklin Fire or PB stormwater approval***

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).

#### *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, and that the Applicant still needs an approval letter from Franklin Fire Department, a continuance is recommend. The Applicant has requested these outstanding items be Conditioned, however the Agent has not received a staff update from the Fire Department or Town Planner that Franklin Fire has approved this Project and given the potential impacts of an additional site access, the Applicant should provide the approval prior to issuance of an Order of Conditions.

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### 1.4 NOI - 121 Grove Street (159-1286)

**Recommendation: Continue per Applicant Request to April 4 7:03 pm**

**No new information. 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 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 Inland Bank (linear feet)
		Temporary (square feet)	Permanent (square 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.

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.

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### 1.5 NOI – South Street, Miscoe Brook (159-1289)

**Recommendation: Continue per Applicant request to April 4 7:04 pm**

**DEP and BETA provided comments – Applicant yet to review**

This public hearing is 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:

Resource Area	Impact
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).

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 Miscoe 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)(i) 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 ≥0.82ft	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

### NEW DEP Comments:

- This project appears to result in a net loss of 30sf of BVW. As per 310 CMR 10.55(4)(c) the issuing authority may issue an Order of Conditions permitting work which results in the loss of a portion of Bordering Vegetated Wetland when; (1) said portion has a surface area less than 500 square feet; (2) said portion extends in a

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distinct linear configuration (“finger-like”) into adjacent uplands; AND (3) in the judgement of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland. The Applicant must demonstrate that the loss is within a fingerlike projections, or the net loss will require a 401 Water Quality Certificate.

- If necessary, the Applicant must obtain a 401 Water Quality Certificate (314 CMR 9.00) for this project before the activities described in the Notice of Intent can commence.

Please refer to BETA peer review letter dated March 19, 2024 for other outstanding comments. Recommend continuance per Applicant request.

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

***Recommendation: Continue per Applicant Request to April 4 7:05 pm***

This public hearing is 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 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.

Please see BETA peer review letter dated March 19, 2024 for initial comments. Recommend continuance per Applicant request.

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### 1.7 ANRAD – Louise Drive Extension (159-1290)

***Recommendation: Continue to April 4 7:06 pm***

This public hearing is the first for an ANRAD to determine the boundaries of Isolated and Bordering Vegetated Wetlands, a potential intermittent Stream, and their associated Buffer Zones at Louise Drive Extension.

Agent yet to conduct a site visit and BETA yet to begin their review.

*DEP Comments:*

- The narrative provided documents the presence of a narrow channel that would be best classified as an intermittent Stream offsite between flags AWE-B21 and B15. DEP recommends the Commission confirm whether the defined channel extends onto the project site between flags B14 and B41. If so, the Applicant should submit a revised site plan and WPA Form 4A showing Bank resource area.
- DEP recommends confirmation if a hydrologic connection exists between the A-series wetland and the B-series wetlands as the closest point there appears to be 40 feet of distance between flags A22 and B2.

Recommend continuance.

### 1.8 NOI – 32 Forge Parkway

***Recommendation: Continue to April 4 7:07 pm***

***Recommend approval at April 4 meeting***

This public hearing is the first for a locally filed NOI for proposed utility work within the 100-foot Buffer Zone to Bordering Vegetated Wetland and the 200-foot Riverfront Area to a Perennial Stream. The project proposed to installation four utility poles, of which two are located within jurisdictional Buffer Zone (25- to 50-foot) and RFA, with associated guy wires to connect to the existing solar infrastructure on the property. All proposed work with be overhead, minimizing soil disturbance and within existing disturbed lawn.

The proposed work is considered exempt under the WPA (310 CMR 10.02(2)(b)(2)(h). Recommend continuance to allow for a site visit and public comment. NOTE: NOI proposed straw wattles.



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### 2.0 General Business

#### 2.1 Friendly 40B LIP

#### 2.2 Minor Buffer Zone Activity

##### 2.2.1 Lot 1 Bent Street

This MBZA is proposed to conduct soil testing in the form of deep test holes and percolation tests at 0 Bent Street within the 50- to 100-foot Buffer Zone. Proposed scope of work includes site access via an excavator to dig the deep test holes and will use hand tools to dig percolation holes. All holes will be immediately backfilled.

The Applicant has provided a generalized area of where test pits will occur. The Commission may want to confirm the number of test pits and any vegetation disturbance.

This activity is considered exempt under the WPA310 CMR 10.02(2)(b)(2)(g). Recommend approval.

##### 2.2.2 DelCarte Hatchery

Agent recused and presenting.

##### 2.2.3 14 Oxford Drive

This MBZA is proposed for the removal of 10 total trees, three of which are within the 0- to 25-foot “No Touch”, two within the 25- to 50- foot Buffer Zone, and one additional within the 50- to 100-foot Buffer Zone to BVW. Destito Tree Services has provided a letter noting that these trees are all compromised by rot and dangerous. Stumps within the 0- to 25-foot “No Touch” are proposed to be left in place, with the remaining stumps within the existing, disturbed lawn area (3) proposed to be ground. Applicant also proposes to replace with blueberry, raspberry, and blackberry plantings.

Commission should confirm site access. Recommend approval should the Commission grant a variance on the stump grinding.

### 2.3 Request for Determination of Applicability

### 2.4 Permit Modifications/Extensions

#### 2.4.1 585 King Street

Applicant has provided the dewatering report and a new phased construction sequence and schedule. Applicant requests the Commission revise and/or alleviate Condition 53 “All Replication Areas shall be completed per the approved plans prior to the construction of any other work shown on the approved plans; except for the construction of the site access road. The site access road may be constructed prior to the construction of the

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Replication Areas to allow property access” in light of this new construction sequence and schedule. Additionally, based on DEP comments, it is recommended that the Commission add a condition stating that, “Trees larger than 15” DBH near Replication Area #4 shall be avoided, to the best extent practicable. The Replication Area footprint may be able to be shifted to allow for the conservation of trees larger than 15” DBH. The Applicant shall report any trees larger than 15” DBH to the Conservation Agent and any manipulation of the approved Replication Area boundaries shall also be approved by the Conservation Agent and Conservation Commission.” Recommend approval.

### 2.5 Certificates of Compliance

#### 2.5.1 725 Union Street

Construction debris and trash within the vegetated fringe of the wetland. Applicant should clean up the site prior to receiving the CoC hardcopy approval. Recommend approval.

### 2.6 Violations/Enforcement

#### 2.7 Minutes

##### 2.7.1 March 7, 2024

### 2.8 Discussion Items

#### 2.8.1 Appointments

#### 2.8.2 Stormwater Discussion

#### 2.8.3 Letter of Support – Shephard’s Brook – MVP Grant

### Chair & Commission Comments

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