

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: May 2, 2024



NOTE: PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

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

Recommendation: Continue to May 16 7:01 pm or close due to lack of information

NEW: Applicant has outstanding peer review fees. Amended scope and fee requires payment to continue review. DEP provided verbal comments that a stormwater basin would not qualify as BVW so long as it has been maintained and O&M plans can be provided. Applicant yet to provide O&M plans.

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.

Applicant needs to pay outstanding fees and provide requested O&M plans. Recommend continuance or closure.

1.2 NOI - 121 Grove Street (159-1286)

Recommendation: Continue to May 16 7:02 pm

NEW: BETA provided a peer review letter May 1. Agent yet to review. Recommend continuance to allow time for Agent to review and Applicant to respond to comments.

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

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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 requirement.

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

Recommendation: Approval with Conditions; Commission to review BETA peer review prior to consider waiver from procedure and discuss prior to permit approval

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:

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The project will result in the following resource area impacts:

Resource Area

Bordering Vegetated Wetlands
Bank
Land Under Waterways
Bordering Land Subject to Flooding
0'-100' Riverfront Area Miscoe Brook

Impact

275 s.f. (245 s.f. temp, 30 s.f. perm.)
120 l.f. (72' prev. disturbed within ex. culvert)
355 s.f. (150 s.f. prev. disturbed within ex. culvert)
3,000 s.f. (net increase in storage volume)
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 ≥ 0.82 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

Recommend approval with Standard Special Conditions 20-31, 33-41, 44-50 and Special Conditions:

52. The Applicant shall provide confirmation to the Conservation Agent and Commission that all easements and/or permits have been acquired prior to the start of work.

53. The Applicant shall provide and receive approval of a finalized dewatering plan (Standard Special Condition 45), additionally including finalized temporary impacts associated with water control measures, to and from the Conservation Agent and Commission prior to the start of work

54. The Applicant shall provide and receive approval of a revised plan set noting the total area of temporary impacts to BVW, inclusive of impacts due to the proposed stream bypass and water control measures to and from the Conservation Agent and Commission prior to the start of work

55. The Applicant shall use the most recent MassDOT Seed Mix Item 7656.41 Part Shade Roadside Mix or New England Plants Erosion Control/Restoration Mix for slope stabilization within upland areas.

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

Recommendation: Continue per Applicant Request to May 16 7:03 pm

Applicant submitted revised information April 3. Agent and BETA yet to review. To keep costs low, review on hold until DEP provides comments. DEP yet to provide comments or file number.

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.

1.5 ANRAD – Louise Drive Extension (159-1290)

Recommendation: Continue per Applicant request to May 16 7:04 pm

NEW: BETA submitted peer review response on April 10. Applicant submitted a partial response. Site visit scheduled for May 14.

This public hearing is 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.

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

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- 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.

1.6 NOI – Tri-County Regional Vocational Technical High School (159-1291)

Recommendation: Continue per Applicant request to May 16 7:05 pm

This public hearing is for a Notice of Intent at 147 Pond Street, Tri-County Regional Vocational Technical High School (Tri-County). Proposed work includes the development of a new compact, three-story, rectangular school within the existing solar field array area, accessed by both the existing driveway and a new access drive from the existing access road. Proposed development is inclusive of athletic fields, parking/drive aisles, sidewalks landscaping, new utilities and stormwater design. The Applicant is proposed modest erosion/sedimentation control measures and dust control. Note that the Conservation Commission will be reviewing stormwater as agreed upon between all Town Boards/Commissions and Tri-County.

Wetland resource areas inclusive of local and state jurisdictional resources, as approved under an existing ORAD, include BVW, IVW, and probably Vernal Pools. The Applicant has submitted variance requests for work within the 0- to 25- foot Buffer Zone, 25- to 50- foot Buffer Zone, and the 50- to 100-foot Buffer Zone. These requests can be found in Appendix 3 of the Notice of Intent submittal.

Total sf impacts are as follows:

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Disturbance Calculations

#52033.00 03/20/24

	Impervious (SF)	Pervious (SF)	Total (SF)
BWV A1 to A30			
Wetland Fill (sf)	0	0	0
25 foot no disturbance zone (sf)	0	0	0
50 foot buffer zone (sf)	0	155	155
100 ft wetland buffer (sf)	2355	12015	14370
BWV B1 to B40			
Wetland Fill (sf)	0	0	0
25 foot no disturbance zone (sf)	0	0	0
50 foot buffer zone (sf)	0	1347	1347
100 ft wetland buffer (sf)	4059	16271	20330
BWV C1 to C12			
Wetland Fill (sf)	0	0	0
25 foot no disturbance zone (sf)	0	0	0
50 foot buffer zone (sf)	0	0	0
100 ft wetland buffer (sf)	0	0	0
BWV D1 to D17			
Wetland Fill (sf)	0	0	0
25 foot no disturbance zone (sf)	0	918	918
50 foot buffer zone (sf)	1619	2195	3814
100 ft wetland buffer (sf)	3209	10784	13993
BWV F 1 to F25			
Wetland Fill (sf)	0	0	0
25 foot no disturbance zone (sf)	0	0	0
50 foot buffer zone (sf)	0	0	0
100 ft wetland buffer (sf)	0	0	0
IVW G1 to G13			
Wetland Fill (sf)	0	0	0
25 foot no disturbance zone (sf)	0	0	0
50 foot buffer zone (sf)	0	0	0
100 ft wetland buffer (sf)	0	0	0
IVW 200-219			
Wetland Fill (sf)	577	1919	2496
25 foot no disturbance zone (sf)	10647	3880	14527
50 foot buffer zone (sf)	16125	1793	17918
100 ft wetland buffer (sf)	41044	4962	46006
IVW SW1-SW10s; BA1-BA9			
Wetland Fill (sf)	1518	892	2410
25 foot no disturbance zone (sf)	9093	4327	13420
50 foot buffer zone (sf)	13657	3876	17533
100 ft wetland buffer (sf)	31958	8721	40679
TOTAL	135861	74055	209916

BETA and Agent yet to review further. Two work sessions, one for stormwater and one for wetlands, were conducted since the last meeting. The stormwater work session occurred on April 25 and the wetland session was scheduled for May 2. No update on the wetland session at the time of issuance of this Agent Report. Chair or Vice-Chair of the Commission are welcome to attend. Recommend continuance to May 16.

1.7 NOI – Prospect Street Access Drive (NO DEP # YET)

Recommendation: Continue to May 16 7:06 pm

Applicant filed for a Superseding Order of Conditions with DEP – Central Region April 17, 2024 due to a public hearing not being opened within 21 calendar days of project submittal. The Project submitted is complete under the Wetlands Protection Act, but incomplete under local Bylaw. Applicant may seek a Superseding Order of Conditions under the Wetlands Protection Act, but not under local Bylaw given the incomplete submission. Applicant yet to pay local filing fees, therefore the 21 calendar day rule does not take effect for local Bylaw purposes until Applicant pays local filing fees. Applicant to discuss payment of fees in front of the Conservation Commission tonight. Once Applicant

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submits payment for local filing fees, the Applicant may move forward filing under local Bylaw only. All abutter notifications, legal ad, and public hearing notices will be refiled under local Bylaw. This is confirmed by DEP – Central Region and Counsel. Commissioner’s Note: No discussion to be held until Applicant submits filing fees. Commission still needs to open the hearing and receive public comment for the filing under the Wetlands Protection Act. Applicant required to file separately under local Bylaw once local filing fees have been paid. This is confirmed by DEP – Central Region and Counsel.

1.8 NOI – Veterans Memorial Drive (NO DEP # YET)

Recommendation: Continue to May 16 7:07 pm

NEW: BETA yet to begin stormwater review (requested and approved by Town Engineer, Mike Maglio).

This public hearing is the first for a Notice of Intent at Veterans Memorial Drive Extension on behalf of the Franklin Department of Public Works. The Applicant is proposing to construct a Town owned road extension to Veterans Memorial Drive (approx. 1, 110 lf) starting from Eaton Place and extending northwest across the project parcel to connect to the existing stub of Irondequoit Road. The new road is proposed to service the 40B “Franklin Ridge Senior Housing” residential development and two additional lots. Associated stormwater infrastructure and e/s control are included in this proposal.

Construction of the road will require the fill of approximately 980 sf +/- of IVW, confirmed via an ORAD issued September 8, 2023. The DPW is proposing a 2:1 replication.

BETA yet to begin stormwater review. Agent still reviewing wetland replication. Recommend continuance.

1.9 NOI – Fisher Street Wells 2, 2A, and 2B (NO DEP # YET)

Recommendation: Continue to May 16 7:08 pm

NEW: No emergency authorization required. Confirmed via Agent and Town Engineer, Mike Maglio. Agent yet to review. Recommended permit approval anticipated May 16. Communicated and confirmed with Town Engineer, Mike Maglio.

This public hearing is the first for a Notice of Intent at the Fisher Street Wells 2, 2A, and 2B on behalf of the Franklin Department of Public Works. The Applicant is proposing to install individual groundwater supply well flow meters at Wells 2, 2A, and 2B. This work is

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considered exempt under M.G.L. Chapter and Wetlands Protection Act, but not local Bylaw and associated Regulations. Proposed work is located within BLSF and the 50- to 100-foot Buffer Zone to BVW. All temporary disturbance is proposed to be restored to pre-construction conditions, inclusive of seeding with an erosion control seed mixture. Dewatering is not anticipated.

Recommend continuance to finalize review.

2.0 General Business

2.1 Friendly 40B LIP

2.2 Minor Buffer Zone Activity

2.2.1 11 Mount Street

Property owner is requesting an extensive ecological overhaul to remove invasive species and revegetate for homesteading operations. The property owner is not within an agricultural zone. Onsite resources include an intermittent stream and associated BVW. Commission and Agent to provide guidance and confirm where work is permitted under an MBZA and potential next steps for the Applicant. Continuance likely.

2.3 Request for Determination of Applicability

2.4 Permit Modifications/Extensions

2.4.1 Franklin Heights Parcel B

Applicant is seeking to modify existing Conditions regarding phasing. Phasing was originally conditioned regarding the tree work to accommodate for e/s concerns (i.e., the site could not be clear cut entirely).

Additionally, given the proposed work and BVW crossings, the Commission did condition SC #54: The Conservation Commission shall reserve the right to hire a third party consultant to conduct environmental monitoring site visits, as necessary, at the expense of the applicant. Commission to discuss this condition when/if the Applicant comes back to Conservation.

2.5 Certificates of Compliance

2.5.1 49 Hancock Road CE159-964

The Applicant is seeking an issuance of a CoC for sale of the property. Agent yet to conduct site visit at the time of issuance of this Agent Report. Approval likely.

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2.6 Violations/Enforcement

2.6.1 305 Union Street

Recommend 30 day continuance.

2.7 Minutes

2.7.1 April 18, 2024

2.8 Discussion Items

2.8.1 Regulations

2.8.2 DelCarte Contract

Chair & Commission Comments

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