

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, PWS, CERPIT
Re: Conservation Agent Report
Date: May 30, 2024



DON'T FORGET TO TAKE ROLL CALL

PLEASE SPEAK INTO YOUR MIC

1.0 Public Hearings

1.1 NOI – 15 Liberty Way (159-1282)

Recommendation: Defer to Commission

NEW: Applicant has outstanding peer review fees. Paid Amended Scope & Fee #3 on May 30 despite the suggestion not to. Applicant requested an Amended Scope & Fee #4 to include a work session to discuss jurisdictional status of the “basin”, which was also nullified. Applicant has not provided O&M plans, correspondence with DEP, or revised information for the Commission.

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.

Defer to Commission.

1.2 NOI - 121 Grove Street (159-1286)

Recommendation: Approve with Conditions (attached)

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 requirements.

Approve with Conditions (attached).

1.3 NOI – Beaver Pond Hydro Raking (159-1293)

Recommendation: Continue to June 13 7:01 pm

NEW: BETA provided a peer review letter on May 29. Agent and Applicant yet to review. Applicant seeking clarification from Solitude Lake Management on scope of work and applying for 401 WQC.

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).

Per the Applicant, 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

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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.

DEP Comments:

- How frequently will hydroraking be performed under this NOI (one time only, annually, another frequency)? The Applicant should evaluate whether hydroraking is an appropriate technique for controlling the target plant species, particularly fanwort. A barrier should be installed to control the migration of plant fragments and turbidity from the hydroraking area into adjacent areas of Beaver Pond.
- The project involves dredging amounts greater than 100 cubic yards of sediment from Land Under Water and will require a 401 Water Quality Certification (WQC) (310 CMR 9.00).

The Applicant provided a response to DEP May 8 and May 13 answering their comments (attached). DEP responded stating that,

“In our experience hydro-raking results in more than an inch of sediment removed from the lake bottom throughout the area of work. In addition, dredge volumes estimates should account for the volume of material generated throughout the life of the project. This project has dredged material in the past (with a cumulative volume likely to have already exceeded 100 cubic yards) and proposed multiple occurrences in the future. If you still believe that your project will not require 401 Water Quality Certification for Dredging please provide an estimate of dredged material from Solitude for the life of the project.”

The Applicant is seeking this clarification from Solitude Lake Management and beginning the process of applying for a 401 WCQ. A 401 WQC will likely require MEPA review. Recommend continuance.

1.4 ANRAD – Louise Drive Extension (159-1290)

Recommendation: Approve with Findings of Fact (Attached)

NEW: At this time of this publication, Applicant yet to provide an updated WPA Form 4A. Applicant should have submitted this document by the time of this hearing.

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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 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 issuance of ORAD with Findings (attached).

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

Recommendation: Continue per Applicant Request to June 13 7:02 pm

NEW: The Applicant provided revised materials on May 23. BETA and Agent still reviewing.

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

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Buffer Zone, and the 50- to 100-foot Buffer Zone. These requests can be found in Appendix 3 of the Notice of Intent submittal.

Per the Applicant, total sf impacts are as follows:

Disturbance Calculations
#52033.00 03/20/24

	Impervious (SF)	Pervious (SF)	Total (SF)
BVW 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
BVW 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
BVW 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
BVW 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
BVW F1 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
IWV 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
IWV 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
IWV SW1-SW106; 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 are reviewing the revised submission packet provided on May 23. Recommend continuance per Applicant request.

1.6 NOI – Prospect Street Access Drive (159-1294)

Recommendation: Continue to June 13 7:03 pm

NEW: DEP Comments (see below)

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

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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 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.

NEW DEP Comment:

- *The submitted project fee under Category 2 appears to be insufficient for the proposed project as the proposed work involves construction of a roadway, not reviewable under 310 CMR 10.53(3)(e), and not associated with construction of an unattached single family house. Fee Category 3(c) would therefore appear to more appropriately characterize the project. The applicant should therefore submit the remaining balance to the Town and MassDEP or provide additional information which would support application of the Category 2 fee. WPA Form 3 indicates that the project is not subject to the MA Stormwater Standards as the project represent a small residential subdivision of 4 or less units, however based on project plans the proposed subdivision located within Bellingham, which will be accessed via the proposed access roadway under review as part of this NOI, is in excess of 9 units. The applicant should therefore demonstrate full compliance with the MA Stormwater Standards.*

New: Based on the insufficient application regarding state and local filing fees, the Agent emailed DEP on May 21, 2024 to determine if the Request for Superseding Order of Condition is nullified and/or if the Commission may begin review of the project. Alternatively, the Commission may close the hearing due to lack of information as the project was filed March 27, 2024. It is recommended the Commission continue the hearing once more to allow time for DEP to respond and/or the Applicant to provide the additional fees.

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1.7 NOI – Veterans Memorial Drive (159-1292)

Recommendation: Continue per Applicant request to June 13 7:04 pm

NEW: BETA still reviewing stormwater.

This public hearing is 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.

Per the Applicant, 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.

DEP Comment:

- Noting that IVWs are not jurisdictional under the WPA, MassDEP still recommends the use of appropriate sedimentation barriers during replication area construction in order to prevent sedimentation of adjacent IVWs.

BETA still reviewing stormwater. Agent still reviewing wetland replication. Recommend continuance per Applicant request.

1.8 NOI – Fisher Street Wells 2, 2A, and 2B (159-1295)

Recommendation: Approve with Conditions

This public hearing is 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 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 approval with standard special conditions 22, 25-30, 33, 36, and 48-50.

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1.9 NOI – 55 Constitution Boulevard (NO DEP # YET)

Recommendation: Continue per Applicant request to June 13 7:05 pm

NEW: Applicant yet to pay peer review fees

This public hearing is for an ANRAD at 55 Constitution Boulevard. Per the Applicant, they are seeking to confirm the boundaries of BVW, ILSF, IVW, and their associated Buffer Zones. No other resource areas, habitat, RFA, or FEMA mapped flood zone, were identified by the Applicant. Note to the Applicant: Local bylaw applies a 100-foot Buffer Zone to ILSF.

Recommend continuance for further BETA and Agent review, peer review fees, and DEP #.

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.

New: Applicant is drafting an RDA form with associated narrative to include with this MBZA to cover the invasive species removal and replanting within the wetland. No other work is proposed interior to the wetland. Recommend continuance.

2.2.2 36 Jordan Road

This MBZA is for a proposed stormwater system (drainage basins, gutter, swale/trench, and pipe) within the 100-foot Buffer Zone. A portion of the work has already started. The Applicant is proposing to discharge the stormwater within the Buffer Zone toward the adjacent wetland. Applicant has proposed rip rap or a leaching galley at the discharge point. Commission should consider conditioning installation of sedges or rushes to assist in pollution control. Please reference the attached MBZA for more information. Recommend approval with conditions.

2.2.3 86 Palomino Drive

This MBZA is for the ratification of a single tree removal within the 100-foot Buffer Zone, but outside of the 25-foot “No Touch”, on the boundary of existing, disturbed lawn.

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Work has already been done, but the Agent is seeking ratification of the removal. The stump was left in place and soil is stabilized. Recommend ratification.

2.3 Request for Determination of Applicability

2.4 Permit Modifications/Extensions

2.5 Certificates of Compliance

2.5.1 39 Blueberry Lane CE159-1217

Recommend approval.

2.6 Violations/Enforcement

2.6.1. 305 Union Street

Recommend 30 day extension.

2.7 Minutes

2.7.1 **NO MINUTES**

2.8 Discussion Items

Chair & Commission Comments

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