

Town of Franklin

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Conservation Commission

To: Franklin Conservation Commission
From: Breeka Lí Goodlander, CWS, PWS
Re: Conservation Agent Report
Date: November 10, 2022

1.0 Public Hearings

1.1 NOI - 33 Charles River Drive (No DEP #)

This public hearing is for the installation of a proposed in-ground swimming pool, patio and pavilion within existing, disturbed lawn (1997). An NOI is being filed as the work is proposed within the state regulated 100-foot Buffer Zone and a portion of the locally regulated 50-foot Buffer Zone to a Bordering Vegetated Wetland (BVW). The proposed work is exempt under 310 CMR 10.02(2)(b)(2)(e) as it consists of “the conversion of lawn to uses accessory to residential structures such as decks, sheds, patios, pools..”, etc. Approximately 2,168 square feet (sf) of work is proposed within the 100-foot Buffer Zone, 482 sf of which is within the 50-foot. The proposed work area is up gradient of the BVW and confined by an existing privacy fence. Recommend continuance to Dec 1 due to no DEP #.

1.2 NOI – 74 South Street (No DEP #)

This public hearing is for an after-the-fact approval of unpermitted vegetation removal/brush cutting within the 25 to 100-foot Buffer Zone to BVW and for the construction of a proposed 3,240 sf barn, 460 sf of which is proposed within the Buffer Zone. An optional future 14’x60’ RV storage area and optional extension are also proposed within the Buffer Zone, in addition to a gravel “bump-out” from the barn. The NOI proposes to remove an additional 7 trees and their root mass, 5 of which are within the 50 to 100-foot Buffer Zone. Proposed alteration include 3, 138 sf within the 100-foot Buffer Zone, 690 sf within the 50-foot Buffer Zone with 1,200 cubic yards of fill. Grading is not proposed to extend past the 50-foot Buffer Zone.

As of November 8, a follow up site visit has not been conducted. I am awaiting a response from the representative to meet onsite and discuss the project in more depth. Notable items to discuss include, but are not limited to, the optional future projects and their impacts, the gravel bump-out, methodology of tree removal and more. Additionally, the Applicant has yet to respond to a BETA peer review scope and DEP has yet to issue a number. Recommend continuing to Dec 1.

1.3 NOI – 0 Lincoln Street, Franklin Heights

This public hearing is for a “Friendly” 40B application currently in front of the Zoning Board of Appeals (ZBA) with an existing ORAD. The Project proposes one stormwater basin and 19 buildings located within the 25 to 100-foot Buffer Zone and one BVW/intermittent Stream crossing.

Since the last hearing BETA submitted their peer review, however the Project has yet to receive ZBA approval so it is recommended that the Commission withhold Project approval until ZBA has made a decision. Recommend continuing to the Dec 1 hearing.

2.0 General Business

2.1 Minor Buffer Zone Activities

2.1.1 99 Highland Street

This project is for a residential shed installation project within existing, disturbed lawn within the 50 to 100-foot Buffer Zone, approximately 70 linear feet (lf) up gradient from the BVW boundary. The proposed work area is up gradient of the BVW and confined by an existing fence. The proposed work is also exempt under 310 CMR 10.02(2)(b)(2)(e) as it consists of “the conversion of lawn to uses accessory to residential structures such as decks, sheds, patios, pools..”, etc. The total area of disturbance totals 576 sf, with the foundation of the shed on a concrete slab at grade. Minor excavation is proposed of not more than two feet below finish grade. Recommend approval with standard conditions.

2.1.2 11 Squibnocket Road

This project is for a residential tree removal project within the 100-foot Buffer Zone, but outside of the 25-foot No Touch Zone (confirmed by Agent). The Applicant proposed to remove 7-11 trees within two separate zones, “red circle” and “green zone”. The tree shown as “red circle” on the accompanying map, total one, is large and girdled by oriental bittersweet (invasive). Recommend removal with stump in place and standard conditions.

The Applicant proposed to remove 6-10 trees of varying size within the “green zone” for lawn maintenance and improvement. The “green zone” is approximately 45 lf away at its closest to the BVW, but generally within the 50 to 100-foot Buffer Zone. The area consists of a sparsely to moderately vegetated understory, dominated by eastern pine.

It is recommended that the Applicant expand on what lawn maintenance and improvement entails; is there any possibility to revegetate with more native and diverse vegetation? Recommend removal/approval with stumps left in place, including standard conditions.

2.1.3 Spring Street, MECO-Pole Installation

This project is for the proposed installation of one utility pole, associated anchor, and grounding mat at 60 Spring Street (“Spring Street Solar”) within the 100-foot Buffer Zone to BVW, approximately 75 lf from the BVW boundary. The proposed work is exempt under 310 CMR 10.02(2)(b)(2)(h) as the direct embed pole, anchor, and ground mat will be installed within 10 feet of a driveway and greater than 10 feet from the edge of BVW, and will not require tree removal.

BMPs associated with ground disturbance are already onsite and will be utilized/left in place for the proposed pole work. Any disturbance will be restored in-kind. Recommend approval with standard conditions.

2.1.4 1 Wadsworth Farm Road

This project is for a residential tree removal project on the boundary of the 25 foot No Touch Zone to a locally regulated intermittent stream and corresponding diffuse wetland – considered “isolated” under the State (i.e. non-jurisdictional). Stream is verified as intermittent based on the latest USGS map and StreamStats report. Recommend approval with stumps left in place and standard conditions, provided that the limit of vegetation/brush clearing is confined to the footprint of the existing lawn and on the top of slope.

2.1.5 30 Brook Street

This project is for a residential tree removal project within the 100-foot Buffer Zone to BVW and inland Bank, and the 200-foot Riverfront Area (RFA) to an unnamed perennial stream. One tree is proposed for removal with an additional three trees requiring pruning. All trees are within or on the boundary of existing lawn. Recommend approval with the stump left in place and standard conditions.

2.1.6 DelCarte Concrete Tank and Pad Removal

This project is for the removal of the concrete tank and pad, to the greatest extent practicable, at the DelCarte Conservation Area. An MBZA is being filed because the proposed work will occur within the locally regulated 25-foot No Touch Zone and the 25 to 50-foot Buffer Zone to a Pond. A Variance request to conduct work is included in the proposal. All of the proposed work is considered exempt under 310 CMR 10.02(20(b)(2)(d) and (f) as the work consists of the “plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns” and the “conservation of impervious to vegetated surface, provided erosion and sedimentation controls are implemented during construction.”

The concrete is proposed to be removed in the winter and revegetated early spring with similar vegetation to the surrounding area. Erosion and sedimentation controls will be installed as necessary. Considering this is a Conservation Department project, I will abstain from providing a recommendation.

2.2 Permit Modifications/Extensions:

2.3 Certificates of Compliance

2.3.1 1256 West Central Street

The restoration site for this Project has reached >75% coverage of proposed wetland species. Recommend approval.

2.4 Violations

2.5.1 305 Union Street

As of November 8, no update has been given by the Applicant. Recommend continuing for 30 days.

2.5 Minutes

2.6.1 October 27, 2022

2.6 Discussion Items

2.6.1 10 Populatic Street

This discussion is for a previously approved Project within the 100-foot Buffer Zone to BVW and inland Bank and the 200-foot RFA. A part of the project required slope stabilization of the Applicant and an official report from an arborist/forester providing details on proposed plantings. It is my understanding the report has yet to be submitted and that a large oak tree is threatening the slope stability. The Applicant is in front of the Commission seeking input on the best path forward for the large oak tree.

2.6.2 237 Pleasant Street

This discussion is for a “Friendly” 40B Project located at 237 Pleasant Street. The Applicant has been invited to present in front of the Commission to receive a letter of support for their ZBA process.

2.6.3 Administrative (Agent) Approvals – October 2022

2.6.3.1 2 Blueberry Lane

This Administrative approval is for the proposed installation of a 120 sf shed on skids and pavers to replace an existing shed within the locally regulated 100-foot Buffer Zone to an intermittent stream (runoff/stormwater system). Minor excavation is required to stabilize the shed. All work is proposed within existing lawn. Recommend ratification.

2.6.4 Open Space and Recreation Plan (OSRP) Discussion/Presentation

Chair & Commission Comments