

Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING
www.gandhengineering.com

Est. 1972

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(508) 473-6630/Fax (508) 473-8243

Franklin Office
55 West Central Street
Franklin, MA 02038-2101
(508) 528-3221/Fax (508) 528-7921

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1029 Providence Road
Whitinsville, MA 01588-2121
(508) 234-6834/Fax (508) 234-6723

March 7, 2024

Franklin Conservation Commission
355 E. Central Street
Franklin, MA 02038

RE: Minor Buffer Zone Activity – 0 Bent Street, Franklin, MA 02038

Dear Commission Members:

On behalf of our client, StoryHeights Montessori, we are filing a Minor Buffer Zone Activity application to perform soil testing in the form of deep test holes and percolation tests within the 100ft buffer of bordering vegetated wetlands.

As part of the submittal G & H has included the following:

- Project Narrative
- MBZA Application
- Application Process Signature Form
- AxisGIS Assessor Database Locus Map
- Plan entitled “Existing Conditions Plan Lot 1 Bent Street Franklin Massachusetts”, dated 1/26/24
- Check for \$50.00 (MBZA filing fee)

We trust this meets with your requirements. Please contact us at our Franklin office at (508) 528-3221 if you have any questions or require additional information.

Sincerely,

Amanda Cavaliere
Franklin Office Manager

Project Narrative
Minor Buffer Zone Activity Application
0 Bent Street (Map 215 Parcel 22)
Franklin, Massachusetts

Project Description:

The project site is located at 0 Bent Street, Franklin, Massachusetts (directly across from 8 and 10 Bent Street). The work being proposed in this application consists of soil testing in the form of deep test holes and percolation tests.

An excavator would enter the property via Bent St and dig the deep test holes within the areas shown on the attached plan. An engineer will use hand tools to dig the percolation holes, followed by performing the percolation test. Upon completion the tests the holes will be immediately backfilled.

This proposed work will be performed as soon as possible after receiving approval from the Conservation Commission and the Board of Health.

TOWN OF FRANKLIN CONSERVATION COMMISSION

MINOR BUFFER ZONE ACTIVITY APPLICATION AS PER FRANKLIN BY-LAW CHAPTER 181

In order to be considered complete, all information, requirements and conditions must be completed and the \$50.00 filing fee submitted with the application.

Applicant: (Please Print the following information)

StoryHeights Montessori
Applicant's Name

23 Union St
Mailing Address

Norfolk	MA	02056
City/Town	State	Zip Code

508-969-3562 tylertullos@kw.com
Telephone Number and e-mail address of primary contact for this application.

Property & Plan Information:

Tyler & Crystal Tullos
Land Owner's Name (If Different from Applicant)

Lot 1 Bent St
Project Location (Street Address)

map 215 parcel 022
Assessor's Map & Parcel Number

EXISTING CONDITIONS PLAN LOT 1 BENT STREET FRANKLIN MASSACHUSETTS / 1-26-24
Plan Name and date

All plans and information submitted for an MBZA must contain information to adequately depict the following: (NOTE: 2 hard copies of all material must be submitted to the Town Hall and an electronic copy of the entire application to the Conservation Agent's email.)

1. Plans:

- 1.1. Existing conditions of the property showing all existing structures;
- 1.2. Area of proposed work including total area of disturbance and whether the disturbances are permanent or temporary;
- 1.3. Location of all wetlands and buffer zones, including the 25', 50' and 100' buffers;
- 1.4. Location, type and size of any vegetation being removed and any vegetation to be planted as a mitigation measure;
- 1.5. Existing slopes and direction of drainage; and
- 1.6. Location of any required erosion control.

2. Narrative:

- 2.1. Detailed description of the activity to take place; and
- 2.2. Detailed description of how and when the work will be performed.

3. Other:

- 3.1. A photograph of the area where the activity is to take place.
- 3.2. A filing fee of \$50.00.

Authorization:

I hereby request that the Franklin Conservation Commission review this Application for a Minor Buffer Zone Activity. I (we) affirm that the project will comply with all criteria as stated in Section 14 of the Franklin Wetlands Protection Regulations as well as all information submitted. I (we) also grant authority to the Franklin Conservation Commission members and agent to go onto my (our) property solely for purposes directly related to the inspection and approval of this application



3/6/24

Property owner's Signature

Date

2. PERFORMANCE STANDARDS

2.1. These are the requirements for a Minor Buffer Zone Activity (MBZA)

2.1.1. The Conservation Commission (The Commission) shall presume that activity proposed to occur:

- Exclusively within a previously disturbed or clearly delineated buffer zone; and
- The alteration is less than 1,000 Square Feet or 5% of the buffer zone on the lot, whichever is less; and
- At a minimum, a 25 foot wide area is preserved between the activity and the resource area boundary; and
- The buffer zone does not contain estimated wildlife habitat which is indicated on the most recent Estimated Habitat Map of State listed Rare Wetlands Wildlife; and
- Erosion and sedimentation controls, if required, are provided at the limit of work to protect the resource areas, and
- Shall constitute activities within the buffer zone that would be eligible for a Negative Determination of Applicability with conditions.

2.2. The Commission may determine that this presumption should not apply based on unusual circumstances such as steep slopes, the potential for negative impacts over time or because the proposed project would require oversight through continuing conditions. The Commission may waive any or all of the above requirements if they find that there is an emergency situation. In order for the site to be declared an emergency, a vote of the Commission shall be required.

2.3. In order for a property owner to apply for an MBZA they must meet all of the above requirements and provide a plan of the activity, a detailed project narrative and photographs of the project area. The distance between the proposed project and the wetlands must be noted on the plan and may require delineation if requested by the Commission or Agent. Additional items detailed on the MBZA form or requested by the Commission, or its Agent, may be required. The applicant is required to prove by a preponderance of the evidence that their proposed MBZA will not result in a negative impact to the wetlands.

2.4. The minor nature of these projects will not require the Commission to hold an advertised public hearing on the matter. The Agent shall review the application and may perform a site visit to confirm information provided in the plan, project narrative and photographs. The Agent may request additional information if s/he deems necessary. Upon review of the MBZA application, the commission may issue an approval, with or without conditions, a denial, or require the applicant to provide further information. If the commission issues a denial, the applicant shall be required to file a Notice of Intent if they wish to pursue the activity.

2.5. The work must conform to the plans submitted in the Minor Buffer Zone Activity application and all applicable conditions or modifications imposed by the Commission in the approval. If the applicant fails to perform the work according to the approved plan or in conformance with the applicable conditions of the approval, the permit will be revoked. Failure to conform to the plans and specifications shall constitute grounds for requiring a Notice of Intent and/or an Enforcement Action, including fines, by the Commission.

2.6. Upon completion of the project the applicant shall notify the Agent. The Agent shall inspect the work for and inform the Commission of the results.

2.7 Minor activities within Riverfront Zone, the 100' buffer zone, but not within the 25' "no touch" zone, and not within 25' of a perennial stream, may be authorized by the Conservation Agent under the following conditions:

2.7.1. The proposed activity will not run counter to the interests of the Wetlands Protection Act;

2.7.2. The proposed activity shall collectively not encompass more than 150 ft² of land area;

2.7.3. The proposed activity shall be only those activities permitted under 310 CMR 10.02 (2) (b) as well as the removal of vegetative debris and trees;

2.7.4. These activities shall be outlined on a MBZA application providing all required information and accompanied by the required filing fee;

2.7.5. All decisions of the Conservation Agent may be appealed to the Conservation Commission following the procedures outlined in section 8 of these regulations;

2.7.6. The agent shall prepare and submit a report, at least monthly, to the Commission on all permits approved under this section.

Town of Franklin Conservation Commission

APPLICATION PROCESS SIGNATURE FORM

There are three different applications that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for Determination (RDA) and a Minor Buffer Zone Activity (MBZA). All three applications have different criteria for submission and approval and the NOI and RDA are governed by both the state law and the local bylaw. The MBZA is issued under the local bylaw only.

When a potential applicant requests advice from the Conservation Agent on which application to file, the opinion of the Agent is based on the information given by the potential applicant and any other information available to the Agent, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after an application is filed or permission of the property owner is given.

It is important that all applicants understand that after an application is filed, additional information may come to light e.g. via a field inspection or a review of the application, that may impact the scope of the submitted application and the approval process. **Therefore, it is the ultimate responsibility of the applicant to decide which application to file.**

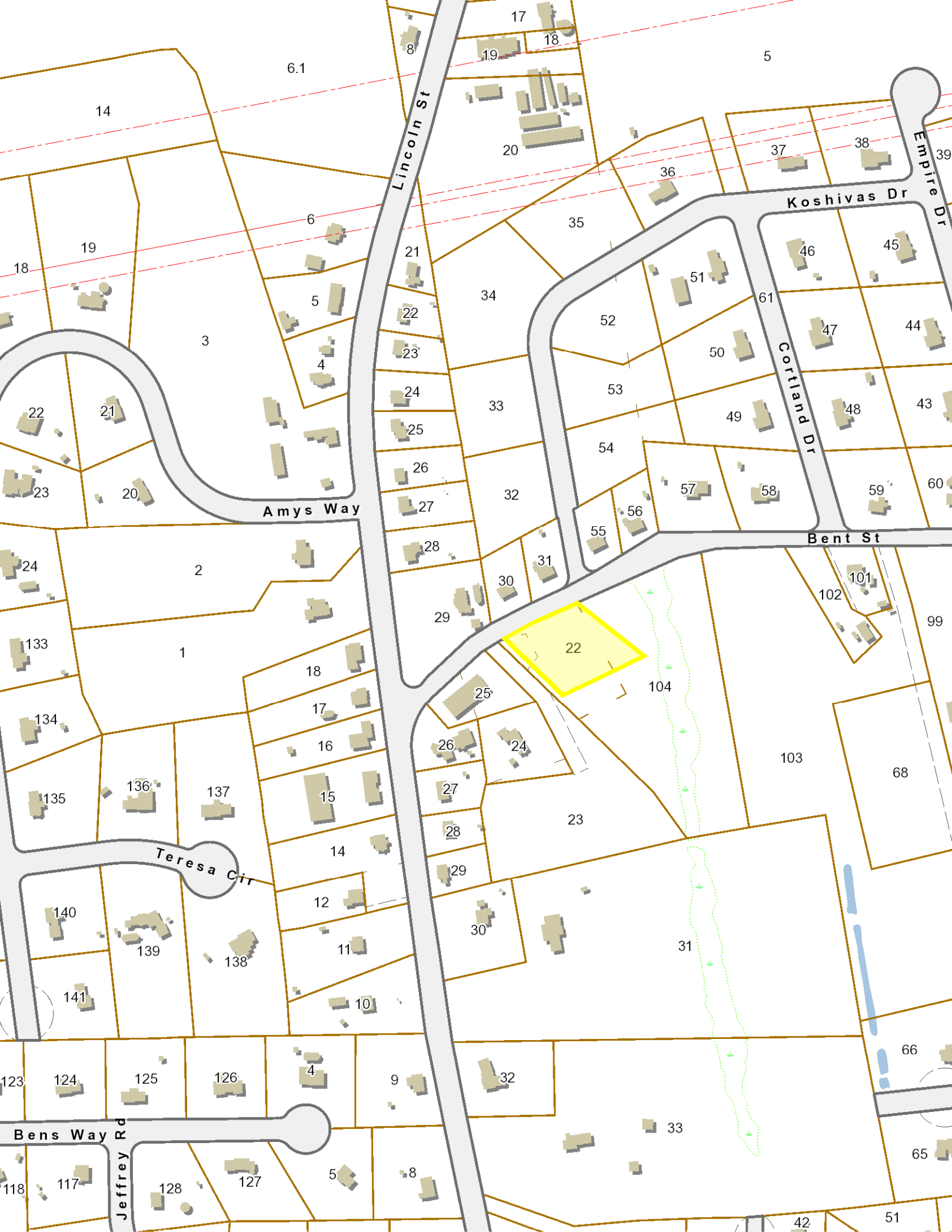
In light of the above, please sign below indicating an understanding of this policy and submit it with the application.

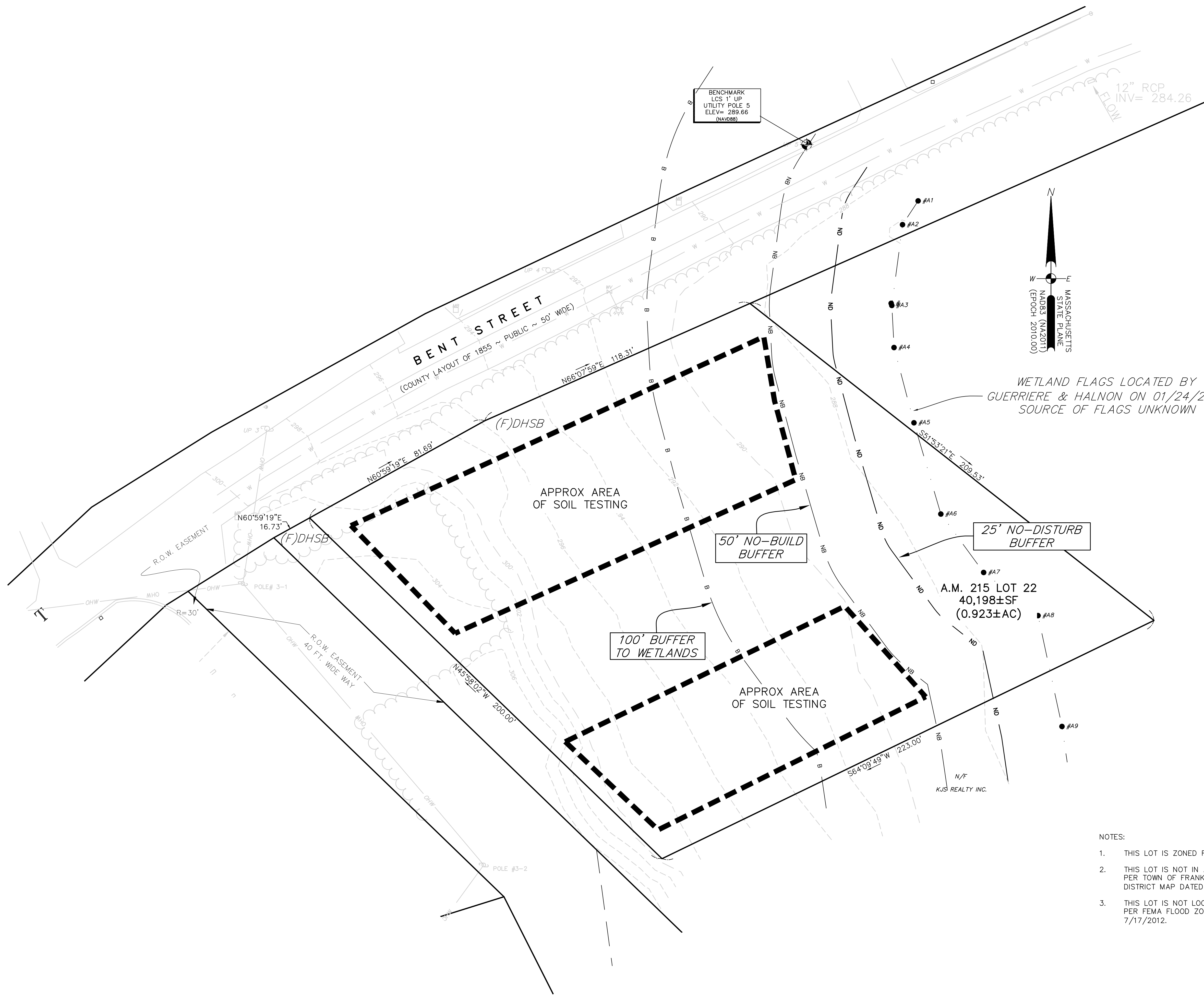


Signature of Property Owner

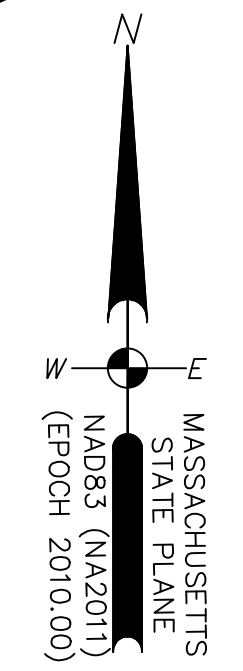
2/28/2024

Date





WETLAND FLAGS LOCATED BY
GUERRIERE & HALNON ON 01/24/2024
SOURCE OF FLAGS UNKNOWN



- NOTES:
- THIS LOT IS ZONED RURAL RESIDENTIAL I.
 - THIS LOT IS NOT IN A WATER RESOURCE DISTRICT PER TOWN OF FRANKLIN WATER RESOURCE DISTRICT MAP DATED 4/11/2019.
 - THIS LOT IS NOT LOCATED IN A FEMA FLOOD ZONE PER FEMA FLOOD ZONE MAP 25021C0144E DATED 7/17/2012.

APPROVED DATE: _____
FRANKLIN PLANNING BOARD

BEING A MAJORITY

LEGAL NOTES

UTILITIES ARE PLOTTED AS A COMPILATION OF RECORD DOCUMENT MARKINGS AND OTHER OBSERVED EVIDENCE. FOR A VIEW OF THE UNDERGROUND UTILITIES, ONE SHOULD BE CONSIDERED APPROXIMATE. DURING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE KNOWN. COMPLETELY AND RELIABLY DEPICTED. ADDITIONAL UTILITIES, NOT EVIDENCED BY RECORD DOCUMENTS OR OBSERVED PHYSICAL EVIDENCE, MAY BE DISCOVERED BY CONTRACTORS (IN ACCORDANCE WITH MASS. GEN. LAWS, CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE(7233).

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

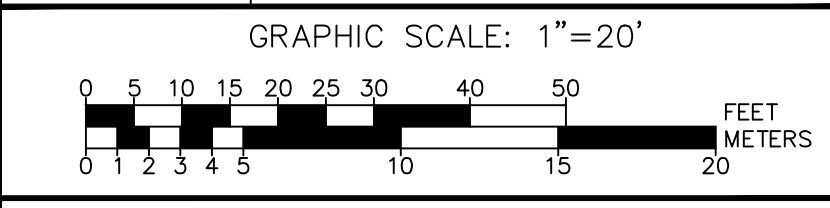
OWNER
TYLER TULLOS
CRYSTAL TULLOS
109 WINCH STREET
FRAMINGHAM, MA 01701
DEED BOOK 41494 PAGE 413
PLAN Bk. 701 PLAN Pg. 94
A.M. 215 LOT 22

APPLICANT
STORY HEIGHTS
23 UNION STREET
NORFOLK, MA 02056

EXISTING CONDITIONS
PLAN
LOT 1 BENT STREET
FRANKLIN
MASSACHUSETTS

EXISTING CONDITIONS
JANUARY 26, 2024

DATE	REVISION DESCRIPTION



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