

# **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)**

Town of Franklin, MA

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Applicant's Name

355 East Central Street

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Mailing Address

Franklin

MA

02038

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City/Town

State

Zip Code

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508-553-5500

nlampert@franklinma.gov

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Telephone Number and e-mail address of primary contact for this application.

**Property & Plan Information:**

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Land Owner's Name (If Different from Applicant)

Panther Way, Franklin, MA 02038

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Project Location (Street Address)

Parcel IDs 269-044-000, 269-045-000 and 270-051-000

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Assessor's Map & Parcel Number

Sculpture Park MBZA Map, 5/10/2023

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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**

 (applicant) 5/11/2023  
\_\_\_\_\_  
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 ft<sup>2</sup> 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.

May 11, 2023

Franklin Conservation Commission  
355 East Central Street  
Franklin, MA 02038

Re: Sculpture Park Improvement Project - Minor Buffer Zone Activity Application  
Franklin Sculpture Park (Parcel IDs 269-044-000, 269-045-000 and 270-051-000)  
Panther Way in Franklin, Massachusetts

Dear Members of the Franklin Conservation Commission:

On behalf of the Town of Franklin, I respectfully submit this Minor Buffer Zone Activity (MBZA) application for proposed work within the 50 to 100-foot Buffer Zone at the Sculpture Park, Parcel IDs 269-044-000, 269-045-000 and 270-051-000, located on Panther Way in Franklin, Massachusetts. The purpose of this work is to increase biodiversity within the ecosystem of the Park via the revegetation of native plants, and to install permanent structures within the park which will allow for additional passive recreation and the safe installation of sculptures.

An MBZA is being filed because the proposed work will occur within the 100-foot Buffer Zone to a Pond and total area of permanent disturbance will be less than 1,000 sf. The 100-foot Buffer Zone is regulated under the Massachusetts Wetlands Protection Act (WPA, M.G.L. c. 131 § 40) and the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its corresponding Regulations. All of the proposed work will be within previously disturbed Buffer Zone outside of or on the boundary of the 25-foot No Touch Zone with no anticipated impacts to nearby wetland resource areas.

A portion of the proposed restoration work is considered to be exempt from the Massachusetts Wetlands Protection Act (WPA, M.G.L. c. 131 § 40) in accordance with 310 CMR 10.02(2)(b)(2)(d), as the work consists of the *“plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns.”*

Planting of vegetation will require temporary minor excavation of existing disturbed areas within the 100-foot Buffer Zone. Large areas will require tilling of non-native turf grass to prepare the area for seeding and plugs. Small areas will be hand dug. Scarification of compressed soil will be needed, along with the addition of high quality soil to ensure successful seeding and revegetation. All herbaceous plants will be dug by hand to size, approximately 1 sf or less.

Removal of invasive plant species observed in the Park, including but not limited to Japanese knotweed, garlic mustard, multiflora rose and common mugwort, will be needed prior to planting or seeding many of the proposed areas. Removal will be performed by Town employees or volunteers under the supervision of Town employees.

The installation of concrete pads and footings will require minor excavation of existing disturbed areas within the 100-foot Buffer Zone. All art spaces will have a sign installed requiring a 1 sf concrete footing. New installations will be allowed a maximum of five 1 sf concrete footings, 12-36" deep, to safely secure a sculpture. All footings and signs will be dug and installed by the Town. Picnic tables and benches will require the installation of concrete pads.

Erosion control will be installed if deemed necessary by the Conservation Agent or Commission.

**Total Impact Area: 10,062 sf**

**Total Temporary Impact Area (Revegetation): 9748 sf**

**Total Permanent Impact Area: 314 sf**

### **Details of Permanent Impacts**

Art Spaces and Signage: 122 sf

Dig and pour one 1 sf footing for signage at 27 spaces

Dig and pour up to five 1 sf footings for sculptures at 19 spaces

Picnic Tables: 150 sf

Dig and pour concrete pads for 2-3 picnic tables

Bench(es) at Back Loop: 30 sf

Dig and pour concrete pads for 1-2 benches

Granite Benches between ponds: 12 sf

Remove one bench and replace 5-15' feet south of current location, install additional bench 5-15' feet north of current location

### **Details of Temporary Impacts**

Proposed Stream Side Planting: 1022 sf

See Site Photos document

Invasive Japanese knotweed is present in this area. The portion of this area closest to the path remains free of knotweed and will be revegetated with native plant species while the Japanese knotweed is contained and removed in the portion closest to the stream.

Proposed Ponton St Parking Lot Planting: 2807 sf

See Site Photos document

Invasive garlic mustard is present in this area. The portion of this area closest to the path remains free of garlic mustard and will be revegetated with native plant species while the garlic mustard is contained and removed in the portion closest to the stream.



Existing Picnic Area Planting: 434 sf

Area to be observed for existing species, possible removal of invasive plant species and addition of native plant species.

Proposed Extension of South Vegetated Buffer: 1616 sf

This area is currently vegetated with turf grass and will require tilling prior revegetation with native plant species. A combination of seeding and planting plugs will be used to ensure the efficient establishment of new growth and help maintain slope stability.

Proposed Loop Plantings: 563 sf

Area to be observed for existing species, possible removal of invasive plant species. Proposed work includes hand digging and planting of native shrubs and herbaceous perennials and if needed the addition of high quality soil.

Existing Wildflower Patch: 572 sf

Area to be observed for existing species, possible removal of invasive plant species and addition of native plant species.

Proposed Pondsides Planting Area: 184 sf

Invasive multiflora rose is present in this area and will be removed. Proposed work includes hand digging and planting of native shrubs and herbaceous perennials.

Proposed Native Groundcover Area: 778 sf

Existing disturbed to the water's edge. The soil in this area is compressed and will require scarification, along with the possible addition of high quality soil to ensure successful seeding and revegetation. A combination of seeding and planting plugs will be used to ensure the efficient establishment of new growth.

Proposed Ladybug Planting: 147 sf

Most of this area lies just outside of the 100-foot Buffer Zone but it has been included in its entirety. Proposed work is limited to hand digging and planting of native shrubs and herbaceous perennials and if needed the addition of high quality soil.

Proposed Edge of Path Plantings: 152 sf

This area is currently vegetated with turf grass and will require removal of turf grass prior to revegetation with native plant species. Proposed work is limited to hand digging and planting of native herbaceous perennials and if needed the addition of high quality soil.

Proposed Extension of North Vegetated Buffer: 1533 sf

This area is currently vegetated with turf grass and will require tilling prior revegetation with native plant species. A combination of seeding and planting plugs will be used to ensure the efficient establishment of new growth and help maintain slope stability.

Additional Documents:

- A. Site Plan
- B. Site Photos

I look forward to discussing this project with the Town of Franklin Conservation Commission during the upcoming public hearing on Thursday May 18, 2023. I anticipate description of the project and other included materials are sufficient for the Commission to issue an Approval of this Minor Buffer Zone Activity, and that no other filings will be required.









Please do not hesitate to reach out with questions or for more information. I can be reached via phone at (508) 553-5500 or email at [nlampert@franklinma.gov](mailto:nlampert@franklinma.gov).

Best Regards,

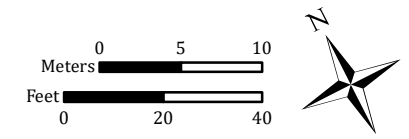
A handwritten signature in blue ink, reading "Natalie Regan-Lampert". The signature is written in a cursive style and is positioned above a light-colored rectangular background.

Natalie Regan-Lampert  
GIS Specialist  
Town of Franklin Department of Public Works

# SCULPTURE PARK

-  Trail: Approximately 1180 feet or 1/5 mile
-  Art Space
-  Planting
-  Structure
-  Parcel Line
- Wetlands Buffer Distance**
-  25 foot buffer zone
-  50 foot buffer zone
-  100 foot buffer zone
- Wetlands\*

\*Source: The National Wetlands Inventory, U.S. Fish and Wildlife Service



In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

