

Town of Franklin

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Conservation Commission

To: Franklin Conservation Commission
From: Breeka Lí Goodlander, CWS, PWS
Re: Conservation Agent Report
Date: October 27, 2022

1.0 Public Hearings

1.1 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.

Per the submitted WPA Form, the Project proposes to alter 947 square feet (sf) of BVW, including alteration proposed for the stream crossing, and replace 2140 sf. Replication is proposed at a 2.26:1 ratio. The replication area is proposed to be stabilized and revegetated with native, in-kind vegetation. The Stream crossing complies with the MA Stream Crossing Standards.

Since the last hearing BETA began 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 Nov 10 hearing at 7:01 PM.

2.0 General Business

2.1 Friendly 40B Discussion and Recommendation

2.1.1 121 Grove Street

This discussion is for a proposed “Friendly” 40B application that has yet to go to the ZBA. Under new protocols, the Conservation Commission has the opportunity to familiarize themselves with the Project over two hearings to and provide recommendations to the ZBA to optimize and improve proposed “Friendly” 40B applications. If and once the Applicant receives ZBA approval, the Applicant will then apply for an RDA, NOI, etc. This discussion does not give Project approval. The goal of this discussion is for the Commission to make recommendations regarding the Project for the ZBA. The Commission Chair will draft and sign the agreed upon recommendations, which the Agent will liaison and deliver internally.

This discussion is the first discussion for a “Friendly” 40B application at 121 Grove Street. The Project proposes 330 units over 31.4 acres with two Wetland/Stream crossings

and the proposed fill of an Isolated Vegetated Wetland (IVW). Additional grading work is proposed within the 25-foot No Touch Zone.

The Applicant has delineated two BVWs, three intermittent Streams (locally regulated), and an IVW (locally regulated) within the Project Area. Considering this is an Application for the ZBA, the Applicant has not submitted field delineation forms and relevant calculations to the Commission at this time so Wetland data collected, proposed impact numbers, etc. are not included.

The Applicant is requesting of the ZBA a waiver from the locally regulated Wetlands Protection Bylaw (Chapter 181) jurisdiction over all locally regulated Resources, Alternatives Analysis, Replication Plan and Protocols (i.e. the 2:1 replication ratio), and the required submission of Construction Sequence and Schedule.

The Applicant has proposed that they are open to an ANRAD if the Commission requires, or an NOI depending on the level of Town support.

Agent Wetland Delineation and Desktop Review:

The delineation for this Project occurred at the end of April and at the beginning of a drought. Any delineation occurring within a drought subsequently designates Resource Areas as “problematic” (i.e. wetland in which indicators of one or more parameter may periodically be lacking due to normal seasonal or annual variability). In other words, this delineation occurred outside of “normal environmental conditions” and it is recommended that caution is taken when reviewing Projects during these times.

While onsite in October, I delineated the IVW and it is my opinion that it is much larger in size than what is depicted on site plans and there may be cause to include it into the larger BVW complex. I identified redox features within the first six inches of the soil at soil boring holes, dominant facultative-wetland (FACW)/obligate (OBL) plants, and drainage patterns outside of the flagged Wetland area which connect to the larger BVW complex. I cannot compare my findings with what the Applicant witnessed during the April delineation without the data forms.

Upon reviewing StreamStats, I can confirm that the Streams onsite are considered intermittent, subsequently lacking protection under the WPA.

Lastly, building upon my desktop and field review and given the impacts to locally regulated Areas, I am concerned with downstream affects and loss of connectivity for the onsite (and offsite) BVWs that receive hydrology and have a consistent hydraulic connection with the current Wetland systems.

Recommendations are attached/on the Google Drive for review.

2.2 Minor Buffer Zone Activities

2.2.1 11 Corey Way

This project is for a residential “tree topping” within the 50 to 100-foot Buffer Zone to BVW. The homeowner has a history of trees in this vicinity causing significant damage to their home. Recommend Approval, provided that machinery stay within existing disturbed lawn/north of the rock wall and that stumps are left in place.

2.3 Permit Modifications/Extensions:

2.3.1 766 Union Street CE159-1186

This extension is for a residential home project. The landscape has not yet reached stability or 75% coverage. Recommend one year extension.

2.4 Certificates of Compliance

2.4.1 455 Maple Street

Recommend approval.

2.5 Violations

2.5.1 5 Palomino Drive

This violation discussion is for the final Restoration Report for the existing Enforcement Order (EO). Per the EO, debris was to be removed from the Buffer Zone; five shrubs and five one-inch caliper trees were proposed to be planted in the 0 to 25-foot Buffer Zone; five ferns were proposed to be planted within the wetland area; and seed was proposed to be spread within the 25 to 50-foot Buffer Zone. I inspected the site October 19 and concur with the report provided by Goddard Consulting. While vegetation has been planted, the trees are one to three inches in height, not one-inch caliper and the ferns had few (fresh/new) leaves. I can confirm that the deer have eaten the freshly planted vegetation. Revegetation, while struggling (i.e. deer, drought), has reached ~75% coverage as required under the WPA. I defer to the Chair and Commission if the project should be extended another year to provide additional restoration monitoring. Please note that most restoration plans call for two years of monitoring and that the environment is still recuperating from a significant drought.

2.5.2 74 South Street

This violation discussion is for an existing EO for the clearing of vegetation (e.g. saplings, shrubs, brush) and leaf litter within the 25 to 100-foot Buffer Zone without prior approval. As of October 24, the Applicant has not submitted an after-the-fact MBZA as required by the EO.

2.5.3 Fairmount Farm

This violation discussion is for an EO in Restoration. The Applicant has submitted the required seasonal report and I have conducted a site visit since the submission. I can confirm that the fill material has been removed to the best extent practicable, seed has been lain, and revegetation is already occurring.

2.6 Minutes

2.6.1 October 13, 2022

2.7 Discussion Items

2.7.1 DelCarte Forest Stewardship Plan

Chair & Commission Comments