

September 19, 2024

Ms. Breeka Lí Goodlander, Agent
Town of Franklin Conservation Commission
355 East Central Street
Franklin, MA 02038

**Re: 15 Liberty Way
MassDEP File No. 159-1282
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the project entitled: **15 Liberty Way Resubmittal** located in Franklin, Massachusetts (the "Site"). This letter is provided to present BETA's findings, comments, and recommendations. Consistent with the original review, this letter only addresses compliance with wetlands regulations. Review of stormwater management design will be addressed through the Planning Board Site Plan Review process.

BASIS OF REVIEW

The following documents were received by BETA and will form the basis of the review:

- Notice of Intent Package entitled **Notice of Intent for 15 Liberty Way Resubmittal, Franklin, MA 02038 (DEP File# 159-1282)**; prepared by Goddard Consulting, LLC.; dated July 1, 2024.
- Stormwater Memo entitled **Liberty Parking Expansion**; prepared by Level Design Group, LLC; dated June 25, 2024.
- Plans (11 sheets) entitled **Liberty Parking Expansion**; prepared by Level Design Group, LLC; dated January 13, 2023 and revised June 20, 2024; unstamped; 9 sheets.
- Response Letter entitled **Peer Review Comment Response**; prepared by Goddard Consulting; dated September 12, 2024.

Review by BETA included the above items along with the following, as applicable:

- **Massachusetts Wetlands Protection Act 310 CMR 10.00** effective October 24, 2014
- **Wetlands Protection Chapter 181 From the Code of the Town of Franklin**, dated August 20, 1997
- **Conservation Commission Bylaws Chapter 271 From the Code of the Town of Franklin**, dated July 11, 2019
- **Town of Franklin Conservation Commission Regulations**, dated October 3, 2019
- **Town of Franklin Best Development Practices Guidebook**, dated September 2016

PEER REVIEW UPDATE—SEPTEMBER 19, 2024

The Applicant has provided revised materials and written comment responses pursuant to BETA's September 9, 2024 peer review letter. BETA's comments from the August 7, 2024 peer review letter are included in plain text, and the associated responses attributed to Goddard Consulting, LLC (GC), are provided in *italics* and are prefaced with "GC:"

BETA reviewed these responses and revised materials and submitted additional comments on September 9, 2024, which are provided below in **bold text** and prefaced with “**BETA2:**”. GC’s comment responses attributed to their September 12, 2024 response letter are prefaced with “**GC2:**”. BETA’s most recent responses are provided in **bold text** and are prefaced with “**BETA3:**”.

BETA’s responses in this letter identify Special Conditions that could be included in the Order of Conditions regarding Bylaw compliance and the revised landscaping plans. Once compliance with the Massachusetts Stormwater Management Standards and Regulations is demonstrated through the Planning Board Site Plan Review process, the Commission will have sufficient information to consider the issuance of an Order of Conditions.

SITE AND PROJECT DESCRIPTION

The approximately 15-acre Site consists of a portion of an existing parcel located at 15 Liberty Way in Franklin, Massachusetts, further identified by the Franklin Assessor’s Office as Assessor’s Parcel 320-004-000-000. The Site is bounded to the east by a commercial property, to the south by office buildings, to the west by undeveloped forest and single-family residential parcels, and to the north by undeveloped forest. Existing improvements at the Site include a 92,490 square foot (sf) warehouse building, paved parking and road areas, maintained lawn, landscaped areas, and an undeveloped forest. Approximately 58% of the existing Site consists of impervious surfaces.

There are no Resource Areas Subject to Protection under the Massachusetts Wetlands Protection Act (M.G.L. ch.131 s.40) and its implementing regulations at 310 CMR 10.00 (collectively “the Act”) at the Site, however there is a Bordering Vegetated Wetland (BVW), identified as the F-Series, just off Site to the north. There are also Resource Area Subject to Protection under the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated Regulations (collectively “the Bylaw”) present at the Site, including eight (8) Isolated Vegetated Wetlands (IVW), of which five (5) are unmaintained stormwater features that have developed wetland characteristics over time.

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protections Area, and there are no Surface Water Protection Areas (Zone A, B, or C), or Outstanding Resource Waters (ORWs). There are no Areas of Critical Environmental Concern (ACEC) present, and the most recent Natural Heritage and Endangered Species Program (NHESP) mapping does not depict any Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Potential Vernal Pools (PVPs) or Certified Vernal Pools (CVPs) located on or within 100 feet of the Site.

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0317E and 25021C0316E, both dated July 17, 2012, the Site is not located within the 100-year floodplain. A Flood Zone A is mapped to the northwest, west, and south of the Site with no Base Flood Elevation (BFE) determined.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Woodbridge fine sandy loam with a Hydrologic Soil Group (HSG) rating of C/D and Udorthents, sandy, with a HSG rating of A.

The Applicant seeks approval for the expansion of the existing parking lot into a forested area and the installation of additional stormwater management infrastructure within the associated buffer zone. Proposed work includes the following activities (collectively referred to as the “Project”):

- Installation of erosion controls;

- Site clearing and grubbing;
- Site regrading;
- Installation of stormwater management infrastructure;
- Paving of approximately 36,450 square feet of the Site;
- Installation perimeter chain-link fence; and
- Final Site-wide vegetative stabilization and landscaping.

The Project will result in temporary and permanent impacts to the associated buffer zone Subject to Protection under the Bylaw and Act.

ADMINISTRATIVE AND PLAN COMMENTS

The plan set (as identified above) is missing information and requires additional information for clarity.

Table 1. NOI Plan

NOI Plan Requirements	Yes	No
Scale of 40'=1" or larger	✓	
North Arrow (with reference)	✓	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓ (BETA3:)	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
Registered PLS Stamp (Existing Condition Plans Only)	✓ (BETA3:)	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. MassDEP has not issued a file number for this Project. The Applicant should confirm that the Project has been resubmitted to MassDEP, as it is BETA's understanding that the filing under MassDEP File No. 159-1282 was denied under both the Act and the Bylaw.

GC: Revised plans have been resubmitted to MassDEP, but the previous filing (File No. 159-1282) was not denied by the Commission. To maintain compliance with relevant laws, the project was resubmitted and presented to the Commission as though it was a new project, abutters were renotified, and a new legal ad was placed. The project maintains File No. 159-1282. Certified Mail return receipts ("Green Cards") are attached (Attachment B) to confirm renotification of abutters and resubmittal of plans to MassDEP CERO.

BETA2: Comment addressed.

- A2. The following elements should be included on the Plan Set:

- a. All woody plants larger than 1 inch in diameter that are proposed to be removed should be shown on the plans per Section 7.18.1 of the Bylaw, and all plantings to be installed under proposed conditions should be depicted. Multiple pages appear to be missing from the submitted plan set, including the Landscaping Plans.

GC: While this requirement is noted, in this case it would be onerous. Field survey work has long been complete for this site. Remobilization to locate woody vegetation as small as 1" would incur a significant expense and this information would not inform any other decisions associated with the project. The area of clearing is detailed on the plan set and the plants within that area would be removed. As such, the Applicant would request a variance from this section of the Bylaw. See also response to comment W4 addressing Landscape Plans.

BETA2: BETA defers to the Commission on this Bylaw requirement.

GC2: Based on discussion at the Commission's 9/5/2024 public hearing, it was agreed that this requirement was not necessary, as this information will not inform any other decisions associated with the project.

BETA3: Comment addressed.

- b. A registered Professional Land Surveyor (PLS) stamp is required on the Existing Conditions Plan and a registered Professional Engineer (PE) stamp is required on the Proposed Conditions Plan.

GC: Every previous iteration of the plan set has been stamped by PLS/PE. The Applicant will provide stamped plans prior to any construction activity on the site.

BETA2: BETA defers to the Commission on this Bylaw requirement and recommends the Commission include a Special Condition requiring the applicant to submit a stamped plan set prior to the commencement of any work on the Site.

GC2: An updated stamped plan set is provided as an attachment to this letter.

BETA3: Comment addressed.

- A3. The Plans show the expanded parking lot as being 36,450 square feet, while the Stormwater Memo indicates that the proposed development is 35,450 square feet. The Applicant should clarify the correct value and confirm that the accurate area was used to model stormwater at the Site.

GC: LDG confirms that stormwater was modeled based on the 36,450-sf figure, and apologized for this typographic error in the submittal document. The attached Stormwater Memo has been revised to reflect this (Attachment C).

BETA2: Comment addressed.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

An onsite review of the resource area boundaries occurred for the previous submission of the Project; therefore, this review focuses on regulatory compliance with the Act and the Bylaw. An additional review of Resource Area boundaries has not been conducted as part of this peer review, as all boundaries depicted on the plan are consistent with the previous plan. Work is proposed within the 100-foot Buffer

Zone associated with the offsite BVW and the Buffer Zones associated with the IVWs under the local Bylaw. The Project is subject to the MassDEP Stormwater Standards and a review of compliance with these Standards will be conducted as part of the Planning Board Review.

The NOI application includes narrative information describing the Project, and the proposed impacts within the Buffer Zones have been quantified and generally described. Mitigation measures include Stormwater Best Management Practices (BMPs) to manage stormwater runoff from the new paved areas and the installation of erosion controls. The Applicant did not provide multiple Bylaw requirements within the revised material, BETA is deferring to the Commission on the acceptance of these missing elements. Multiple Special Condition recommendations have been suggested throughout this peer review letter. A landscaping plan was not submitted with the revised material.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted an onsite review of Resource Area boundaries for the previously submitted NOI on July 3, 2023 and August 2, 2023. BETA concurs with the Resource Area boundaries as depicted on the resubmitted plans.

CONSTRUCTION COMMENTS

- W1. The project as currently depicted will disturb more than one acre of land; therefore, a Notice of Intent (NOI) must be submitted to the EPA for coverage under the Construction General Permit (CGP) and the preparation of a Stormwater Pollution Prevention Plan (SWPPP) is required prior to construction. The Commission could

GC: The Applicant and project team understand the need for a CGP and SWPPPP. These items will be in place prior to the start of construction.

BETA2: BETA recommends that the Commission include a Special Condition requiring the Applicant to submit a SWPPP prior to the commencement of work.

GC2: The Applicant is amenable to a Special Condition that the SWPPP is submitted to the Commission prior to work beginning.

BETA3: Comment addressed. See recommended Special Condition above.

- W2. Material stockpile and laydown areas should be labeled on the Project plans.

GC: Stockpile areas are not shown on site plans. However, site plan notes indicate that stockpiles must be located within the area of disturbance and outside the 100-foot buffer zone, along with details regarding prevention of erosion, runoff and other control measure. Additionally, a detail on sheet C-6.0 of the site plan set provides further specification regarding stockpile stabilization.

BETA2: BETA recommends that the Commission include a Special Condition requiring the Applicant to contact the Conservation Agent for review and approve of stockpile areas prior to commencing earthwork.

GC2: The Applicant is amenable to a Special Condition that the Agent inspect and approve stockpile areas prior to earthworks beginning.

BETA3: Comment addressed. See recommended Special Condition above.

- W3. Proposed erosion controls include inlet protection measures, 12-inch diameter Silt Soxx and silt fencing. Silt fence is not permitted erosion control measure in the Town of Franklin (Pg. 13 of

Town of Franklin Best Development Practices Guidebook). The Applicant should coordinate with the Conservation Commission to determine the appropriate erosion control measure for the Site. Twelve (12)-inch diameter compost filter tubes alone may be an appropriate option commensurate with the scope of the Project.

GC: In this case, the silt fence is intended to prevent encroachment into the infiltration basin area after grading is complete, as compaction of soils in this area must be avoided for the basin to function as designed. Silt fence is not proposed as a full site perimeter control, only around the infiltration basin. Perimeter erosion controls surrounding the work area as a whole consists only of 12" SiltSoxx.

BETA2: Understood; BETA defers to the Commission on use of silt fence for specific circumstances.

GC2: Based on discussion at the Commission's 9/5/2024 public hearing, it was agreed that this silt fence was acceptable to prevent encroachment into the infiltration basin area to prevent soil compaction. Silt fence is not proposed as a full site perimeter control.

BETA3: Comment addressed.

MITIGATION COMMENTS

- W4. The Applicant stated that landscaping will be installed but did not provide plans or information regarding the proposed landscaping. The Applicant should provide the Landscaping Plans and restrict species within Areas Subject to Jurisdiction to those which are native.

GC: Landscaping plans have been submitted with previous iterations of the project prior to being significantly scaled back. Landscaping will be installed per the previously submitted site plans, and simply scaled back to the current scope of the project and area of work. The intention of the project is to provide the landscaping from the previous plan, plantings, materials and styles, but in the limited new work area.

BETA2: Comment remains. The Commission could consider including a Special Condition that requires the Applicant to submit a landscaping plan for review and approval prior to the commencement of work.

GC2: Updated landscape plans are included in the plan set attached to this letter.

BETA3: BETA recommends use of true natives in lieu of cultivars and the replacement of *Cornus alba* with a native species. A requirement for the submission of a revised landscaping plan prior to construction could be considered as a Special Condition.

- W5. The Applicant should provide the specifications regarding the proposed seed mix that will be used for stabilization of exposed soil.

GC: Sheet C-5.0 of the plan set specifies the seed mix to be used for stabilization of exposed soils.

BETA2: Comment addressed.

WPA PERFORMANCE STANDARDS COMMENTS

The Project only proposes work within the 100-foot Buffer Zone to BVW/IVW and is therefore not subject to the General Performance Standards set forth by the Act.

BYLAW REGULATORY COMMENTS

- W6. Section 4.4.1 of the Bylaw states that “mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100-foot Buffer Zone Resource Area is proposed to be impervious surface”. The Applicant should provide the Commission with calculations of proposed impervious area within the 50-100-foot Buffer Zone for the Commission’s review when determining whether additional mitigation is required.

GC: The 50-100’ Buffer Zone on the locus site measure approximately 54,251 square feet. Proposed impervious surface within the 50-100’ Buffer Zone measure approximately 9,130 square feet. This amounts to approximately 17% of the on site 50-100’ Buffer Zone being impervious surface. See attached graphic titled 50-100’ Buffer Zone Cover (Attachment D).

BETA2: Comment addressed.

- W7. The following elements are missing from the Project Narrative as required by the Bylaw Regulations in Section 7.9.1:

- a. Who is performing the work; and

GC: Because work has not been bid for yet, it is not yet established who will be performing the work. The Applicant will accept a condition requiring that this information be submitted to the Commission prior to work beginning.

BETA2: BETA agrees with the suggested Special Condition.

GC2: Goddard suggests a Special Condition requiring this information be submitted prior to work beginning.

BETA3: Comment addressed. See recommended Special Condition above.

- b. Proposed mitigation.

GC: No mitigation is proposed. The project does not include any impacts that require mitigation.

BETA2: BETA recommends that the updated landscaping plans be provided (BETA2 Response to Comment W4) as a means of addressing this matter of Bylaw compliance, as the 100-foot Buffer Zone is considered a Resource Area under the Bylaw.

GC2: Updated landscape plans are included in the plan set attached to this letter.

BETA3: See Comment W4 (BETA3 response) regarding the revised landscaping plan.

- W8. The work proposes to alter undisturbed areas within the Buffer Zone Resource Area. To comply with Section 7.11.2 of the Bylaw Regulations, the Application should include a narrative describing steps taken to mitigate unavoidable impacts.

GC: The project has been completely redesigned in order to reduce proposed impacts to the extent practicable. At its inception, this project proposed thousands of square feet of alteration to wetland resources, and tens of thousands of square feet of impacts to natural buffer zones. Now, the project proposed no impacts to wetland resources, a minimal impact to the 25-50’ buffer zone that consists only of grading and has located the vast majority of the proposed impact to the 50-100’ buffer zone, or outside of the buffer zone entirely.

BETA2: Comment addressed.

- W9. In accordance with Section 7.12.1 Erosion & Sedimentation Control Plan of the Bylaw Regulations, the names and phone numbers of all individuals that will be responsible for erosion control should be provided.

GC: because work has not been bid for yet, it is not yet established who will be performing work. The Applicant will accept a condition requiring that this information be submitted to the Commission prior to work beginning.

BETA2: BETA agrees with the suggested Special Condition.

GC2: Goddard suggests a Special Condition requiring that this information be submitted to the Commission prior to work beginning.

BETA3: Comment addressed. See recommended Special Condition above.

- W10. A map showing Natural Heritage Priority Habitats and Estimated Habitats should be provided per Bylaw Regulations Section 7.17.1.

GC: The nearest Priority/Estimated Habitat, as mapped by NHESP, is located approximately 2.4 miles to the east of the site. See attached graphic titled NHESP Habitat Mapping (Attachment E).

BETA2: Comment addressed.

STORMWATER MANAGEMENT

The Project proposes the construction of an infiltration basin to capture and infiltrate stormwater generated by the proposed impervious areas. A review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations will be completed as part of the Planning Board Site Plan Review process.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, BETA has recommended multiple Special Conditions related to Bylaw compliance and the revised landscaping plan to be included in the Order of Conditions. Once compliance with the Massachusetts Stormwater Management Standards and Regulations is demonstrated through the Planning Board Site Plan Review process, the Commission will have sufficient information to consider the issuance of an Order of Conditions.

Ms. Breeka Li Goodlander, Agent

September 19, 2024

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If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,

BETA Group, Inc.



Anna Haznar
Staff Scientist



Jonathan Niro
Senior Project Scientist

cc: Amy Love, Town Planner

Bryan Taberner, AICP, Director of Planning & Community Development

Matt Crowley, P.E., BETA