

May 29, 2024

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

**Re: Louise Drive Extension - Franklin, MA
MassDEP File No. 159-1290
Abbreviated Notice of Resource Area Delineation Peer Review**

Dear Ms. Goodlander,

BETA Group, Inc. (BETA) is pleased to provide continued peer review services for the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted for the parcels located at **Louise Drive Extension, further identified as the Town of Franklin Assessor's Parcel IDs: Map 339, Lot 9, Lot 13, Lot 14, Lot 15, Lot 16 and Map 349, Lot 2 in Franklin, Massachusetts** (the Site). This letter provides BETA's peer review findings and comments as they relate to the Massachusetts Wetlands Protection Act (M.G.L. ch.131, §40) and its implementing regulations at 310 CMR 10.00 (collectively "the Act") and the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its implementing regulations (collectively "the Bylaw").

BETA performed Site visits on April 2 and May 14, 2024 to review the onsite Resource Area boundaries and confirm existing conditions as they relate to the ANRAD filing.

BETA's comments on the ANRAD filing pursuant to a review of documents and the Site visits are further discussed below.

DOCUMENTS REVIEWED

- Application entitled: **Abbreviated Notice of Resource Area Delineation Louise Drive Extension**; prepared by DiPrete Engineering; dated March 4, 2024.
- Plan (1 sheet) entitled: **Wetland Delineation Plan, Louise Drive Extension**; prepared by DiPrete Engineering; dated March 4, 2024; revised through May 24, 2024; stamped and signed by Robert G. Babcock, MA P.L.S. No. 49233.

SCOPE SUMMARY

The Applicant is requesting the Conservation Commission confirm the following Resource Areas boundaries, as noted in the application materials and as delineated and depicted on the ANRAD plan:

- 791 linear feet of Bordering Vegetated Wetlands (BVW); and
- 700 linear feet of Isolated Vegetated Wetlands (IVW).

BETA2: The scope now includes confirmation of Bank associated with an intermittent stream. As noted in the BETA2 response to Comment W3, a revised WPA Form 4A should be provided to disclose the total length of Bank to be approved. It is recommended that the Applicant confirm whether they are also seeking approval of the Land Under Water (LUW) boundary, which appears to be consistent with the flagged Bank based on field observations.

ADMINISTRATIVE REQUIREMENTS

The following provides an assessment of the plans in light of generally accepted existing conditions plan standards and the applicable plan requirements under Section 7.18 of the Bylaw Regulations:

Table 1 – ANRAD Plan Requirements

Plan Requirements	Yes	No
North Arrow (with reference)	BETA2: ✓ (See Comment W1b)	
Registered PLS Stamp	✓	
Assessors’ Reference	✓	
Abutting Property Assessors’ Reference	✓	
Survey Benchmark	BETA2: ✓ (See Comment W1c)	
Existing Conditions and Topography Sourced with date of survey	✓	
Topography/Contours	✓	
Lot Line Surveyed	✓	
Accurate Plan Scale	✓	
Resource Areas Identified and Labeled (including Buffer Zones)	✓	

EXISTING CONDITIONS AND ONSITE RESOURCES

The 6.5-acre Site consists of five (5) parcels identified as Map 339 Lot 9, 13, 14, 15, and 16 and Map 349 Lot 2 in Franklin, Massachusetts situated along Louise Drive Extension, a paper road associated with an approved subdivision plan. The Site is bounded to the north by residential homes and Washington Street, to the east by residential home and Byron’s Way, to the west by undeveloped wooded lots, and to the south by undeveloped wooded lots and the Oak Hill Village Conservation Area. Existing improvements at the Site include a catch basin at the intersection of Byron’s Way and Louise Drive and various fieldstone walls within the wooded portions of the Site. Topographic relief at the Site generally follows a south-to-north orientation.

MassGIS environmental data layers mapped within or near the Site include the following:

Table 3 – GIS-Mapped Areas

Mapped Resource On or Within Proximity to the Survey Area	Yes	No
Area of Critical Environmental Concern		✓
NHESP Certified Vernal Pool		✓
NHESP Potential Vernal Pool		✓
NHESP Estimated Habitat of Rare Wildlife		✓
NHESP Priority Habitat of Rare Species		✓
Outstanding Resource Waters		✓
FEMA Floodplain		✓
Surface Water Protection Area (Zone A, B, or C)		✓
Interim Wellhead Protection Area		✓
Zone I Wellhead Protection Area		✓
Zone II Wellhead Protection Area		✓

As depicted on the plan, and as described in the ANRAD application, the following Resource Areas exist within 100 feet of the Site:

- Bordering Vegetated Wetland (BVW);
- Isolated Vegetated Wetland¹ (IVW); and
- **BETA2: Bank to an intermittent stream.**

Table 3 further details these Resource Areas.

Table 3 – Resource Areas and Act/Bylaw Jurisdiction (As identified by the Applicant)

Resource Area	Flag Series	Act	Bylaw
IVW/Freshwater Wetland	A1 to A15, A16A, and A17 to A23		✓
BVW/Freshwater Wetland	B1 to B41	✓	✓
Bank (to intermittent stream)	SB-B1 to SB-B4, SB-5 to SB-16, SB-B17 to SB-B19, and SB-20	✓	✓

BETA2: The table above has been revised per the most recent submission.

PEER REVIEW UPDATE – MAY 29, 2024

Following the issuance of the April 10, 2024 peer review letter, BETA attended a supplemental Site visit with the Applicant and the Franklin Conservation Agent to review comments in the field and confirm accuracy of any new/revised flags. BETA’s original comments from the April 10, 2024 peer review letter are provided below in plain text, and comment updates are provided in **bold text** and prefaced with “**BETA2:**”. While the Applicant did not provide a formal comment response letter, revised plans were issued to address the peer review comments.

At this time, that Applicant has provided the Commission with sufficient information to issue an accurate Order of Resource Area Delineation (ORAD) for the Site.

COMMENTS

W1. BETA provides the following administrative and plan comments after conducting a review of the submitted application and plan set based on generally accepted existing conditions plan standards and the applicable plan requirements per the Bylaw Regulations:

- a) MassDEP File No. 159-1290 has been assigned to the project with the following technical comments:

“The narrative provided documents the presence of a narrow channel that would be best classified as an intermittent stream off-site between flags AWE-B21 and B15. MassDEP recommends that the Commission confirm whether the defined channel extends onto the project site between flags B14 and B41. If so, MassDEP recommends the applicant submit a revised site plan and WPA form 4A to MassDEP and the Commission showing Bank resource area. MassDEP recommends the Commission confirm if a hydrologic connection exists between the A-series wetland and the B-series wetland as, at the closest point, there appears

¹ IVWs are protected under the Bylaw as Freshwater Wetlands.



to be 40 feet of distance between flags A22 and B2. All boundaries and flags confirmed under this ANRAD should be accurately located in the field by the Commission.”

- b) The Applicant should provide a reference for the north arrow on the plans.
- c) The Applicant should provide a survey benchmark on the plans.

BETA2: The Applicant has provided a reference for the north arrow and a survey benchmark on the plans. Comment resolved.

- W2. BETA concurs with the Applicant’s onsite delineation of the B-Series BVW boundary based on the presence of hydrophytic vegetation including highbush blueberry (*Vaccinium corymbosum*) and red maple (*Acer rubrum*); hydric soils; and indicators of hydrology (presence of surface water and saturation).

BETA observed water-stained leaves, a saturated soil surface, and depleted soils with redoximorphic concentrations at 6 inches below grade approximately 10 feet upgradient of flags B37 and B38. These flags appear to be located offsite; however, the Applicant could revise their location to accurately project Buffer Zone onto the Site. As noted in Comment W6, approval of offsite flagging under the Order of Resource Area Delineation (ORAD) is not recommended.

BETA2: The Applicant revised the locations of these flags per this comment in order to accurately project Buffer Zone onto the Site. However, the flags are located offsite and were therefore removed from the plans. Comment resolved.

- W3. BETA observed a stream internal to the B-Series BVW. This stream was observed to be a shallow, concave channel with well-defined Banks consisting of scoured soils and leaf litter upgradient of flag B35 and downgradient of flag B32. Between flags B32 and B3, the stream becomes braided but maintains a hydraulic gradient sloping down to the northwest. Consistent with MassDEP’s comments, BETA recommends that the Applicant submit a revised plan and WPA Form 4A to MassDEP and the Commission seeking the approval of Bank and Land Under Water associated with this stream, and document whether it qualifies as perennial or intermittent.

Should the Applicant choose to not request approval of these additional Resource Area boundaries, BETA recommends that a finding be included in the ORAD stating that these Resource Areas are present but not approved.

BETA2: The Applicant has delineated both Banks associated with the onsite intermittent stream; BETA reviewed this delineation in the field and is in agreement with the boundary as depicted on the revised plans. In addition, it is understood that the Applicant has provided the Conservation Agent with confirmation that the stream is not shown on USGS topographic maps or StreamStats and is therefore presumed to be intermittent. Comment resolved; however, BETA recommends that a revised WPA Form 4A be provided for the record.

- W4. BETA generally agrees within the delineation of the A-series IVW with the exception of the following:

- a) Portions of the IVW boundary could not be reviewed due to flags being absent in the field. Missing flagging include flags A1 through A4, A6, A7, and A9-A11. No flagging “stubs” were observed.
- b) BETA observed hydric soils indicators (i.e., histosol) with sparse vegetative coverage 5 to 7 feet upgradient of flag A16. The Applicant should reassess the area directly upgradient of flag A16 and adjust the wetland boundary as necessary.

BETA2: The wetland boundary was adjusted to encompass the area upgradient of flag A16, which was replaced with flag A16A. In addition, the Applicant replaced all missing flags in the field for BETA's review and BETA concurred with all flag locations. Comment resolved.

W5. BETA agrees with the Applicant's assertion that the A-Series wetland is isolated due to a lack of surficial connection to another BVW or surface waterbody/waterway. Regarding MassDEP's comments on this matter, BETA did not observe a hydrologic connection between the flags A22 and B2. This area consisted of upland vegetation including Eastern white pine (*Pinus strobus*) and red oak (*Quercus rubra*) and bright-chroma upland soils.

BETA2: No further comment required.

W6. BETA recommends that the Commission excludes the approval of flags located outside of the Site boundaries in the ORAD. These flags include B36 to B39 and AWE-B15 to AWE-B27.

BETA2: All offsite flags have been removed from the plan; this comment is no longer relevant.

Review Summary

Based on our review of the ANRAD submittal and plan, and the existing conditions at the Site, it is BETA's opinion that the comments above should be addressed to facilitate the issuance of an accurate ORAD. However, it is recommended that the Applicant provide a revised WPA Form 4A and confirm whether they are seeking approval of the boundary of LUW.

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

Very truly yours,
BETA Group, Inc.



Jonathan Niro
Senior Project Scientist



Anna Haznar
Staff Scientist