



August 7, 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-XXXX
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed 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 entitled **Liberty Parking Expansion**; prepared by Level Design Group, LLC; dated January 13, 2023 and revised June 20, 2024; unstamped; 9 sheets.

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

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		✓ (See Comment A2)
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)		✓ (See Comment A2)
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.
- 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.
 - 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.
- 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.

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. This review letter identifies additional information that should be provided by the Applicant to ensure compliance with the Bylaw, including plans depicting proposed landscaping/plantings and proposed mitigation for alteration of forested Buffer Zone. In addition, confirmation of resubmission to MassDEP should be provided to demonstrate compliance with the Act.

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

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

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.

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

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, the Applicant is required to provide the Conservation Commission with additional information to comply with the Bylaw and Act and describe the work.

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