

November 22, 2024

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

**Re: 55 Constitution Boulevard
MassDEP File No. Not Yet Issued
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the Notice of Intent (NOI) seeking approval for the redevelopment of an existing commercial property (the Project) at **55 Constitution Boulevard** in Franklin, Massachusetts (the Site). This letter is provided to present BETA's findings, comments and recommendations.

BASIS OF REVIEW

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

- Notice of Intent entitled **Notice of Intent 55 Constitution Boulevard**; prepared by Beals Associates, Inc.; dated October 2024.
- Plans (29 Sheets) entitled **Plans to Accompany Permit Documents for 55 Constitution Boulevard**; prepared by Beals Associates, Inc.; dated October 17, 2024; stamped and signed by Todd P. Morey, MA P.E. No. 48865.
 - Existing Conditions Plan Sheets prepared by Kelly Engineering Group and stamped by Steven M. Horsfall, MA P.L.S. No. 41608.
- Stormwater Report entitled **Stormwater Management Report**; prepared by Beals Associates, Inc.; dated October 2024; stamped and signed by Todd P. Morey, MA P.E. No. 48865.
- Operation and Maintenance Plan entitled **Operation and Maintenance Manual**; prepared by Beals Associates, Inc.; dated October 2024.

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

- Site Visit on November 14, 2024
- **Massachusetts Wetlands Protection Act 310 CMR 10.00** effective October 24, 2014
- **Massachusetts Stormwater Handbook** effective January 2, 2008 by MassDEP
- **Stormwater Management Chapter 153 From the Code of the Town of Franklin**, Adopted May 2, 2007
- **Wetlands Protection Chapter 181 From the Code of the Town of Franklin**, dated August 20, 1997
- **Town of Franklin Best Development Practices Guidebook**, dated September 2016

SITE AND PROJECT DESCRIPTION

The 15.6-acre Site is located at 55 Constitution Boulevard and consists of one (1) parcel identified as Map 313 Lot 059-000 in Franklin, Massachusetts. The Site is bounded to the north by the Franklin Fire Department, to the west by an assisted living facility, and to the south and east by various developments within the Franklin Industrial Park. The Site is developed with an approximately 70,000-square foot three-story office building, bituminous concrete parking and loading areas, and a 335-square foot abandoned telecommunications building. The western portion of the Site consists of forested uplands and wetland complexes that appear to be re-naturalized stormwater basins. Several easements are present at the Site and include an electric easement along Constitution Boulevard, a utility and storm drain easement at the center of the Site, and a sewer easement within the northwest portion of the Site. Topographic relief at the Site generally follows an east-to-west orientation.

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”), as well as the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively “the Bylaw”) are present at the Site and include:

- Bordering Vegetated Wetland (BVW);
- Isolated Land Subject to Flooding (ILSF); and
- Isolated Vegetated Wetland (IVW).

The boundaries of onsite Resource Areas were previously confirmed by an Order of Resource Area Delineation (ORAD) issued under MassDEP File No. 159-1296 on July 18, 2024. These boundaries include:

- Flags B2-B24 (IVW/ILSF);
- Flags SB5 to SB13 (BVW);
- Flags A4 to A7 (BVW); and
- Flags A51 to A56 (BVW).

The Site is not located within any Surface Water Protection Areas (Zone A, B, or C), or Zone I, Zone II or Interim Wellhead Protection Areas. There are no Outstanding Resource Waters (ORWs) or 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 Certified or Potential Vernal Pools located within 100 feet of the Site.

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of the following soil type at the Site, Ridgebury fine sandy loam, 3 to 8 percent slopes, extremely stony slope with a Hydrologic Soil Group (HSG) rating of D, Woodbridge fine sandy loam, 3 to 8 percent slopes with a HSG rating of C/D and Woodbridge fine sandy loam, 0 to 8 percent slopes, extremely stone with an HSG rating of C/D.

Proposed work is associated with demolishing the existing office building and constructing two (2) warehouse buildings, including Building “A” (124,875+/- square feet) and Building “B” (60,300+/- square feet), along with associated site work and features (collectively referred to as “the Project”). More specifically, proposed activities include:

- Installation of a crushed stone-stabilized construction entrance;
- Stakeout of the grading and clearing limits and initiation of clearing;
- Installation of erosion and sediment controls;

- Demolition of existing structures;
- Construction of both Building A and Building B;
- Installation of new pavement;
- Placement of loam and seed in all temporarily disturbed areas;
- Installation of plantings;
- Rehabilitation of the stormwater management system including new deep sump catch basins and pipe connections; and
- Removal of erosion and sediment controls following inspection by the Conservation Commission.

The Project will result in direct impacts to the 100-foot Buffer Zone to BVW (Act), as well as the 0-25-foot No Disturb Zone (Bylaw), the 25-50-foot No Build Zone (Bylaw), and the 50-100-foot Buffer Zone (Bylaw).

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.a.)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓ (See Comment A2.b.)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. The Massachusetts Department of Environmental Protection (MassDEP) has not issued a DEP file number as of this writing.
- A2. The following elements are missing from the provided plans:
 - a. The proposed tree line and individual trees/shrubs with a diameter greater than 1" proposed for removal should be shown on the Plans per Bylaw Regulation Section 7.18.1.6. It is BETA's understanding that the Commission generally increases the size threshold for tree location based on the Project and therefore defers to the Commission on this matter.

- b. The Construction Sequence and Schedule should be depicted on the Plans per Bylaw Regulation Section 7.18.1.14.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA has completed a regulatory review of the submitted documents and plans, focusing on compliance with the regulations set forth in the Act and the Bylaw.

The NOI application includes narrative information describing the Project, and the proposed impacts within Buffer Zone have generally been quantified and described. Proposed mitigation measures include the use of erosion controls, improvements to Site drainage, and application of loam and seed to disturbed areas. However, the NOI requires further information regarding construction details, impacts to Buffer Zones and associated mitigation, and compliance with Bylaw filing requirements to confirm regulatory compliance.

Resource Areas at the Site have been previously approved by the above-referenced ORAD (MassDEP File No. 159-1296).

CONSTRUCTION COMMENTS

- W1. The Project, as currently depicted, will disturb more than one (1) acre of land; therefore, a Notice of Intent (NOI) must be submitted to the Environmental Protection Agency (EPA) under the Construction General Permit (CGP) and a Stormwater Pollution Prevention Plan (SWPPP) must be prepared. The Commission could consider a Special Condition within the Order of Conditions that requires the submission of the SWPPP for review and approval prior to the commencement of work.
- W2. Invasive species including bush honeysuckle (*Lonicera* spp.), bittersweet (*Celastrus orbiculatus*), and glossy buckthorn (*Frangula alnus*) are present throughout the area proposed for construction. The Applicant should provide a plan detailing how material containing invasive species plant matter will be managed to ensure no further spread occurs as a result of this Project.
- W3. The proposed snow storage area north of flag SB7 should be moved to a location outside of Buffer Zone.
- W4. Several proposed contours are depicted directly over erosion control barriers. The limits of work and/or grading should be revised to reflect a constructable design.

MITIGATION COMMENTS

- W5. Proposed erosion controls include the use of silt fence and mulch sock. Silt fence is not a 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 tube may be an appropriate option commensurate with the scope of the Project.
- W6. The Applicant has noted that more than 30% of the 50 to 100-foot Buffer Zone will consist of impervious surfaces as a result of the Project. Per Bylaw Regulations Section 4.4.1, the Commission may request additional mitigation. While stormwater improvements and plantings are proposed, it is recommended that additional plantings be provided to improve the remaining vegetated Buffer Zone as discussed in this letter, and the Applicant should determine whether impervious surfaces can be reduced in area.

- W7. Since pervious areas will remain around the perimeter of the development, the Applicant has included areas of lawn and the planting of select woody species at the Site. It is recommended that open areas proposed as lawn be vegetated with native, herbaceous vegetation subject to an infrequent but consistent mowing schedule to establish meadow areas with Buffer Zone. In addition, the Applicant should also provide additional woody plantings. Where feasible, large diameter native trees should be preserved within areas to be cleared.
- W8. The specifications for the proposed seed mix that will be used for stabilization should be provided.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Areas Subject to Protection under the Act.

BYLAW REGULATORY COMMENTS

- W9. The Erosion and Sediment Control Plan should include a description of the measures that will be taken to properly install and maintain the erosion control devices used during the project, the names and phone numbers of all individuals that will be responsible for erosion controls, as well as the requirement that the erosion control will be inspected weekly and all other criteria set forth in Bylaw Regulation Section 7.12.
- W10. BETA defers to the Commission on the approval of the Project Narrative due to Bylaw requirements being absent (Bylaw Regulation Section 7.9.1.) including who is performing the work and when the proposed activity will be done.
- W11. The Applicant provided a Construction Sequence that does not appear to include all proposed construction activities including information on how demolition will occur and the construction of the proposed buildings, including any relevant phasing/staging. A Construction Sequence with all proposed construction activities including building construction should be included within the NOI and plan set (Bylaw Regulation Section 7.15.1).
- W12. The Applicant should submit a Variance request for work proposed within the 0-25-foot and 25-50-foot Buffer Zones. BETA defers to the Commission on the issuance of this waiver.

STORMWATER MANAGEMENT REVIEW

A review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations is currently ongoing by Planning Board.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant should submit additional information to comply with the Bylaw and further mitigation should be provided for clearing of Buffer Zone.

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

Ms. Breeka Lí Goodlander, Agent

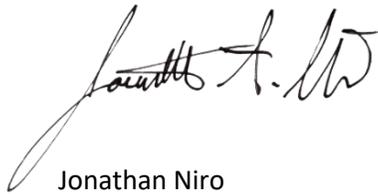
November 22, 2024

Page 6 of 6

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