



January 3, 2025

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

**Re: 124 & 126 Grove Street**  
**MassDEP File No. 159-1305**  
**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 construction of an addition to an existing building, expansion of a driveway and parking lots, and construction of a stormwater management system (the Project) at **124 & 126 Grove Street** 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 for 124 & 126 Grove Street**; prepared by Goddard Consulting LLC.; dated November 12, 2024. Attachments include:
  - WPA Form 3;
  - Abutter Information;
  - Local Forms;
  - Wetland Delineation Information;
  - Approved ORAD;
  - Figures (Site Locus, USGS Locus, and NHESP Map) ; and
  - Isolated Vegetated Wetland Replication Plan.
- Plans (17 Sheets) entitled **124/126 Grove Street Site Plan Modification**; prepared by Guerriere & Halnon, Inc.; dated November 5, 2024; stamped and signed by Robert E. Constantine II, MA PLS No. 49611 and Dave Mackinnon MA P.E. No.34575.
- Report entitled **Geotechnical Engineering Report Proposed Warehouse Addition**; prepared by Northeast Geotechnical, Inc.; dated August 22, 2022.
- Stormwater Report entitled **Stormwater Report for Site Plan Modification 124-126 Grove Street**; prepared by Guerriere & Halnon, Inc.; dated November 5, 2024; Dave Mackinnon MA P.E. No.34575.
- Plan (4 Sheets) entitled **DYO62805 124/126 Grove Street 96" Detention System**; prepared by Contech Engineered Solutions LLC; dated November 7, 2024; unstamped and unsigned.
- Plan (1 Sheet) entitled **Retaining Wall Diagram**; prepared by Shea Concrete Products; dated September 19, 2024; unstamped and unsigned.

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

- Site Visit on December 17, 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 37.52-acre Site consists of the two (2) parcels identified above along the eastern limit of Grove Street. The Site is bounded to the north by a residential home, to the west by Amego School and Interstate 495, to the south by commercial businesses, and the east by Grove Street. The Site is currently improved by two (2) buildings, paved driveways, paved parking lots, and lawn areas. The remainder of the Site consists of mixed hardwood and softwood upland vegetation including Eastern white pine (*Pinus strobus*), red maple (*Acer rubrum*), red oak (*Quercus rubra*), and black cherry (*Prunus serotina*). Wetland and stream complexes are present within portions of the vegetated areas. Topographic relief at the Site generally follows a north-to-south 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);
- Bank (to intermittent stream); 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. 159-1274 on February 12, 2024. These boundaries are identified with flagging as follows:

- Flags GC-1 to GC-79 (BVW);
- Flags GC-100 to GC-146 (BVW);
- Flags 109A to 109W (BVW);
- Flags U1 to U17(BVW/Upland Island);
- Flags GC-208 to GC-228 (BVW);
- Flags GC-200 to GC-207 (Bank to intermittent stream);
- Flags GC-229 to GC-237 (Bank to intermittent stream);
- Flags 1-1 to 1-14 (IVW);
- Flags 2-1 to 2-7 (IVW); and
- Flags 3-1 to 3-6 (BVW).

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. The Site is not

located within any Surface Water Protection Areas (Zone A, B, or C), or Zone I or Interim Wellhead Protection Areas; however, the Site is located within a Zone II.

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of the following soil types at the Site, Scarboro and Birdsall soils, 0 to 3 percent slopes with a Hydrologic Soil Group (HSG) rating of A/D, Ridgebury fine sand loam, 3 to 8 percent slope, extremely stony with a HSG rating of D, Charlton-Hollis-Rock outcrop complex, 3 to 8 percent slopes with a HSG of A/D, Hinckley loamy sand, 3 to 8 percent slope with an HSG of A, Merrimac fine sandy loam, 3 to 8 percent slope and a HSG rating of A, Windsor loamy sand, 8 to 15 percent slope with a HSG rating of A and Udorthents, sandy with a HSG rating of A.

Proposed work is associated with the construction of an 85,150-square foot (sf) addition to the north side of the existing building and the expansion of the driveway and parking areas. More specifically, proposed activities include:

- Installation of erosion and sedimentation controls;
- Clearing, grubbing and rough grading;
- Demolition of existing features in work areas;
- Cutting and capping of utilities as needed;
- Installation of the stormwater management system;
- Construction of the parking area and retaining wall;
- Construction of the 85,150 sf building addition;
- Construction of the wetland replication area;
- Final grading;
- Installation of landscaping;
- Installation of loam and seed on all disturbed areas; and
- Paving.

Total temporary and permanent impacts to onsite BVW/IVW are 8,026 sf and the Applicant has proposed a 15,729 sf wetland replication area. The following impacts are proposed to onsite Resource Areas:

- 185 sf of impacts to BVW;
- 7,841 sf of impacts to IVW;
- 243 sf of impacts to the 0-25' Buffer Zone to BVW;
- 5,092 sf of impacts to the 25-50' Buffer Zone to BVW;
- 26,106 sf of impacts to the 50-100' Buffer Zone to BVW;
- 33,116 sf of impacts to the 0-25' Buffer Zone to IVW;
- 42,998 sf of impacts to the 25-50' Buffer Zone to IVW; and
- 26,783 sf of impacts to the 50-100' Buffer Zone to IVW.

## 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		✓ (See Comment A2.b)
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
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 issued a DEP file number with the following technical comments:

*Noting that the impacts are described as temporary in nature, the Wetland Replication Plan submitted as part of the NOI indicates that approximately 185 square feet of BVW resource will need to be impacted in order to gain access to portions of the proposed wetland replication area. The applicant should provide a revised WPA Form 3 which accounts for this impact and replacement.*

A2. The following plan elements are required:

- a. Individual trees/shrubs with a diameter greater than 1" proposed for removal should be shown on the Plans per Bylaw Regulation Section 7.18.31.6. 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 IVWs located onsite should be labeled as IVWs rather than BVWs and the 100-foot Buffer Zone to Resource Areas should be depicted on Page 3 of the plan set.

A3. The following revisions are required on the WPA Form 3:

- a. Within the General Information section, the Project Type should be identified as Commercial/Industrial rather than Residential Subdivision;

- b. Within the Buffer Zone & Resource Area Impacts section, the Project should be identified as resulting in impacts to Inland Resource Areas rather than a Buffer Zone Only project due to proposed temporary BVW impacts associated with the wetland replication area; and
  - c. Impacts to BVW associated with the proposed wetland replication area and the size of the proposed replication area should be identified in the Buffer Zone & Resource Area Impacts section.
- A4. The Applicant should confirm whether a 401 Water Quality Certification is required from MassDEP for the proposed fill of IVWs exceeding 5,000 square feet. Although not jurisdictional under the Act as BVW, these IVWs may be considered “Waters of the Commonwealth” pursuant to the Massachusetts Clean Waters Act. It is recommended that the Commission include a Special Condition requiring the Applicant to either provide a copy of the 401 Water Quality Certification prior to construction or furnish written confirmation from MassDEP that this is not required.

## **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. While BETA conducted a Site visit to review the proposed work in the field, Resource Areas at the Site were previously approved by the above-referenced ORAD (MassDEP File No. 159-1290) and were therefore not reviewed.

The NOI application includes narrative information describing the Project, and the proposed impacts within Buffer Zone and the locally protected IVWs have generally been quantified and described. Proposed mitigation measures include the use of erosion controls, application of loam and seed along disturbed areas, Buffer Zone plantings, and the establishment of a 15,729-sf wetland replication area. However, the NOI requires further information regarding construction details, plan information, and compliance with the Bylaw. While the construction- and mitigation-related comments in this letter are provided for the proposed design, it is recommended that the Applicant discuss the extent of permissible IVW fill with the Conservation Commission (Comment W15), as any requirement to further minimize or avoid the proposed impacts to the IVWs at the Site will significantly impact the proposed stormwater management system design and the overall Site development. The Applicant should also discuss options for stormwater management at Basin #2, as either additional IVW impacts or additional treatment infrastructure would be required to comply with the Massachusetts Stormwater Standards at this discharge point.

## **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. A significant volume of standing water was present in Basin #3 at the time of BETA’s Site visit. The Applicant should provide a plan for the drawdown and discharge of standing water prior to excavation for the new building addition foundation.

- W3. Temporary and permanent IVW impacts should be depicted and quantified on the plans.
- W4. It is anticipated that the construction of the retaining wall along Basin #2 will require dewatering and water controls due to significant standing water observed within Basin #2 during the Site visit. These should be depicted on the plans to establish a realistic work footprint and IVW impacts should be revised as appropriate. The Applicant should also provide the Commission with a draft dewatering and water control plan for this work.
- W5. As noted in BETA's December 5, 2024 stormwater peer review letter, any portion of Basin #2 proposed as a stormwater basin will require a maintenance access path. This should be depicted on the plans and additional Buffer Zone clearing should be quantified.
- W6. There is no discernable topographic separation or defining feature between the western limit of the Basin #2 uplands and adjacent IVW; therefore, it is unclear how future Operation and Maintenance (O+M) activities will be conducted without impacting the IVW. The Applicant should indicate how the remainder of this IVW will be protected during O+M activities including mowing, sediment removal, etc.
- W7. Invasive species including autumn olive (*Elaeagnus umbellata*), bittersweet (*Celastrus orbiculatus*), and multiflora rose (*Rosa multiflora*) are present throughout the area proposed for construction, particularly around Basin #3. 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.
- W8. Erosion control barriers should be shown on either side of the temporary access path to the replication area and between the replication areas and the adjacent/existing BVW.
- W9. Construction stockpile and laydown areas and snow storage locations should be shown outside of Buffer Zones on sheet 3 of the plans.

## MITIGATION COMMENTS

- W10. The Applicant should provide information regarding the intended access to the replication area within Buffer Zone and indicate to what extent vegetative clearing and removal of existing stonewalls will be required. The feasibility of this access should also be confirmed, as it appears that an excavator will only be able to excavate the upland island within the existing BVW from the uplands to the south. If additional temporary and/or impacts are required to access this area and conduct the replication earthwork (i.e., impacts to the thin strip of existing BVW between the 2 portions of replication area), then these should be documented and quantified on the plans. The narrative suggests that impacts within the existing BVW will be required for access, but this is not shown on the plans nor are BMPs, such as swamp mats, proposed.
- W11. The Applicant should provide the cross sections of altered and proposed replicated areas, and groundwater elevation data for the proposed replication area on the plans (Bylaw Regulation Section 7.14.2).
- W12. Within the NOI narrative, the Applicant identified that loam and seed will be applied to all disturbed areas but does not provide the specifications for the seed mix. BETA recommends the Applicant use a native seed mix within jurisdictional areas. Submission of a native seed mix to the Conservation Agent for review and approval prior to construction could be considered as a Special Condition in the Order of Conditions.

W13. The existing stormwater discharge point to the IVW within Basin #2 will be abandoned and a new discharge point will be constructed approximately 200 feet to the southeast. The Applicant should demonstrate that hydrology (specifically associated with smaller storm events) will be maintained within the IVW during periods when the basin is dry or if stormwater discharges from smaller storms will primarily pond at the outlet.

### **WPA PERFORMANCE STANDARDS COMMENTS**

The Project proposes work within Resource Areas Subject to Protection under the Act and therefore require compliance with the relevant Performance Standards. BETA notes the following:

W14. The Applicant should clarify the extents of temporary BVW impacts required to construct the wetland replication area and revise the narrative /plans to specifically address restoration of these areas.

### **BYLAW REGULATORY COMMENTS**

W15. 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.

Per Section 7.13 of the Bylaw Regulations, the Applicant is required to provide an Alternatives Analysis, as the Project requires a Variance request and proposes wetland fill. As previously noted in this letter, the Commission's stance on the extent of permissible alteration to locally jurisdictional IVW is critical to the proposed Site design. Specifically, it is recommended that the following be addressed in the Alternatives Analysis and considered by the Commission in their review of the Project:

- The Applicant is required to Avoid / Minimize / Mitigate impacts to Resource Areas (in that order) when designing a Project. The Alternatives Analysis should assess the viability of proposing no wetland impacts.
- The Applicant should demonstrate that impacts, if unavoidable, have been minimized to the extent feasible. Specifically, impacts to the IVW within Basin #2 should be reviewed to determine if they can be reduced further.
- Alternatives should also be assessed in light of stormwater management requirements at the Site. As noted in BETA's December 5, 2024 stormwater peer review letter, the uplands within Basin #2 are being used to claim treatment credits via infiltration; however, infiltration rates within this area appear to be poor and further analysis of soils has not been performed. To meet the Massachusetts Stormwater Standards, the Applicant would be required to either provide full treatment prior to discharge to Basin #2 or impact the entirety of the IVW at this location to reconstruct Basin #2 into a true infiltration basin that provides the required treatment levels. While this alternative would require additional IVW impacts, these impacts could be mitigated through the construction of additional wetland replication areas.

W16. The Resource Area Impact Summary Form should be updated to include the proposed impacts to BVW.

W17. The Applicant should submit a FEMA Flood Plain Map to comply with the Bylaw Requirements set forth in Section 7.17.1.

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- W18. 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, a description of all work occurring with Conservation jurisdiction and the proposed construction schedule.
- W19. The Applicant provided a Construction Sequence that does not include all proposed construction activities including: the construction of the addition on the building, the creation of the wetland replication area, and the construction of the parking area and retaining wall. 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).
- W20. The Applicant should provide a narrative with information on the steps taken to mitigate for unavoidable impacts for work that is proposed within the Buffer Zones (Bylaw Regulation Section 7.11.2). Some Buffer Zone plantings are proposed within developed portions of the Site; however, additional areas should be considered for restoration plantings (i.e., the access to the wetland replication area).

## STORMWATER MANAGEMENT REVIEW

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

## REVIEW SUMMARY

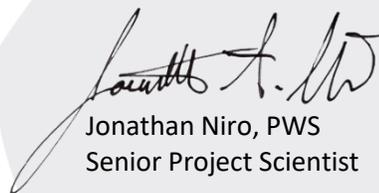
Based on our review of the NOI submittal and Project plans, the Applicant should submit additional information to support compliance with the Act and the Bylaw. It is also recommended that the Applicant specifically discuss the viability of proposed fill within the IVW at Basin #2 with the Commission.

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, PWS  
Senior Project Scientist

cc: Amy Love, Town Planner  
Bryan Taberner, AICP, Director of Planning & Community Development