

October 17, 2024

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

Re: 60 Spring Street Lot 3
MassDEP File No. 159-XXXX
Notice of Intent Peer Review

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the proposed construction of a single-family dwelling (the Project) at **60 Spring Street (Lot 3)** 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 60 Spring Street Lot 3 Assessors map 310 parcel 2**; prepared by D&L Design Group., dated September 25, 2024. Attachments include:
 - Application Forms;
 - Local and State Filling Fees;
 - Resource Area Impact Summary Form;
 - Certified Abutters List & Notification to Abutters;
 - Affidavit of Service & Property Access Signature Form;
 - Miscellaneous Figures (USGS and FEMA); and
 - Site Evaluation & Wetland Delineation.
- Plans (1 Sheet) entitled **Sewage Disposal System Design**, dated September 25, 2024, prepared by D&L Design Group; stamped and signed by Micheal Dean MA PE No. 46255.

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 Site consists of a portion of a 2.09-acre section of a 48-acre parcel located at 60 Spring Street Lot 1 in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 310-002-000. The Site is bounded to the north and west by undeveloped forested areas, to the east by Spring

Street, and to the south by a solar field. Existing conditions at the Site consist of undeveloped/wooded upland and wetland complexes. The lot is generally flat with slight topographic relief to the west.

According to the Applicant, 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”) present at the Site include Bordering Vegetated Wetland (BVW) and its associated Buffer Zone.

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protection Areas, 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 Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Certified Vernal Pools or Potential Vernal Pools (PVP) mapped within 100 feet of the Site. According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C0304E, dated July 17, 2012, the Site is not located within a FEMA Flood Zone.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Montauk fine sandy loam with a Hydrological Soil Group (HSG) rating of C, Ridgebury fine sandy loam with the HSG rating of D, Whiteman fine sandy loam with an HSG rating of D, and Woodbridge fine sandy loam with an HSG rating of C/D.

The Applicant seeks approval for the construction of a single-family dwelling, installation of a septic system, installation of a private well, and associated grading within the 100-foot Buffer Zone to a BVW. Proposed work includes the following activities (collectively referred to as the “Project”):

- Installation of erosion controls;
- Clearing and grubbing to prepare site for excavation;
- Removal of the topsoil and subsoil in the location of the proposed house and septic field;
- Construction of the proposed house and septic system;
- Installation of the well;
- Paving of the driveway; and
- Grading and stabilization of the Site.

The Project will result in temporary and permanent impacts to Buffer Zone. Work proposed within the 50- to 100-foot Buffer Zone includes the installation of erosion controls, installation of a well, and grading and landscaping activities.

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		✓ (Comment A3)
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)		✓ (Comment A2)
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. MassDEP issued a file number from the original submission of this Project (MassDEP File No.159-1284). The Applicant should indicate if the Project has been resubmitted to MassDEP, as it does not appear on their NOI filings portal.
- A2. An existing conditions Plan was received with the submittal of 60 Spring Street Lot 1 that has the necessary information for this filing and will be referenced as the existing conditions Plan.
- The existing conditions Plan has been submitted with a PE stamp; the Applicant should resubmit the Plans with a PLS stamp to certify the existing conditions information.
- A3. The existing and proposed tree line should be shown on the Plans.
- A4. Complete the grading of the 340 contour in the southwest corner of the lot.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review for the original submission of this Project under MassDEP File No.159-1284 and completed a regulatory review of the most recently submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Act and the Bylaw. The Project is proposed within Buffer Zone only and is accordingly not subject to the Resource Area Performance Standards set forth by the Act. However, the Applicant is still required to provide evidence that the applicable interests of the Act provided by the adjacent Resource Areas are being protected during and after the construction of the Project.

The NOI application generally requires the submission of additional materials to meet all submission requirements of the Bylaw. In addition, the Applicant should clarify certain aspects of proposed conditions including the extent of proposed lawn and any Jurisdictional Areas that could potentially be re-naturalized following construction activities. At this time, the Applicant is required to provide the Conservation Commission with additional information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on December 19, 2023 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw.

Review of Resource Area delineations included all flagged areas on the Site, with a focus on areas closest to where work is proposed. As noted in BETA's December 21, 2023 letter, BETA concurs with the Resource Area boundaries as flagged in the field.

CONSTRUCTION & MITIGATION COMMENTS

- W1. Proposed erosion controls include use of silt fence and straw wattles. Silt fence and straw are not permitted erosion control measures 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 measures for the Site. Twelve (12)-inch diameter compost filter tubes may be an appropriate option commensurate with the scope of the Project.
- W2. Provide specifications of the proposed seed mixture(s) proposed for the stabilization of disturbed areas within Buffer Zone, including any areas that are proposed to be lawn. All areas of proposed lawn should be demarcated on the Project plans. BETA recommends that native species with wildlife habitat value be proposed within Buffer Zone where lawn is not required as mitigation for Buffer Zone clearing.
- W3. Material storage and laydown areas should be depicted on the Project plans and located outside of jurisdictional areas to the extent feasible.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within Buffer Zone and local the Buffer Zone Resource Area.

BYLAW REGULATORY COMMENTS

- W4. A Construction Sequence was provided in the narrative and should also be provided on the Plans per Bylaw Regulation Section 7.15.1.
- W5. A Vernal Pool Statement per the requirements of Bylaw Regulation Section 7.7.1 should be provided.
- W6. The Applicant should provide a narrative with information on the steps taken to mitigate for unavoidable impacts within the Buffer Zones (Bylaw Regulation Section 7.11.2.) – see BETA Comment W2.
- W7. The Applicant should provide an Erosion & Sedimentation Control Plan which includes contact information of the person(s) responsible for inspecting and maintaining erosion controls, the requirement to inspect erosion controls weekly or following significant rain events, and all other requirements listed in Section 7.12.1 of the Bylaw Regulations. These notes could be included on the proposed conditions plan.
- W8. Provide a Natural Heritage and Priority Habitats and Estimated Habitats Map, as required for NOI submissions to the Franklin Conservation Commission (Bylaw Section 7.17.1).
- W9. According to the Section 7.9.1 of the Bylaw, the Project Narrative should include the following missing content:
 - a. All activities required to construct the Project;

- b. The entity performing the work;
- c. When the proposed activities will be completed; and
- d. Measures that will be used to mitigate any impacts to the functions and characteristics of the Resource Areas.

STORMWATER MANAGEMENT

The proposed Project is not subject to the MassDEP Stormwater Management Standards as a single-family home construction project.

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 describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw.

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