



October 17, 2024

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

**Re: Louise Drive Extension
MassDEP File No. Not Yet Issued
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) is pleased to provide peer review services for the Notice of Intent (NOI) submitted for the parcels located at **Louise Drive Extension, further identified as the Town of Franklin Assessor's Parcel IDs: Map 339, Lots 9, 13, 14, 15, and 16; and Map 349, Lot 2 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 (NOI) entitled **Notice of Intent for Louise Drive Extension**; prepared by Goddard Consulting, LLC., dated September 19, 2024. Inclusive of:
 - Abutters Information;
 - Town of Franklin NOI Submission Material;
 - Resource Area Delineation Report;
 - Figures (Site locus and USGS map,); and
 - Replication Planting Plan.
- Plan Set (11 Sheets) entitled **NOI Submission Louise Drive Extension**; prepared by DiPrete Engineering; dated September 18, 2024; signed and stamped by Brandon D. Carr MA PE No. 51472 and Robert G Babcock MA PLS No. 49233.
- Stormwater Report entitled **Stormwater Management Report**; prepared by DiPrete Engineering; dated September 18, 2024; signed and stamped by Brandon D Carr MA PE No. 51472.
- Operation and Maintenance Plan entitled **Stormwater System Operation & Maintenance Plan – Byrons Way Detention Basin**; prepared by DiPrete Engineering; dated September 18, 2024.
- Operation and Maintenance Plan entitled **Stormwater System Operation & Maintenance Plan – Louise Drive**; prepared by DiPrete Engineering; dated September 18, 2024.
- Stormwater Pollution Prevention Plan entitled **Stormwater Pollution Prevention Plan (SWPPP) – Louise Drive Extension**; prepared by DiPrete Engineering; dated September 18, 2024.

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

- Site visit on April 2, 2024
- **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 8.9-acre Site consists of six (6) 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.

Resource Areas boundaries at the Site have been approved by an Order of Resource Area Delineation (ORAD) issued on June 3, 2024 under DEP File #159-1290. Areas Subject to Protection and Jurisdiction 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") and the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated Regulations (collectively "the Bylaw") present at the Site include Bank, Bordering Vegetated Wetland (BVW), Land Under Water (LUW), Isolated Vegetated Wetland (IVW), and Buffer Zone.

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 25021C0312E dated July 17, 2012, the Site is not located within a mapped flood zone.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Charlton-Hollis-Rock outcrop complex with a Hydrologic Soil Group (HSG) rating of D and Montauk fine sandy loam with a HSG rating of C.

The Applicant seeks approval for the construction of a private access road and cul-de-sac with an associated stream and wetland crossing, wetland replication area, and stormwater management system. The access roadway is being constructed for the eventual construction of a subdivision consisting of five (5) individual lots. The Project is being filed under the Limited Project provision at 310 CMR 10.53(3)(e)¹. Proposed work includes the following activities (collectively referred to as the "Project"):

¹ The construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board, where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable. Such roadway or driveway shall be constructed in a manner which does not restrict the flow of water. Reasonable alternative means of access may include any previously or currently available alternatives such as realignment or reconfiguration of the project to conform to 310 CMR 10.54 through 10.58 or to otherwise minimize adverse impacts on resource areas. The issuing authority may require the applicant to utilize access over

- Installation of erosion controls;
- Vegetation removal and grubbing;
- Site re-grading;
- Construction of a three (3)-sided, open bottom culvert that meet the Massachusetts Stream Crossing Standards;
- Filling of 2,396 square feet (sf) of BVW;
- Establishment of a 4,800-sf wetland replication area;
- Paving a total of 626± linear feet (lf) of roadway;
- Construction of a stormwater management system consisting of four (4) catch basins, a sediment forebay, a sand filter, and a detention pond; and
- Final site-wide vegetative stabilization.

The Project will result in temporary and permanent impacts to Bank, BVW, LUW, and Buffer Zone. The following Resource Area impacts are proposed:

- 2,396 sf of impacts to BVW;
- 40.5 lf of impacts to Bank;
- 4,877 sf of impacts to the 25' Buffer Zone;
- 5,952 sf of impacts to the 50' Buffer Zone; and
- 31,780 sf of impacts to the 100' Buffer Zone.

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 comments A2a & A3)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled		✓ (See comments A2b, A2c & A5)
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓ (See comment A4)
Registered PLS Stamp (Existing Condition Plans Only)	✓	

an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can obtain, an ownership interest. The applicant shall design the roadway or driveway according to the minimum length and width acceptable to the Planning Board, and shall present reasonable alternative means of access to the Board. The applicant shall provide replication of bordering vegetated wetlands and compensatory flood storage to the extent practicable. In the Certificate of Compliance, the issuing authority may continue a condition imposed in the Order of Conditions to prohibit further activities under 310 CMR 10.53(3)(e).

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 as of this writing.
- A2. The existing conditions should include the following:
 - a. Existing vegetation and individual trees/shrubs with a diameter greater than 1" proposed for removal should be shown on the Existing Conditions Plans per Bylaw Regulation Section 7.18.1.5. It is BETA's understanding that the Commission generally increases the size threshold for tree locations based on the project scope and therefore defers to the Commission on this matter; and
 - b. Buffer Zones of Resource Areas including, associated 0-25', 25-50', and 50-100' Buffer Zones as required per Section 7.18.1.8 of the Bylaw.
- A3. The proposed tree line should be shown on the plans.
- A4. A Construction Sequence detailing the sequence of proposed activities should be depicted on the approved plan set and in the NOI application per Section 7.15 of the Bylaw.
- A5. The Bank to intermittent stream confirmed under the ORAD should be depicted on all plan sheets with the associated SB flagging series as detailed in the narrative.
- A6. Depict impact locations on the plan. The extents, locations, and nature of impacts to Bank and BVW are not clear. Specifically, BETA provides the following comments:
 - a. Based on BETA's scaled area takeoffs, the entirety of BVW within the limits of work is attributed to fill. Clarify whether portions of these impacts will be temporary.
 - b. The BVW impact area quantification appears to include the footprint of the intermittent stream. Quantify impacts to LUW and revise the total permanent impacts to BVW.
 - c. Depict the extents of Bank impacts on the plans.
 - d. Depict the locations of Bank on the cross sections in the plan set to demonstrate that the wall and culvert will not require permanent impacts to Bank.
- A7. The wetland replication area should be shown on the plans.
- A8. On page 4 of the WPA Form 3, the Applicant should indicate that the Project involves stream crossings and identify the number of stream crossings proposed.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

Resource Areas at the Site have been approved by an Order of Resource Area Delineation (ORAD) issued on June 3, 2024 under DEP File #159-1290. BETA also conducted a review of the onsite Resource Areas under the initial submission of the ORAD on April 2, 2024 confirming delineation. The Project proposes impacts to onsite areas Subject to Jurisdiction and Protection under the Act and Bylaw including, BVW, Bank of intermittent stream and the associated 0-25', 25-50' and 50-100' Buffer Zones. A variance request

has been submitted for work within the Resource Areas and Buffer Zones as required by the Bylaw. The Project is subject to the MassDEP Stormwater Standards and a review of compliance with these Standards will be completed as part of the Planning Board review process. A Stormwater Pollution Prevention Plan (SWPPP) has been submitted due to the Project proposing more than one (1) acre of land disturbance. The Project is proposing a wetland replication area at a ratio of 2:1.

The proposed crossing will consist of an open-bottom arch culvert that will provide a span of at least 1.2 x the bank-full-width (average BFW = 11.76', proposed span of 14.5'), provide an openness ratio of 1.07 (which is greater than 0.82), and maintain a natural stream substrate.

The NOI application includes narrative information describing the Project and proposed mitigation. Mitigation measures include use of erosion controls, creation of a wetland replication area, and creation of a stormwater management system consisting of four (4) catch basins, a sediment forebay, a sand filter, and a detention pond. Additional information is required to demonstrate compliance with the Bylaw and Act and further details are required regarding, impacts to Resource Areas and buffer zones, the proposed replication area, mitigation for work within Resource Areas and buffer zones and a dewater/water control plan should be submitted. Plan revisions have been included for compliance with the Bylaw and for clarity of proposed work. Special Conditions have also been suggested for use by the Conservation Commission.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on April 2, 2024 pursuant to the previously filed ANRAD to assess existing conditions and review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw. Resource Area delineation was approved through the ORAD on June 3, 2024 under DEP File #159-1290.

CONSTRUCTION COMMENTS

- W1. Material stockpile and laydown areas should be labeled on the Project plans. Erosion controls should be depicted along all areas of work. Currently erosion controls are only present within the northern extent of the Project.
- W2. The SWPPP that was submitted with the NOI was not completed. BETA recommends the Commission include a Special Condition that a SWPPP must be submitted to the Commission for review and approval prior to the commencement of work.
- W3. Depict all existing contours to indicate how proposed grading will tie in to surrounding grades on the grading plan.
- W4. The limit of work around the proposed crossing appears to be larger than what is required based on the grading plans. The Applicant should clearly indicate how much area is required for wall construction and revise the limits of work accordingly. Resource Area impacts should be limited to the extent feasible.
- W5. Provide a preliminary plan for water control/dewatering of surface and groundwater during the construction of the crossing.
- W6. It is recommended that the Commission include a Special Condition in the Order of Conditions (OOC) prohibiting any clearing of individual lots beyond what is depicted on the submitted plans until OOCs are issued for individual home construction.

- W7. It is recommended that the Commission include a Special Condition in the OOC requiring the Applicant to furnish approvals from the Planning Board and the U.S. Army Corps of Engineers (USACE) prior to the preconstruction Site meeting.

MITIGATION COMMENTS

- W8. BETA offers the following comments on the wetland replication plan:
- a. The Applicant should provide best management practices for the contractor to limit the introduction and spread of invasive species.
 - b. The Applicant should provide the species list for the seed mix that is intended to be used within the replication area on the plans.
 - c. The location of the wetland replication area should be depicted on the plans.
 - d. The storage area proposed in the narrative for soil and leaf litter should be shown on the plans.
 - e. The Applicant should provide cross sections of altered and proposed replication areas, the replication plan, protocol and schedule should appear on the approved plan set and groundwater elevation data for the proposed replication area should appear on the plans (Bylaw Regulation Section 7.14.2)
- W9. The Applicant should provide a planting plan for disturbed portions of the right-of-way that are not proposed to be pavement. Specifically, areas within Buffer Zone should be prioritized for the planting of native street trees and the application of native seed mix.
- W10. Provide a restoration plan for temporarily impacted Bank, BVW, and LUW.

WPA PERFORMANCE STANDARDS COMMENTS

The Project proposes impacts to onsite Resource Areas and proposes wetland replication at a ratio of at least 2:1. The Applicant has also provided a narrative describing how the Project complies with Performance Standards set forth by the Act. The Applicant is filing this Project as a limited Project under the provision at 310 CMR 10.53(3)(e).

Bank (310 CMR 10.54)

- W1. The plans do not provide the methods for restoring the temporarily impacted Banks. Provide a Bank restoration/stabilization plan for review.

Bordering Vegetated Wetlands (310 CMR 10.55)

- W2. The Applicant appears to have provided sufficient justification for why the wetland/stream crossing is necessary for the Project. Although the reported BVW impacts will likely decrease as a result of addressing BETA's comments, BETA recommends maintaining the size of the wetland replication area in order to safeguard from areas potentially failing. The Applicant should also provide a restoration plan for temporarily impacted BVW.

Land Under Water (310 CMR 10.56)

- W3. The Applicant should provide a summary of compliance with the LUW Performance Standards.

BYLAW REGULATORY COMMENTS

- W4. 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).
- W5. The Applicant has provided a Variance request for work within BVW, Bank and the 0-25', 25-50', and 50-100' Buffer Zones in accordance with Bylaw Regulation Section 5. An alternative analysis was submitted within the Variance request but only consists of the proposed Project and a no build alternative. BETA defers to the Commission on the approval of the Variance request and whether other alternatives should be assessed. Based on BETA's review of the Site and its surroundings, it appears that other opportunities for access to the Site are limited.
- W6. The Applicant should provide a narrative with information on the steps taken to mitigate unavoidable impacts for work proposed within the Buffer Zones (Bylaw Regulation Section 7.11.2.). Plantings do not appear to be proposed within the cleared portions of Buffer Zone.
- W7. Proposed erosion controls include silt fence and haybales. 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 control measures for the Site. Twelve (12)-inch diameter compost filter tubes may be an appropriate option commensurate with the scope of the Project.
- W8. The Applicant should revise the Erosion & Sedimentation Control Plan to include 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.
- W9. BETA defers to the Commission on the approval of the Project Narrative due to several Bylaw requirements being absent from the current Project Narrative (Bylaw Regulation Section 7.9.1.) including who is performing the work and when the proposed activity will be done. This information could be submitted prior to construction as part of a Special Condition.
- W10. A Construction Sequence with all proposed construction activities should be included within the NOI and on the plan set (Bylaw Regulation Section 7.15.1). It is recommended that the Applicant also provide a standalone sequencing plan for the crossing construction.

STORMWATER MANAGEMENT

The Project proposes the construction of a proprietary separator, a series of catch basins, a sediment forebay, a sand filter and detention pond. Stormwater Best Management Practices (BMPs) are proposed to connect to each other in series to remove total suspended solids (TSS). Four catch basins are proposed to the east of the cul-de-sac within the access drive. Stormwater from these catch basins will be distributed into the associated sediment forebay, then detention pond to infiltrate.

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

Ms. Breeka Lí Goodlander, Agent

October 17, 2024

Page 8 of 8

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