



January 20, 2025

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

**Re: 60 Spring Street Lot 1**  
**MassDEP File No. 159-1302**  
**Notice of Intent Peer Review #2**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the proposed construction of a single-family dwelling (the Project) at **60 Spring Street (Lot 1)** 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:

- Response Letter entitled ***Response Letter for Lot 1***, prepared by D&L Design Group, dated December 12, 2024.
- Plans (1 Sheet) entitled ***Sewage Disposal System Design***, dated September 25, 2024 and revised on December 12, 2024, prepared by D&L Design Group; stamped and signed by Micheal Dean MA PE No. 46255 and Bruce E Wilson, Jr. MA PLS No. 36870.

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

## **PEER REVIEW UPDATE – JANUARY 20, 2025**

The Applicant has provided revised materials and written comment responses pursuant to BETA's October 17, 2024 peer review letter. BETA's original comments from the October 17, 2024 peer review letter are included in plain text. Comment responses attributed to D&L Design Group (DL), are provided in italics and are prefaced with "DL:" BETA's most recent responses are provided in bold and are prefaced with "BETA2:".

BETA's responses in this letter identify additional information that should be provided by the Applicant to demonstrate compliance with the Bylaw. As noted below, the Commission could also consider implementing Special Conditions to address these items.

## SITE AND PROJECT DESCRIPTION

The Site consists of a portion of a 3.26-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;
- Grading and stabilization of the Site; and
- Creation of a turn around area at the end of Spring Street.

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	✓ (BETA2)	
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)	✓ (BETA2)	
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.159-1285). The Applicant should indicate if the Project has been resubmitted to MassDEP, as it does not appear on their NOI filings portal.

*DL: The new DEP Number is 159-1302.*

**BETA2: MassDEP has issued a file number with the following technical comments:**

***MassDEP notes that there is a valid OOC DEP File #159-1285 for work on this property. Prior to the issuance of an OOC for this project, a Certificate of Compliance should be issued to close out the referenced OOC.***

- A2. The existing and proposed tree lines should be shown on the Plans.

*DL: The proposed tree line and existing tree line have been added to the plans and labeled.*

**BETA2: The existing and proposed tree lines have been added to the Plan; comment addressed.**

- A3. An 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.

*DL: PLS Stamp has been added to the plan.*

**BETA2: Comment addressed.**

- A4. Revise the plans to complete the grading in the northwestern and western corners of the backyard, and clarify the proposed limit of clearing versus the limit of sediment controls.

*DL: The proposed grading on the lot has been completed and updated.*

**BETA2: Comment addressed. Grades have been revised to depict where proposed grades meet existing grades and the limit of clearing has been labeled on the Plans.**

## **WETLAND RESOURCE AREAS AND REGULATORY REVIEW**

BETA conducted an onsite review for the original submission of this Project under MassDEP File No. 159-1285 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.

**BETA2: The Applicant has provided plan and narrative updates to address BETA's original comments; however, further information and plan updates are required for full compliance with the Bylaw. While the majority of these items are administrative in nature, it is recommended that the Applicant provide clarification on the limits of proposed lawn versus the limits of restoration with a native seed mix. As noted below, the Commission could elect to include Special Conditions in the Order of Conditions to address these items.**

### **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. The new (current) filing depicts the same Resource Area boundaries that BETA previously reviewed 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.

*DL: The erosion control detail has been revised per request.*

**BETA2: A detail depicting silt fencing remains on the plans. BETA defers to the Commission on the approval of the type of erosion controls used.**

- 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.

*DL: Goddard Consulting has provided specification for the proposed seed mix.*

**BETA2: A native seed mix has been proposed; however, the plans do not depict where it will be applied. In addition, the label for the location of proposed lawn has been included on the plans but does not have an associated boundary. The Applicant should clearly depict where lawn is proposed versus restoration.**

- W3. Material storage and laydown areas should be depicted on the Project plans and located outside of jurisdictional areas to the extent feasible.

*DL: Laydown area and material storage area has been added to the plan.*

**BETA2: Comment addressed. The material storage and laydown area has been depicted on the plans outside of Buffer Zone with erosion controls surrounding the area.**

## **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 that does not include the proposed turnaround area at the end of Springs Street. The Applicant should provide a construction sequence that includes all elements of the Project. The construction sequence should also be provided on the Plans per Bylaw Regulation Section 7.15.1.

*DL: Construction sequence plan has been added to the plan and the turnaround area construction has been added to the sequence.*

**BETA2: Comment addressed.**

- W5. A Vernal Pool Statement per the requirements of Bylaw Regulation Section 7.7.1 should be provided.

*DL: Vernal Pool Statement has been added to the plan.*

**BETA2: Comment addressed.**

- W6. The Applicant should provide a narrative with information on the steps taken to mitigate unavoidable impacts within the Buffer Zones (Bylaw Regulation Section 7.11.2.) – see BETA Comment W2.

*DL: Statement has been added to the plan as requested.*

**BETA2: Comment addressed. BETA defers to the Commission on the approval of the narrative provided.**

- 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.

*DL: All contact information with all phone numbers have been added to the plan.*

**BETA2: The Applicant should provide all required information for the Erosion & Sedimentation Control Plan per Bylaw Regulation Section 7.12.1 including the requirement to inspect erosion controls weekly or following significant rain events and the names and phone numbers of the individuals responsible for erosion controls. The Commission could consider including a Special Condition that requires the submission of this information prior to construction.**

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).

*DL: Natural Heritage Map has been provided. See attached map.*

**BETA2: A Natural Heritage Map was not provided with this submittal. Comment remains.**

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.

*DL: The project narrative has been added to the plans as well as contacts for all work.*

**BETA2: Comment addressed.**

## 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 Bylaw. Specifically, it is recommended that the Applicant clarify where natural restoration versus establishment of lawn will occur. The Commission could consider implementing Special Conditions that address this and other administrative matters when issuing the Order of Conditions.

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

Ms. Breeka Lí Goodlander, Agent

January 20, 2025

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Very truly yours,

BETA Group, Inc.



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Staff Scientist



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