

January 9, 2025

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

**Re: 844 Lincoln Street Lot 2
Notice of Intent Peer Review #3**

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 844 *Lincoln Street 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:

- Response Letter entitled *844 Lincoln Street – Notice of Intent – Response to Peer Review Comments – Lot 2*; prepared by Strong Point Engineering Solutions, LLC.; dated January 2, 2025.
- Plans (3 Sheets) entitled *Proposed Lot 2 Notice of Intent*; prepared by Strong Point Engineering Solutions, LLC.; pages 1 and 2 dated October 25, 2024 and page 3 dated October 14, 2024 and all pages revised on December 31, 2024; stamped and signed by Eric D Dias MA P.E. No. 48158.

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
- *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 9, 2024

The Applicant has provided revised materials and written comment responses pursuant to BETA’s December 30, 2024 peer review letter.

BETA’s original comments from the December 2, 2024 peer review letter are included in plain text. Updates to comments as a result of Project updates are provided in **bold text** and are prefaced with “**BETA2:**”, and comments attributed to the Strong Point Engineering December 31, 2024 letter are provided in italics and are prefaced with “*SPES:*” BETA’s most recent responses are provided in bold and are prefaced with “**BETA3:**”.

BETA’s responses in this letter identify draft Special Conditions for the Commission’s consideration, and additional information/plan edits required for Bylaw compliance.

SITE AND PROJECT DESCRIPTION

The Site is a 1.6-acre portion of a 6.5-acre parcel located at 844 Lincoln Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 206-003-000. The Site is bounded to the north by residential homes and a powerline easement, to the east by Lincoln Street, to the west and south by residential homes and Amy's Way. Existing conditions at the Site consist of undeveloped forested areas. The lot is generally flat with topographic relief to the south.

According to the Applicant, there are no 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"). Resource Areas protected by the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively "the Bylaw") present at the Site include an Isolated Vegetated Wetland (IVW) and the locally protected 0-25'-Buffer Zone, 25-50'-Buffer Zone and the 50-100' Buffer Zone. The IVW is present in the southwestern section of the parcel at the bottom of a slope adjacent to Amy's Way.

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 25021C0144E, 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 Paxton fine sandy loam with a Hydrological Soil Group (HSG) rating of C and Woodbridge fine sandy loam with a HSG rating of C/D.

The Applicant seeks approval for the construction of a single-family dwelling and associated site features that are partially within an IVW and the locally protected Buffer Zones. The Project has been filed as a Limited Project under 310 CMR 10.53(3)d¹ and 310 CMR 10.53(3)e²; however, only local jurisdiction is present at the Site. Work proposed within the IVW includes vegetation clearing and the installation of the culvert, construction of the driveway, and the installation of utilities. Work proposed within the Buffer

¹ The construction, reconstruction, operation and maintenance of underground and overhead public utilities, such as electrical distribution or transmission lines, or communication, sewer, water and natural gas lines, may be permitted, in accordance with the following general conditions and any additional conditions deemed necessary by the issuing authority:

1. the issuing authority may require a reasonable alternative route with fewer adverse effects for a local distribution or connecting line not reviewed by the Energy Facilities Siting Council;
2. best available measures shall be used to minimize adverse effects during construction;
3. the surface vegetation and contours of the area shall be substantially restored; and
4. all sewer lines shall be constructed to minimize inflow and leakage

² 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.

Zones include construction of the driveway, installation of utilities, installation of erosion controls, grading, and clearing of vegetation. Work associated with the installation of utilities and erosion controls are considered temporary impacts, while work associated with the installation of the driveway, culvert and lawn are considered permanent impacts.

Proposed work includes the following activities (collectively referred to as the “Project”):

- Staking of the limit of clearing/installation of the sediment control barrier;
- Removal of trees within the limit of clearing;
- Localized dewatering of the IVW if necessary;
- Installation of the temporary crossing stabilization (i.e. swamp mats or approved equivalent) at the location of the temporary crossing;
- Installation of an 18” culvert and backfill;
- Grading;
- Installation of the proposed foundation;
- Installation of subsurface utilities;
- Installation of the final hardscape features;
- Installation of loam & seed on lawn areas and installation of landscaping including restoration plantings; and
- Removal of remaining sediment control devices upon complete stabilization as determined by the engineer.

The following impacts are proposed as a part of the Project:

- 130 square feet (sf) of temporary and 520 sf of permanent impacts to IVW;
- 250 sf of temporary and 1,025 sf of permanent impacts to 0-25’ Buffer Zone; and
- 500 sf of temporary and 7,055 sf of permanent impacts to 25-100’ Buffer Zone.

Proposed mitigation includes the installation of erosion controls and the installation of plantings at a 2:1 ratio for those that have been removed from the Resource Area to install the driveway and utilities.

BETA2: The updated Project plans propose the activities listed above with the addition of the construction of a 1,040-sf wetland replication area, a 130-sf wetland restoration area and a 750-sf buffer zone restoration area.

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)	✓ (BETA3)	
Topographic contours (2’ intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation		✓ (Comment A2.b)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓ (BETA3)	

Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
Registered PLS Stamp (Existing Condition Plans Only)	✓ (BETA3)	
Assessors' Reference	✓ (BETA3)	
Abutting Property Assessors' Reference	✓ (BETA3)	
Survey Benchmark	✓ (BETA3)	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

A1. The Project was filed under the Bylaw only; therefore, no MassDEP file number has been issued.

SPES: No response required.

A2. The following plan elements are required:

- a. A reference for the North Arrow must be provided per Bylaw Regulation Section 7.18.1.3.
- b. 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.
- c. The 50-foot Buffer Zone should be labeled on the plan per Bylaw Regulations Section 7.18.1.8.
- d. An existing conditions plan with a PLS Stamp should be provided.
- e. The Assessor's Reference for the parcel should be provided.
- f. The Assessor's Reference for the abutting properties should be provided.
- g. A survey benchmark should be provided.

BETA2: Comment remains.

SPES:

- a. *North Arrow reference has been added to the plan.*
- b. *SPES defers to the Commission as suggested but notes that a complete restoration plan meeting the applicable requirements has been included in the application package.*
- c. *The 50-foot Buffer Zone has been added to the plan.*
- d. *All pertinent existing features are shown on the proposed plans and a PLS stamp has been added.*
- e. *The lot has been newly created through an ANR process and does not have an assessors reference assigned. Notation reflecting this has been added to the plan and the reference to the original parent parcel is included in the title block of the plan. A copy of the signed ANR is included for reference.*
- f. *Assessor references of abutting parcels is shown on the plan.*
- g. *A survey benchmark has been added to the plan.*

BETA3: Comment partially addressed. BETA defers to the Commission on the requirement to include individual trees/shrubs with a diameter greater than 1" proposed for removal on the Plans per Bylaw Regulation Section 7.18.31.6.

- A3. The location and quantity of Resource Area impacts to IVW and Buffer Zone should be labeled on the Plans.

BETA2: Comment remains.

SPES: Labels corresponding to the impact table provided have been added to the plan to clarify the location of impacts.

BETA3: Comment addressed.

- A4. BETA defers to the Commission on the approval of the Alternative Analysis provided in regard to the limited project provision at 310 CMR 10.53(3)d and 310 CMR 10.53(3)e.

BETA2: An updated Alternative Analysis detailing 6 alternatives has been provided. BETA defers to the Commission on the approval of the Alternative Analysis.

SPES: No response required.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA has conducted an onsite and regulatory review of the submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Bylaw. The Project is proposed within an IVW and Buffer Zones that are jurisdictional under the Bylaw only.

The NOI application generally requires the submission of additional materials to meet all submission requirements of the Bylaw. At this time, the Applicant is required to provide a replication plan for wetland impacts, a variance request for work proposed within Buffer Zones, a planting plan and seed specifications and other Bylaw requirements. The Applicant should 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: A wetland replication plan and restoration plan, a Variance request, and other missing information to describe the Site and the proposed work have been provided. Further information and plan updates are still required to comply with the Bylaw as detailed in this letter.

BETA3: The Applicant has included plan updates to resolve outstanding comments and has prepared a replication/restoration narrative. This letter includes recommendations for Special Conditions and defers to the Commission on select Bylaw requirements.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on November 14, 2024 to assess existing conditions and to review Resource Area delineation, focusing on the definitions and methodologies referenced under the Bylaw.

- W1. BETA concurs with the boundary of the IVW as delineated by the Applicant. Although upland vegetation including autumn olive (*Elaeagnus umbellata*) was observed within the IVW, a dominance of hydrophytic vegetation including red osier dogwood (*Swida sericea*) and sensitive ferns (*Onoclea sensibilis*) was observed. Hydric soils consisting of saturated, sandy loam soils with redoximorphic concentrations near the surface were also observed.

BETA2: No further comment required.

SPES: No response required.

- W2. BETA concurs with the determination that the IVW is isolated due to there being no observable surficial hydrologic connections to waterbodies or waterways. It is recommended, however, that the Applicant provide calculations for the record documenting that the IVW does not qualify as Isolated Land Subject to Flooding (ILSF).

BETA2: The comment regarding an ILSF determination remains.

SPES: The requested calculations have been added to the plan.

BETA3: The calculations do not appear to be on the plans received by BETA. It is recommended that these be provided either as a submission or discussed in the public hearing for the record.

CONSTRUCTION & MITIGATION COMMENTS

- W3. Due to the Project proposing to fill 520 sf of IVW, the Project is required to provide a wetland replication area at a 2:1 ratio. The Applicant should provide a wetland replication plan, depict this area on the plan set, and fulfill other requirements set forth in Section 7.14 of the Bylaw Regulations. The IVW appears to contribute to the function of flood control; therefore, grading of the replication area should be conducted accordingly.

BETA2: The wetland replication and wetland restoration narrative submitted with this filing is the same document submitted with the filing for Lot 3 while the areal coverage and planting schematics for both lots differ. The Applicant should submit an independent wetland replication and wetland restoration narrative for Lot 2.

According to the plans, a 1,040-sf wetland replication area has been proposed along the existing IVW. The Applicant should provide the cross sections of altered wetland and proposed replicated area, as well as the groundwater elevation data for the proposed replication area on the plans (Bylaw Regulation Section 7.14.2). The Applicant should also depict the proposed grade(s) of the replication area on the Restoration Plan.

SPES: The Lot 3 Narrative was included in the Lot 2 application package in error. The correct narrative has been included in the revised materials. The cross sections and grading updates requested have been provided on the revised plan.

BETA3: Comment addressed.

- W4. The Applicant stated plantings will be provided at a 2:1 ratio for plants that were removed from the Resource Areas. The Applicant should provide a planting plan that includes species and locations of proposed plantings.

BETA2: The Applicant has provided species and locations of proposed plantings on the updated plans. Restoration plantings within Buffer Zone and planting within the replication area have been provided and consist solely of native species. BETA defers to the Commission on the acceptance of this mitigation plan.

SPES: No response required.

- W5. Inlet protection should be shown on the plans for all catch basins within the public right-of-way near the site.

BETA2: Comment remains.

SPES: Inlet protection has been added to the plan.

BETA3: Comment addressed.

- W6. The Applicant should clarify if the installation of all utilities has been included in the impacts to IVW and Buffer Zone. Erosion controls should be depicted to define the limits of work around the sewer and electric/telephone/cable crossing.

BETA2: The Applicant has identified that 130-sf of temporary IVW impacts and 750-sf of temporary Buffer Zone impacts will be required for the installation of utilities. Erosion controls should be depicted to define the limits of work around the sewer and electric/telephone/cable crossing.

SPES: Erosion controls have been added to the plan at the limits of the utility installation.

BETA3: Comment addressed.

- W7. 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.

BETA2: The Applicant has identified proposed seed mixes for the wetland replication and wetland restoration area. However, the Applicant should depict where lawn is proposed and identify where any native seeding is proposed outside of the wetland replication and wetland restoration areas, if applicable.

SPES: The following notation has been added to the plan to define the intended limit of the proposed lawn areas: "ALL VEGETATED AREAS INSIDE OF THE PROPOSED PERMANENT LIMIT OF DISTURBANCE SHALL BE LAWN AREA WITH THE EXCEPTION OF RESTORATION AND REPLICATION AREAS. REFER TO THE PLANTING PLAN FOR ADDITIONAL DETAILS."

BETA3: Comment addressed. BETA recommends that the approved limit of lawn be documented in the Order of Conditions.

- W8. Material storage and laydown areas should be depicted on the Project plans and located outside of jurisdictional areas to the extent feasible.

BETA2: Comment remains.

SPES: The following notation has been added to the plan to define the intended limit of the proposed lawn areas: "ALL STAGING, STOCKPILING, AND MATERIAL LAYDOWN AREAS SHALL BE LOCATED OUTSIDE OF RESOURCE AREA BUFFER ZONES. ANY SUCH AREAS REQUIRED TO THE WEST OF THE PROPOSED WETLAND CROSSINGS SHALL BE TEMPORARY ONLY AND SHALL BE COORDINATED WITH THE TOWN OF FRANKLIN DPW AND MAINTAINED BY PROPER EROSION AND SEDIMENT CONTROLS."

BETA3: BETA recommends a Special Condition requiring the Conservation Agent to review and approval stockpile locations prior to the commencement of construction.

- W9. 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.

BETA2: Comment remains.

SPES: This office takes no exception to providing an invasive species management plan for the construction period of the project. Due to time constraints, we respectfully request that this requirement be made a condition of approval.

BETA3: BETA defers to the Commission on the submittal of an Invasive Species Management Plan (ISMP). BETA recommends a Special Condition be included in the Order of Conditions requiring an ISMP be submitted to the Commission prior to the commencement of work that includes Best Management Practices (BMPs) for the removal and disposal of invasive species.

- W10. It is recommended that the Commission include a Special Condition in perpetuity within the Order of Conditions requiring all future grantees of the property to be responsible for keeping the culvert free of debris and ensuring that the IVW is not used for snow storage.

BETA2: Comment remains.

SPES: The applicant takes no exception to such a condition of approval.

BETA3: No further comment required.

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 IVW and the local Buffer Zone Resource Area.

BYLAW REGULATORY COMMENTS

- W11. A Variance Request should be submitted for work proposed within the on-site 0-25' Buffer Zone to IVW.

BETA2: A Variance request and alternatives analysis have been submitted. BETA defers to the Commission on the provided information.

SPES: No response required.

- W12. The Applicant should provide an Erosion & Sedimentation Control Plan which includes contact information of the person(s) responsible for inspecting and maintaining erosion control, and all other requirements listed in Section 7.12.1 of the Bylaw Regulations.

BETA2: Comment remains.

SPES: The requested information has been added to the plan.

BETA3: The names and phone numbers of the person(s) responsible for inspection and maintaining erosion controls should be included on the plans by Bylaw Regulations Section 7.12.1. BETA defers to the Commission for this requirement.

- W13. According to the Section 7.9.1 of the Bylaw, the Project Narrative should include the following missing content:

- a. The entity performing the work; and
- b. When the proposed activities will be completed.

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BETA2: Comment remains.

SPES: This information is unknown at this time.

BETA3: BETA recommends the Commission include a Special Condition within the Order of Conditions requiring the Applicant to submit this information prior to the commencement of work.

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 has provided the Conservation Commission with sufficient information to describe the Site and the work; however, further information is required to comply with the Bylaw plan requirements.

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
Project Manager

cc: Amy Love, Town Planner
Bryan Taberner, AICP, Director of Planning & Community Development
Matt Crowley, P.E., BETA