

January 23, 2025
Franklin Conservation Commission
355 E. Central Street
Franklin, MA 02038
United States

Re: Response #2 to Peer Review Comments for NOI
Louise Drive Extension, (Map: 339, Lots 9, 13-16 and Map 349, Lot 2)

Dear Franklin Conservation Commission,

Goddard Consulting, LLC, (Goddard) is pleased to submit this second response letter on behalf of Pam and Paul Longobardi (the Applicant), to provide responses to the project review comments issued by BETA Group, Inc. in regard to the Notice of Intent (NOI) filed for Louise Drive Extension, in Franklin, MA. (DEP File #159-1300).

On November 21, 2024, Anna Haznar, Jonathan Niro, and Gary D. James, PE of BETA Group Inc. issued the comments attached in the table below after providing a peer review for the Notice of Intent filed for Louise Drive Extension, in Franklin, MA. (DEP File #159-1300). Goddard has provided responses to each comment at this time, and a revised site plan set is included with the submittal.

Table 1: Louise Drive Extension Notice of Intent Comment Responses

Comments Issued 11/21/2024 by BETA Group, Inc	Goddard Consulting Responses issued 12/05/2024
Plan and General Comments	
<p>A1. MassDEP has provided the following technical comments for the Project:</p> <p>The wetland replication area is not depicted on site plans. The Applicant should submit a revised site plan to MassDEP and the Commission. The site plan should include a cross-section of the replication area, in addition to depicting its location, to demonstrate compliance with 310 CMR 10.55(4)(b)2.-5. The replication area should be constructed and sited according to the MA Inland Wetland Replacement Guidelines. The Commission may include a condition that requires a monitoring period of two years, and that the restoration area must achieve 75% survival of all planted strata to be considered in compliance for the issuance of a COC. - The Applicant should provide information related to the physical characteristics of Bank resource area prior to alteration and how it will be restored, as temporary impacts are indicated in the WPA Form 3. Additionally, the Applicant states that the proposed stream crossing will not result in impacts to the existing natural substrate of the intermittent stream, but in the section addressing performance standards associated with Bank the Applicant states that “The proposed stream</p>	<p>Massachusetts DEP issued the file #159-1300 to the project. The wetland replication area and a cross-sectional has been depicted on the most recent rendition of the site plan. The replication area will be constructed in accordance with the MA Inland Wetland Replacement Guidelines. The Replication Planting Plan dated September 18th, 2024 includes a monitoring section. The proposed monitoring will be two years, and that the restoration area must achieve 75% survival.</p> <p>As detailed in the first Goddard Peer Review Response letter dated November 7th, 2024, Loam and seed will be spread around all disturbed areas at and near the wetland crossing which have not been stabilized. Apply and secure erosion control blankets to steep slopes in this area. Reseed as necessary until these areas are stabilized by vegetation.</p> <p>The proposed crossing will not impact the LUW of the of the stream. The project is not proposing to shorten the stream. The crossing will consist of a three bottom box culvert and span 1.2 times the bankful width.</p> <p>As outlined in the stream crossing protocol within this document, work, work shall not be performed during the</p>

<p>crossing will impact the bottom of the intermittent stream which would reduce the length of the stream, or height of banks.” How does the Applicant plan to not impact the existing natural substrate of the stream? Lastly, has the Applicant considered whether dewatering devices will be necessary during the installation of the crossing? The Applicant should provide MassDEP and the Commission with additional information regarding the crossings installation and anticipated dewatering methods. - Noting that the project appears to meet the performance standards for 310 CMR 10.54(4) and 310 CMR 10.55(4)(b), the Applicant did file as a limited project. If intended to be reviewed as a limited project, the Applicant should demonstrate compliance with all the provisions of 310 CMR 10.53(e). - On sheet 9 of 11 of site plans, the stated SHGW elevation is 346.6 and the bottom of pond elevation is 347. The Applicant should investigate if groundwater seepage will affect the functionality and performance of the basin. The Applicant should ensure that the basin complies with planning and design consideration as outlined on pages 108-111, V.2, Ch.2, of the MA Stormwater Handbook. - The Commission may include the O&M plans as special conditions in the OOCs, if approved.</p>	<p>wet period (i.e., March 1 to May 1) unless specified in writing by the conservation agent. Work shall be performed during low flow conditions and when the stream is as dry as possible to limit the need for dewatering to the extent feasible. However, the submitted Stormwater Pollution and Prevention Plan (SWPPP) provides the necessary information on dewatering protocols and inspections as required by the project.</p>
<p>A2-a. BETA defers to the Commission on this submission requirement and whether any survey should occur prior to the issuance of the OOC.</p>	<p>Goddard Consulting has no additional comment. The plan can be updated and submitted as a special condition to include vegetation at a larger minimum size threshold.</p>
<p>A2-b. Comment addressed; Buffer Zones are depicted on all plan sheets.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed</p>
<p>A3. Comment addressed.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed</p>
<p>A4. Comment addressed; the Construction Sequence has been added to the plan notes on Sheet 3.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed</p>
<p>A5. Comment addressed.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed</p>
<p>A6. Temporary and permanent impacts to BVW and LUW have been identified on the plans. Bank impacts should be depicted on the plans and Bank should be labeled on the cross-sections.</p>	<p>The temporary and permanent impacts to BVW and LUW have been identified on the plans.</p>

A7. Comment addressed.	Goddard Consulting has no additional comment. This comment has been addressed.
A8. Comment addressed.	Goddard Consulting has no additional comment. This comment has been addressed.
Construction Comments	
<p>W1. Stockpile locations have been provided but should be surrounded by erosion controls.</p> <p>BETA agrees that erosion and sedimentation of upgradient areas is not likely; however, erosion controls or another feature should be installed to demarcate limits of work. If amenable to the Commission, orange construction fencing could be used in lieu of erosion control at appropriate locations. It is anticipated that the Conservation Agent will review and approve erosion controls prior to construction.</p>	Orange construction fencing can be used in lieu of erosion control barriers (ECB) to demarcate the limit of work. A site walk can be conducted with the Conservation Agent and the applicant's representatives prior to construction to confirm the ECBs are in the appropriate locations.
W2. Comment addressed. BETA recommends a Special Condition be included within the Order of Conditions requiring submittal of a completed SWPPP prior to commencement of work.	Goddard Consulting has no additional comment. This comment has been addressed.
W3. Comment addressed.	Goddard Consulting has no additional comment. This comment has been addressed.
W4. The limit of work has been revised to encompass only areas necessary to complete work. The standalone figure provided on PDF Page 24 still depicts the old limits of work and should be revised.	The graphic has been revised to depict the current limit of work.
W5. BETA recommends the Commission include a Special Condition in the Order of Conditions requiring the Applicant to submit a dewatering plan prior to the commencement of work for review and approval.	Goddard Consulting agrees with the recommendation of the inclusion of this special condition. A dewatering plan and protocol will be included in the SWPPP as required by the project.
W6. No further comment required.	Goddard Consulting has no additional comment. This comment has been addressed.
W7. Any impacts to Waters of the U.S. require authorization from USACE under the Section 404 Massachusetts General Permit. The Project would likely qualify as being eligible for Self-Verification due to the crossing meeting Stream	Goddard Consulting would agree with a special condition to submit a Self-Verification.

Crossing Standards. BETA recommends that above-referenced Special Condition.	
Mitigation Comments	
W8-a. Comment addressed. BETA recommends the Commission include a Special Condition in the Order of Conditions requiring all invasive species that were not previously at the site to be documented and removed post construction. This should include a preliminary preconstruction survey to document any invasive species present.	Goddard agrees with this special condition and have no further comments.
W8-b. The proposed seed mixes were not provided in the NOI submission. A Special Condition could be included in the Order of Conditions that requires submission of species lists prior to construction.	Goddard Consulting agrees with the recommendation of the inclusion of this special condition. The species list for the seed mixes can be submitted prior to construction.
W8-c. Comment addressed.	Goddard Consulting has no additional comment. This comment has been addressed.
W8-d. Comment addressed. Erosion controls should be depicted around the proposed stockpile location.	A special condition can be added to require erosion control barriers around all proposed stockpile locations.
W8-e. Groundwater elevations should be shown on the provided cross section of the replication area per BETA's original comment and Bylaw Regulation Section 7.14.2.	The proposed wetland replication area is proposed to be 390. The adjacent BVW and intermittent stream has varying grades sloping north. The proposed replication evaluation was chosen to be an average of the grades of the adjacent BVW and intermittent stream. It was inferred that the ground water evaluation fluctuates as water moves down gradient. If needed, a special condition can be added to require a plan set with groundwater depth shown.
W9. Comment partially addressed. The proposed seeding should be depicted on the full plan set for the contractor's knowledge, and it is recommended that native woody vegetation be planted along the roadway as appropriate (e.g., street trees). The Commission could consider a Special Condition in the Order of Conditions requiring the Applicant to submit a streetside planting plan once the Notices of Intent for the proposed lots are submitted so that the plan correlates with the proposed conditions along each lot.	Goddard Consulting agrees with the proposed special condition. A planting plan can be submitted to provide native trees along the roadway once the Notices of Intent for the proposed lots are submitted.
W10. BETA recommends the Commission include a Special Condition in the Order of Conditions requiring the Applicant to ensure stream crossing and restoration occurs	Goddard Consulting agrees with the proposed special condition.

<p>in the sequence that is stated by the Applicant, with the following revisions:</p> <ul style="list-style-type: none"> • Loam and seed shall be used to stabilize all upland areas, while temporarily impacted wetlands shall be restored to existing grade, top dressed with compost if deemed necessary, and seeded with a native wetland seed mixture; • All temporarily disturbed Banks shall be restored to preexisting conditions; and • No permanent LUW impacts shall occur within the footprint of the proposed 3-sided culvert. 	
<p>WPA Performance Standards Comments</p>	
<p>W1. Proposed Bank restoration includes the placement of erosion control blankets on steep slopes and the application of seed. The Applicant should provide the specific seed mix that will be used on Bank.</p>	<p>New England Wetland Plants WetMix can be used to re-naturalize the Bank of the intermittent stream after the installation of the culvert.</p>
<p>W2. Comment addressed.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed.</p>
<p>W3. The boundary of LUW in the Act under 310 CMR 10.56(2)(c) is the mean annual low water level of waterbodies and waterways. As established by case law in the 2007 Final Decision In the Matter of Hoosac Wind Project (attached), "...the location of mean annual low flow level in an intermittent stream would logically vary depending on the amount of time the streambed is in fact dry...These streams would have a mean annual low flow above the thread of the stream" (14 CEPR 139).</p> <p>Regardless, the Applicant has quantified temporary impacts to LUW and has noted that no permanent LUW impacts would be required. The Project is presumed to comply with the LUW Performance Standards due to meeting the Massachusetts Stream Crossing Standards.</p>	<p>Goddard agrees that the project meets stream crossing standards and will have no impacts to LUW.</p>
<p>Bylaw Regulatory Comments</p>	
<p>W4. Comment addressed.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed.</p>
<p>W5. BETA defers to the Commission on the approval of the Variance request.</p>	<p>Goddard Consulting has no additional comment.</p>

<p>W6. BETA defers to the Commission on the provided narrative. Per BETA Comment W9, it is recommended that woody plantings also supplement the proposed seeding within disturbed Buffer Zone.</p>	<p>Goddard Consulting agrees with the proposed special condition. A planting plan can be submitted to provide native trees along the roadway once the Notices of Intent for the proposed lots are submitted.</p>
<p>W7. Comment addressed.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed.</p>
<p>W8. BETA recommends the Commission include a Special Condition within the Order of Conditions requiring the contract information of the person or party responsible for inspecting and maintaining erosion controls be provided prior to the commencement of work</p>	<p>Goddard Consulting agrees with the proposed special condition. The contract information of the person or party responsible for inspection and maintenance of erosion controls will be provided prior to the commencement of work.</p>
<p>W9. See BETA's recommended Special Condition above.</p>	<p>Goddard Consulting agrees with the proposed special condition above.</p>
<p>W10. Comment addressed. The Construction Sequence has been added to the Plan notes on Page 3 of 11.</p>	<p>Goddard Consulting has no additional comment. This comment has been addressed.</p>

As outlined in the table above, the following documents are attached to this supplemental submittal:

- Disturbance Seeding Locations, Goddard Consulting, LLC, Revised 01/23/2025
- Stormwater Peer Review Responses, DiPrete Engineering, 01/13/2025
- NOI Submission Plan Set, DiPrete Engineering, Revised 01/22/2025
- Stormwater Management Report, DiPrete Engineering, Revised 01/22/2025
- Stormwater System Operation & Maintenance Plan, DiPrete Engineering, Revised 01/22/2025
- Stormwater Pollution Prevention Plan, DiPrete Engineering, Revised 01/22/2025

As of 01/24/2025, it is Goddard's opinion that all comments issued during the peer review provided by BETA Group Inc. have been adequately addressed, and all necessary materials have been submitted. Revised site plans and visuals have been prepared and included with this submittal to demonstrate compliance with all applicable standards. Goddard respectfully requests that the Franklin Conservation Commission issues an Order of Conditions for the proposed work.



If you have any questions, please do not hesitate to reach out.

Sincerely,

Sincerely,
Goddard Consulting, LLC

Tom Schutz, WPIT, WSA
Wetland Scientist

CC: MassDEP, Central Regional Office, Wetlands Division, 8 New Bond Street, Worcester, MA 01606
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