

January 31, 2025

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

**Re: 1 Paddock Lane**  
**MassDEP File No. 159-1307**  
**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) proposing the construction of a single-family home located at **1 Paddock Lane** 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 1 Paddock Lane**; prepared by Goddard Consulting, LLC., dated November 25, 2024. Inclusive of:
  - NOI Narrative;
  - WPA Form 3;
  - Filling Fees;
  - Abutters Information and Notifications;
  - Wetland Border Report;
  - Figures (Site locus and USGS map,);
  - Variance Request;
  - Wetland Replication and Mitigation Plan; and
  - Plans (1 Sheet) entitled **Fill & Replication Areas Plan of Land in Franklin**; prepared by Colonial Engineering Inc.; dated October 16, 2024; signed and stamped by Paul E Saunder MA PE No. 32440 and Anthony M Dellorco MA PLS No. 34303.

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

- Site visit on January 16, 2025
- **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 2.36-acre Site consists of one (1) parcel<sup>1</sup> identified as Map 211 Lot 118-000 in Franklin, Massachusetts situated at the intersection of Paddock Lane and Beech Street. The Site is bounded to the north by Paddock Lane, to the west by Beech Street, and to the south and east by undeveloped wooded lots and residential homes. Existing improvements at the Site consist of a single-family home and associated site features. The Site is generally flat with slight topographic relief towards the northwest.

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 Bordering Vegetated Wetland (BVW) and the 25-foot, 50-foot and 100-foot Buffer Zones.

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 Certified Vernal Pools (CVPs) located on or within 100 feet of the Site. A Potential Vernal Pool (PVP) is located approximately 100-feet north of the Site on an adjacent property.

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0139E 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 Montauk fine sandy loam, extremely stony with a Hydrologic 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 home, garage, driveway, retaining wall and associated site features. Proposed work includes the following activities (collectively referred to as the “Project”):

- Installation of erosion controls;
- Installation of a stabilized construction entrance;
- Clearing and grading;
- Installation of the retaining wall, foundation, and utilities;
- Construction of the home and garage;
- Construction of the wetland replication area; and
- Stabilization of the Site.

The Project will result in temporary and permanent impacts to BVW and Buffer Zones. The following Resource Area<sup>2</sup> impacts are proposed:

- 202 sf of impacts to BVW;
- 4,275 sf of impacts to the 25’ Buffer Zone;

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<sup>1</sup> The Project would require the creation of a separate buildable lot via the Approval Not Required (ANR) process to accommodate the proposed dwelling.

<sup>2</sup> Buffer Zone is protected as a Resource Area under the Bylaw.

- 5,289 sf of impacts to the 50' Buffer Zone; and
- 3,501 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)		✓ (See Comment A2.a)
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)		✓ (See Comment A2.b)
Proposed Topography		✓ (See Comment A2.c)
Existing and Proposed Vegetation		✓ (See Comment A2.d)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓ (See Comment A2.e)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference		✓ (See Comment A2.f)
Abutting Property Assessors' Reference		✓ (See Comment A2.g)
Survey Benchmark	✓	
Accurate Plan Scale	✓	

### PLAN AND GENERAL COMMENTS

- A1. MassDEP has issued a file number (No.159-1307) for this Project with the following technical comments:

*Additional information should be submitted to demonstrate compliance with 10.55(4). Specifically, an analysis that demonstrates that the project avoids and minimizes prior to proposing mitigation per 10.55(4)(b)7. "...the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in [The Wetlands Protection Act], the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized..." Can the project be minimized to avoid the need to fill Bordering Vegetated Wetlands (BVW)? Has the applicant proposed alternate layouts or reductions to the scale of the project that can be made to avoid BVW fill and still allow for a reasonable project? How does the project comply with 10.53(1)? The Commission can consider that "the potential for adverse impacts to Resource Areas from work in the Buffer Zone may increase with the extent of the work and the proximity to the Resource Area..." and can consider "conditions may include limitations on the scope and location of work in the Buffer Zone as necessary to avoid alteration of Resource Areas."*

- A2. The Plan should include the following:
- A north arrow reference should be provided on the plans per Bylaw Regulations Section 7.18.1.3.

- b. The source and date of survey of topography should be included on the plans.
  - c. Complete proposed topography of the Site should be depicted on the Plans per Bylaw Regulations Section 7.18.1.4. The plans currently show proposed contours 197 and 194; however, it is anticipated that the Site would be graded further to establish a flat area for the dwelling.
  - d. Existing and proposed vegetation referenced in Bylaw Regulation Section 7.18.1.5 and 7.18.1.6 should be included on the plans, including individual trees/shrubs with a diameter greater than 1" proposed for removal. 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.
  - e. A Construction Sequence was provided that does not include all proposed activities within Jurisdictional Areas per Section 7.15 of the Bylaw.
  - f. The Assessor's Reference for the parcel where work will occur should be provided on the plans.
  - g. The Assessor's Reference for the abutting properties should be provided on the plans.
- A3. The existing and proposed tree line should be shown on the plans.

## WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review of existing conditions and proposed work areas on January 16, 2025. The Project proposes impacts to onsite areas Subject to Jurisdiction and Protection under the Act and Bylaw including, BVW, 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 not subject to the MassDEP Stormwater Standards due to it being the construction of a single-family home. The Project is proposing a wetland replication area at a ratio of 2.7:1.

The NOI application includes narrative information describing the Project and proposed mitigation. Mitigation measures include use of erosion controls and creation of a wetland replication area. Additional information is required to demonstrate compliance with the Bylaw and Act, primarily as it relates to the Avoidance / Minimization / Mitigation of BVW and Buffer Zone impacts. While wetland replication is proposed, no mitigation is provided for the clearing proposed within the 25-foot No Disturb Zone or other portions of the Bylaw Buffer Zone Resource Area. It is recommended that the Applicant address this aspect of the review (Comments W14 & W17) prior to addressing other comments in this letter, as changes in design may impact the relevance and resolution of other comments. BETA has also provided the Commission with recommendations for Special Conditions as appropriate.

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.

### RESOURCE AREA AND BOUNDARY COMMENTS

In 2024, BETA reviewed the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted for the Site. Following the onsite review with the Applicant's representative, the Conservation Commission issued an Order of Resource Area Delineation (ORAD) in the form of a denial due to lack of information related to a request to remove a delineated upland island. The current wetland delineation mirrors the

delineation depicted on the plans reviewed under the Abbreviated Notice of Resource Area Delineation (ANRAD) with the exception of the removal of the upland island. Due to this revision and BETA's previous concurrence with the remainder of the wetland boundary, BETA did not perform a supplemental review of the wetland boundaries in the field. The boundaries of BVW as currently depicted appear to be accurate based on BETA's familiarity with the Site and previous filings.

#### **CONSTRUCTION COMMENTS**

- W1. Material stockpile and laydown areas should be labeled on the Project plans.
- W2. Erosion controls should be depicted on the southern side of the proposed dwelling within Buffer Zone to establish the limit of work in the field.
- W3. Provide erosion control between the replication area and the adjacent BVW.
- W4. Seed mixes proposed for the Site and the areas where each type will be applied should be included on the plans.
- W5. Provide a preliminary plan for water control/dewatering of surface and groundwater during the construction of the wall.
- W6. Provide further information on the construction of the proposed wall including any required weep holes and whether stone / grading is required beyond the base of the wall. The retaining wall detail should be revised to depict the limits of excavation and location of erosion controls
- W7. The plans depict an approximately 2-foot-wide work area between the face of the proposed retaining wall and the location of the erosion controls. Confirm whether this provides sufficient space to support the construction of the wall; limits of work should be depicted to reflect a constructable design.
- W8. Confirm whether any "hazard trees" are present beyond the limits of work that require removal and associated mitigation. The Commission could include a Special Condition requiring no further tree clearing past the limit of work in perpetuity, except under emergency scenarios.
- W9. The proposed access to the replication area should be depicted on the Project plans, including the associated tree line and erosion control measures.
- W10. The plans do not address how runoff from roof leaders will be addressed, and the proposed grading of the driveway appears to direct runoff towards the dwelling and BVW. Although the Project is not subject to the MassDEP Stormwater Standards, the Applicant is required to address stormwater as it relates to preventing additional impacts to BVW.
- W11. The Applicant should provide an Erosion & Sedimentation Control Plan which includes contact information of the person(s) responsible for inspection and maintaining erosion control, and all other requirements listed in Section 7.12.1 of the Bylaw Regulations.

#### **MITIGATION COMMENTS**

- W12. BETA offers the following comments on the wetland replication plan:
  - a. The Applicant should provide the species list for the seed mix that is intended to be used within the replication area on the plans.
  - b. The storage area proposed in the narrative for soil and woody debris specimens should be shown on the plans.

- c. 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. The groundwater elevation data for the proposed replication area should appear on the plans (Bylaw Regulation Section 7.14.2)

W13. The Applicant should provide a planting plan for disturbed portions of the site. Specifically, areas within Buffer Zone should be prioritized for the planting of native trees and the application of native seed mix.

#### **WPA PERFORMANCE STANDARDS COMMENTS**

The Project will result in permanent impacts to the onsite BVW and proposes wetland replication at a ratio of 2.7:1.

**Bordering Vegetated Wetlands (310 CMR 10.55)**The Applicant must provide a narrative identifying how the project was designed to avoid impacts to BVW prior to proposing to fill BVW. The Applicant provided an alternatives analysis indicating an alternative design was considered that would prevent impacts to BVW and only impact Buffer Zone. The Applicant should provide further details on this alternative to show why this alternative was not chosen to avoid BVW impacts. Alternatives can include, but are not limited to, varying Site layouts, decreased dwelling size, and decreased lawn size.

W15. The Applicant should provide the impact calculations and proposed restoration for the temporary impacts between flags WF38 and WF42 and WF47C for the construction of the wall.

#### **BYLAW REGULATORY COMMENTS**

W16. Provide a Natural Heritage and Priority Habitats and Estimated Habitats Map and FEMA Floodplain Map, as required for NOI submissions to the Franklin Conservation Commission (Bylaw Section 7.17.1).

W17. The Applicant has provided a Variance request for work within BVW and the 0-25', 25-50', and 50-100' Buffer Zones in accordance with Bylaw Regulation Section 5. The submitted alternatives analysis is not sufficient to demonstrate that a practicable project with fewer impacts is not achievable. The alternatives analysis notes that a scaled back development would "...provide significantly scaled back mitigation..."; however, the proposed mitigation is only required due to the proposed wetland fill. No mitigation has been provided for forested Buffer Zone alteration under any alternative. Further, the Applicant must clarify what constitutes them from being "...unable to develop land to extent needed..." as referenced under Alternatives 1 and 2. This alternatives analysis should compare different project designs by using quantifiable metrics to demonstrate that all impacts have been avoided, minimized, and/or mitigated to the extent practicable.

W18. 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, and the Project design appears to prioritize the establishment of lawn as close to 2 feet from the wetland boundary.

W19. 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.

Ms. Breeka Lí Goodlander, Agent

January 31, 2025

Page 7 of 7

W20. Section 4.4.1 of the Bylaw indicated that “mitigation offsets may be required by the Commission when the applicant proposed that more than 30% of the 50-100-foot Buffer Zone Resource Area is proposed to be impervious surface.” The Applicant should provide the Commission with calculations of proposed impervious area within the 50-100-foot Buffer Zone as it compares to existing conditions to allow the Commission to determine if additional mitigation measures are warranted.

## STORMWATER MANAGEMENT

The Project proposed the construction of a single-family home and is therefore not subject to the Massachusetts Stormwater Standards.

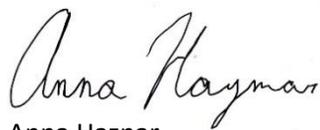
## REVIEW SUMMARY

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, PWS  
Project Manager

cc: Amy Love, Town Planner

Bryan Taberner, AICP, Director of Planning & Community Development

Matt Crowley, P.E., BETA