

January 31, 2025

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

**Re: MassDEP File No. 159-1306  
444 East Central Street  
Abbreviated Notice of Resource Area Delineation Peer Review  
Franklin, Massachusetts**

Dear Ms. Goodlander,

BETA Group, Inc. (BETA) is pleased to provide peer review services for the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted for the parcel located at **444 East Central Street, further identified as the Town of Franklin Assessor's Parcel ID: Map 284 Lot 066-000 in Franklin, Massachusetts** (the Site). This letter provides BETA's peer review findings and comments as they relate to the Massachusetts Wetlands Protection Act (M.G.L. ch.131, §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 implementing regulations (collectively "the Bylaw").

BETA performed a Site visit on January 16, 2025 to review the onsite Resource Area boundaries and confirm existing conditions as they relate to the ANRAD filing.

BETA's initial comments on the ANRAD filing pursuant to a review of submitted documents and the Site visit are further discussed below.

## DOCUMENTS REVIEWED

- Report entitled **Abbreviated Notice of Resource Area Delineation (ANRAD), for 444 East Central Street, Franklin, MA 02038**; dated November 26, 2024; prepared by Goddard Consulting LLC. Includes the following attachments:
  - WPA Form 4A
  - Filing Fees and Forms
  - Wetland Border Report
  - Wetland Field Data Sheets
  - Figures
  - Plan (2 sheet) entitled **ANRAD Exhibit Plan**; dated November 26, 2024; prepared by Allen & Major Associated, INC. signed and stamped by Norman I Lipsitz, MA PLS No. 28446 and Carlton M Quinn MA P.E. No.49923, scale: 1" = 60'.

## SCOPE SUMMARY

The Applicant is requesting that the Conservation Commission confirm the following Resource Area boundaries, as noted in the application materials and as delineated and depicted on the ANRAD plan:

- 2,744.5 linear feet (lf) of Bordering Vegetated Wetlands (BVW);
- 712 lf of Isolated Vegetated Wetlands (IVW); and
- 2,229.63 lf of Inland Bank.

**ADMINISTRATIVE REQUIREMENTS**

The following provides an assessment of the plans in light of generally accepted existing conditions plan standards and the applicable plan requirements under Section 7.18 of the Bylaw Regulations:

**Table 1 – ANRAD Plan Requirements**

Plan Requirements	Yes	No
North Arrow (with reference)	✓	
Registered PLS Stamp	✓	
Assessors’ Reference	✓	
Abutting Property Assessors’ Reference	✓	
Survey Benchmark		✓ (Comment W1.b)
Existing Conditions and Topography Sourced with date of survey	✓	
Topography/Contours	✓	
Lot Line Surveyed	✓	
Accurate Plan Scale	✓	
Resource Areas Identified and Labeled (including Buffer Zones)	✓	

**EXISTING CONDITIONS AND ONSITE RESOURCES**

The 15-acre Site is located at 444 East Central Street and consists of one (1) parcel identified as Map 284 Lot 066-000 in Franklin, Massachusetts. The Site is bounded to the north by East Central Street, to the west by commercial buildings and undeveloped forested areas, and to the south by undeveloped forested areas and wetland complexes, and to the east by residential homes. The Site is commercially developed by Stobbert’s Nurseries, Inc. and includes several associated permanent and temporary structures within the northern portion of the Site. The southern, eastern and western portions of the Site consist of undeveloped forested areas and wetland complexes. Stone, waste/compost, and fill piles are present throughout the Site.

MassGIS environmental data layers mapped within or near the Site include the following:

**Table 2: MassGIS Environmental Data Layers**

Mapped Resource On or Within Proximity to the Survey Area	Yes	No
Area of Critical Environmental Concern		✓
NHESP Certified Vernal Pool		✓
NHESP Potential Vernal Pool		✓
NHESP Estimated Habitat of Rare Wildlife		✓
NHESP Priority Habitat of Rare Species		✓
Outstanding Resource Waters		✓
FEMA Floodplain	✓	
Surface Water Protection Area (Zone A, B, or C)		✓
Interim Wellhead Protection Area		✓
Zone I Wellhead Protection Area		✓
Zone II Wellhead Protection Area	✓	

As depicted on the plan and described in the ANRAD application, the following Resource Areas exist within 100 feet of the Site:

- Bordering Vegetated Wetland (BVW);

- Bordering Land Subject to Flooding (BLSF);
- Mean Annual High Water (MAHW);
- Land Under Water (LUW);
- Riverfront Area (RA); and
- Isolated Vegetated Wetland<sup>1</sup> (IVW).

Table 3 further details these Resource Areas.

**Table 3 – Resource Areas and Act/Bylaw Jurisdiction *(As identified by the Applicant)***

Resource Area	Flag Series	Act	Bylaw
IVW/Freshwater Wetland	GCB1 to GCB15, GCC1 to GCC22, and GCD1 to GCD31		✓
BVW/Freshwater Wetland	GCA1 to GCA109, and GCE1 to GCE9	✓	✓
Bank / Mean Annual High Water (to establish Riverfront Area)	GCMAHW A1 to GCMAHW A30, GCMAHW B1 to GCMAHW B19, GCMAHW C1 to GCMAHW C107, and GCMAHW D1 to GCMAHW D4	✓	✓
Bordering Land Subject to Flooding	N/A	✓	✓

**COMMENTS**

W1. BETA offers the following administrative/plan comments after conducting a review of the submitted application and plans based on generally accepted existing conditions plan standards and the applicable plan requirements per the Bylaw Regulations:

- a) The filing has been assigned MassDEP File No. 159-1306 with the following technical comments from MassDEP:

*MassDEP recommends that the Commission field-verify the accuracy of wetland resource area boundaries delineated in the ANRAD filing, as well as degraded Riverfront Area boundaries depicted on site plans. Per 310 CMR 10.58(5), degraded Riverfront Area are those areas that are absent of topsoil, covered by existing impervious surfaces, junkyards, or abandoned dumping grounds. MassDEP also reminds the Commission of their ability to consider third party review per 310 CMR 10.05(4)(h). The Applicant should provide additional information in accordance with 310 CMR 10.57(2)(b)3. to verify whether the isolated vegetated wetlands meet parameters to be considered isolated land subject to flooding and jurisdictional under the WPA. Additionally, if the Applicant suspects that the isolated wetlands were once stormwater management features, additional information in accordance with 310 CMR 10.02(2)(c) should be provided to MassDEP and the Commission demonstrating when the*

<sup>1</sup> IVWs are protected under the Bylaw as Freshwater Wetlands.

*basin was installed and that the stormwater basin has been maintained as such. The Commission may request that the Applicant submit maintenance logs. MassDEP recommends the Commission should verify that the GCC series does not connect to the wetland system. If a connection does exist, based on the information provided the GCC series may be considered jurisdictional even if it was a stormwater basin previously. Please provide additional information accordingly. Zone A 100-year floodplain exists on the lot and the Applicant indicates that the "Extent of BLSF to be determined with topographic survey data." The boundary of BLSF should be determined using procedures outlined in 310 CMR 10.57(2)(a)3. Where NFIP Profile data is unavailable, such as in the case of Zone A 100-year floodplain, the BLSF boundary shall be the maximum lateral extent of flood water observed or recorded. In the event of a conflict of opinion, the Commission may require engineering calculations be provided following parameters listed in 310 CMR 10.57(2)(a)3.a.-c.*

- b) The Applicant should provide a survey benchmark on the plans and include the referenced vertical datum.
- W2. BETA concurs with the Applicant's onsite delineation of the GCB1 to GCB15 Series IVW based on the presence of hydrophytic vegetation, hydrology and hydric soils. See comment W9 regarding the isolated status of this wetland.
- W3. BETA concurs with the Applicant's delineation of GCC1 to GCC22 Series IVW based on the presence of hydrophytic, hydrology, and hydric soils. This IVW is offsite, and flags should not be approved for this filing unless permission is granted from the property owner. See comment W9 regarding the isolated status of this wetland.
- W4. BETA concurs with the Applicant's delineation of the GCD1 to GCD31 Series IVW based on the presence of hydrophytic vegetation, indicators of hydrology and hydric soils. Directly north of this Series a low-lying finger like extension vegetated by purple loosestrife (*Lythrum salicaria*) was observed; however, the area is predominantly vegetated by upland species. See comment W9 regarding the isolated status of this wetland.
- W5. The Applicant should submit the required calculations to determine the presence of ILSF within the B-, C-, and D-Series IVWs if they seek confirmation of the absence/presence of ILSF. Should these calculations not be provided, the Commission should note in the ORAD that ILSF is not confirmed as part of this filing.
- W6. BETA concurs with the Applicant's delineation of the GCA1 to GCA109 Series BVW, due to the presence of hydrophytic vegetation, and indicators of hydrology, soils were not able to be observed at the time of the review, although the wetland appears to generally follow the limit of phragmites (*Phragmites australis*). This BVW transitions from primarily being vegetated by phragmites to a red maple swamp.
- W7. BETA concurs with the Applicant's delineation of the GCE1 to GCE9 Series BVW based on the presence of hydrophytic vegetation, indicators of hydrology and hydric soils.
- W8. BETA concurs with the Applicant's onsite delineation of the perennial stream including, GCMAHW A1 to GCMAHW A30, GCMAHW B1 to GCMAHW B19, GCMAHW C1 to GCMAHW C107, and GCMAHW D1 to GCMAHW D4 due to an observable break in slope and bankfull indicators. MAHW flags appear to correspond with the locations of undercut banks, limits of scour, and shifts to terrestrial vegetation.

W9. The Applicant has asserted that the GCB1 to GCB15, GCC1 to GCC22, and GCD1 to GCD31 Series wetlands are isolated due to a lack of surficial connection to another BVW or surface waterbody/waterway. BETA concurs that the B- and C-Series IVWs appear isolated; however, it is recommended that the Applicant conduct further due diligence with regard to the D-Series IVW.

The compost pile between the D Series IVW and A Series BVW appears to have been placed in this location in approximately 2005<sup>2</sup>. The Applicant should provide information regarding when this compost pile was created; whether it resulted in wetland fill; and whether it was permitted through a valid Order of Conditions. It is BETA's opinion that the presence of wetlands directly north and south of this compost pile warrants further investigation to determine if the D-Series IVW is isolated as a result of unpermitted fill.

W10. The boundaries of degraded RA were not reviewed under this filing, as an ANRAD can only seek the confirmation of Resource Area boundaries. As noted in this letter, BETA concurs with the depiction of RA at the Site; however, a future Notice of Intent filing would be required to confirm extents of degraded RA.

W11. The extent of BLSF at the Site was not confirmed as a part of this peer review due to the Act/Bylaw stating that BLSF is based on the most up-to-date and credible engineering data. BLSF at the Site is presently a Zone A flood hazard (no base flood elevation) per FEMA; however, more detailed engineering information could be made available or submitted at the time of a future NOI filing.

W12. LUW exists at the Site between the MAHW/Bank boundaries of the perennial stream delineated as GCMAHW A1 to GCMAHW A30, GCMAHW B1 to GCMAHW B19, GCMAHW C1 to GCMAHW C107, and GCMAHW D1 to GCMAHW D4 Series. Should the Applicant seek confirmation of LUW, then they should provide the location of the mean low water line for review and approval.

W13. BETA recommends that the Commission excludes the approval of flags located outside of the Site boundaries in the ANRAD. These flags include GCC1 to GCC122 and GCA1.

### Review Summary

Based on our review of the ANRAD submittal and plan, and the existing conditions at the Site, it is BETA's opinion that the comments above should be addressed to facilitate the issuance of an accurate ORAD.

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

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<sup>2</sup> Aerials reviewed using <https://www.historicaerials.com>