

February 24, 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 #2
Franklin, Massachusetts**

Dear Ms. Goodlander,

BETA Group, Inc. (BETA) is pleased to provide continued 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 comments on the ANRAD filing pursuant to a review of submitted documents are further discussed below.

DOCUMENTS REVIEWED

- Report entitled **Peer Review Comment Response**; dated February 13, 2025; prepared by Goddard Consulting LLC. Includes the following attachments:
 - Response to MassDEP Comments
 - HydroCAD Calculations
 - IVW Exhibit; signed and stamped by Carlton M Quinn MA P.E. No.49923.
 - Bordering Land Subject to Flooding Analysis
 - Plan (1 Sheet) entitled **LIP Application Plans 444 East Central Street**; dated January 2, 2025; prepared by Allen & Major Associated, INC. signed and stamped by Carlton M Quinn MA P.E. No.49923, scale: 1" = 40'.
 - Plan (1 Sheet) entitled **444 East Central Street**; dated November 26, 2024 and revised on February 10, 2025; prepared by Allen & Major Associated, INC. signed and stamped Andrew J Ruggles MA PLS No.58014, 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.

BETA2: The Applicant has requested approval of the extent of Bordering Land Subject to Flooding (BLSF) on the Site and has also stated they do not request approval of the extent of Land Under Water (LUW). The Applicant has provided calculations indicating that Isolated Land Subject to Flooding (ILSF) is not present at the Site.

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	✓ (BETA2)	
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 Stobbart'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	✓	
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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 Wetland¹ (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	✓	✓

PEER REVIEW UPDATE – February 24, 2025

BETA’s original comments from the January 31, 2024 peer review letter are provided below in plain text. Comment responses attributed to Goddard Consulting LLC. (GC), are provided in italics and are prefaced with “GC:”. BETA’s most recent responses are provided in bold and are prefaced with “**BETA2:**”. Comments responses are only included where necessary.

At this time, the Applicant has not provided sufficient information to facilitate the issuance of an accurate Order of Resource Area Delineation. Specifically, the Applicant should address the remaining comments related to potential wetland fill and the BLSF boundary.

¹ IVWs are protected under the Bylaw as Freshwater Wetlands.

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 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.

GC: Responses to MassDEP's technical comments have been previously provided to the Commission. Please see attached Response to MassDEP Comments, 444 East Central Street Franklin MA (DEP File No. 159-1306), prepared by Goddard Consulting LLC, dated January 2, 2025.

GC responses to MassDEP: Goddard and the Applicant support the recommendation to field-verify the accuracy of delineated wetland resource areas and degraded Riverfront Area, and the use of a third-party peer reviewer.

A&M has prepared engineering calculations to confirm that the isolated vegetated wetlands are not capable of containing ¼-acre foot of water and therefore cannot qualify as Isolated Land Subject to Flooding (see attached IVW Exhibit and HydroCAD calculations). It does not appear that either of the on-site IVWs (GCB-or GCD-series) were constructed as stormwater basins.

Goddard and A&M do believe that the GCC-series wetland was constructed as a stormwater basin, but it does not appear to have been maintained due to the presence of large woody vegetation. As such, it has been identified as a vegetated wetland to accurately display the

100-foot buffer zone that casts onto the locus site. Goddard and the Applicant are investigating any potential connection and will provide revised plans to the Commission and MassDEP as appropriate.

NFIP Profile data is unavailable for this site. To evaluate the extent of the floodplain, A&M performed on-the-ground survey slightly offsite at Northern Spy Road. The location at which Uncas Brook flows under Northern Spy Road constitutes the highest elevation of impoundment possible for this broader wetland system. The road crest in this location was surveyed at elevation 271', and as such this elevation was used as the flood elevation.

- b) The Applicant should provide a survey benchmark on the plans and include the referenced vertical datum.

GC: The site plan has been revised to include the survey benchmark. The vertical datum was already identified in Note 3. Please see the revised site plan, 444 East Central Street Franklin, MA, Allen & Major Associated, Inc., dated 11/26/24, revised 2/10/25.

BETA2: Comment addressed.

- 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.

GC: Acknowledged.

- 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.

GC: Acknowledged.

- 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.

GC: Acknowledged.

- 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.

GC: ILSF calculations were previously submitted to the Commission in a letter titled Response to MassDEP Comments, 444 East Central Street Franklin MA (DEP File No. 159-1306), prepared by Goddard Consulting LLC, dated January 2, 2025. This letter is also included as an attachment herein. The Applicant does seek confirmation that no ILSF is present on the locus site as demonstrated in the calculations provided by A&M in that letter.

BETA2: BETA did not previously receive the ILSF calculations prepared by the Applicant. However, based on the calculations submitted by the Applicant, BETA concurs that the onsite IVWs cannot hold at least ¼ acre-foot of water; therefore, these areas would not qualify as ILSF. Comment addressed.

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.

GC: Acknowledged.

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.

GC: Acknowledged.

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 bankful indicators. MAHW flags appear to correspond with the locations of undercut banks, limits of scour, and shifts to terrestrial vegetation.

GC: Acknowledged.

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 2005². 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.

GC: It is believed that the compost pile in question was placed in its location in approximately 2005, and its placement did not result in wetland fill; however, it was not permitted under an Order of Conditions. It is the understanding of the Applicant and the opinion of Goddard that the D-series IVE has always been isolated and was not made isolated by the placement of fill/compost.

BETA2: The Applicant did not provide sufficient information regarding the potential for wetland fill resulting from the placement of the compost pile. The Commission could consider requiring that the Applicant investigate the soils under the pile to confirm whether this area constitutes filled BVW and requires consideration in the issuance of the Order of Resource Area Delineation.

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.

GC: Acknowledged.

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

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

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.

GC: Goddard has collaborated with A&M, the project engineer, to determine the extent of BLSF on the site more precisely than the available data from FEMA which lacks a base flood elevation in this location. Additional analysis of BLSF on the site, and documentation of the methodology follow by A&M and Goddard is included as an attachment to this letter (Bordering Land Subject to Flooding Analysis, 444 East Central Street, Franklin, Massachusetts (Dep File No. 159-1306), prepared by Goddard Consulting LLC, dated February 13, 2025). The Applicant does seek confirmation of BLSF as shown on attached site plans as part of this ANRAD filing.

BETA2: The Applicant has not provided sufficient information to confirm the extent of BLSF at the Site. At a minimum, evaluating the extent of the floodplain when no base flood elevation is available requires the development of a hydraulic model to take into account the existing terrain, land cover types, and characteristics of the watershed. Recording the elevation of the downstream obstruction is not sufficient to confirm the boundary of BLSF. While the base flood elevation established by the Applicant appears generally accurate downstream of the Site and closely correlates with FEMA data for the mapped Zone A, there is an apparent deviation between the data sets north of the confluence. The presence of this confluence and additional culverts within the center/north of the Site could result in backwater conditions and a higher floodplain elevation for the central/northern portions of the Site.

As previously noted, the boundary of BLSF can change as a result of more up-to-date engineering data, including FEMA studies. Therefore, it is recommended that the Commission consider approving this boundary only upon receipt of a Notice of Intent (NOI) for any future development project. Comment remains.

- 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.

GC: The Applicant does not seek confirmation of LUW.

BETA2: BETA recommends that the Commission include a finding in the Order of Resource Area Delineation stating that LUW was not confirmed as a part of this filing.

- 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.

GC: Acknowledged; however, the GCC-series wetland consists of flags GCC1 to GCC22, not GCC122 as indicated in the BETA letter.

BETA2: Acknowledged. BETA recommends that the Commission include a finding in the Order of Resource Area Delineation that excludes the approval of flags located outside of the Site boundaries.

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