

January 9, 2025

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

**Re: 55 Constitution Boulevard
MassDEP File No. 159-1301
Notice of Intent Peer Review #3**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the Notice of Intent (NOI) seeking approval for the redevelopment of an existing commercial property (the Project) at **55 Constitution Boulevard** 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 **55 Constitution Boulevard Notice of Intent (Peer Review Response #2) MassDEP File No. 159-1031**; prepared by Beals Associates, Inc.; dated December 31, 2024. Attachments include:
 - MassDEP Response Letter;
 - TSS Removal Calculation Sheets (Stormwater Report);
 - Mounding Analysis;
 - Revised Plans (2 Sheets, pages C101 and C121) entitled **55 Constitution Boulevard Plans to Accompany Permit Documents**; prepared by Beals Associates, Inc; dated December 5, 2024 and revised December 27, 2024; unsigned and unstamped.

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
- **Massachusetts Stormwater Handbook** effective January 2, 2008 by MassDEP
- **Stormwater Management Chapter 153 From the Code of the Town of Franklin**, Adopted May 2, 2007
- **Wetlands Protection Chapter 181 From the Code of the Town of Franklin**, dated August 20, 1997
- **Town of Franklin Best Development Practices Guidebook**, dated September 2016

PEER REVIEW UPDATE—JANUARY 9, 2025

The Applicant has provided revised materials and written comment responses pursuant to BETA's December 16, 2024 peer review letter.

BETA's original comments from the November 22, 2024 peer review letter are included in plain text, and comments attributed to the Beals Associates Inc (BAI) December 12, 2024 letter are provided in *italics* and are prefaced with "*BAI:*". BETA's comments from the December 16, 2024 letter are provided in bold and are prefaced with "**BETA2:**", and comments attributed to the BAI December 31, 2024 letter are provided in *italics* and are prefaced with "*BAI2:*" BETA's most recent responses are provided in **bold** and are prefaced with "**BETA3:**".

BETA is providing responses in this letter to confirm that all outstanding comments have been addressed. Where applicable, BETA defers to the Commission on facets of the Project including acceptance of the planting plan and approval of the Variance request.

SITE AND PROJECT DESCRIPTION

The 15.6-acre Site is located at 55 Constitution Boulevard and consists of one (1) parcel identified as Map 313 Lot 059-000 in Franklin, Massachusetts. The Site is bounded to the north by the Franklin Fire Department, to the west by an assisted living facility, and to the south and east by various developments within the Franklin Industrial Park. The Site is developed with an approximately 70,000-square foot three-story office building, bituminous concrete parking and loading areas, and a 335-square foot abandoned telecommunications building. The western portion of the Site consists of forested uplands and wetland complexes that appear to be re-naturalized stormwater basins. Several easements are present at the Site and include an electric easement along Constitution Boulevard, a utility and storm drain easement at the center of the Site, and a sewer easement within the northwest portion of the Site. Topographic relief at the Site generally follows an east-to-west orientation.

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"), as well as the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively "the Bylaw") are present at the Site and include:

- Bordering Vegetated Wetland (BVW);
- Isolated Land Subject to Flooding (ILSF); and
- Isolated Vegetated Wetland (IVW).

The boundaries of onsite Resource Areas were previously confirmed by an Order of Resource Area Delineation (ORAD) issued under MassDEP File No. 159-1296 on July 18, 2024. These boundaries include:

- Flags B2-B24 (IVW/ILSF);
- Flags SB5 to SB13 (BVW);
- Flags A4 to A7 (BVW); and
- Flags A51 to A56 (BVW).

The Site is not located within any Surface Water Protection Areas (Zone A, B, or C), or Zone I, Zone II or Interim Wellhead Protection Areas. There are no Outstanding Resource Waters (ORWs) or 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 or Potential Vernal Pools located within 100 feet of the Site.

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of the following soil type at the Site, Ridgebury fine sandy loam, 3 to 8 percent slopes, extremely stony slope with a Hydrologic Soil

Group (HSG) rating of D, Woodbridge fine sandy loam, 3 to 8 percent slopes with a HSG rating of C/D and Woodbridge fine sandy loam, 0 to 8 percent slopes, extremely stone with an HSG rating of C/D.

Proposed work is associated with demolishing the existing office building and constructing two (2) warehouse buildings, including Building “A” (124,875+/- square feet) and Building “B” (60,300+/- square feet), along with associated site work and features (collectively referred to as “the Project”). More specifically, proposed activities include:

- Installation of a crushed stone-stabilized construction entrance;
- Stakeout of the grading and clearing limits and initiation of clearing;
- Installation of erosion and sediment controls;
- Demolition of existing structures;
- Construction of both Building A and Building B;
- Installation of new pavement;
- Placement of loam and seed in all temporarily disturbed areas;
- Installation of plantings;
- Rehabilitation of the stormwater management system including new deep sump catch basins and pipe connections; and
- Removal of erosion and sediment controls following inspection by the Conservation Commission.

The Project will result in direct impacts to the 100-foot Buffer Zone to BVW (Act), as well as the 0-25-foot No Disturb Zone (Bylaw), the 25-50-foot No Build Zone (Bylaw), and the 50-100-foot Buffer Zone (Bylaw).

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)	✓	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓ (BETA2)	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓ (BETA2)	
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. The Massachusetts Department of Environmental Protection (MassDEP) has not issued a DEP file number as of this writing.

BAI: The Massachusetts Department of Environmental Protection (MassDEP) Central Region has issued file number CE 159-1301 on November 24, 2024.

BETA2: The file number has been issued with the following technical comments:

Post-development conditions within P.O.A. 1 are shown to result in an increase in runoff volume from previous conditions. The Applicant should investigate modifications that ensure that Standard 2 has been met. The Applicant proposes two subsurface infiltration basins. Test pit data was not provided for the location of the larger subsurface infiltration system. Test pit data is required at the location of any infiltration BMP, one sample for every 5,000 sf of basin to verify seasonal high groundwater and soil type. The Applicant should provide recent test pit information and confirm the depth is at least 2 ft to SHGW and/or bedrock at all areas of proposed infiltration. If less than 4 ft to SHGW, a mounding analysis is required. A detail on the separation from SHGW should also be provided. See V2, Ch2, p88 of the MA Stormwater Handbook. Has a mounding analysis been conducted for Subsurface infiltration basin #1 as SHGW is shown to be within 4ft to the bottom of the structure? The site contains soils found within hydrologic soil group's C/D and D. Infiltration BMPs must be installed in soils capable of absorbing the recharge volume and must be able to drain within 72 hours. The required minimum infiltration rate for siting infiltration BMPs is 0.17 in/hr. D soils have a rate that is below that minimum. The applicant states that hydrologic soil group B was utilized for demonstrating compliance with Standard 3. The Applicant should provide adequate information demonstrating that the proposed BMPs are in compliance with Standards 2 & 3. The Applicant should clarify the treatment trains. Are there two separate treatment trains directing stormwater to the infiltration BMPs? Each treatment train should have its own TSS Worksheet. Adequate pretreatment is required for an infiltrating BMP to achieve the listed credit percentage of TSS removal. TSS worksheets should be reviewed and revised accordingly as credit appears to have been taken for the pretreatment itself in addition to the 80% that can only be credited with pretreatment. Updated materials should be provided to MassDEP and the Commission.

BAI2: These comments were responded to in the letter dated December 12, 2024 to MassDEP. These responses are included as Attachment A to this letter.

BAI acknowledges that the Town of Franklin has a bylaw that regulated the peak volume of runoff to be reduced in post-development conditions. In a subsequent revision, BAI will be addressing the runoff volume of P.O.A 1 as part of the response to the Planning Board Peer Review from BETA.

BETA3: Understood. BETA recommends that the Conservation Commission keep the hearing open until the stormwater review is completed through the Planning Board review process.

- A2. The following elements are missing from the provided plans:
- a. The proposed tree line and individual trees/shrubs with a diameter greater than 1" proposed for removal should be shown on the Plans per Bylaw Regulation Section 7.18.1.6. 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.

BAI: Our office has gone out and located tree greater than 4" in diameter that would be removed per the current proposed project plans. These tresses have been added to sheet C101, Supplemental Existing Conditions Plan. It is estimated that 120+/- tress greater than 4" in diameter will be removed during construction.

BETA2: Trees great than 4" in diameter have been located and depicted on the Supplemental Existing Conditions Plan. BETA defers to the Commission on the Bylaw requirement that individual trees/shrubs with a diameter greater than 1" proposed for removal should be shown on the Plans per Bylaw Regulation Section 7.18.1.6. Based on discussion at the last public hearing, it is anticipated that the Applicant will also include any 3-inch trees in their tree count.

BAI2: Our office has gone out and located tress greater than 3" in diameter that would be removed per the current proposed project plans, supplementing the original 4" in diameter tree count. These trees have been added to Sheet C101, Supplemental Existing Conditions Plan located in Attachment A. It is estimated that 130+/- trees greater than 3" in diameter will be removed during construction.

BETA3: Consistent with previous discussions during a public hearing, trees with a diameter of 3" or greater have been added to Sheet C101. Comment addressed.

- b. The Construction Sequence and Schedule should be depicted on the Plans per Bylaw Regulation Section 7.18.1.14.

BAI: The construction sequence was originally provided on Sheet C113, Erosion Control Notes. This sequence has been modified to provide additional detail per BETA Comment W11 and has been updated on Sheet C113, as well as added to Sheet 001, General Notes.

BEAT2: Comment addressed. The Construction Sequence has been updated to include all proposed construction activities.

BAI2: Acknowledged.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA has completed a regulatory review of the submitted documents and plans, focusing on compliance with the regulations set forth in the Act and the Bylaw.

The NOI application includes narrative information describing the Project, and the proposed impacts within Buffer Zone have generally been quantified and described. Proposed mitigation measures include the use of erosion controls, improvements to Site drainage, and application of loam and seed to disturbed areas. However, the NOI requires further information regarding construction details, impacts to Buffer Zones and associated mitigation, and compliance with Bylaw filing requirements to confirm regulatory compliance.

Resource Areas at the Site have been previously approved by the above-referenced ORAD (MassDEP File No. 159-1296).

BETA2: The Applicant has provided additional and revised information regarding plan comments, compliance with the Bylaw, and proposed mitigation and landscaping. Where applicable, BETA has

recommended Special Conditions for the Commission’s consideration. At this time, the Applicant has provided sufficient information to facilitate the issuance of an Order of Conditions with Special Conditions, pending the completion of the stormwater management peer review.

BAI2: Acknowledged.

BETA3: The Applicant has provided additional information including revised planting plans and a Variance Request for work within the 25-foot Buffer Zone as part of the public hearing process rather than as a condition of approval per the Commission’s request. At this time, the Applicant has provided sufficient information to facilitate the issuance of an Order of Conditions with Special Conditions, pending the completion of the stormwater management peer review.

CONSTRUCTION COMMENTS

W1. The Project, as currently depicted, will disturb more than one (1) acre of land; therefore, a Notice of Intent (NOI) must be submitted to the Environmental Protection Agency (EPA) under the Construction General Permit (CGP) and a Stormwater Pollution Prevention Plan (SWPPP) must be prepared. The Commission could consider a Special Condition within the Order of Conditions that requires the submission of the SWPPP for review and approval prior to the commencement of work.

BAI: Our office agrees with this comment and the addition of a Special Condition to address the required SWPPP filing. As the Commission is aware, the SWPPP filing will take place just prior to the comments of construction.

BETA2: Comment addressed.

BAI2: Acknowledged.

W2. 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.

BAI: An “Invasive Species Removal Practices” section has been created detailing the plan to contain and prevent the spread of invasives species plants. This section has been added to Sheet C001, General Noted, Sheet C111, Demolition Removals and Protection Plan, Sheet C112, Erosion and Sedimentation Control Plan Phase II.

BETA2: Comment addressed.

BAI2: Acknowledged.

W3. The proposed snow storage area north of flag SB7 should be moved to a location outside of Buffer Zone.

BAI: The snow storage stockpile was located in this area because it would sit on a paved area of the site that would drain back into the overall water quality system. Although it was in the 100-foot buffer, the stockpiles’ location on pavement with a positive drainage path away from natural resource areas was intended to be a good location for this feature. Despite this, the snow storage stockpile area has been relocated to the easterly side of the Building A truck turnaround area. The location is provided as a convenience only and should not interrupt truck operations during the limited amount of time a snow stockpile is present. The snowmelt will drain to the same catch basin

as the previous location and will enter the site's water quality treatment system. The revision to the snow storage stockpile location can be found on Sheet C121, Landscape Plan.

BETA2: Comment addressed.

BAI2: Acknowledged.

- W4. Several proposed contours are depicted directly over erosion control barriers. The limits of work and/or grading should be revised to reflect a constructable design.

BAI: The symbol used for the erosion control barriers acts as a graphical representation and is not an accurate width of the barriers. The intent is to have the controls placed at the toe of slope in areas where they need to be installed. Our office has updated Sheet C112, Erosion and Sedimentation Control Plan Phase II, to depict the location of the erosion control barriers accordingly. It should be noted that the limit of work is not expected to extend beyond the toe of slope, especially in areas within the 100 foot resource area.

BETA2: Understood; comment addressed.

BAI2: Acknowledged.

MITIGATION COMMENTS

- W5. Proposed erosion controls include the use of silt fence and mulch sock. Silt fence is not a permitted erosion control measure in the Town of Franklin (Pg. 13 of Town of Franklin Best Development Practices Guidebook). The Applicant should coordinate with the Conservation Commission to determine the appropriate erosion control measure for the Site. Twelve (12)-inch diameter compost filter tube may be an appropriate option commensurate with the scope of the Project.

BAI: Our office has removed all references to silt fence from the project plans. We have proposed the use of a 12" compost filter tube, recommended by BETA, in lieu of the silt fence. Sheet 001, General Notes, Sheet C110, Erosion and Sedimentation Control Plan Phase I, Sheet C112, Erosion and Sedimentation Control Plan Phase II, Sheet C113, Erosion and Sedimentation Control Notes, and Sheet C500 Erosion Control Details, have been revised to reflect this change.

BETA2: Comment addressed.

BAI2: Acknowledged.

- W6. The Applicant has noted that more than 30% of the 50 to 100-foot Buffer Zone will consist of impervious surfaces as a result of the Project. Per Bylaw Regulations Section 4.4.1, the Commission may request additional mitigation. While stormwater improvements and plantings are proposed, it is recommended that additional plantings be provided to improve the remaining vegetated Buffer Zone as discussed in this letter, and the Applicant should determine whether impervious surfaces can be reduced in area.

BAI: Our office has revised Sheet C121, Landscape Plan, to include additional plantings to improve the remaining vegetated Buffer Zone. The project's impervious areas have been reduced to the greatest extent practicable.

BETA2: Additional native plantings have been provided as mitigation for Buffer Zone impacts. One species that has been added to the plans is the non-native Japanese tree lilac (*Syringa reticulata*); however, these are located outside of Conservation Commission jurisdiction.

*BAI2: Our office has revised Sheet C121, Landscape Plan, to replace the non-native Japanese Tree Lilac (*Syringa Reticula*) with the Choke Cherry (*Prunus Virginiana*), which is listed in the Best Development Practices Guidebook plant list. See Sheet C121, Landscape Plan, in Attachment A.*

BETA3: Comment addressed. BETA defers to the Commission on the approval of the proposed plantings.

- W7. Since previous areas will remain around the perimeter of the development, the Applicant has included areas of lawn and the planting of select woody species at the Site. It is recommended that open areas proposed as lawn be vegetated with native, herbaceous vegetation subject to an infrequent but consistent mowing schedule to establish meadow areas with Buffer Zone. In addition, the Applicant should also provide additional woody plantings. Where feasible, large diameter native trees should be preserved within areas to be cleared.

BAI: Our office has revised Sheet C121, Landscape Plan, to include seed mixes such as a New England Showy Wildflower Mix and a New England Conservation/Wildlife Mix, locations of these seed mixes are depicted on the plan. Additional plantings have been added along the previous areas abutting the resource areas to improve the vegetated buffer zones.

BETA2: Comment addressed. BETA concurs that the proposed seed mixes will be appropriate for the Buffer Zone. BETA offers the following comments regarding the proposed woody plantings:

- **Sweet gale (*Myrica gale*) is an Obligate wetlands species and would not be likely to become well established within the Buffer Zone. An alternative species choice should be provided; however, the Commission could consider including the review and approval of an alternative species as a Special Condition.**
- **Arctic fire dogwood (*Cornus sericea* 'Arctic Fire'), a cultivar, is proposed within Buffer Zone. BETA defers to the Commission on whether a cultivar would be permitted within Buffer Zone. If not, the Commission could consider including the review and approval of an alternative species as a Special Condition.**

*BAI2: Our office has revised Sheet C121, Landscape Plan, to replace the above-listed woody plantings. The proposed shrubs now include the Round-Leaved Dogwood (*Swida rugosa*), Pepperbush (*Clethra alnifolia*), Maple-leaved Viburnum (*Viburnum acerifolium*) and Common Winterberry (*Ilex verticillate*); all proposed plantings are listed in the Best Development Practices Guidebook plant list. See Sheet C121, Landscape Plan, in Attachment XX.*

BETA3: Comment addressed. BETA defers to the Commission on the approval of the proposed plantings.

- W8. The specifications for the proposed seed mix that will be used for stabilization should be provided.

BAI: Our office has provided the specifications for each of the two seed mixes being used for stabilization of the site. See Attachment A for the specifications.

BETA2: Comment addressed.

BAI2: Acknowledged.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Areas Subject to Protection under the Act.

BYLAW REGULATORY COMMENTS

- W9. The Erosion and Sediment Control Plan should include a description of the measures that will be taken to properly install and maintain the erosion control devices used during the project, the names and phone numbers of all individuals that will be responsible for erosion controls, as well as the requirement that the erosion control will be inspected weekly and all other criteria set forth in Bylaw Regulation Section 7.12.

BAI: Maintenance requirements for the erosion control measures are indicated on Sheet C113, Erosion and Sedimentation Control Notes. The name and phone number of the responsible party as well as the weekly requirements for the inspection and maintenance (where needed) will be included in the SWPPP documentation that will be filed as part of the USEPA CGP Notice of Intent. At this time, it is not known who the Contractor's day to day contact will be.

BETA2: BETA recommends that the Commission include a Special Condition requiring the Applicant to provide the name and phone number of all individuals that will be responsible for erosion controls prior to the commencement of work.

BAI2: Acknowledged.

- W10. BETA defers to the Commission on the approval of the Project Narrative due to Bylaw requirements being absent (Bylaw Regulation Section 7.9.1.) including who is performing the work and when the proposed activity will be done.

BAI: It is our office's understanding that the only requirements of Bylaw Section 7.9.1 missing from the project narrative are the identification of who is doing the work and when the work will be done. At this time, the contractor's name is not known but will be included in the SWPPP documentation which will be filed at a later date closer to the commencement of construction. The schedule for construction is also unknown but will also be included in the SWPPP documentation.

BETA2: BETA recommends that the Commission include a Special Condition requiring the submission of the finalized SWPPP for review and approval prior to commencing work.

BAI2: Acknowledged.

- W11. The Applicant provided a Construction Sequence that does not appear to include all proposed construction activities including information on how demolition will occur and the construction of the proposed buildings, including any relevant phasing/staging. A Construction Sequence with all proposed construction activities including building construction should be included within the NOI and plan set (Bylaw Regulation Section 7.15.1).

BAI: The construction sequence was originally included in the plan set on Sheet C113, Erosion Control and Sedimentation Control Notes, and was also included in the Stormwater Management Report in the Erosion Control section, an appendix to the Notice of Intent package. This sequence has been revised to include a more detailed construction sequence including phasing as well as approximate duration for each phase. This sequence and schedule have been revised on Sheet C113, Erosion and Sedimentation Control Notes, and added to Sheet C001, General Notes.

BETA2: Comment addressed. The Construction Sequence has been updated to include all proposed construction activities.

BAI2: Acknowledged.

- W12. The Applicant should submit a Variance request for work proposed within the 0-25-foot and 25-50-foot Buffer Zones. BETA defers to the Commission on the issuance of this waiver.

BAl: The only work contemplated by the project in the 0-25-foot buffer zones is the removal of pavement and reconstruction of previously paved areas. We did not consider filing a waiver since the resulting work will reduce the impervious impact within the 0-to-25-foot buffer. Proposed work within the 25-to-50-foot buffer is limited to off-grading of newly developed areas or repaving previously paved areas. Similar to the 0-to-25-foot buffer, the impervious impacts to the 25-to-50-foot buffer will be reduced upon completion of construction. If the commission requests, our office would be happy to file the formal waiver requests, however, with the reduced impacts, we did not think this was necessary.

BETA2: BETA defers to the Commission on the requirement of submitting a Variance request for work proposed within the 0-25-foot and 25-50-foot Buffer Zones. Based on the last public hearing, it is anticipated that the Applicant will submit a Variance request.

BAl2: Our office has prepared a Variance request for the work proposed within the 0-25-foot and 25-50-foot Buffer Zones. The Variance request can be found in Attachment B.

BETA3: Comment addressed. BETA defers to the Commission on the approval of the Variance Request for work within the 0-25-foot and 25-50-foot Buffer Zones.

STORMWATER MANAGEMENT REVIEW

A review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations is currently ongoing by Planning Board.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant has provided sufficient information to facilitate the issuance of an Order of Conditions, pending the completion of the stormwater management peer review. BETA has provided draft Special Conditions throughout this letter for the Commission's consideration.

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