March 7, 2025

Franklin Conservation Commission
355 E. Central Street
Franklin, MA 02038

Re: Notice of Intent Application Review Letter #1
1 Paddock Lane, Franklin, Massachusetts (Map 211, Lot 118)
(DEP File # 159-1307)

Dear Franklin Conservation Commission,

Goddard Consulting, LLC, (Goddard) is pleased to submit this response letter on behalf of Nabih Younis (the Applicant), to provide responses to the initial project review comments issued by BETA Group, Inc. regarding the Notice of Intent (NOI) application filed for 1 Paddock Lane (DEP File # 159-1307).

Two hard copies and a digital copy have been submitted for the Commission's review and approval. If you have any questions, please feel free to contact Chris Frattaroli at (617) 620-2740.

Sincerely,
Goddard Consulting, LLC

Chris Frattaroli
Lead Wetland Scientist

CC: Nabih Younis, 1 Paddock Lane, Franklin MA, 02038

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1.0 PEER REVIEW COMMENTS AND RESPONSES

Goddard and the project's engineer, Colonial Engineering Inc., reviewed BETA's comments and offer the following responses.

Peer Review Comment		Goddard's Response
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."	At the beginning of project planning (prior to filing an NOI), the proposed work consisted of over 2,000 square feet of wetland fill & associated replication to grade the site to an appropriate contour. This design was scaled back by implementing a retaining wall instead of using simple grading. The use of a retaining wall is more expensive but aided in minimizing impacts to BVW. Since filing, the scope of the project has been again reduced to show a much smaller yard area with the retaining wall, which extends up to the wetland boundary, but avoids impact to BVW. See attached Updated Alternatives Analysis for further details on alternative designs considered and avoidance, minimization and mitigation efforts.
A2(a)	The Plan should include the following: A north arrow reference should be provided on the plans per Bylaw Regulations Section 7.18.1.3.	The site plan has been revised to display the north arrow. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025.
A2(b)	The source and date of survey of topography should be included on the plans.	The site plan has been revised to display the source and date of survey topography. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025.
A2(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.	The site plan has been revised to clarify the extent of grading associated with the proposed conditions. The top of wall elevation will be 196', creating a largely flat area for the dwelling. Proposed 197' and 198' contours are also shown. Existing 199' contours closer to the road frontage will remain unchanged. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025..
A2(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	The limit of work has been minimized to limit the need for tree removal. If the Commission so requires, woody vegetation can be inventoried within the proposed work area.

	Project and therefore defers to the Commission on this matter.	
A2(e)	A Construction Sequence was provided that does not include all proposed activities within Jurisdictional Areas per Section 7.15 of the Bylaw.	Wetland fill/replication has been removed from the proposal. The construction sequence now reflects all proposed activity within Jurisdictional Areas.
A2(f)	The Assessor's Reference for the parcel where work will occur should be provided on the plans.	The site plan has been revised to display the Assessor's references. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025.
A2(g)	The Assessor's Reference for the abutting properties should be provided on the plans.	The site plan has been revised to display the Assessor's references for the abutting properties. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025.
A3	The existing and proposed tree line should be shown on the plans.	The work area is presently wooded, therefore displaying an existing tree line is unnecessary. The proposed tree line reaches to the displayed erosion control/limit of work line.
W1	Material stockpile and laydown areas should be labeled on the Project plans.	The site plan has been revised to label the material stockpile area. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025.
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.	The site plan has been revised to depict erosion controls extending further up the southern side of the property. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025.
W3	Provide erosion control between the replication area and the adjacent BVW.	Wetland fill and replication has been removed from the proposal.
W4	Seed mixes proposed for the Site and the areas where each type will be applied should be included on the plans.	The proposed seed mix has been shown on the site plan, with a specification that all disturbed areas outside the limit of lawn will be seeded. Please see attached site plan, *Map 211 Parcel 118 Plan of Land in Franklin, MA,* Colonial Engineering Inc., revised through 2/26/2025. The species list is also provided as an attachment to the *Buffer Zone Planting Plan*, Goddard Consulting LLC, dated 3/6/2025.
W5	Provide a preliminary plan for water control/dewatering of surface and groundwater during the construction of the wall.	Dewatering methods will be determined by the contractor, once selected. If the Commission so requires, a dewatering plan can be submitted for approval prior to the start of construction.
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	The project engineer has confirmed the proposed wall can be constructed as designed and shown on the site plan. No grading or excavation is proposed downgradient of the wall.
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.	The project engineer has confirmed the size of the work area. It is expected that retaining wall construction work can be fully completed from the upgradient side of the proposed wall.
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	See response to comment A2(d).

	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.	Wetland fill and replication has been removed from the proposal. Access beyond the limit of work is not required.
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.	Despite not being subject to the Stormwater Standards, site plans now show runoff from roof leaders being directed to a subsurface infiltration unit with the capacity to infiltrate a 1" rain event over the roof area. Further, no less than 18 feet of vegetated, pervious surface is present between the modestly sized driveway and the nearest point of BVW, which limits the potential for stormwater runoff from the driveway to reach the 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.	The contractor(s) who will be performing the work have not yet been selected. Contact information for those responsible for maintenance of erosion controls can be provided to the Commission prior to construction.
W12(a)	BETA offers the following comments on the wetland replication plan: The Applicant should provide the species list for the seed mix that is intended to be used within the replication area on the plans.	The species list of the New England Wetland Plants Conservation/Wildlife Mix is provided as an attachment to the *Buffer Zone Planting Plan*, Goddard Consulting LLC, dated 3/6/2025.
W12(b)	The storage area proposed in the narrative for soil and woody debris specimens should be shown on the plans.	Wetland fill and replication has been removed from the proposal. No longer applicable.
W12(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)	Wetland fill and replication has been removed from the proposal. No longer applicable.
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.	The small portions of disturbed areas on the site beyond the depicted limit of lawn will be seeded with the New England Wetland Plants Conservation/Wildlife Mix.
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.	No temporary impacts are expected in these areas. These areas will be clearly demarcated with erosion controls and orange construction fence to prevent unintended encroachment towards the BVW.
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).	An updated Orthophoto, demonstrating that no Natural Heritage habitat areas are located on site, and FEMA Floodplain Map, demonstrating that no FEMA Flood Zone is located on site, are attached.
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	An Updated Alternatives Analysis is attached to further clarify and compare potential project designs. This also includes discussion of avoidance, minimization and mitigation of impacts, including the newly proposed planting area.

	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.	An Updated Alternatives Analysis is attached to further clarify and compare potential project designs. This also includes discussion of avoidance, minimization and mitigation of impacts, including the newly proposed planting area.
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.	It is not yet determined who will perform the work or when the work will be conducted. This information can be provided to the Commission prior to construction.
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.	Impervious Surface Calculations within the 50-100ft area for proposed conditions includes approximately 1,175 sf of impervious surface out of 3,406 sf of area within the 50ft-100ft buffer zones. This exceeds the 30% threshold of impervious surface at 35% impervious surface. Mitigation plantings are proposed to offset this threshold. Please see the attached *Buffer Zone Planting Plan*, Goddard Consulting LLC, dated 3/6/2025. For existing conditions within the 50-100ft area, the impervious surface is approximately 2,685 sf out of a total area of 6,665.

GODDARD CONSULTING
Strategic Ecological Consulting

Buffer Zone Planting Plan

for
1 Paddock Lane
Franklin, MA
(Map: 211, Parcel: 118)

ADDRESSED TO:
Franklin Conservation Commission
Municipal Building
355 E. Central Street
Franklin, MA 02038

March 6, 2025

PREPARED FOR:
Nabih Younis
1 Paddock Lane
Franklin, MA 02038

PREPARED BY:
Goddard Consulting LLC
291 Main Street Suite 8
Northborough MA, 01532

GODDARD CONSULTING
Strategic Ecological Consulting

Attachments:
Planting Plan – Prepared by Goddard Consulting LLC, dated 3/6/25
Conservation/Wildlife Seed Mix Label – New England Wetland Plants

A. EXISTING CONDITIONS

The project site, 1 Paddock Lane, presently contains a single-family home, bituminous driveway, deck and appurtenances. The southeastern portion of the lot consists of an area of Bordering Vegetated Wetland (BVW) and a small section of forested upland. These BVW casts a 100-foot Wetlands Protection Act buffer zone that encompasses nearly the entire site as well as a 25-foot and 50-foot Buffer Zones jurisdictional under Franklin Bylaw.

B. PROPOSED CONDITIONS

This project proposes the construction of another single-family home that includes a garage, driveway and appurtenances on the southern corner of the lot within the jurisdictional buffer zones discussed above. As mitigation to offset construction within the buffer zone, the project proposes to convert a portion of the proposed development area into a naturalized area planted with native vegetation along the edges of the retaining wall and limits of lawn. It will total approximately 2,140 square feet of planting. The plantings will enhance the function of the wetland by providing habitat and forage value for wildlife as well as increasing attenuation and filtration of runoff and pollutants.

C. GENERAL INSTALLATION PROCEDURES

Supervision: All work within the restoration area shall be supervised by a qualified wetland scientist or landscape professional. The supervisor shall submit monitoring reports to the Conservation Commission as described below. Reports shall contain details of all work performed and photographs of completed conditions.

Timing: The seeding and installation of plantings should be accomplished during the spring or fall growing seasons (between April 16 and May 31 or between September 16 and October 30).

Preparation: Erosion and sedimentation controls will be installed between the planting area and wetland resources according to the site plans prior to the commencement of work. If necessary, clean loam may be spread throughout the planting area to provide a suitable topsoil layer.

Planting:
The entire planting area will be seeded with the seed mix specified in the planting list in section D, or an equivalent native seed mix, at the recommended seeding rate. Seed will be spread evenly throughout the entire planting area and lightly raked into the soil to ensure sufficient seed-soil contact. Sterile chopped straw may be applied over the area to reduce erosion potential and improve moisture retention.

Plantings will be installed according to the attached plan. Precise siting of plants may be determined by the wetland scientist or landscape professional in the field prior to installation. All plantings (reference the planting list in section D) shall be distributed throughout the area as shown. All plantings will be removed from burlap sacks, wire cages and plastic containers prior to planting. Each plant will have its roots loosened

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prior to planting to encourage root growth away from the planting bulb. Holes will be over dug to approximately twice the size of the pot or root ball to decompact the soil. If necessary, all plantings will be thoroughly watered immediately following planting.

Monitoring:

b. **At least 75% of installed planting** shall survive for two growing seasons. If the planting area does not meet the 75% survival requirement by the end of the second growing season after installation, the applicant shall submit a plan to the Commission for approval that will achieve restoration goals, under the supervision of a wetland scientist. This plan must include an analysis of why the areas have not successfully re-vegetated and how the applicant intends to resolve the problem.

D. PLANTING LIST

Planting Schedule for Restoration Area – 2,140 s.f.

Common Name	Scientific Name	Number	Minimum Size
Shrubs (43)			
Serviceberry	*Amelanchier canadensis*	9	1-2 gal. pots
Black Chokeberry	*Aronia melanocarpa*	8	1-2 gal. pots
American Hazelnut	*Corylus americana*	8	1-2 gal. pots
Lowbush Blueberry	*Vaccinium angustifolium*	18	1-2 gal. pots
Seed Mix			
New England Wetland Plants Conservation/Wildlife Mix	2 lbs.		

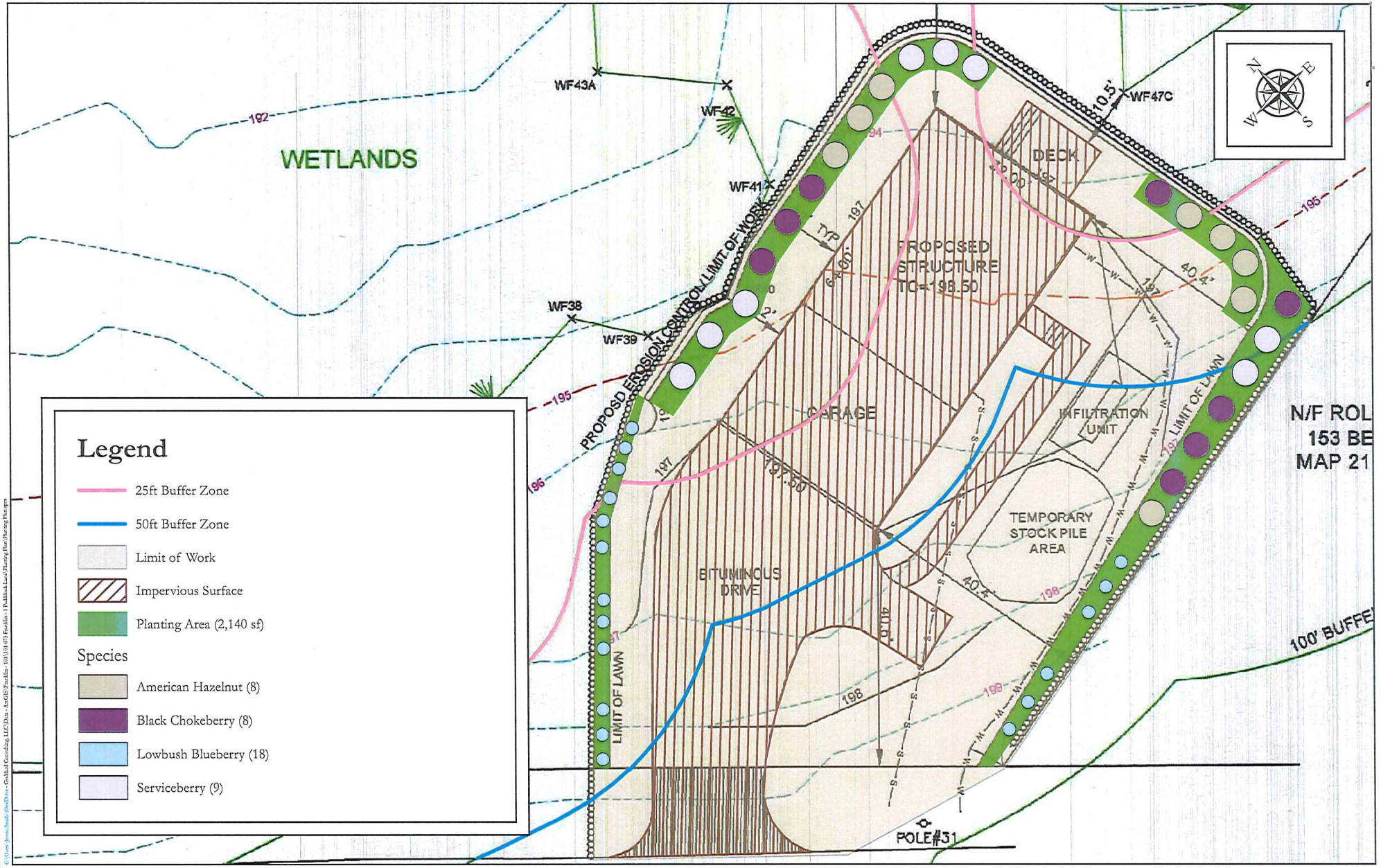
*All planting and seed mix selections are subject to nursery availability. Any species that are unavailable will be substituted for similar native species (no cultivars) at the discretion of the supervising wetland scientist.

E. CONCLUSION

This mitigation will enhance the 25ft, 50ft, and 100ft buffer zones and will improve the functions and values of the resource area on the locus site. The interests of the Franklin Bylaw and the Wetlands Protection Act will be met by the project, as described above.

Sincerely,
Goddard Consulting, LLC

Chris Frattaroli
Wetland Scientist



GODDARD CONSULTING
Strategic Ecological Consulting

Planting Plan

0 15 30 Feet

1" = 30'

71.4407281°W, 42.1278871°N

Date: 03/06/2025

1 Paddock Lane
Franklin, MA

Parcel ID: 211-118

NEW ENGLAND WETLAND PLANTS, INC

14 Pearl Lane South Hadley, MA 01075
PHONE: 413-548-8000 FAX 413-549-4000
EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM

New England Conservation/Wildlife Mix

Botanical Name	Common Name	Indicator
Elymus virginicus	Virginia Wild Rye	FACW-
Schizachyrium scoparium	Little Bluestem	FACU
Andropogon gerardii	Big Bluestem	FAC
Festuca rubra	Red Fescue	FACU
Sorghastrum nutans	Indian Grass	UPL
Panicum virgatum	Switch Grass	FAC
Chamaecrista fasciculata	Partridge Pea	FACU
Desmodium canadense	Showy Tick Trefoil	FAC
Asclepias tuberosa	Butterfly Milkweed	NI
Bidens frondosa	Beggar Ticks	FACW
Eupatorium purpureum (Eutrochium maculatum)	Purple Joe Pye Weed	FAC
Rudbeckia hirta	Black Eyed Susan	FACU-
Aster pilosus (Symphyotrichum pilosum)	Heath (or Hairy) Aster	UPL
Solidago juncea	Early Goldenrod	

APPLY: 25 LBS/ACRE :1750 sq ft/lb

The New England Conservation/Wildlife Mix provides a permanent cover of grasses, wildflowers, and legumes For both good erosion control and wildlife habitat value. The mix is designed to be a no maintenance seeding, and is appropriate for cut and fill slopes, detention basin side slopes, and disturbed areas adjacent to commercial and residential projects.

New England Wetland Plants, Inc. may modify seed mixes at any time depending upon seed availability. The design criteria and ecological function of the mix will remain unchanged. Price is $/bulk pound, FOB warehouse, Plus SH and applicable taxes.