



March 31, 2025

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

Re: 55 Milliken Avenue
MassDEP File No. 159-1312
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 an addition to an existing single-family home at **55 Milliken Avenue** 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 Plan, Addition, #55 Milliken Avenue**; prepared by United Consultants Inc., dated February 5, 2025. Inclusive of:
 - WPA Form 3;
 - Figure (Site locus, NHESP map, and FEMA flood map);
 - Site Evaluation & Wetland Delineation;
 - Delineation Field Data Forms;
 - Project Narrative;
 - Local Forms; and
 - Abutters Information and Notifications.
- Plans (1 Sheet) entitled **Notice of Intent Plan**; prepared by United Consultants Inc.; dated February 5, 2025; signed and stamped by Carlose A. Quintal MA PE No. 30812.

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

- Site visit on March 28, 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 0.72-acre Site consists of one (1) parcel identified as Map 279 Lot 204-000 in Franklin, Massachusetts. The Site is bounded to the north by an apartment complex, to the west by Milliken Avenue, to the south by residential homes, and to the east by undeveloped wooded lots and wetland complexes. Existing improvements at the Site consist of a single-family home and associated site features. The Site is generally flat with topographic relief towards the west.

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, or Interim Wellhead Protections Area, and there are no Surface Water Protection Areas (Zone A, B, or C), or Outstanding Resource Waters (ORWs). The Site is located within a Zone II Wellhead Protection Area. 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) or Potential Vernal Pool (PVP) located on or within 100 feet of the Site.

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0309E 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 Freetown muck with a Hydrologic Soil Group (HSG) rating of B/D and Merrimac-Urban land complex with a HSG rating of A/D.

The Applicant seeks approval for the construction an addition to an existing single-family home. Proposed work includes the following activities (collectively referred to as the “Project”):

- Installation of erosion controls;
- Demolition of the existing shed, deck and retaining wall;
- Excavation of the existing foundation;
- Construction of the foundation for the addition;
- Construction of the addition;
- Construction of a walkway;
- Stabilization of the Site with loam and seed.

The Project will result in temporary and permanent impacts to Buffer Zones Resource Areas¹. The following Resource Area impacts are proposed:

- 103 sf of impacts to the 50’ Buffer Zone; and
- 2,697 sf of impacts to the 100’ Buffer Zone.

¹ Buffer Zone is protected as a Resource Area under the 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) | | ✓ (See Comment A2.a) |
| Proposed Topography | ✓ | |
| Existing and Proposed Vegetation | ✓ | |
| 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.c) |
| Registered PLS Stamp (Existing Condition Plans Only) | | ✓ (See Comment A2.d) |
| Assessors' Reference | ✓ | |
| Abutting Property Assessors' Reference | ✓ | |
| Survey Benchmark | | ✓ (See Comment A2.e) |
| Accurate Plan Scale | ✓ | |

PLAN AND GENERAL COMMENTS

- A1. MassDEP has issued a file number (No. 159-1312) for this Project with no technical comments.
- A2. The Plan should include the following:
 - a. The source and date of survey of topography should be included on the plans.
 - b. A Construction Sequence with all proposed activities within Jurisdictional Areas should be included on the Plans and NOI application per Section 7.15 of the Bylaw.
 - c. A Registered PLS Stamp should be included on the Plans.
 - d. A Survey Benchmark should be included on the Plans.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review of existing conditions and proposed work areas on March 28, 2025. The Project proposes impacts to onsite Areas Subject to Jurisdiction under the Act and Bylaw including the 25-50' and 50-100' Buffer Zones to BVW. The Project is not subject to the MassDEP Stormwater Standards due to it being the construction of an addition to an existing single-family home. The Project does not propose any mitigation for the proposed work.

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 Bylaw. All Act requirements have been met with the filing.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on March 28, 2025 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw. Review of Resource Area delineations included all flagged areas on the Site.

- W1. BETA concurs with the location of the BVW as depicted on the plan based on the presence of hydrophytic vegetation, indicators of hydrology, and observations of hydric soils. However, BETA recommends that flag AES-8 not be approved as part of this filing due to it being located offsite.
- W2. An area of landscaping debris consisting of leaves was observed as being placed within the wetland between flags AES-6 and AES-5.

CONSTRUCTION COMMENTS

- W3. Erosion controls should be depicted on the western side of the proposed addition within Buffer Zone to establish the limit of work in the field.
- W4. Seed mixes proposed for the Site and the areas where each type will be applied should be included on the plans.
- W5. It is not anticipated that groundwater will be encountered when excavating for the new foundation; however, the Commission could include a Special Condition in the Order of Conditions requiring the submission and approval of a dewatering plan prior to discharge in the event that groundwater is encountered.
- W6. 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

- W7. The Applicant should consider providing a planting plan to mitigate for additional development within Buffer Zone. Specifically, areas within Buffer Zone should be prioritized for the planting of native vegetation and the application of native seed mix. The Applicant can also consider removing the aforementioned yard waste from the BVW and installing signage to deter future disturbances.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within Buffer Zone and local the Buffer Zone Resource Area.

BYLAW REGULATORY COMMENTS

- W8. 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.
- W9. A Variance Request should be submitted for work within the 25-50-foot Buffer Zone per Bylaw Regulation Section 5.

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W10. 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 an addition to an existing 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 Bylaw. All Act requirements have been met with the filing.

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