



# Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

[www.gandhengineering.com](http://www.gandhengineering.com)

Est. 1972

**Milford Office**  
333 West Street, P. O. Box 235  
Milford, MA 01757-0235  
(508) 473-6630/Fax (508) 473-8243

**Franklin Office**  
55 West Central Street  
Franklin, MA 02038-2101  
(508) 528-3221/Fax (508) 528-7921

**Whitinsville Office**  
1029 Providence Road  
Whitinsville, MA 01588-2121  
(508) 234-6834/Fax (508) 234-6723

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April 1, 2025

Franklin Conservation Commission  
355 East Central Street  
Franklin, MA 02038  
Attn: Breeka Li Goodlander, Agent

**RE: *Comments from Beta Group 124 & 126 Grove Street MassDEP File No. 159-1305 Notice of Intent Dated January 3, 2025***

Dear Members of the Commission:

On behalf of our client, Key Boston, Inc., Guerriere & Halnon, Inc. has prepared the following information to address comments contained in the letter from BETA Group.

**BETA's** findings, comments and recommendations are shown in *italics* followed by our response in **bold**.

## PLAN AND GENERAL COMMENTS

A1. *The Massachusetts Department of Environmental Protection (MassDEP) has issued a DEP file number with the following technical comments:*

*Noting that the impacts are described as temporary in nature, the Wetland Replication Plan submitted as part of the NOI indicates that approximately 185 square feet of BVW resource will need to be impacted in order to gain access to portions of the proposed wetland replication area. The applicant should provide a revised WPA Form 3 which accounts for this impact and replacement.*

**G.H. Response: See Goddard Consulting letter "Response to BETA Comments from letter dated January 3, 2025" dated January 15, 2025 and revised March 31, 2025.**

A2. *The following plan elements are required:*

- a. *Individual trees/shrubs with a diameter greater than 1" proposed for removal should be shown on the Plans per Bylaw Regulation Section 7.18.31.6. 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.*

**G.H. Response: See Goddard Consulting variance request letter dated March 31, 2025. The applicant defers to the Commission.**

- b. *The IVWs located onsite should be labeled as IVWs rather than BVWs and the 100-foot Buffer Zone to Resource Areas should be depicted on Page 3 of the plan set.*

**G.H. Response: Sheet 3 has been revised to depict the 100' Resource Area Buffer, and the onsite IVW labels have been revised as requested.**

A3. *The following revisions are required on the WPA Form 3:*

- a. *Within the General Information section, the Project Type should be identified as Commercial/Industrial rather than Residential Subdivision;*

**G.H. Response: See Goddard Consulting letter "Response to BETA Comments from letter dated January 3, 2025" dated January 15, 2025 and revised March 31, 2025.**

- b. *Within the Buffer Zone & Resource Area Impacts section, the Project should be identified as resulting in impacts to Inland Resource Areas rather than a Buffer Zone Only project due to proposed temporary BVW impacts associated with the wetland replication area; and*

**G.H. Response: See Goddard Consulting letter "Response to BETA Comments from letter dated January 3, 2025" dated January 15, 2025 and revised March 31, 2025.**

- c. *Impacts to BVW associated with the proposed wetland replication area and the size of the proposed replication area should be identified in the Buffer Zone & Resource Area Impacts section.*

**G.H. Response: See Goddard Consulting letter "Response to BETA Comments from letter dated January 3, 2025" dated January 15, 2025 and revised March 31, 2025.**

A4. *The Applicant should confirm whether a 401 Water Quality Certification is required from MassDEP for the proposed fill of IVWs exceeding 5,000 square feet. Although not jurisdictional under the Act as BVW, these IVWs may be considered "Waters of the Commonwealth" pursuant to the Massachusetts Clean Waters Act. It is recommended that the Commission include a Special Condition requiring the Applicant to either provide a copy of the 401 Water Quality Certification prior to construction or furnish written confirmation from MassDEP that this is not required.*

**G.H. Response: See Goddard Consulting letter “Response to BETA Comments from letter dated January 3, 2025” dated January 15, 2025 and revised March 31, 2025.**

## **Wetland Resource Areas and Regulatory 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.*

**G.H. Response: See Goddard Consulting letter “Response to BETA Comments from letter dated January 3, 2025” dated January 15, 2025 and revised March 31, 2025.**

W2. *A significant volume of standing water was present in Basin #3 at the time of BETA’s Site visit. The Applicant should provide a plan for the drawdown and discharge of standing water prior to excavation for the new building addition foundation*

**G.H. Response: A dewatering plan for Basin #3 will be provided prior to the start of construction. We request this be a condition of approval.**

W3. *Temporary and permanent IVW impacts should be depicted and quantified on the plans.*

**G.H. Response: An exhibit plan depicting the proposed resource area impacts and mitigation, including those to temporary and permanent IVWs, has been provided with the revised submittal.**

W4. *It is anticipated that the construction of the retaining wall along Basin #2 will require dewatering and water controls due to significant standing water observed within Basin #2 during the Site visit. These should be depicted on the plans to establish a realistic work footprint and IVW impacts should be revised as appropriate. The Applicant should also provide the Commission with a draft dewatering and water control plan for this work.*

**G.H. Response: A 10’ wide work area is depicted at the base of the proposed retaining wall to allow for the construction of its foundation. We anticipate the majority of wall construction work will occur on the north side, as the wall is constructed and backfilled in lifts. The IVW within the 10’ work area will be protected by swamp mats and restored after wall construction is complete. A dewatering plan for Basin #2 will be provided**

**prior to the start of construction. We request this be a condition of approval.**

W5. *As noted in BETA's December 5, 2024 stormwater peer review letter, any portion of Basin #2 proposed as a stormwater basin will require a maintenance access path. This should be depicted on the plans and additional Buffer Zone clearing should be quantified.*

**G.H. Response: As discussed at the 1/28/25 working session with the Town and BETA, a basin maintenance path extending to the basin #2 outlet control structure has been added to the revised plans. Buffer zone clearing associated with this work has been quantified on the exhibit plan referenced in our response to comment W3.**

W6. *There is no discernable topographic separation or defining feature between the western limit of the Basin #2 uplands and adjacent IVW; therefore, it is unclear how future Operation and Maintenance (O+M) activities will be conducted without impacting the IVW. The Applicant should indicate how the remainder of this IVW will be protected during O+M activities including mowing, sediment removal, etc.*

**G.H. Response: The plans have been revised to require the installation of concrete bounds, which will be installed along the 25' no disturb buffer within Basin #2 to permanently delineate the buffer and limits of maintenance activities.**

W7. *Invasive species including autumn olive (*Elaeagnus umbellata*), bittersweet (*Celastrus orbiculatus*), and multiflora rose (*Rosa multiflora*) are present throughout the area proposed for construction, particularly around Basin #3. 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.*

**G.H. Response: See Goddard Consulting letter "Response to BETA Comments from letter dated January 3, 2025" dated January 15, 2025 and revised March 31, 2025.**

W8. *Erosion control barriers should be shown on either side of the temporary access path to the replication area and between the replication areas and the adjacent/existing BVW.*

**G.H. Response: The additional erosion control barriers have been added to the revised plans as requested.**

W9. *Construction stockpile and laydown areas and snow storage locations should be shown outside of Buffer Zones on sheet 3 of the plans.*

**G.H. Response: Snow Storage locations have been added to sheets 6 and 7, along with a Snow Storage Note. Additional construction stockpile and**

laydown areas have been added and are shown on sheets 4 and 5, as they could not be shown on sheet 3 without impacting plan legibility.

### *MITIGATION COMMENTS*

W10. *The Applicant should provide information regarding the intended access to the replication area within Buffer Zone and indicate to what extent vegetative clearing and removal of existing stonewalls will be required. The feasibility of this access should also be confirmed, as it appears that an excavator will only be able to excavate the upland island within the existing BVW from the uplands to the south. If additional temporary and/or impacts are required to access this area and conduct the replication earthwork (i.e., impacts to the thin strip of existing BVW between the 2 portions of replication area), then these should be documented and quantified on the plans. The narrative suggests that impacts within the existing BVW will be required for access, but this is not shown on the plans nor are BMPs, such as swamp mats, proposed.*

**G.H. Response: Additional callouts have been added to sheet 14 to provide the additional information requested, including impact mitigation and restoration within the temporary access path and wetland crossing. The precise access path route will be adjusted in the field to avoid disturbance to existing trees and the stone walls will be reconstructed after replication is complete. The temporary wetland crossing will be protected with swamp mats and restored in accordance with the replication plan prepared by Goddard Consulting.**

W11. *The Applicant should provide the cross sections of altered and proposed replicated areas, and groundwater elevation data for the proposed replication area on the plans (Bylaw Regulation Section 7.14.2).*

**G.H. Response: Cross sections have been provided on Sheet 14 as requested. G&H notes that the replication plan prepared by Goddard Consulting requires the on-site determination of groundwater and direction of a wetland scientist to complete this work. Accordingly, the proposed cross section is approximate and the Goddard replication plan should be considered the controlling document.**

W12. *Within the NOI narrative, the Applicant identified that loam and seed will be applied to all disturbed areas but does not provide the specifications for the seed mix. BETA recommends the Applicant use a native seed mix within jurisdictional areas. Submission of a native seed mix to the Conservation Agent for review and approval prior to construction could be considered as a Special Condition in the Order of Conditions.*

**G.H. Response: See Goddard Consulting letter "Response to BETA Comments from letter dated January 3, 2025" dated January 15, 2025 and revised March 31, 2025.**

W13. *The existing stormwater discharge point to the IVW within Basin #2 will be abandoned and a new discharge point will be constructed approximately 200 feet to the southeast. The Applicant should demonstrate that hydrology (specifically associated with smaller storm events) will be maintained within the IVW during periods when the basin is dry or if stormwater discharges from smaller storms will primarily pond at the outlet.*

**G.H. Response: The proposed stormwater discharge point has been revised. The new location is significantly closer to the IVW and will more closely maintain the existing hydrology.**

*The Project proposes work within Resource Areas Subject to Protection under the Act and therefore require compliance with the relevant Performance Standards. BETA notes the following:*

### **WPA PERFORMANCE STANDARDS COMMENTS**

14. *The Applicant should clarify the extents of temporary BVW impacts required to construct the wetland replication area and revise the narrative /plans to specifically address restoration of these areas.*

**G.H. Response: The extent of temporary BVW impacts have been included on the exhibit plan referenced in comment response W3. In addition, the plans have been revised to include the requirement for this area to be restored in accordance with the wetland replication plan prepared by Goddard Consulting.**

### *BYLAW REGULATORY COMMENTS*

W15. *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.*

*Per Section 7.13 of the Bylaw Regulations, the Applicant is required to provide an Alternatives Analysis, as the Project requires a Variance request and proposes wetland fill. As previously noted in this letter, the Commission's stance on the extent of permissible alteration to locally jurisdictional IVW is critical to the proposed Site design. Specifically, it is recommended that the following be addressed in the Alternatives Analysis and considered by the Commission in their review of the Project:*

- *The Applicant is required to Avoid / Minimize / Mitigate impacts to Resource Areas (in that order) when designing a Project. The Alternatives Analysis should assess the viability of proposing no wetland impacts.*
- *The Applicant should demonstrate that impacts, if unavoidable, have been minimized to the extent feasible. Specifically, impacts to the IVW within Basin #2 should be reviewed to determine if they can be reduced further.*
- *Alternatives should also be assessed in light of stormwater management requirements at the Site. As noted in BETA's December 5, 2024 stormwater peer review letter, the uplands within Basin #2 are being used to claim treatment credits via infiltration; however, infiltration rates within this area appear to be poor and further analysis of*

*soils has not been performed. To meet the Massachusetts Stormwater Standards, the Applicant would be required to either provide full treatment prior to discharge to Basin #2 or impact the entirety of the IVW at this location to reconstruct Basin #2 into a true infiltration basin that provides the required treatment levels. While this alternative would require additional IVW impacts, these impacts could be mitigated through the construction of additional wetland replication areas.*

**G.H. Response: See Goddard Consulting variance request letter dated March 31, 2025.**

W16. *The Resource Area Impact Summary Form should be updated to include the proposed impacts to BVW.*

**G.H. Response: See Goddard Consulting letter “Response to BETA Comments from letter dated January 3, 2025” dated January 15, 2025 and revised March 31, 2025.**

W17. *The Applicant should submit a FEMA Flood Plain Map to comply with the Bylaw Requirements set forth in Section 7.17.1.*

**G.H. Response: See Goddard Consulting letter “Response to BETA Comments from letter dated January 3, 2025” dated January 15, 2025 and revised March 31, 2025.**

W18. *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, a description of all work occurring with Conservation jurisdiction and the proposed construction schedule.*

**G.H. Response: A contractor has not been retained to complete this work, and accordingly this information cannot be provided at this time. We request the Commission include a condition of approval requiring this information be provided prior to start of construction.**

W19. *The Applicant provided a Construction Sequence that does not include all proposed construction activities including: the construction of the addition on the building, the creation of the wetland replication area, and the construction of the parking area and retaining wall. 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).*

**G.H. Response: The construction sequence has been revised to include the requested information, both on sheet 5 of the plan set and within the revised stormwater report.**

W20. *The Applicant should provide a narrative with information on the steps taken to mitigate for unavoidable impacts for work that is proposed within the Buffer Zones (Bylaw Regulation Section 7.11.2). Some Buffer Zone plantings are proposed within developed portions of the Site; however, additional areas should be considered for restoration plantings (i.e., the access to the wetland replication area).*

**G.H. Response: See Goddard Consulting variance request letter dated March 31, 2025. The applicant defers to the Commission.**

We believe these responses have addressed the concerns expressed by BETA Group from their review letter. Should you have any further questions or concerns, please contact our office.

Sincerely,  
**Guerriere & Halnon, Inc.**

Mike Hassett  
Project Manager