



April 25, 2025

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

**Re: 124 & 126 Grove Street
MassDEP File No. 159-1305
Notice of Intent Peer Review #3**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised/supplemental documents and plans for the Notice of Intent (NOI) seeking approval for the construction of an addition to an existing building, expansion of a driveway and parking lots, and construction of a stormwater management system (the Project) at **124 & 126 Grove Street** in Franklin, Massachusetts (the Site). This letter is provided to present BETA's findings, comments and recommendations.

BASIS OF REVIEW

The following revised documents were received by BETA and will form the basis of the review:

- Plans (17 Sheets) entitled **124/126 Grove Street Site Plan Modification**; prepared by Guerriere & Halnon, Inc.; dated November 5, 2024; revised through April 1, 2025 and April 15, 2025; stamped and signed by Robert E. Constantine II, MA PLS No. 49611 and Dave Mackinnon MA P.E. No.34575.
- Stormwater Report entitled **Stormwater Report for Site Plan Modification 124-126 Grove Street**; prepared by Guerriere & Halnon, Inc.; dated November 5, 2024; revised through March 27, 2025 and April 16, 2025; stamped and signed by Dave Mackinnon MA P.E. No.34575.
- Letter entitled **Comments from BETA Group 124 & 126 Grove Street MassDEP File No. 159-1305 Notice of Intent Dated April 11, 2025**; prepared by Guerriere & Halnon, Inc. ; dated April 15, 2025.
- Report entitled **Long Term Operation and Maintenance Plan for Site Plan Modifications 124-126 Grove Street**; prepared by Guerriere & Halnon, Inc.; dated November 5, 2024 and revised March 27, 2025.
- Letter entitled **Response to BETA Comments from letter dated April 11, 2025**; prepared by Goddard Consulting; dated April 15, 2025. Attachments include:
 - United State Army Core of Engineers (USACE) Jurisdictional Determination (NAE-2023-01729).

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

- Site Visit on December 17, 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 – APRIL 25, 2025

The Applicant has provided revised and supplemental materials per BETA's peer review comments. BETA's comments from the January 3, 2025 peer review letter are provided below in plain text. Responses attributed to Guerriere & Halnon, Inc. (G&H)'s April 1, 2025 response letter are *italicized* and prefaced with "G&H:", while the comment responses attributed to the Goddard Consulting, LLC (GC) March 31, 2025 letter are *italicized* and prefaced with "GC:". BETA's responses from the April 11, 2025 review are provided in **bold text** and prefaced with "**BETA2:**". Responses from G&H's April 15, 2025 response letter are prefaced with "G&H2:", while comment responses from GC's April 15, 2025 letter are prefaced with "GC2:". BETA's most recent responses are prefaced with "**BETA3:**".

At this time, all comments have been resolved. BETA's defers to the Commission on the Applicant's to conduct a Site walk with the Commission to determine the proposed mitigation at the Site prior to construction.

SITE AND PROJECT DESCRIPTION

The 37.52-acre Site consists of the two (2) parcels identified above along the eastern limit of Grove Street. The Site is bounded to the north by a residential home, to the west by Amego School and Interstate 495, to the south by commercial businesses, and the east by Grove Street. The Site is currently improved by two (2) buildings, paved driveways, paved parking lots, and lawn areas. The remainder of the Site consists of mixed hardwood and softwood upland vegetation including Eastern white pine (*Pinus strobus*), red maple (*Acer rubrum*), red oak (*Quercus rubra*), and black cherry (*Prunus serotina*). Wetland and stream complexes are present within portions of the vegetated areas. Topographic relief at the Site generally follows a north-to-south 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);
- Bank (to intermittent stream); 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. 159-1274 on February 12, 2024. These boundaries are identified with flagging as follows:

- Flags GC-1 to GC-79 (BVW);
- Flags GC-100 to GC-146 (BVW);
- Flags 109A to 109W (BVW);
- Flags U1 to U17 (BVW/Upland Island);
- Flags GC-208 to GC-228 (BVW);
- Flags GC-200 to GC-207 (Bank to intermittent stream);
- Flags GC-229 to GC-237 (Bank to intermittent stream);
- Flags 1-1 to 1-14 (IVW);

- Flags 2-1 to 2-7 (IVW); and
- Flags 3-1 to 3-6 (BVW).

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. The Site is not located within any Surface Water Protection Areas (Zone A, B, or C), or Zone I or Interim Wellhead Protection Areas; however, the Site is located within a Zone II.

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of the following soil types at the Site, Scarboro and Birdsall soils, 0 to 3 percent slopes with a Hydrologic Soil Group (HSG) rating of A/D, Ridgebury fine sand loam, 3 to 8 percent slope, extremely stony with a HSG rating of D, Charlton-Hollis-Rock outcrop complex, 3 to 8 percent slopes with a HSG of A/D, Hinckley loamy sand, 3 to 8 percent slope with an HSG of A, Merrimac fine sandy loam, 3 to 8 percent slope and a HSG rating of A, Windsor loamy sand, 8 to 15 percent slope with a HSG rating of A and Udorthents, sandy with a HSG rating of A.

Proposed work is associated with the construction of an 85,150-square foot (sf) addition to the north side of the existing building and the expansion of the driveway and parking areas. More specifically, proposed activities include:

- Installation of erosion and sedimentation controls;
- Clearing, grubbing and rough grading;
- Demolition of existing features in work areas;
- Cutting and capping of utilities as needed;
- Installation of the stormwater management system;
- Construction of the parking area and retaining wall;
- Construction of the 85,150 sf building addition;
- Construction of the wetland replication area;
- Final grading;
- Installation of landscaping;
- Installation of loam and seed on all disturbed areas; and
- Paving.

Total temporary and permanent impacts to onsite BVW/IVW are 8,026 sf and the Applicant has proposed a 15,729 sf wetland replication area. The following impacts are proposed to onsite Resource Areas:

- 185 sf of impacts to BVW;
- 7,841 sf of impacts to IVW;
- 243 sf of impacts to the 0-25' Buffer Zone to BVW;
- 5,092 sf of impacts to the 25-50' Buffer Zone to BVW;
- 26,106 sf of impacts to the 50-100' Buffer Zone to BVW;
- 33,116 sf of impacts to the 0-25' Buffer Zone to IVW;
- 42,998 sf of impacts to the 25-50' Buffer Zone to IVW; and
- 26,783 sf of impacts to the 50-100' Buffer Zone to IVW.

BETA2: As a result of the revised Project design, the following Project details have been revised or otherwise added:

- **The Project will result in the following Resource Area impacts:**

- **81 sf of temporary BVW impacts;**
- **637 sf of temporary / 7,066 sf of permanent IVW impacts;**
- **6,265 sf of temporary impacts to the 100-foot Buffer Zone;**
- **21,799 sf of permanent impacts to the 0 to 100-foot Buffer Zone; and**
- **102,215 sf of impacts to the 25 to 100-foot Buffer Zone.**
- **The Project proposes the following mitigation:**
 - **22,653 of Buffer Zone establishment;**
 - **81 sf of temporary BVW impact restoration; and**
 - **15,729 sf of wetland replication.**
- **The stormwater management system design has been revised per BETA’s comments regarding compliance with the Massachusetts Stormwater Management Standards.**

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		✓ (See Comment A2.a)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓ (BETA3)	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
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 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.

GC: This temporary impact has been indicated on a new updated WPA Form 3 (see attached).

BETA2: Comment addressed.

GC2: BETA states that Comment is Addressed.

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.
- 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: See Goddard Consulting variance request letter dated March 31, 2025. The applicant defers to the Commission.

BETA2: BETA defers to the Commission on the Applicant's request regarding performing a tree survey.

GC2: Please refer to G&H response letter.

G&H2: No further comment.

BETA3: Comment addressed. The IVWs have been labeled correctly, and the 100-foot Buffer Zone was added to Page 3 of the plan set.

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;
- 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
- 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.

GC: These comments have been updated on the WPA Form 3 (see attached).

BETA2: Comment addressed.

GC2: BETA states that Comment is Addressed.

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.

GC: The IVWs that are proposed to be filled are permitted stormwater basins and would not be considered wetlands under the ACT and therefore a 401-water quality certification is not

necessary. This is documented in the attached Goddard Consulting reports dated June 7, 2023 and March 2, 2023.

BETA2: Jurisdiction under the 401 Water Quality Certification is directly linked to the federal Clean Water Act by statute and not the Massachusetts Wetlands Protection Act. Further, 314 CMR 9.00 explicitly references impacts to IVWs as a permitting threshold. BETA recommends that the Applicant confirm with MassDEP whether a 401 WQC is required for the Project prior to construction. If the IVWs are not considered federally jurisdictional wetlands, it is unlikely that a 401 WQC would be required.

GC2: The IVWs on site were created and permitted through the NOI process as stormwater basins and as a result, the Act would not consider these areas as jurisdictional. Furthermore, recent law changes on how the federal government takes jurisdiction (or not) over isolated wetlands has changed. In a recent (Feb 2025) jurisdictional determination for a large site located in West Bridgewater; the Army Corps of Engineers decided that 12 large natural Isolated Vegetated Wetlands were NOT considered federally jurisdictional due to their lack of no continuous surface or flow path connection to a traditional navigable water (see attached documents). If the Army Corps did not take jurisdiction over these natural, large, Isolated Vegetated Wetlands it is unlikely that the Corps would take jurisdiction over an area of hydric soils with wetland vegetation that developed over time within a manmade, permitted, stormwater basin that does not have a continuous surface and/or flow path to a traditional navigable water. And since the Army Corps would not take jurisdiction over such areas, a 401 WQC would not be needed.

G&H2: See response prepared by Godard Consulting date 4/15/25.

BETA3: The Applicant has provided a reasonable argument that a 401 WQC is not required. The Commission could consider documenting this as a finding in the Order of Conditions.

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. While BETA conducted a Site visit to review the proposed work in the field, Resource Areas at the Site were previously approved by the above-referenced ORAD (MassDEP File No. 159-1290) and were therefore not reviewed.

The NOI application includes narrative information describing the Project, and the proposed impacts within Buffer Zone and the locally protected IVWs have generally been quantified and described. Proposed mitigation measures include the use of erosion controls, application of loam and seed along disturbed areas, Buffer Zone plantings, and the establishment of a 15,729-sf wetland replication area. However, the NOI requires further information regarding construction details, plan information, and compliance with the Bylaw. While the construction- and mitigation-related comments in this letter are provided for the proposed design, it is recommended that the Applicant discuss the extent of permissible IVW fill with the Conservation Commission (Comment W15), as any requirement to further minimize or avoid the proposed impacts to the IVWs at the Site will significantly impact the proposed stormwater management system design and the overall Site development. The Applicant should also discuss options for stormwater management at Basin #2, as either additional IVW impacts or additional treatment infrastructure would be required to comply with the Massachusetts Stormwater Standards at this discharge point.

BETA2: The Applicant has provided significant Project revisions in an effort to demonstrate compliance with the Bylaw and the Massachusetts Stormwater Management Standards. The majority of BETA's original comments have been addressed, and where appropriate, BETA has recommended Special Conditions to facilitate the issuance of an Order of Conditions. However, BETA has provided further comments on the proposed wetland replication and Buffer Zone restoration that should be addressed by the Applicant to support compliance with the Bylaw and to demonstrate the constructability of the replication area.

BETA3: Plan edits and further narrative information have been provided to comply with the Bylaw. BETA has included Special Conditions within Comments W1, W2, W4, W10, W12, W18, and W20. BETA has deferred to the Commission on multiple Bylaw requirements in Comments A2, A4, W6, W7 and W15.

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.

GC: Land Thresholds are as follows: 25 acres of land disturbance or the creation of 5 acres of impervious area, which are not applicable to this project. Alteration of 5,000 sf of IVW. The IVW proposed to be impacted in this project are part of permitted stormwater management systems and would not be classified as IVWs under Army Corps and as result MEPA thresholds are not triggered.

BETA2: BETA's original comment refers to the EPA NPDES CGP coverage, not the MEPA process. The comment regarding the recommended Special Condition remains.

GC2: Please refer to G&H response letter on this comments.

G&H2: G&H does not object to the proposed Special Condition.

BETA3: BETA recommends a Special Condition requiring the submission of a SWPPP for review and approval prior to the commencement of work.

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

BETA2: Understood. BETA defers to the Commission on the inclusion of this Special Condition.

GC2: Please refer to G&H response letter on this comment.

G&H2: No further comment.

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

G&H: 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.

BETA2: Comment addressed.

GC2: BETA states that Comment is Addressed.

G&H2: No further comment.

- 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: 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.

BETA2: Comment addressed. As previously noted, BETA defers to the Commission on the inclusion of a Special Condition for the submission of a water control plan.

GC2: Please refer to G&H response letter on this comment.

G&H2: No further comment.

- 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: 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.

BETA2: Comment addressed.

GC2: Please refer to G&H response letter on this comment.

BETA3: G&H did not provide a response to this comment. This comment was previously addressed.

- 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: 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.

BETA2: Comment resolved. BETA defers to the Commission on any preference for placards/wording.

GC2: BETA states comment is resolved with the Commission to indicate placard wordage.

- 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.

GC: Invasive species shall be disposed of, off site at a proper landfill facility.

BETA2: BETA defers to the Commission on whether a formal invasive species management plan should be provided prior to construction.

GC2: Please refer to G&H response letter on this comment.

G&H2: No further comment.

- 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: The additional erosion control barriers have been added to the revised plans as requested.

BETA2: Comment resolved.

GC2: BETA states comment is resolved.

- 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: 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.

BETA2: Comment resolved.

GC2: BETA states comment is resolved.

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: 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.

BETA2: The replication plans should depict proposed grading to ensure that appropriate hydrology will be achieved while also establishing a realistic limit of work to tie back into existing grades. The necessary limit of clearing for the required grading and machinery access should be depicted, and any portions of Buffer Zone cleared for this work should be restored.

BETA recommends that the Commission include a Special Condition requiring the Applicant to conduct a Site walk with the Agent prior to construction to review the access path and make minor adjustments as appropriate to save mature vegetation. In addition, it is recommended that the layout of the replication area be finalized during this Site walk, as the “finger-like projections” are currently shown at right angles and should instead be more naturally curved to integrate with the surrounding topography.

GC2: Please refer to G&H response letter on this comment.

G&H2: The Applicant agrees that a site walk with the Agent prior to construction is the most appropriate way to finalize the access path, restoration measures, and wetland replication shape. Because the final access path route and wetland replication layout will not be finalized until this site walk, we request that this comment be incorporated as a special condition, including the request to provide proposed grading within wetland replication areas, revised limits of clearing, and buffer zone restoration measures, which are dependent on the final layout. After the walk with the agent determines the final replication configuration, G&H will revise the replication plan to depict the final layout, grading, limit of work, and buffer zone restoration measures as agreed upon in the field.

BETA3: BETA recommends that the Commission include a Special Condition requiring the submittal of the final restoration plan including information regarding access to the replication area, the layout of the replication area, proposed grading, revised limits of clearing and buffer zones restoration measures along with any other required information for wetland replication after a Site Walk with the Commission occurs (prior to commencement of work).

- 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: 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.

BETA2: Comment resolved.

GC2: BETA states this comment is resolved.

- 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.

GC: New England Erosion Control Mix or equivalent native seed mix shall be used.

BETA2: Comment resolved. See original comment for the recommended Special Condition.

GC2: BETA states this comment is resolved.

- 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: 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.

BETA2: Comment resolved.

GC2: BETA states this comment is resolved.

WPA PERFORMANCE STANDARDS COMMENTS

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:

- W14. 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: 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.

BETA2: Comment resolved.

GC2: BETA states this comment is resolved.

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.

GC: See attached variance requests.

BETA2: BETA defers to the Commission on the acceptance of the Variance requests. Specifically, the Applicant cannot provide replication of the 25-foot No Disturb Zone due to Site constraints, and some level of IVW fill is required to construct the Project while meeting the Massachusetts Stormwater Management Standards.

GC2: Please refer to G&H response letter on this comment.

G&H2: No further comment.

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

GC: Resource area impact summary form has been updated see attached.

BETA2: Comment resolved.

GC2: BETA states this comment is resolved.

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

GC: FEMA flood Map is attached.

BETA2: Comment resolved.

GC2: BETA states this comment is resolved.

- 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: 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.

BETA2: Comment resolved. BETA concurs with the Applicant's recommended Special Condition.

GC2: BETA states this comment is resolved.

- 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: 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.

BETA2: Comment resolved.

GC2: BETA states this comment is resolved.

- 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: See Goddard Consulting variance request letter dated March 31, 2025. The applicant defers to the Commission.

BETA2: As noted in the BETA2 response to Comment W10, the Applicant should, at a minimum, provide Buffer Zone plantings within areas temporarily disturbed for replication area work. Comment remains.

GC2: Please refer to G&H response letter on this comment.

G&H2: A note has been added to sheet 12 of the revised plan set, requiring restoration plantings within buffer zone areas disturbed in association with the proposed wetland replication work, and requiring these plantings to be selected from the Franklin BDPG native species list. Because the replication and access path layout will not be finalized until the site walk with the Agent (see comment W10), the note specifies the type and location of these plantings will be determined during that site walk.

BETA2: BETA recommends the Commission include a Special Condition requiring the Applicant to provide a restoration plan for areas in the buffer zone that are disturbed for access to the wetland replication area after the site walk with the Commission and prior to the commencement of work.

STORMWATER MANAGEMENT REVIEW

A review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations has been ongoing through the Planning Board review process.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant states the reminder of required information will be submitted after the site walk with the Commission to support the proposed mitigation measures, and the Commission could consider BETA's recommended Special Conditions.

If we can be of any further assistance regarding this matter, please contact us at our office.

Ms. Breeka Lí Goodlander, Agent

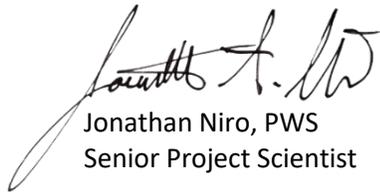
April 25, 2025

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Very truly yours,
BETA Group, Inc.



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cc: Amy Love, Town Planner

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