

April 25, 2025

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

**Re: 1 Paddock Lane  
MassDEP File No. 159-1307  
Notice of Intent Peer Review #3**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has revised documents and plans for the Notice of Intent (NOI) proposing the construction of a single-family home located at **1 Paddock Lane** 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:

- Peer Review Responses entitled **Notice of Intent Application Review Letter #2**; prepared by Goddard Consulting, LLC; dated April 24, 2025. Attachments include:
  - Peer Review Comments and Responses;
  - Buffer Zone Planting Plan;
  - Plan (1 Sheet) entitled **Map 211 Parcel 118 Plan of Land in Franklin, MA**; prepared by Colonial Engineering Inc.; dated October 16, 2024 and revised through April 22, 2025; signed and stamped by Paul E Saunder MA PE No. 32440 and Anthony M Dellorco MA PLS No. 34303.

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

- Site visit on January 16, 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

## **PEER REVIEW UPDATE—APRIL 25, 2025**

The Applicant has provided revised materials and written comment responses pursuant to BETA’s January 31, 2024 peer review letter. BETA’s original comments from the January 31, 2024 peer review letter are included in plain text. Comment responses attributed to Goddard Consulting, LLC. (GC), are provided in *italics* and are prefaced with “GC:” BETA’s responses from the March 24, 2025 peer review letter are provided in **bold** and are prefaced with “**BETA2:**”. Comment responses from GC’s April 24, 2025 letter are

provided in italics and are prefaced with “GC2:”. BETA’s most recent responses are provided in bold and are prefaced with “**BETA3:**”.

BETA’s responses in this letter identify an additional recommended Special Condition for the Commission’s consideration. Where necessary, BETA has deferred to the Commission on outstanding comments for compliance with the Bylaw.

## SITE AND PROJECT DESCRIPTION

The 2.36-acre Site consists of one (1) parcel<sup>1</sup> identified as Map 211 Lot 118-000 in Franklin, Massachusetts situated at the intersection of Paddock Lane and Beech Street. The Site is bounded to the north by Paddock Lane, to the west by Beech Street, and to the south and east by undeveloped wooded lots and residential homes. Existing improvements at the Site consist of a single-family home and associated site features. The Site is generally flat with slight topographic relief towards the northwest.

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

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0139E 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 Montauk fine sandy loam, extremely stony with a Hydrologic Soil Group (HSG) rating of C and Woodbridge fine sandy loam with a HSG rating of C/D.

The Applicant seeks approval for the construction of a single-family home, garage, driveway, retaining wall and associated site features. Proposed work includes the following activities (collectively referred to as the “Project”):

- Installation of erosion controls;
- Installation of a stabilized construction entrance;
- Clearing and grading;
- Installation of the retaining wall, foundation, and utilities;
- Construction of the home and garage;
- Construction of the wetland replication area; and

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<sup>1</sup> The Project would require the creation of a separate buildable lot via the Approval Not Required (ANR) process to accommodate the proposed dwelling.

- Stabilization of the Site.

The Project will result in temporary and permanent impacts to BVW and Buffer Zones. The following Resource Area<sup>2</sup> impacts are proposed:

- 202 sf of impacts to BVW;
- 4,275 sf of impacts to the 25' Buffer Zone;
- 5,289 sf of impacts to the 50' Buffer Zone; and
- 3,501 sf of impacts to the 100' Buffer Zone.

**BETA2: Impacts have been updated to include the following:**

- **2,210 sf of impacts to the 25' Buffer Zone;**
- **4,300 sf of impacts to the 50' Buffer Zone; and**
- **4,200 sf of impacts to the 100' Buffer Zone.**

**Impacts to BVW and the construction of the wetland replication area are no longer proposed.**

## 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)	✓ (BETA2)	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓ (BETA2)	
Proposed Topography	✓ (BETA2)	
Existing and Proposed Vegetation		✓ (See Comment A2.d)
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.e)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓ (BETA2)	
Abutting Property Assessors' Reference	✓ (BETA2)	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

### PLAN AND GENERAL COMMENTS

- A1. MassDEP has issued a file number (No.159-1307) for this Project with the following technical comments:

<sup>2</sup> Buffer Zone is protected as a Resource Area under the Bylaw.

*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."*

*GC: 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 mor 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.*

*GC2: No additional "BETA2" comment was provided.*

A2. The Plan should include the following:

- a. A north arrow reference should be provided on the plans per Bylaw Regulations Section 7.18.1.3.

*GC: 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.*

**BETA2: Comment addressed.**

- b. The source and date of survey of topography should be included on the plans.

*GC: 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.*

**BETA2: Comment addressed.**

- 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.

*GC: 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 all 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.*

**BETA2: Comment addressed.**

- 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 Project and therefore defers to the Commission on this matter.

*GC: 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.*

**BETA2: The Site is currently fully vegetated with trees and shrubs and tree removal within Buffer Zones is therefore required to complete the Project. BETA defers to the Commission on the Bylaw requirement set forth in Bylaw Regulation Sections 7.18.1.5 and 7.18.1.6.**

*GC2: Acknowledged.*

- e. A Construction Sequence was provided that does not include all proposed activities within Jurisdictional Areas per Section 7.15 of the Bylaw.

*GC: Wetland fill/replication has been removed from the proposal. The construction sequence now reflects all proposed activity within Jurisdictional Areas.*

**BETA2: The construction sequence shown on the Plans does not include the construction of the house or garage, and states grading will occur after construction of the driveway occurs while grading is shown in the location of the driveway. BETA defers to the Commission on the approval of the construction sequence.**

*GC2: The construction sequence has been updated to address these discrepancies.*

**BETA3: The construction sequence still indicates that grading will occur after the installation of the driveway. BETA defers to the Commission on the approval of the construction sequence.**

- f. The Assessor's Reference for the parcel where work will occur should be provided on the plans.

*GC: The site plan has been revised to display the Assessor's reference. Please see attached site plan, Map 211 Parcel 118 Plan of Land in Franklin, MA, Colonial Engineering Inc., revised through 2/26/2025.*

**BETA2: Comment addressed.**

- g. The Assessor's Reference for the abutting properties should be provided on the plans.

*GC: 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.*

**BETA2: Comment addressed.**

- A3. The existing and proposed tree line should be shown on the plans.

*GC: 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.*

**BETA2: BETA defers to the Commission on the approval of the Plans without the existing or proposed tree lines shown.**

*GC2: Acknowledged.*

## WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review of existing conditions and proposed work areas on January 16, 2025. The Project proposes impacts to onsite areas Subject to Jurisdiction and Protection under the Act and Bylaw including, BVW, and the associated 0-25', 25-50' and 50-100' Buffer Zones. A Variance request has been submitted for work within the Resource Areas and Buffer Zones as required by the Bylaw. The Project is not subject to the MassDEP Stormwater Standards due to it being the construction of a single-family home. The Project is proposing a wetland replication area at a ratio of 2.7:1.

The NOI application includes narrative information describing the Project and proposed mitigation. Mitigation measures include use of erosion controls and creation of a wetland replication area. Additional information is required to demonstrate compliance with the Bylaw and Act, primarily as it relates to the Avoidance / Minimization / Mitigation of BVW and Buffer Zone impacts. While wetland replication is proposed, no mitigation is provided for the clearing proposed within the 25-foot No Disturb Zone or other portions of the Bylaw Buffer Zone Resource Area. It is recommended that the Applicant address this aspect of the review (Comments W14 & W17) prior to addressing other comments in this letter, as changes in design may impact the relevance and resolution of other comments. BETA has also provided the Commission with recommendations for Special Conditions as appropriate.

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 Act and the Bylaw.

**BETA2: The Applicant has provided further information and plan edits for the proposed Project, which have resulted in the elimination of BVW impacts and associated wetland replication. Further mitigation for Buffer Zone impacts has been proposed including plantings of native woody and herbaceous species. An alternatives analysis has been submitted that also identifies an analysis on how the Project plans to avoid, minimize and mitigate impacts to Resource Areas. BETA has deferred to the Commission on missing Plan elements and information that is required by the Bylaw Regulations. Special Conditions have been recommended within BETA2 Comments W5, W7, W8, W11, W13, W15, and W19.**

*GC2: Acknowledged.*

**BETA3: The Applicant has provided additional information and plan edits for the Project. An additional Special Condition for the Commission's consideration has been included in Comment W8. BETA has also deferred to the Commission on whether further ZBA coordination is required to determine if Alternative 4 is a feasible alternative.**

### RESOURCE AREA AND BOUNDARY COMMENTS

In 2024, BETA reviewed the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted for the Site. Following the onsite review with the Applicant's representative, the Conservation Commission issued an Order of Resource Area Delineation (ORAD) in the form of a denial due to lack of information related to a request to remove a delineated upland island. The current wetland delineation mirrors the

delineation depicted on the plans reviewed under the Abbreviated Notice of Resource Area Delineation (ANRAD) with the exception of the removal of the upland island. Due to this revision and BETA's previous concurrence with the remainder of the wetland boundary, BETA did not perform a supplemental review of the wetland boundaries in the field. The boundaries of BVW as currently depicted appear to be accurate based on BETA's familiarity with the Site and previous filings.

#### CONSTRUCTION COMMENTS

- W1. Material stockpile and laydown areas should be labeled on the Project plans.

*GC: The site plan has been revised to label the material stockpile area. Please see attaches site plan, Map 211 Parcel 118 Plan of Land in Franklin, MA, Colonial Engineering Inc., revised through 2/26/2025.*

**BETA2: The stockpile area should be protected with a perimeter of erosion controls. This could be addressed on the plans as a condition of approval.**

*GC2: Erosion controls are now shown surrounding the stockpile area on the site plan.*

**BETA3: Comment addressed.**

- 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.

*GC: The site plan has been revised to depict erosion controls extending further up the southern side of the property. Please see attaches site plan, Map 211 Parcel 118 Plan of Land in Franklin, MA, Colonial Engineering Inc., revised through 2/26/2025.*

**BETA2: Comment addressed.**

- W3. Provide erosion control between the replication area and the adjacent BVW.

*GC: Wetland fill and replication has been removed from the proposal.*

**BETA2: No further comment required.**

- W4. Seed mixes proposed for the Site and the areas where each type will be applied should be included on the plans.

*GC: 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 attaches 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.*

**BETA2: The name of the seed mix has been provided on the plans with a note stating "Disturbed areas beyond limit of lawn to be seeded with New England Wetland Plant Conservation/Wildlife Mix", and seed specifications have been included within an attachment to the Buffer Zone Planting Plan. BETA defers to the Commission on the approval of the proposed seed mix and the extent of proposed seeding within jurisdictional areas.**

*GC2: Acknowledged.*

- W5. Provide a preliminary plan for water control/dewatering of surface and groundwater during the construction of the wall.

*GC: Dewatering methods will be determined by the contractor, once selected. If the Commission so required, a dewatering plan can be submitted for approval prior to the start of construction.*

**BETA2: BETA recommends the Commission include a Special Condition within the Order of Conditions requiring the submittal of a dewatering plan prior to the commencement of work.**

*GC2: The Applicant is amenable to this special condition.*

- 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

*GC: 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.*

**BETA2: BETA recommends that the Commission include a Special Condition prohibiting any work beyond the currently proposed erosion control boundary unless a Request for an Amended Order of Conditions is submitted.**

*GC2: The retaining wall has been designed to be a precast concrete construction on a 6" crushed stone base. All work can be completed from the upgradient side of the wall. Excavation will be minimal, and precast concrete blocks can be dropped into place with no impact to the BVW. The retaining wall is a more expensive option that was selected for the purpose of reducing buffer zone impacts and eliminating BVW impacts. This design also enables a delicate installation to further ensure absolute minimization of impacts.*

*The Applicant is amenable to this special condition.*

**BETA3: Acknowledged.**

- 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.

*GC: 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.*

**BETA2: BETA recommends that the Commission include a Special Condition prohibiting any work beyond the currently proposed erosion control boundary unless a Request for an Amended Order of Conditions is submitted.**

*GC2: The Applicant is amenable to this Special Condition.*

- 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 Condition requiring no further tree clearing past the limit of work in perpetuity, except under emergency scenarios.

*GC: See response to comment A2(d).*

**BETA2: See BETA2 response to Comment A2d. It is recommended that any trees outside of the limits of work posing an immediate hazard to the Project be identified to fully disclose all anticipated impacts.**

*GC2: The Applicant is working to confirm that no additional trees beyond the limits of work are required to be removed.*

**BETA3: BETA recommends a Special Condition requiring the Applicant to submit a final count of trees requiring removal and any associated impacts prior to the commencement of work. If additional trees are required to be removed within jurisdictional areas, additional mitigation may be required by the Commission.**

- W9. The proposed access to the replication area should be depicted on the Project plans, including the associated tree line and erosion control measures.

*GC: Wetland fill and replication has been removed from the proposal. Access beyond the limit of work is not required.*

**BETA2: No further comment 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.

*GC: 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.*

**BETA2: Comment addressed.**

- 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.

*GC: 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.*

**BETA2: BETA recommends the Commission include a Special Condition requiring the Applicant to submit all information required in Section 7.12.1 of the Bylaw Regulations prior to the commencement of work including, a plan that describes the measures that will be taken to properly install and maintain the erosion controls devices during the project, the name and phone numbers of all individuals that will be responsible for erosion controls, and the requirements that the erosion control be inspected weekly and after significant rain events.**

*GC2: The Applicant is amenable to this special condition.*

#### MITIGATION COMMENTS

- W12. BETA offers the following comments on the wetland replication plan:

- a. The Applicant should provide the species list for the seed mix that is intended to be used within the replication area on the plans.

*GC: The species list of the New England Wetland Plants Conservation/Wildlife is provided as an attachment to the Buffer Zone Planting Plan, Goddard Consulting LLC, dated 3/6/2025.*

**BETA2: Comment addressed.**

- b. The storage area proposed in the narrative for soil and woody debris specimens should be shown on the plans.

*GC: Wetland fill and replication has been removed from the proposal. No longer applicable.*

**BETA2: No further comment required.**

- 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)

*GC: Wetland fill and replication has been removed from the proposal. No longer applicable.*

**BETA2: No further comment required.**

- 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.

*GC: The small portions of disturbed areas on the site beyond the depicted limit of lawn will be seeded with the New England Wetland Plant Conservation/Wildlife Mix.*

**BETA2: Plantings have been proposed with the Buffer Zone, including nine (9) serviceberries (*Amelanchier canadensis*), eight (8) black chokeberries (*Aronia melanocarpa*), eight (8) American hazelnuts (*Corylus americana*) and eighteen (18) lowbush blueberries (*Vaccinium angustifolium*); and the New England Wetland Plants Conservation/Wildlife Mix is proposed to be spread throughout disturbed areas outside of the lawn. BETA recommends a Special Condition be included that requires these plantings to be maintained in perpetuity and that any species that die or become damaged are replaced with a similar, native planting.**

*GC2: The Applicant is amenable to a special condition requiring these plantings be maintained until the issuance of a Certificate of Compliance.*

#### **WPA PERFORMANCE STANDARDS COMMENTS**

The Project will result in permanent impacts to the onsite BVW and proposes wetland replication at a ratio of 2.7:1.

**Bordering Vegetated Wetlands (310 CMR 10.55)**The Applicant must provide a narrative identifying how the project was designed to avoid impacts to BVW prior to proposing to fill BVW. The Applicant provided an alternatives analysis indicating an alternative design was considered that would prevent impacts to BVW and only impact Buffer Zone. The Applicant should provide further details on this alternative to show why this alternative was not chosen to avoid BVW impacts. Alternatives can include, but are not limited to, varying Site layouts, decreased dwelling size, and decreased lawn size.

**BETA2: No response provided.**

*GC2: The proposal has been altered to remove any impact to the BVW.*

**BETA3: Acknowledged.**

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.

*GC: 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.*

**BETA2: BETA recommends that the Commission include a Special Condition prohibiting any work beyond the currently proposed erosion control boundary unless a Request for an Amended Order of Conditions is submitted.**

*GC2: The Applicant is amenable to this special condition.*

**BYLAW REGULATORY COMMENTS**

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).

*GC: An updated Orthophoto, demonstrating the 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.*

**BETA2: Comment addressed.**

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 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.

*GC: 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.*

**BETA2: BETA defers to the Commission on the submitted Alternatives Analysis. Alternative 4 represents a Project design that locates the dwelling further from the BVW and has a smaller overall footprint of disturbance; however, this would require relief from the Zoning Bylaw. It is unclear if the Applicant coordinated with the ZBA on the feasibility of a Variance.**

*GC2: The Applicant has not formally confirmed with the ZBA, but the project team's understanding is that ZBA would not grant such a variance. The existing house on the abutting property is already located approximately 18 feet from the property line, and a variance from the side yard setback would result in the two homes being exceptionally close to one another.*

**BETA3: BETA defers to the Commission on whether further coordination with ZBA is warranted.**

- 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.

*GC: 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.*

**BETA2: See BETA2 response to Comment W17.**

*GC2: See Goddard's response to Comment 17.*

**BETA3: See BETA3 response to Comment W17.**

- 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.

*GC: 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.*

**BETA2: BETA recommends the Commission include a Special Condition requiring the Applicant to submit all information required in Bylaw Regulation Section 7.9.1 prior to the commencement of work, including who is performing the work and when the proposed activity will be done.**

*GC2: The Applicant is amenable to this special condition.*

- 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.

*GC: Impervious Surface Calculations within the 50-100ft area for proposed conditions include approximately 1,175 sf of impervious surface out of 3,406 sf of areas with 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, date 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.*

**BETA2: BETA defers to the Commission on the mitigation proposed for impervious surfaces exceeding 30% of the area within the 50-100-foot Buffer Zone.**

*GC2: While not required, the Applicant has provided stormwater management to mitigate for the expansion of impervious surface within the buffer zone in the form of a subsurface infiltration system to capture roof runoff. Additionally, a crushed stone apron has been added to the site plan*

*to mitigate surface runoff from the driveway, as well as 2" of crushed stone to be added under the proposed deck to ensure permeability of this area.*

**BETA3: Acknowledged.**

## **STORMWATER MANAGEMENT**

The Project proposed the construction of a single-family home and is therefore not subject to the Massachusetts Stormwater Standards.

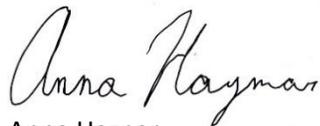
## **REVIEW SUMMARY**

Based on our review of the NOI submittal and Project plans, the Commission should determine if additional information (e.g., opinions from the ZBA) should be provided to facilitate the issuance of an Order of Conditions. Recommendations for Special Conditions have been provided for the Commission's consideration where appropriate.

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