



April 24, 2025

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

Re: Notice of Intent Application Review Letter #2  
1 Paddock Lane, Franklin, Massachusetts (Map 211, Lot 118)  
(DEP File # 159-1307)

Dear Franklin Conservation Commission,

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

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

Sincerely,  
**Goddard Consulting, LLC**

**Chris Frattaroli**  
Lead Wetland Scientist

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

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**1.0 PEER REVIEW COMMENTS AND RESPONSES**

Goddard and the project’s engineer, Colonial Engineering Inc., reviewed the Commission’s comments and offer the following responses. “BETA2” comments that have been satisfactorily addressed are omitted.

	<b>Peer Review Comment</b>	<b>Goddard’s Response</b>
A1	<p>MassDEP has issued a file number (No.159-1307) for this Project with the following technical comments:  <i>“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.”</i></p>	<p>No additional “BETA2” comment was provided.</p>
A2(d)	<p>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.</p> <p><b>BETA2: The Site is currently fully vegetated with trees and shrubs and tree removal within Buffer Zones is therefore required to complete the</b></p>	<p>Acknowledged.</p>

	<p><b>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.</b></p>	
A2(e)	<p>A Construction Sequence was provided that does not include all proposed activities within Jurisdictional Areas per Section 7.15 of the Bylaw.</p> <p><b>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.</b></p>	<p>The construction sequence has been updated to address these discrepancies.</p>
A3	<p>The existing and proposed tree line should be shown on the plans.</p> <p><b>BETA2: BETA defers to the Commission on the approval of the Plans without the existing or proposed tree lines shown.</b></p>	<p>Acknowledged.</p>
	<p><b>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.</b></p>	<p>Acknowledged.</p>
W1	<p>Material stockpile and laydown areas should be labeled on the Project plans.</p> <p><b>BETA2: The stockpile area should be protected with a perimeter of</b></p>	<p>Erosion controls are now shown surrounding the stockpile area on the site plan.</p>

	<p><b>erosion controls. This could be addressed on the plans as a condition of approval.</b></p>	
W4	<p>Seed mixes proposed for the Site and the areas where each type will be applied should be included on the plans.</p> <p><b>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.</b></p>	Acknowledged.
W5	<p>Provide a preliminary plan for water control/dewatering of surface and groundwater during the construction of the wall.</p> <p><b>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.</b></p>	The Applicant is amenable to this special condition.
W6	<p>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</p> <p><b>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.</b></p>	<p>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.</p> <p>The Applicant is amenable to this special condition.</p>
W7	<p>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</p>	The Applicant is amenable to this special condition.

	<p>sufficient space to support the construction of the wall; limits of work should be depicted to reflect a constructable design.</p> <p><b>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.</b></p>	
W8	<p>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.</p> <p><b>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.</b></p>	<p>The Applicant is working to confirm that no additional trees beyond the limit of work are required to be removed.</p>
W11	<p>The Applicant should provide an Erosion &amp; 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.</p> <p><b>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.</b></p>	<p>The Applicant is amenable to this special condition.</p>

W13	<p>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.</p> <p><b>BETA2: Plantings have been proposed with the Buffer Zone, including nine (9) serviceberries (<i>Amelanchier canadensis</i>), eight (8) black chokeberries (<i>Aronia melanocarpa</i>), eight (8) American hazelnuts (<i>Corylus americana</i>) and eighteen (18) lowbush blueberries (<i>Vaccinium angustifolium</i>); 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.</b></p>	<p>The Applicant is amenable to a special condition requiring these plantings be maintained until the issuance of a Certificate of Compliance.</p>
	<p>The Project will result in permanent impacts to the onsite BVW and proposes wetland replication at a ratio of 2.7:1.</p> <p><b>Bordering Vegetated Wetlands (310 CMR 10.55)</b></p> <p>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.</p> <p><b>BETA2: No response provided.</b></p>	<p>The proposal has been altered to remove any impact to the BVW.</p>
W15	<p>The Applicant should provide the impact calculations and proposed restoration for the temporary impacts between flags WF38 and</p>	<p>The Applicant is amenable to this special condition.</p>

	<p>WF42 and WF47C for the construction of the wall.</p> <p><b>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.</b></p>	
W17	<p>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.</p> <p><b>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.</b></p>	<p>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.</p>
W18	<p>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</p>	<p>See Goddard's response to Comment 17.</p>

	<p>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.</p> <p><b>BETA2: See BETA2 response to Comment W17.</b></p>	
W19	<p>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.</p> <p><b>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.</b></p>	<p>The Applicant is amenable to this special condition.</p>
W20	<p>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.</p> <p><b>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.</b></p>	<p>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.</p>



## **Buffer Zone Planting Plan**

for

1 Paddock Lane

Franklin, MA

(Map: 211, Parcel: 118)

### **ADDRESSED TO:**

Franklin Conservation Commission

Municipal Building

355 E. Central Street

Franklin, MA 02038

March 6, 2025

Revised April 23, 2025

### **PREPARED FOR:**

Nabih Younis

1 Paddock Lane

Franklin, MA 02038

### **PREPARED BY:**

Goddard Consulting LLC

291 Main Street Suite 8

Northborough MA, 01532

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

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

**B. PROPOSED CONDITIONS**

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

**C. GENERAL INSTALLATION PROCEDURES**

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

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

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

**Planting:**

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

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

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

**Monitoring:**

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

**D. PLANTING LIST**

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

Common Name	Scientific Name	Number	Minimum Size
<b>Shrubs (43)</b>			
Serviceberry	<i>Amelanchier canadensis</i>	9	1-2 gal. pots
Black Chokeberry	<i>Aronia melanocarpa</i>	9	1-2 gal. pots
American Hazelnut	<i>Corylus americana</i>	8	1-2 gal. pots
Lowbush Blueberry	<i>Vaccinium angustifolium</i>	28	1-2 gal. pots
Sweetfern	<i>Comptonia peregrina</i>	7	1-2 gal. pots
<b>Seed Mix</b>			
New England Wetland Plants Conservation/Wildlife Mix	2 lbs.		

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

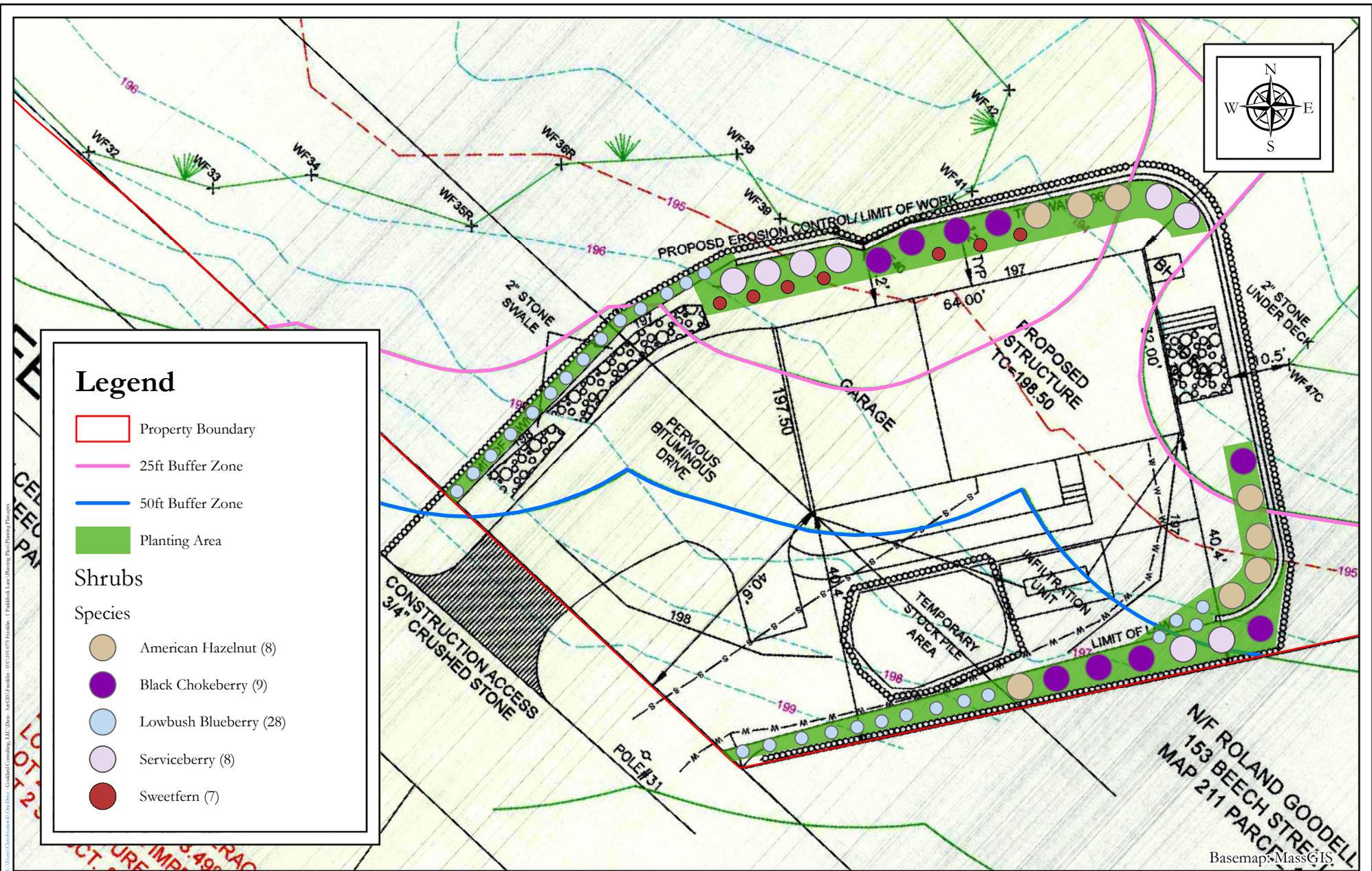
**E. CONCLUSION**

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

Sincerely,  
Goddard Consulting, LLC



Chris Frattaroli  
Wetland Scientist



**Legend**

- Property Boundary
- 25ft Buffer Zone
- 50ft Buffer Zone
- Planting Area

**Shrubs**

Species

- American Hazelnut (8)
- Black Chokeberry (9)
- Lowbush Blueberry (28)
- Serviceberry (8)
- Sweetfern (7)

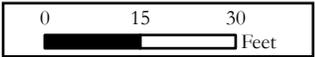
NF ROLAND GOODELL  
153 BEECH STREET  
MAP 211 PARCEL 118  
Basemap: MassGIS



Date: 04/23/2025

## Planting Plan

1 Paddock Lane  
Franklin, MA



1" = 30'

71.4407637°W, 42.1278284°N

Parcel ID: 211-118

## **NEW ENGLAND WETLAND PLANTS, INC**

14 Pearl Lane South Hadley, MA 01075

PHONE: 413-548-8000 FAX 413-549-4000

EMAIL: INFO@NEWP.COM WEB ADDRESS: WWW.NEWP.COM

### **New England Conservation/Wildlife Mix**

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

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

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

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

