

April 25, 2025

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

**Re: MassDEP File No. 159-1308
47 Partridge Street
Abbreviated Notice of Resource Area Delineation Peer Review #2
Franklin, Massachusetts**

Dear Ms. Goodlander,

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted for the parcels located at **47 Partridge Street and 0 Partridge Street, further identified as the Town of Franklin Assessor's Parcel ID: Map 220 Lot 013-000, Map 220 Lot 015-000, and Map 220 Lot 014-00 in Franklin, Massachusetts** (the Site). This letter provides BETA's peer review findings and comments as they relate to the Massachusetts Wetlands Protection Act (M.G.L. ch.131, §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 implementing regulations (collectively "the Bylaw").

BETA performed a Site visit on March 10, 2025 and April 22, 2025 to review the onsite Resource Area boundaries and confirm existing conditions as they relate to the ANRAD filing.

The Applicant provided revised materials and written comments responses pursuant to BETA's March 21, 2025 peer review letter. BETA's original comments from the March 21, 2025 letter are included in plain text. Comment responses attributed to United Consultants, Inc. (UCI) are provided in *italics* and are prefaced with "UCI:". BETA's most recent responses are provided in **bold** and are prefaced with "**BETA2:**".

DOCUMENTS REVIEWED

- Report entitled **Abbreviated Notice of Resource Area Delineation**; prepared by United Consultants, Inc.; dated December 23, 2024. Attachment Include:
 - Cover letter;
 - WPA Form 4A
 - Filing Fees and Local Forms
 - Abutters Information
- Letter entitled **47 Partridge Street – Abbreviated Notice of Resource Area Delineation Peer Review**; prepared by United Consultants, Inc.; dated April 9, 2025.
- Plan (1 sheet) entitled **Donovan Estate Existing Conditions Plan**; dated December 23, 2024 and revised on April 9, 2025; prepared by United Consultants, Inc. signed and stamped by Andrew C Murphy, MA PLS No. 35042, scale: 1" = 50'.
- Letter entitled **Permission for land Walk-Through**; prepared by Syngay Family – Edward, Marion and Robert; dated March 28, 2025.

- Registry of Deeds Documents entitled ***Town of Franklin - Resolution 08-62 Acceptance of Deed of Open Space in Franklin Chase, Residential Subdivision and Confirmatory Order of Taking***; dated November 12, 2008.

SCOPE SUMMARY

The Applicant is requesting that the Conservation Commission confirm the following Resource Area boundaries, as noted in the application materials and partially delineated and depicted on the ANRAD plan:

- 1,780 linear feet (lf) of Bordering Vegetated Wetlands (BVW);
- 1,059 lf of Bordering Land Subject to Flooding (BLSF); and
- 652 lf of Riverfront Area (RA).

ADMINISTRATIVE REQUIREMENTS

The following provides an assessment of the plans in light of generally accepted existing conditions plan standards and the applicable plan requirements under Section 7.18 of the Bylaw Regulations:

Table 1 – ANRAD Plan Requirements

Plan Requirements	Yes	No
North Arrow (with reference)	✓	
Registered PLS Stamp	✓	
Assessors’ Reference	✓	
Abutting Property Assessors’ Reference	✓ (BETA2)	
Survey Benchmark	✓	
Existing Conditions and Topography Sourced with date of survey	✓ (BETA2)	
Topography/Contours	✓	
Lot Line Surveyed	✓	
Accurate Plan Scale	✓	
Resource Areas Identified and Labeled (including Buffer Zones)	✓	

EXISTING CONDITIONS AND ONSITE RESOURCES

The Site is located on three (3) parcels at 47 Partridge Street and two lots identified as 0 Partridge Street further identified as Map 220 Lot 013-000, Map 220 Lot 015-000, and Map 220 Lot 014-00 in Franklin, Massachusetts. The Site is bounded to the north by Partridge Street, to the east and west by residential homes, maintained herbaceous fields and undeveloped forested areas, and to the south by undeveloped forested areas. The northwestern portion of the Site consists of disturbed agriculture land.

MassGIS environmental data layers mapped within or near the Site include the following:

Table 2: MassGIS Environmental Data Layers

Mapped Resource On or Within Proximity to the Survey Area	Yes	No
Area of Critical Environmental Concern		✓
NHESP Certified Vernal Pool		✓
NHESP Potential Vernal Pool		✓
NHESP Estimated Habitat of Rare Wildlife		✓
NHESP Priority Habitat of Rare Species		✓
Outstanding Resource Waters		✓
FEMA Floodplain	✓	

Surface Water Protection Area (Zone A, B, or C)		✓
Interim Wellhead Protection Area		✓
Zone I Wellhead Protection Area		✓
Zone II Wellhead Protection Area		✓

As depicted on the plan, and as described in the ANRAD application, the following Resource Areas exist within 100 feet of the Site:

- Bordering Vegetated Wetland (BVW);
- Land Under Water (LUW);
- Bordering Land Subject to Flooding (BLSF); and
- Riverfront Area (RA).

Table 3 further details these Resource Areas.

Table 3 – Resource Areas and Act/Bylaw Jurisdiction (*As identified by the Applicant*)

Resource Area	Flag Series	Act	Bylaw
BVW/Freshwater Wetland	GCA1 to GCA80	✓	✓
200-Foot Riverfront Area (Measured from MAHW)	N/A	✓	✓
Bordering Land Subject to Flooding	N/A	✓	✓

COMMENTS

W1. BETA offers the following administrative/plan comments after conducting a review of the submitted application and plans based on generally accepted existing conditions plan standards and the applicable plan requirements per the Bylaw Regulations:

- a) The filing has been assigned MassDEP File No. 159-1308 with the following technical comments from MassDEP:

Section B of the ANRAD requests the review of Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, and Riverfront Area. The delineation report provided indicates that only BVW resource area was delineated in the field. The site plan measures Riverfront Area extending from Shepard’s Brook from the brook’s centerline. Per 310 CMR 10.58(2)(a), Riverfront Area is measured from the MAHW line, and 310 CMR 10.58(2)(a)2. defines MAHW line field indicators which may be used for delineation purposes. A river or stream’s centerline should not be used for measuring Riverfront Area. The limits of MAHW may fall beyond the mapped channel and that visible on aerial imagery. Additionally, the site plan states that “River location taken from plan 1469 of 1987 and was not field located”. MassDEP notes that the age of the plan used to locate Shepard’s Brook may not be an accurate reflection of the brook’s riverine characteristics in the present day. Zone AE 100-year floodplain exists on the subject parcels and has a base flood elevation defined by FEMA. The site plan indicates that the base flood elevation is 169 which is consistent with FEMA’s NFIP profile data. MassDEP recommends that the Commission field-verify the BVW boundary for accuracy.

UCI: The river location was revised and was taken from the 2023 aerial imagery index. The 100 foot and 200 foot riverfront areas were measured from the edge of the river.

- b) The Applicant should provide the abutting properties assessors' references on the plan; and

UCI: The abutting property assessor's reference has been added to the plan.

BETA2: Comment addressed.

- c) The source of the existing conditions topography should be included on the plan.

UCI: The field survey was completed between February 20, 20218 and April 4, 2025. This field survey was the basis for the existing conditions topography.

BETA2: Comment addressed.

- W2. The Applicant should provide a cover letter with all required information as described in Section 7.3 of the Bylaw.

UCI: A cover letter has been added to the ANORAD application.

BETA2: The provided cover letter is missing information required in Section 7.3 of the Bylaw including the application type, the applicants name, and representative's name. BETA defers to the Commission on the approval of the cover letter.

- W3. BETA concurs with the Applicant's onsite delineation of the BVW (flags GCA-1 to GCA-37) based on observations of hydrophytic vegetation including speckled alder (*Alnus incana*), joe-pye weed (*Eutrochium purpureum*), and soft rush (*Juncus effusus*); indicators of hydrology including standing water and saturation; and observations of hydric soil indicators consisting of Depleted Below Dark Surface within interior portions of the BVW and Redox Dark Surface near the boundary. A portion of the BVW is within a historically disturbed meadow with hydrophytic vegetation present within both upland and wetland. The wetland boundary general coincides with the presence of soft rush and joe-pye weed.

UCI: No comment.

- W4. BETA observed BVW between flags GCA-1 and Partridge Street based on observations of hydrophytic vegetation, indicators of hydrology, and hydric soils consistent with the delineated portions of the BVW. This area should be delineated and survey-located to depict the full extent of BVW on the parcel.

UCI: The BVW flags were added and survey located. The BVW flags have been added to the plan.

BETA2: BETA concurs with the Applicant's placement of flags GC1-1 to GC1-11 based on observations of hydrophytic vegetation including skunk cabbage (*Symplocarpus foetidus*), soft rush, and red maple (*Acer rubrum*); indicators of hydrology including water-stained leaves and standing water; and observation of hydric soils indicators consisting of Redox Dark Surface.

- W5. As stated in MassDEP comments, the RA depicted on the Plans is not accurate, as the RA shown is measured from the centerline of Shepard's Brook and not the Mean Annual High-Water (MAHW). The Applicant should delineate the MAHW boundary in the field in accordance with 310 CMR 10.58(2)(a)2 to establish the 100- and 200-foot RA.

UCI: The river location was revised and was taken from the 2023 aerial imagery index. The 100 foot and 200 foot riverfront areas were measured from the edge of the river.

BETA2: MAHW is required to be field-delineated based on observed indicators. Comment remains.

- W6. The extent of BLSF at the Site was not confirmed as a part of this peer review due to the Act/Bylaw stating that BLSF is based on the most up-to-date data from FEMA or a competent engineering professional. BLSF at the Site is mapped as a Zone AE flood hazard with a base flood elevation (BFE) of 169 feet (NAVD88) with an associated Regulatory Floodway; however, it is recommended that this boundary be confirmed at the time of a future Notice of Intent (NOI) submission.

UCI: As stated above the site is mapped as Zone AE with a base flood elevation of 169. The plan depicts the filed locations of the 169 elevation contour. We anticipate the Conservation Commission will confirm the BLSF as part of the ANORAD permitting process.

BETA2: BETA defers to the Commission on the approval of the location of BLSF at the Site. It is recommended that the Commission consider a finding that BLSF approval is only valid based on the FEMA data provided at the time of the ANRAD application, and that any future revisions by FEMA would invalidate the approved boundary.

- W7. BETA recommends that the Commission excludes the approval of flags located outside of the Site boundaries in the ANRAD unless permission is secured from abutting property owners. These flags include GCA-38 to GCA-80.

UCI: The applicant and their consultant will discuss the off site wetland flags with the Commission.

BETA2: Approval by the property owner has been granted for confirmation of the offsite wetland flags. BETA concurs with the Applicants delineation of flags GCA-38 to GCA-80 based on observations of hydrophytic vegetation including elderberry (*Sambucus nigra*), red maple, and arrowwood viburnum (*Viburnum dentatum*); indicators of hydrology including geomorphic position, water-stained leaves, and standing water; and observation of hydric soils indicators consisting of Depleted Below a Dark Surface.

The wetland is located within a historically disturbed meadow at flag GCA-62 and exhibits a variety of vegetation consisting of sensitive fern (*Onoclea sensibilis*), multiflora rose (*Rosa multiflora*), joe-pye weed, and grass species. Soils wetland indicators including Redox Dark Surface and hydrology including saturation are present.

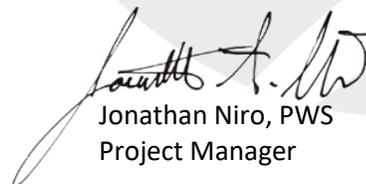
Review Summary

Based on our review of the ANRAD submittal and plan, and the existing conditions at the Site, it is BETA's opinion that the comments above should be addressed to facilitate the issuance of an accurate ORAD.

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