

April 25, 2025

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

**Re: 55 Milliken Avenue
MassDEP File No. 159-1312
Notice of Intent Peer Review #2**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the Notice of Intent (NOI) proposing the construction of an addition to an existing single-family home at **55 Milliken Avenue** 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:

- Supplemental Documents; prepared by United Consultants Inc., undated. Inclusive of:
 - Construction Sequence;
 - Erosion and Sedimentation Control Narrative; and
 - Project Narrative/Mitigation Controls.
- Comment Response Letter entitled **55 Milliken Avenue – Notice of Intent Peer Review**; prepared by United Consultants Inc., dated April 7, 2024.
- Plans (1 Sheet) entitled **Notice of Intent Plan**; prepared by United Consultants Inc.; dated February 5, 2025 and revised April 7, 2025; signed and stamped by Carlose A. Quintal MA PE No. 30812 and Andrew C. Murphy MA P.L.S No. 35042.

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

- Site visit on March 28, 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 22, 2025

The Applicant has provided revised materials and written comment responses pursuant to BETA’s March 31, 2025 peer review letter. BETA’s original comments from the March 31, 2025 peer review 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:**”.

BETA’s responses in this letter identify that the Applicant has demonstrated compliance with the Act and Bylaw.

SITE AND PROJECT DESCRIPTION

The 0.72-acre Site consists of one (1) parcel identified as Map 279 Lot 204-000 in Franklin, Massachusetts. The Site is bounded to the north by an apartment complex, to the west by Milliken Avenue, to the south by residential homes, and to the east by undeveloped wooded lots and wetland complexes. 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 west.

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

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0309E 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 Freetown muck with a Hydrologic Soil Group (HSG) rating of B/D and Merrimac-Urban land complex with a HSG rating of A/D.

The Applicant seeks approval for the construction an addition to an existing single-family home. Proposed work includes the following activities (collectively referred to as the “Project”):

- Installation of erosion controls;
- Demolition of the existing shed, deck and retaining wall;
- Excavation of the existing foundation;
- Construction of the foundation for the addition;
- Construction of the addition;
- Construction of a walkway;
- Stabilization of the Site with loam and seed.

The Project will result in temporary and permanent impacts to Buffer Zones Resource Areas¹. The following Resource Area impacts are proposed:

¹ Buffer Zone is protected as a Resource Area under the Bylaw.

- 103 sf of impacts to the 25-50' Buffer Zone; and
- 2,697 sf of impacts to the 50-100' Buffer Zone.

BETA2: Impacts to Buffer Zones have been reduced and include the following:

- **2,670 sf of impacts to the 50-100' Buffer Zone.**

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) | ✓ (BETA2) | |
| Proposed Topography | ✓ | |
| Existing and Proposed Vegetation | ✓ | |
| Existing Structures and Improvements | ✓ | |
| Resource Areas and Buffer Zones labeled | ✓ | |
| Location of Erosion Controls | ✓ | |
| Details of Proposed Structures | ✓ | |
| Construction Sequence and Schedule | ✓ (BETA2) | |
| Registered PLS Stamp (Existing Condition Plans Only) | ✓ (BETA2) | |
| Assessors' Reference | ✓ | |
| Abutting Property Assessors' Reference | ✓ | |
| Survey Benchmark | ✓ (BETA2) | |
| Accurate Plan Scale | ✓ | |

PLAN AND GENERAL COMMENTS

A1. MassDEP has issued a file number (No. 159-1312) for this Project with no technical comments.

UCI: No response necessary.

A2. The Plan should include the following:

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

UCI: The date of the topographic survey has been added to the plan.

BETA2: Comment addressed.

- b. A Construction Sequence with all proposed activities within Jurisdictional Areas should be included on the Plans and NOI application per Section 7.15 of the Bylaw.

UCI: A Construction Sequence has been added to the plans. A Construction Sequence narrative has also been provided for inclusion in the NOI.

BETA2: The Construction Sequence does not include the installation of the proposed plantings or the removal of the landscaping debris from the wetland. BETA defers to the Commission on the approval of the provided Construction Sequence.

- c. A Registered PLS Stamp should be included on the Plans.

UCI: A RPLS stamp has been added to the plan.

BETA2: Comment addressed.

- d. A Survey Benchmark should be included on the Plans.

UCI: Two benchmark's have been added to the plans.

BETA2: Comment addressed.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review of existing conditions and proposed work areas on March 28, 2025. The Project proposes impacts to onsite Areas Subject to Jurisdiction under the Act and Bylaw including the 25-50' and 50-100' Buffer Zones to BVW. The Project is not subject to the MassDEP Stormwater Standards due to it being the construction of an addition to an existing single-family home. The Project does not propose any mitigation for the proposed work.

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 Bylaw. All Act requirements have been met with the filing.

BETA2: The Applicant has provided plan edits and narrative information for compliance with Bylaw. The Applicant is proposing to increase impervious surfaces within the 50-100 foot Buffer Zone to over 30%. Mitigation for the increase in impervious surfaces includes the removal of a yard waste pile within the BVW, and planting of two (2) highbush blueberries (*Vaccinium corymbosum*). BETA defers to the Commission on whether further mitigation to offset increase in impervious surfaces is warranted. BETA has recommended Special Conditions regarding the submittal of a dewatering plan in comment W5.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on March 28, 2025 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw. Review of Resource Area delineations included all flagged areas on the Site.

- W1. BETA concurs with the location of the BVW as depicted on the plan based on the presence of hydrophytic vegetation, indicators of hydrology, and observations of hydric soils. However, BETA recommends that flag AES-8 not be approved as part of this filing due to it being located offsite.

UCI: The applicant defers to the Commission regarding the approval of flag A-8.

- W2. An area of landscaping debris consisting of leaves was observed as being placed within the wetland between flags AES-6 and AES-5.

UCI: Upon issuance of the Order of Conditions the contractor will remove the leaf pile from the wetland.

BETA2: BETA defers to the Commission on the proposed mitigation.

CONSTRUCTION COMMENTS

- W3. Erosion controls should be depicted on the western side of the proposed addition within Buffer Zone to establish the limit of work in the field.

UCI: The erosion control has been extended as recommended.

BETA2: Comment addressed.

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

UCI: The proposed seed mixtures and note regarding the seeding of disturbed areas has been added to the plan.

BETA2: The name of the seed mix has been provided on the plans; however, species within the seed mix should also be provided. BETA defers to the Commission on the approval of the proposed seed mix.

- W5. It is not anticipated that groundwater will be encountered when excavating for the new foundation; however, the Commission could include a Special Condition in the Order of Conditions requiring the submission and approval of a dewatering plan prior to discharge in the event that groundwater is encountered.

UCI: The applicant defers to the Commission regarding the inclusion of a Special Condition regarding dewatering.

- W6. 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.

UCI: The Erosion and Sedimentation notes have been revised.

BETA2: Comment addressed.

MITIGATION COMMENTS

- W7. The Applicant should consider providing a planting plan to mitigate for additional development within Buffer Zone. Specifically, areas within Buffer Zone should be prioritized for the planting of native vegetation and the application of native seed mix. The Applicant can also consider removing the aforementioned yard waste from the BVW and installing signage to deter future disturbances.

*UCI: The yard waste will be removed from the BVW upon the issuance of the Order of Conditions. Two highbush blueberry (*Vaccinium corymbosum*) plants have been added to the project. The area within the existing Town 20' wide water easement, which is located upgradient from the BVW, would appear to be the area suggested for removal of the existing grass and replanting with a native seed mix. The owner would prefer not to alter the existing grass within the Town's water easement.*

BETA2: BETA defers to the Commission on the proposed mitigation including removal of yard waste from the BVW and planting of two (2) highbush blueberries within Buffer Zone. Further mitigation could be required as impervious surfaces within the 50-100 foot Buffer Zone will be increased to be over 30%.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within Buffer Zone and local the Buffer Zone Resource Area.

BYLAW REGULATORY COMMENTS

- W8. 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.

UCI: The Project narrative has been revised.

BETA2: Comment addressed. BETA defers to the Commission on the approval of the provided project narrative.

- W9. A Variance Request should be submitted for work within the 25-50-foot Buffer Zone per Bylaw Regulation Section 5.

UCI: The proposed stairs and limit of work have been revised. No work is proposed within the 25-50 foot Buffer Zone.

- W10. 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.

UCI: The existing impervious coverage within the 50-100 foot Buffer Zone is 17.8 percent and the proposed project will increase the impervious coverage to 31.1 percent. The owner has proposed the planting of two highbush blueberry plants for mitigation.

BETA2: Comment addressed. BETA defers to the Commission on the approval of proposed mitigation offsets for the increase in impervious surfaces within the 50-100 foot Buffer Zone.

STORMWATER MANAGEMENT

The Project proposed the construction of an addition to an existing 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 Applicant has provided the Conservation Commission with additional information to describe the Site, the work, and the effect of the work on the interests identified in the Bylaw. All Act and Bylaw requirements have been met with the filing.

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

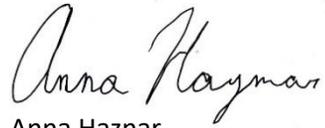
Ms. Breeka Lí Goodlander, Agent

April 25, 2025

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Very truly yours,

BETA Group, Inc.



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