

November 10, 2025

Breeka Li Goodlander, PWS, CERPIT
Conservation Director
Town of Franklin Conservation Commission
355 East Central Street
Franklin, MA 02038

Re: Nicholas Drive/Prospect Street Culvert Repairs
MassDEP File No. Not Yet Issued
After-the-Fact Notice of Intent Peer Review

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the Notice of Intent (NOI) seeking approval for the after-the-fact emergency repair work conducted on the **Nicolas Drive/Prospect Street Culvert** (the Project) on Prospect Street 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:

- Notice of Intent entitled **Notice of Intent**; prepared by Derek Adams - The Town of Franklin Department of Public Works; dated September 30, 2025.
Attachments include:
 - Project Narrative
 - Figures (Topographic Map and NHESP Vernal Pool Map)
 - Site Photos
- WPA Form 3

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

- Site visit on October 29, 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

SITE AND PROJECT DESCRIPTION

The Site consists of a portion of Prospect Street over an unnamed perennial stream in Franklin, Massachusetts. The Site is bounded to the north and south by residential homes, undeveloped forest, wetland complexes, and the unnamed stream, and to the east and west by Prospect Street. Existing improvements at the Site include a two (2)-lane bituminous concrete roadway and the culvert conveying

the unnamed perennial stream under Prospect Street. The emergency repair was conducted in order to replace the deteriorating headwall, prevent undermining of the structural integrity of Prospect Street, and address blockages within the culvert. Efforts to unclog the culvert occurred prior to the emergency repair on April 30, 2025, and May 1, 2025. The emergency repair was conducted on July 15, 2025, and consisted of the following activities:

- Installation of erosion controls;
- Installation of matting for equipment access;
- Reestablishment/stabilization of the headwall along the southern bank of the roadway;
- Removal of the remainder of the headwall using a mini excavator;
- Installation of four-to-eight-inch trap rock to replace the former headwall;
- Removal of 1.5 yards of sediment;
- Installation of two (2) 4-foot sections of 18 inch corrugated plastic pipe into each existing pipe;
- Installation of riprap;
- Application of a conservation seed mix; and
- Paving of the area between the exiting roadway and beyond the crest of the trap rock.

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:

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

According to the Applicant, Resource Area impacts that resulted from the Project consist of:

- 24 linear feet of Bank;
- 1.5 square feet of LUW; and
- 24 square feet of BLSF.

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protections Area. There are no Surface Water Protection Areas (Zone A, B, or C), or Outstanding Resource Waters (ORWs) present. 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 Potential Vernal Pools (PVPs) or Certified Vernal Pools (CVPs) located on or within 100 feet of the Site.

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0212F dated July 8, 2025, the Site is located within a Zone A, which is a 1% Flood Hazard with no Base Flood Elevation (BFE).

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Swansea Muck, 0 to 1 percent slopes with a Hydrologic Soil Group (HSG) rating of B/D.

ADMINISTRATIVE AND PLAN COMMENTS

A plan set depicting the information noted below has not been provided as of this writing.

Table 1. NOI Plan

NOI Plan Requirements	Yes	No
Scale of 40'=1" or larger		✓ (See comment A2)
North Arrow (with reference)		✓ (See comment A2)
Topographic contours (2' intervals)		✓ (See comment A2)
Existing Conditions Topography (with source and date of survey)		✓ (See comment A2)
Proposed Topography		✓ (See comment A2)
Existing and Proposed Vegetation		✓ (See comment A2)
Existing Structures and Improvements		✓ (See comment A2)
Resource Areas and Buffer Zones labeled		✓ (See comment A2)
Location of Erosion Controls		✓ (See comment A2)
Details of Proposed Structures		✓ (See comment A2)
Construction Sequence and Schedule		✓ (See comment A2)
Registered PLS Stamp (Existing Condition Plans Only)		✓ (See comment A2)
Assessors' Reference		✓ (See comment A2)
Abutting Property Assessors' Reference		✓ (See comment A2)
Survey Benchmark		✓ (See comment A2)
Accurate Plan Scale		✓ (See comment A2)

PLAN AND GENERAL COMMENTS

- A1. MassDEP has not issued a file number as of this writing.
- A2. The Applicant has not provided a plan for this filing. A plan should be submitted with all requirements detailed in Table 1 and should also include existing conditions of the Site prior to work, locations of impacted Resource Areas, and conditions of the Site after work occurred.
- A3. The WPA Form 3 requires the following updates:
 - a. Inland Resource Areas should be checked rather than Buffer Zone Only within Section B (1);
 - b. Riverfront Area impacts should be quantified; and
 - c. Date of Map within Section C (1) should be provided.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite and regulatory review of the submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Act and the Bylaw. The Project is not subject to the Massachusetts Stormwater Management Standards due to it being an emergency roadway repair project.

The NOI application includes narrative information describing the sequencing of the work conducted to abate an emergency; however, documentation of compliance with the Act and Bylaw is required. Impacts to Resource Areas and Buffer Zone have not been fully described or quantified. Specifically, the Applicant

should provide information on how the Project impacts RA and provide details on how the Project complies with the applicable Performance Standards for each impacted Resource Area. A plan that includes the information outlined in Comment A2 should be provided for review. Bylaw filing requirements should also be met, including the submission of:

- A Resource Area Impact Summary;
- All required figures;
- A construction sequence; and
- A variance request for work within the 0-25-foot Buffer Zone.

To minimize Resource Area impacts during construction, matting was installed in locations where heavy machinery was used; erosion controls were installed along the Bank; and a native seed mixture was applied to exposed soils. The Applicant may be required to provide additional mitigation based on the Conservation Commission's review of the Project.

Additional information is required to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on October 29, 2025 to assess existing conditions and review Resource Area boundaries, focusing on the definitions and methodologies referenced under the Act and the Bylaw. Resource Areas were not flagged in the field due to the Project being an emergency repair of a public roadway. Buffer Zones and Resource Areas that were disturbed as part of the work have partially revegetated; however, an area of exposed soil is present along the bottom of the slope along the Bank. Species that have vegetated the slope generally consist of perennial ryegrass (*Lolium perenne*), with less frequent occurrences of other species including mugwort (*Artemisia vulgaris*), deertongue grass (*Panicum clandestinum*), and common ragweed (*Ambrosia artemisiifolia*).

CONSTRUCTION COMMENTS

W1. The Applicant should clarify if vegetation was removed or pruned to complete the Project.

MITIGATION COMMENTS

W2. The temporary and permanent impacts to RA and Buffer Zones resulting from accessing the Site, installation of the bituminous apron, and stabilization of the roadway slopes should be quantified to confirm if additional mitigation is required.

W3. Provide the seed mix specifications used at the Site.

W4. Seed should be applied to areas of exposed soil along the Bank to fully stabilize the area. The Commission could consider requiring the Applicant to use a native seed mix as part of mitigation.

WPA PERFORMANCE STANDARDS COMMENTS

According to the Applicant, the Project resulted in the following impacts:

- 24 linear feet of Bank;
- 1.5 square feet of LUW; and
- 24 square feet of BLSF.

The Project was conducted as an emergency repair of a culvert under a public roadway; however, Emergency Authorization was not granted by the Conservation Agent. Therefore, it is understood that the Conservation Commission seeks additional information to document compliance with the Act and the Bylaw.

- W5. Provide information on how the Project complies with all applicable Performance Standards for Resource Areas that were impacted including Bank, LUW, BLSF, and RA.
- W6. Quantify impacts to RA.
- W7. Confirm that no impacts to BVW, including temporary access impacts and removal of vegetation, occurred as a part of this Project.
- W8. Provide justification for the use of the selected pipe sizes and document any effects that the pipe sleeving/extension has on the culvert's compliance with the Massachusetts Stream Crossing Standards.

BYLAW REGULATORY COMMENTS

- W9. Provide a Resource Area Impact Summary as required in Section 7.4 of the Bylaw Regulations.
- W10. Provide an Alternatives Analysis as required in Section 7.13 of the Bylaw Regulations for both work with Riverfront Area and for the required Variance Requests.
- W11. Provide a Natural Heritage Priority Habitats and Estimated Habitats Maps and a FEMA Floodplain Map as required in Section 7.17.1 of the Bylaw Regulations.
- W12. A Variance Request should be submitted for work that occurred within the 25' No Disturb Zone.
- W13. Provide calculations for impacts within the 0 to 25-foot, 25 to 50-foot, and 50 to 100-foot Buffer Zones.

STORMWATER MANAGEMENT

The Project is not subject to the Stormwater Management Standards due to it being an emergency repair to roads or their drainage systems per 310 CMR 10.05(6)(l)⁴.

REVIEW SUMMARY

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.

¹ The Stormwater Management Standards shall not apply to:

1. A single-family house;
2. Housing development and redevelopment projects comprised of detached single-family dwellings on four or fewer lots, provided that there are no stormwater discharges that may potentially affect a critical area;
3. Multi-family housing development and redevelopment projects, with four or fewer units, including condominiums, cooperatives, apartment buildings and townhouses, provided that there are no stormwater discharges that may potentially affect a critical area; and

4. Emergency repairs to roads or their drainage systems.

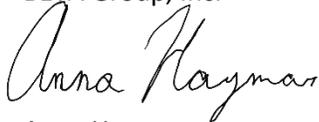
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If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,
BETA Group, Inc.



Anna Haznar
Staff Scientist



Jonathan Niro, PWS
Project Manager

cc: Amy Love, Town Planner
Matt Crowley, P.E., BETA

