



Franklin Conservation Commission
355 East Central Street
Franklin MA 02038

November 26, 2025

Re: Response to BETA Comments - Notice of Intent Peer Review #4
444 East Central Street, Franklin MA (DEP File No. 159-1320)

Dear Franklin Conservation Commission,

Goddard Consulting, LLC (Goddard) is pleased to submit this letter on behalf of the Applicant, AJ Alevizos of TAG Central LLC, providing an updated WPA Form 3 in response to the review letter issued by BETA, dated November 20, 2025 in regard to the Notice of Intent (NOI) filed for 444 East Central Street, Franklin MA (Parcel ID: 284-66). A list of attached documents is as follows:

- Revised WPA Form 3

Sincerely,

Goddard Consulting, LLC

Chris Frattaroli
Lead Wetland Scientist

CC: AJ Alevizos, TAG Central LLC
Judith Schmitz, MassDEP CERO

BETA Comments & Responses

Goddard and the project team have reviewed the comments provided by BETA and offer the following responses. The most recent comments from BETA are indicated with “BETA4”, and subsequent responses from Goddard are indicated with “GC4”. Comments that have been sufficiently addressed or deferred to the Commission are omitted for brevity.

Comment A3:

Resource Area impacts (both permanent and temporary) should be clearly labeled on the Project plans.

Response:

A Resource Area Impacts plan sheet has been added to the plan set to illustrate impacts to resource areas proposed.

BETA2:

Proposed impacts to IVWs and some impacts to BLSF have been depicted on Sheet EXH-5; however, Riverfront Area impacts; all BLSF impacts; LUW, Bank, and BVW impacts associated with the dock; and impacts associated with invasive species removal have not been depicted or quantified. The Applicant should confirm if impacts associated with invasive species removal have been quantified and included on the WPA Form 3 and within any provided impact summary. With regard to BLSF impacts, the Applicant appears to show alteration to some areas that are not currently designated as BLSF. As noted later in this letter, the boundary of BLSF may change upon further analysis of the floodplain. Comment remains.

GC2:

The Resource Area Impacts plan sheet has been updated to include impacts to BLSF, incorporating the newly updated BLSF boundary, and LUW/Bank/BVW associated with the dock. Riverfront Area impacts are quantified in the Regulatory Compliance Analysis. Invasive species management impacts are quantified separately on the attached Landscape Plan sheet. All resource area impacts, both temporary and permanent, have been clearly labeled and depicted on updated project plans and materials as included in this submittal.

BETA3:

Impacts associated with the installation of the dock have been quantified for Bank, LUW, BVW, and BLSF. Impacts associated with the dock are not depicted on the RA impact figure; these impacts should be depicted on the plans and figures and the Applicant should confirm that the impacts are included in the currently proposed impact totals.

The Applicant should provide an updated WPA Form 3 with all proposed impacts to Resource Areas.

GC3:

Impacts associated with the dock that were not previously depicted on the Riverfront Area impact figures were omitted because this feature is raised and will not constitute degraded area. Nevertheless, this feature has been added to the Riverfront Area figures and impact totals for clarity and for the sake of being conservative. An updated WPA Form 3 is also provided as an attachment to this submittal.

BETA4:

BETA4: Comment addressed; impacts associated with the dock are now depicted on the RA

figure. However, proposed BLSF impacts have not been included on the WPA Form 3. The Resource Area Impact plan shows approximately 26,149 square feet of impacts to BLSF. All impacts to Resource Areas should be quantified and provided on the WPA Form 3.

Additionally, the Applicant has also stated on the WPA Form 3 that 162 square feet of replacement is proposed within LUW. The Applicant should provide information regarding the “replacement” that will occur within LUW. The Applicant has also stated that LUW impacts are only associated with shading from the dock; however, they should also confirm if impacts associated with helical piles will be proposed.

GC4:

Square footage impacts to BLSF have been added to Form 3, along with square footage measurements for BLSF replacement. As provided in our response letter dated 7/28/25 with detailed plans dated 6/11/25, helical piles are proposed as part of the boardwalk, which leads to the gangway, which ultimately connects to the floating dock. This impact was previously quantified on Form 3 as part of BVW alteration. Helical piles were chosen rather than regular piles as they are less intrusive and allow for minimal soil disturbance and eliminate the need for any excavation by advancing into the ground like a screw. They are limited to the boardwalk only; the dock itself is solely floating. As shown in the previously submitted plans (Sheet LD2) referenced above which have remained unchanged compared to the current plans on file, these piles measure approximately 1 square foot each and have been added to Form 3 as an impact, however minimal. “Replacement” of LUW was previously listed as 162 square feet to illustrate that no substantive change of LUW will occur from the installation of the proposed dock. This has been revised to list 0 square feet of replacement in LUW. (N.B. The dock is eligible to be treated as a limited project pursuant to 310 CMR 10.53(3)j. Under this provision, the Issuing Authority may issue an Order of Conditions approving such work notwithstanding the regulations for Bank, BVW, LUWW, BLSF, ILSF and Riverfront Area. See previous dialogue in comments W21 through W23.)

Comment W25:

The Applicant stated that no significant wildlife habitat is present in the area of proposed work within BLSF. However, according to 310 CMR 10.57(1)(a)3, areas of BLSF located within the 10-year floodplain or within 100 feet of a Bank or BVW (whichever is further away) are presumed to be significant to the protection of wildlife, unless they have been extensively altered by human activity as defined in the regulations. While some portions of the BLSF within 100 feet of the Bank and BVW appear to meet the definition of “altered”, portions of BLSF where work is proposed do not. Therefore, the Applicant should depict the 10-year floodplain boundary and quantify impacts to BLSF as appropriate to determine if a wildlife habitat evaluation is warranted.

Response:

As is necessary for human safety and vehicular access, the existing southern stream crossing needs to be bolstered. This area is the only location where fill is proposed within BLSF. Figure 3 below, dated 3/7/2025, depicts the approximate location of fill within BLSF in yellow. Goddard believes that this work clearly is proposed in an extensively human-altered area. The majority of this work area is comprised of a hardpacked gravel access roadway. Vegetation is limited, but the dominant vegetation in this area is common reed (*Phragmites australis*) and Japanese knotweed (*Fallopia japonica*), both invasive species that provide little habitat value. *[Figure 3 is now rendered inaccurate and has been omitted from this document for brevity]*

BETA2:

As of July 8, 2025, FEMA has updated the map panel 25021C0309F showing a Zone A with no Base Flood Elevation (BFE) is present throughout the Site. The Applicant should provide an updated regulatory review of work proposed within BLSF, which should reflect the floodplain analysis that is anticipated to be performed by the Applicant.

GC2:

The Regulatory Compliance Analysis has been updated to provide a regulatory review of work within BLSF based on the previously mentioned hydraulic analysis provided by Beals Associates, Inc. This analysis was submitted to the Commission previously and site plans have been updated accordingly.

BETA3:

Comment addressed. Based on MassDEP comments and discussions with the Town, further mitigation may be required for unpermitted BLSF impacts at the Site. BETA defers this issue to the Commission.

GC3:

As noted in our responses to MassDEP's comments, the Applicant's civil engineer, Allen and Major Associates, contemplated this and already included the additional compensatory flood storage in the design. Although it is impossible to verify the ground elevation below the compost/dumping piles without substantial material removal, Allen and Major has estimated the likely lost flood storage capacity caused by the presence of this material to be approximately 3,498.5 cubic feet. This calculation assumes that the dumping piles were not permitted, and that under existing conditions, the flood storage volume should include space currently occupied by these piles. This volume was added to the tabulation of existing flood storage capacity in the south half of the site (i.e. floodplain elevation 271'), resulting in an updated existing flood storage capacity of 27,780.5 cubic feet. Proposed flood storage capacity in this portion of the site is 37,035.5 cubic feet, an increase of 9,255 cubic feet. The increase in flood storage capacity already provided by the project sufficiently compensates for the loss caused by the presence of this pile.

BETA4:

BETA defers to the Commission on the proposed flood storage and mitigation for unpermitted BLSF impacts at the Site. Additionally, proposed BLSF impacts have not been included on the WPA Form 3. The Resource Area Impact plan shows approximately 26,149 square feet of impacts to BLSF. All impacts to Resource Areas should be quantified and provided on the WPA Form 3.

GC4:

BLSF impacts listed on Form 3 have been updated, including a note regarding the potential of past unpermitted BLSF fill by the property owner.

Goddard and the project team believe that the responses and revised materials provided sufficiently address BETA's and MassDEP's comments and enable the Commission's complete review of the proposed work. If you have any questions, please feel free to contact us at (508) 393-3784.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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Bureau of Resource Protection - Wetlands

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Designated Port Areas, Land Under the Ocean, Barrier Beach, Coastal Beaches, Coastal Dunes.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, Land Subject to Coastal Storm Flowage.

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings b. number of replacement stream crossings



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Provided by MassDEP:

MassDEP File Number

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City/Town

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:
MassDEP File Number
Document Transaction Number
City/Town

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
-
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

D. Additional Information (cont'd)

- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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Provided by MassDEP:

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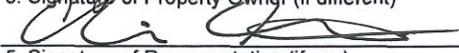
Franklin

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	<u>4/16/25</u>
1. Signature of Applicant	2. Date
<u>Wayne Stobbart</u>	<u>4/16/25</u>
3. Signature of Property Owner (if different)	4. Date
	<u>4/16/25</u>
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

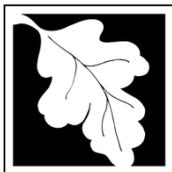
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

a. Street Address _____ b. City/Town _____
 c. Check number _____ d. Fee amount _____

2. Applicant Mailing Address:

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

3. Property Owner (if different):

a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee: _____
 a. Total Fee from Step 5

State share of filing Fee: _____
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: _____
 c. 1/2 Total Fee **plus** \$12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)