

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number: **4**
 159-1320
 Provided by DEP

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

A. Request Information

1. Location of Project

444 East Central Street Franklin 02038
 a. Street Address b. City/Town, Zip
6735 245
 c. Check number d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

a.) Gene P. Grella, et al (see attached continuation sheet)
 Name
36 Red Gate Lane
 Mailing Address
Franklin MA 02038
 City/Town State Zip Code
508-878-1154 N/A gene.p.grella@gmail.com
 Phone Number Fax Number Email Address

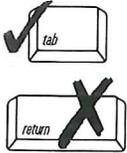
3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

TAG Central LLC
 Name
275 Regatta Drive
 Mailing Address
Jupiter Florida 33477
 City/Town State Zip Code
 Phone Number Fax Number Email Address

4. DEP File Number:

159-1320

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



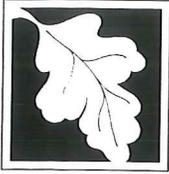
B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
 Box 4062
 Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

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

DEP File Number:

4

159-1320

Provided by DEP

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Continuation Sheet - A. 2. Parties Making Request

Massachusetts Department of Environmental Protection
Request for Departmental Action - MassDEP File #159-1320

444 East Central Street, Franklin, MA 02038

Elizabeth A. Grella 36 Red Gate Lane, Benjamin Sandman and Megan Sandman of 32 Red Gate Lane, David L. Sigel and Marcy F. Sigel of 28 Red Gate Lane, Douglas J. Oppelt and Tricia M. Oppelt of 19 Northern Spy Road, and Benjamin Walbridge and Rebecca Walbridge of 15 Northern Spy Road (collectively, the "Appellants").

Appeal Notice and Summary of Appellants' Objections

Massachusetts Department of Environmental Protection Request for Departmental Action - MassDEP File #159-1320

Aggrievement

All 10 Appellants are residents of the Town of Franklin. Appellant Gene Grella is the Appellants' group's designated representative. He and Appellant Douglas J. Oppelt were previously participants in the permit proceeding which led to the issuance of the order of conditions which is the subject of this appeal ("OOC"). The OOC was originally signed on February 4, 2026 and was later amended and corrected on February 6, 2026. A copy of said OOC is enclosed. Appellants Gene Grella, Elizabeth A. Grella, Douglas J. Oppelt, Tricia M. Oppelt, Benjamin Walbridge and Rebecca Walbridge are all direct abutters of the property at 444 East Central Street, Franklin, Massachusetts 02038 (the "Locus"). Due to their close proximity to the Locus all of the Appellants are persons who, because of the action of the Franklin Conservation Commission in issuing the OOC will suffer injuries in fact which are different in kind and magnitude from that to be suffered by the general public and which are within the scope of the interests identified in M.G.L. c. 131, § 40, the Wetlands Protection Act ("WPA").

Damage to Wetlands Resource Areas Subject to Protection under the WPA

The Appellants' primary concerns are violations of the WPA and MassDEP's Wetlands Regulations, which were adopted to safeguard the Commonwealth's natural resources, including wetlands and water resources. The proposed development, with its size and scale, poses a significant risk to the on-site and off-site wetlands and buffer zones by encroaching upon these sensitive environmental zones. The construction of such a large-scale apartment complex will result in the disruption of natural drainage systems, cause increased stormwater runoff onto the Appellants' properties, and lead to significant erosion, all of which will have serious, lasting adverse impacts on the wetlands resource areas which are subject to protection under the WPA.

A perennial stream known Uncas Brook runs through the Locus and the downstream properties of Appellants Douglas J. Oppelt and Tricia M. Oppelt of 19 Northern Spy Road, and Benjamin Walbridge and Rebecca Walbridge of 15 Northern Spy Road. The Applicant is proposing to alter 147,930 square feet or 3.4 acres

of land in the riverfront area, with 53,350 square feet occurring within 100 feet of the river and 94,580 square feet occurring between 100 feet and 200 feet of the river. Such a large area of alteration will adversely impact the riverfront area and does not comply with MassDEP's Riverfront Area Performance Standards, 310 CMR 10.58.

The adverse impacts on the Oppelt's property will be especially acute. There is a detention pond on their land that was designed to hold water for 72 hours and dissipate by then. The detention pond been working exactly as it was designed for the 9 years that they have lived here. The increased stormwater runoff from the approved project will cause the detention pond to hold water longer than the 72 hours it currently does. Over 15 acres of land, a 1-inch rainfall produces 405,000 gallons of water. Currently, the Locus has no rain water mitigation. 95% of the rain water falls to the ground there and naturally runs its course. This natural process has been working well for the last 9 years. If the approved project is constructed, the 15-acre Locus will have building roofs, roads, walkways and paved parking lots with impervious surface covering much of this land. It is proposed that storm water will be held in underground tanks to be leached into the ground over time. The system is not properly designed to hold 405,000 gallons for a 1-inch or a greater rainfall event.

Zone II-Well #9 Public Water Supply

The Locus lies within the Zone II recharge area of Franklin's Public Water Supply Well #9. MassDEP regulations require the "highest and best practicable method of treatment" for discharges within Zone II. The OOC does not sufficiently address this critical public health concern nor did the Conservation Commission evaluate the adequacy of proposed protections. While snow storage was noted in the Commission's proceedings, the Commission did not adequately evaluate the long-term chloride loading impacts from deicing chemicals and their potential adverse impacts on Zone II groundwater and Well #9.

The Appellants reserve the right to supplement their foregoing statement of objections to the OOC.

For all of the reasons discussed above, MassDEP should issue a superseding order of conditions denying the project.

Respectfully Submitted,
the Appellants,
by their attorney,



Mark J. Lanza, Esq.
9 Damonmill Square - Suite 4A4
Concord, MA 01742
Tel. # (978) 369-9100
mjlanza@comcast.net

DATED: February 16, 2026

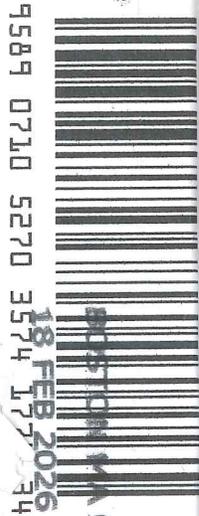
MJL/ms
cc TAG Central LLC
Franklin Conservation Comm.

Mark J. Lanza, Esq.
9 Danforth Square, Suite 4A4
Concord, MA 01742-2858

**RETURN RECEIPT
REQUESTED**

Conservation Commission
Franklin Municipal Building
355 East Central Street
Franklin, MA 02038

0203881952



POSTAL SERVICE
Retail



RDC 99



02038

U.S. POSTAGE P
FCM LETTER
SODD BURY, MA 0
FEB 17, 2026

\$10.77

R2304N117185-

**RETURN RECEIPT
REQUESTED**

