



March 9, 2023

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

**Re: 30 Uncas Brook Row  
MassDEP File No. 159-1263  
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the project entitled: **Notice of Intent for Repair of Subsurface Sewage Disposal System**, located at **30 Uncas Brook Row** in Franklin, Massachusetts. This letter is provided to present BETA's findings, comments and recommendations based on the most current Notice of Intent (NOI) submission.

## **BASIS OF REVIEW**

The following supplemental documents were received by BETA and will form the basis of the review:

- Letter entitled: **30 Uncas Brook Row Notice of Intent Filing**; prepared by Land Planning, Inc.; dated March 2, 2023.
- Plan (1 Sheet) entitled **Repair of Subsurface Sewage Disposal System**; prepared by Land Planning, Inc.; dated November 14, 2022 and revised through March 2, 2023; stamped and signed by Norman G. Hill MA P.E. No. 31887 and William D. Halsing MA P.L.S No. 45274.
- Architectural Plan (1 Sheet) entitled **Osbourne Renovations 33 Uncas Brook Road Franklin, MA**; prepared by Creative Designs by Scott Rapoza; dated September 26, 2022.

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

- Site Visit on February 22, 2023
- **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**

The Applicant provided revised materials and written responses to BETA's February 23, 2023 peer review letter. For ease of review, BETA's original comments from the February 23, 2023 peer review letter are included in plain text. Comment responses attributed to the Land Planning, Inc. (LPI) letter are provided in *italics* and prefaced with "LPI:", and BETA's most recent responses are provided in **bold** and prefaced with "**BETA2:**".

## SITE AND PROJECT DESCRIPTION

The Site includes one (1) parcel located at 30 Uncas Brook Row in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 316-004-000-000. The Site is bounded to the north by Uncas Pond, an 18.2-acre pond, and to the east, south, and west by residential units. The northern end of the parcel is improved with an existing dock, a maintained lawn, and a retaining wall.

Several 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 the following:

- Inland Bank (to Pond);
- Bordering Vegetated Wetland (BVW); and
- Land Under Water (LUW).

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

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of one dominant soil group at the Site consisting of Canton Fine Sandy Loam with a Hydrologic Soil Group (HSG) rating of B.

Proposed work is associated with the repair and construction of an underground sewage disposal system and includes the following activities (collectively referred to as "the Project"):

- Pump and fill of the existing cesspool;
- Installation of a 1,500 gallon septic tank and associated leaching field;
- Replacement of the existing foundation with a concrete foundation;
- Removal of one existing oak tree;
- Installation of a concrete retaining wall;
- Repaving the existing driveway upon completion of construction; and
- Installation of erosion controls.

The Project will result in temporary and permanent impacts within the buffer zone to BVW and Bank Subject to Protection under the Act and the Bylaw. At this time, the Applicant has not submitted adequate information to describe the Site and the work in compliance with the Act and the Bylaw.

**BETA2: Based on the supplemental materials, the Applicant has submitted adequate information to describe the Site and the work in compliance with the Act and the Bylaw, with the exception of the location of the Bank boundary.**

## 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)	✓ <b>BETA2</b>	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓ <b>BETA2</b>	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓	
Existing Structures and Improvements	✓ <b>BETA2</b>	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓ <b>BETA2</b>	
Registered PLS Stamp (Existing Condition Plans Only)	✓ <b>BETA2</b>	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓ <b>BETA2</b>	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

**PLAN AND GENERAL COMMENTS**

A1. A file number has been issued by the Massachusetts Department of Environmental Protection (MassDEP) with no technical comments.

*LPI: no response from LPI.*

**BETA2: No response required.**

A2. Provide a reference for the North Arrow (Bylaw Section 7.18.1.3.).

*LPI: reference added.*

**BETA2: Comment addressed.**

A3. Include the date(s) and method(s) of the topographic survey in the plan notes.

*LPI: date added to plan.*

**BETA2: Comment addressed.**

A4. A shed located in the northwest corner of the driveway is not depicted on the plans. The existing conditions plans should be updated to reflect all structures.

*LPI: a shed was added after the survey was completed, now 3 sheds are shown on the plan.*

**BETA2: Comment addressed.**

A5. Provide a Construction Schedule and Sequence in the plan notes (Bylaw Section 7.18.1.14.).

*LPI: data added to the plan.*

**BETA2: Comment addressed.**

- A6. Provide a stamp from a Massachusetts registered professional land surveyor on the project plans to verify existing conditions.

*LPI: added to the plan.*

**BETA2: Comment addressed.**

- A7. Include assessors' references of the abutting properties.

*LPI: data added to the plan.*

**BETA2: Comment addressed.**

## 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 proposed within buffer zone only and as such is not subject to specific Performance Standards under the Act. The Applicant has provided proof that the applicable interests of the Act are being protected during the Project; however, additional information regarding the proposed work is required including the means and methods of foundation replacement.

### RESOURCE AREA BOUNDARY COMMENTS

BETA conducted a Site visit on February 22, 2023 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw.

- W1. BVW boundary flagging appeared accurate and WF1 through WF4 were found in the field. Hydric soils observed within the flagged wetland were sandy with redoximorphic concentrations observed within 12" of the soil surface. Hydrophytic vegetation observed within the flagged wetland included highbush blueberry (*Vaccinium corymbosum*), pussy willow (*Salix caprea*), and red maple (*Acer rubrum*). Based on BETA's field observations, the BVW boundary appears accurate.

*LPI: no response from LPI.*

**BETA2: No response required.**

- W2. The Bank boundary of Uncas Pond was not delineated in the field or depicted on the plans. Accordingly, the buffer zone measured from this boundary cannot be confirmed as accurate. This boundary should be determined in the field in accordance with 310 CMR 10.54(2) and Chapter 181. Once flagged, the buffer zones should be adjusted accordingly.

*LPI: Northeast Ecological Services states that the edge of water is to be considered the edge of resource area (land under water body) for Uncase Pond, notes on the plan. There is no defined bank.*

**BETA2: Comment not addressed. The "edge of water" does not meet the definition of Bank, because surface water elevations are highly variable. Per 310 CMR 10.54(2)(a) "A Bank is the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland". The Town of Franklin Wetlands Protection Bylaw additionally defines Bank as "...being the first observable break in the slope or the mean annual flood level, which is higher".**

**While the Bank boundary has not been delineated in accordance with the relevant definitions, a definitive delineation may not be necessary for the Commission to issue an Order of Conditions for this specific project. This is because nearly the entire site is within the 100-foot buffer zone to the Pond, the majority of the onsite buffer zone has been previously altered, the Bank boundary observed is within ~10 feet of the edge of water, and a definitive delineation would not change the Project's compliance with the Act or Bylaw Performance Standards.**

**BETA defers to the Commission on whether they would like the Applicant to delineate the Bank of Uncas Pond.**

## **CONSTRUCTION COMMENTS**

W3. Provide additional information regarding the means and methods anticipated to upgrade the existing foundation under the existing dwelling.

*LPI: architectural plan being submitted.*

**BETA2: Comment addressed. The submitted architectural plan provides additional detail on the foundation / new basement construction.**

W4. Clarify whether the second story deck is proposed to be expanded.

*LPI: To remain.*

**BETA2: Comment addressed.**

W5. Plan notes indicate that "sheds are to be moved". Clarification should be provided regarding the general location of the sheds upon completion of construction and if they will remain in area south of the existing dwelling.

*LPI: Sheds will be moved during construction and returned to property in general vicinity after construction.*

**BETA2: Comment addressed.**

W6. The Notice of Intent indicates that post construction conditions will result in a similar amount of impervious surface to pre-construction conditions. The plans should be updated to clearly depict the limit of existing and proposed impervious area.

*LPI: The proposed driveway pavement is hatched in dots, the walks and concrete slab are labelled. The walk and concrete slab on the westerly side may be partially reconstructed. The walks and retaining walls on the south side of the house are to be removed.*

**BETA2: Comment addressed. It should be noted that it appears as though the driveway is being extended northerly, toward the house and over the existing cesspool. This extension will result in a net increase of impervious surface.**

W7. The location of existing stone and wood retaining walls, planters, and walkways south of the existing dwelling appear to be within the general area of the proposed septic system. Clearly indicate the disposition of these features on the plans and in the narrative.

*LPI: they are all to be removed as they conflict with proposed improvements, note added to the plan.*

**BETA2: Comment addressed.**

## MITIGATION COMMENTS

W8. Provide specifications of the proposed seed mix to be used to stabilize areas within 100 feet of the BVW. Additionally provide specifications for interim stabilization of exposed soils should the time of year be outside of the growing season.

*LPI: Notes added to the plan.*

**BETA2: Comment addressed.**

W9. The Notice of Intent indicates post-construction conditions to include plantings and landscaped areas. Proposed landscaped areas should be depicted on the plans. It is recommended that plantings consist of native species and be approved by the Conservation Agent prior to planting. The *Town of Franklin Best Development Practices Guidebook* provides a list of recommended plant species.

*LPI: The proposed landscaped area is on the south side of the dwelling, labelled 'planter' on the plan. A note regarding the selection list of proposed plantings has been added to the plan.*

**BETA2: Comment addressed.**

## WPA PERFORMANCE STANDARDS COMMENTS

The Project proposes work within the local buffer zone Resource Area. According to the Notice of Intent, the Project proposes 4,000 square feet of impact within the buffer zone to BVW. In addition, work is proposed within the buffer zone of Bank.

## BYLAW REGULATORY COMMENTS

W10. The Construction Sequence and Schedule provided within the narrative should also be provided on the proposed plans in compliance with Section 7.15 of the Bylaw Regulations.

*LPI: added to plan.*

**BETA2: Comment addressed.**

W11. The Erosion and Sedimentation Control Plan provided within the narrative should also be included on the Project plans as required under Section 7.12.1 of the Bylaw Regulations.

*LPI: added to plan.*

**BETA2: Comment addressed.**

## REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant has provided the Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw, with the exception of the location of the Bank boundary. However, as discussed in Comment W2, the Commission could find they have sufficient information to issue an Order of Conditions.

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

Ms. Breeka Lí Goodlander, Agent

March 9, 2023

Page 7 of 7

Very truly yours,  
BETA Group, Inc.



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Staff Scientist



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