



Highpoint Engineering, Inc.
Response to Peer Review Comments #1
07-28-2023

June 13, 2023

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

**Re: 100 Financial Park
MassDEP File No. 159-1270
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the project entitled: **100 Financial Park** located 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 Submission**; prepared by Highpoint Engineering, Inc., dated May 11, 2023.
- Plan set (45 Sheets) entitled **Warehouse/ Industrial Development Site Development Plans 100/200 Financial Park Franklin, Massachusetts**; prepared by Highpoint Engineering, Inc.; dated May 11, 2023; stamped and signed by Douglas J. Hartnett MA P.E. No. 37796. Inclusive of
 - **Limited/ Compiled Existing Conditions Plan for 100 & 200 Financial Park Franklin, MA**; prepared by Hancock Associates; dated October 24, 2022, last revised May 5, 2023; stamped and signed by John D. Bremser MA P.L.S No. 35380.
 - **Warehouse/ Industrial Dev. 100/200 Financial Park, Franklin, MA**; prepared by Michael D'Angelo Landscape Architecture; dated May 11, 2023; stamped and signed by Michael D'Angelo MA R.L.A No. 4006.
- Drainage report entitled **Stormwater Management Analysis**; prepared by Highpoint Engineering, Inc.; dated March 11, 2023.
- Wetland delineation report entitled **RE: 100 and 200 Financial Park, Franklin – Wetland Delineation Report**; prepared by Hancock Associates; dated March 15, 2023.

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

- Site visit on June 6, 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

SITE AND PROJECT DESCRIPTION

The approximately 51-acre Site includes two (2) parcels located at 100 and 200 Financial Park in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 312-020-000 and 312-020-001. The Site is bounded to the east by Washington Street, to the south by an industrial building, and to the north and west by Spring Pond, Mine Brook, and associated wetlands. Existing improvements at the Site include a 183,306 square foot (sf) office building, a 57,570 sf warehouse building, maintained lawn, landscaped areas, and paved parking areas.

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") present at the Site include Bordering Land Subject to Flooding (BLSF), Bordering Vegetated Wetlands (BVW), Bank (to a pond and intermittent stream), and Land Under Water (LUW). Riverfront Area associated with Mine Brook to the west and Dix Brook to the south is outside of the proposed limit of work.

The Site is located within a Zone II Wellhead Protection Area but is not located within Zone I or Interim Wellhead Protections Area. There are no Surface Water Protection Areas (Zone A, B, or C), 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 five NHESP-mapped Potential Vernal Pools located within 100 feet of the Site, but no NHESP-mapped Certified Vernal Pools.

According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C0308E, dated July 17, 2012, the Site is not located within the 100-year floodplain. A Flood Zone AE is mapped to the north and east of the Site with a Base Flood Elevation (BFE) of 241' (NAVD88), and a Flood Zone X is mapped to the east and west of the Site.

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, Hinckley loamy sand with a HSG rating of A, Merrimac fine sandy loam with a HSG rating of A, Merrimac Urban land complex with a HSG rating of A, and Udorthents with a HSG rating of A.

The Applicant seeks approval for construction of two new warehouse buildings within the buffer zone to BVW and Bank. Proposed work includes the following activities (collectively referred to as the "Project"):

- Demolition of the existing 183,306 sf office building;
- Construction of a 224,300 sf warehouse (Building 1) and construction of a 70,500 sf warehouse (Building 2);
- Removal of existing paved parking areas, fire pump house, and diesel fuel tanks;
- Paving of a newly configured parking area;
- Repaving a portion of the Financial Park roadway with heavy duty asphalt;
- Installation of retaining walls in multiple locations;
- Installation of new water, electric, telecommunication, sewer, and gas utilities;
- Construction of a crushed aggregate and stone dust pathways around the detention pond;
- Construction of concrete sidewalks and walkways in multiple locations;
- Construction of concrete loading docks south of Building 1 and north of Building 2;

- Construction of a paved trailer storage area at the rear of the existing 57,570 sf warehouse (Building 3);
- Construction of multiple subsurface infiltration systems and rain gardens;
- Construction of landscaped areas;
- Vegetation removal and grubbing;
- Site grading; 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.

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		✓ (See comment A2)
North Arrow (with reference)	✓	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled		✓ (See comment A3 and A4)
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓ (See comment A5)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference		✓ (See comment A6)
Survey Benchmark		✓ (See comment A7)
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

A1. MassDEP has issued a file number (DEP File No. 159-1270) and provided the following technical comments:

- "The Commission may want to require confirmation that Pond POA A was constructed, maintained and is functioning as designed".

HEI RESPONSE: Acknowledged. Pond POA A (West Detention Basin) was constructed as designed and has sufficient capacity to accept the runoff that is currently directed to it. The West Detention Basin also has additional peak runoff mitigation capacity, which was evaluated, analyzed and approved under the abutting 300 Financial Way project in 2017. The Detention Basin and associated common drainage collection elements are managed under a Reciprocal Easement Agreement (REA) between the three property owners within

the Park. The Basin will be inspected, operated, and maintained under the requirements of the REA.

- “MassDEP asks if other treatment BMPs including LID treatment techniques have been considered to provide further treatment for site runoff, particularly that which is directed to POA A Pond West. Possible examples include vegetated filter strips, infiltration trenches or rain gardens which may serve to further attenuate peak flows, reduce TSS, allow for additional infiltration and may be constructed with minimal additional impact”.

HEI RESPONSE: Low impact development treatment strategies are incorporated into the site stormwater design including pervious pavers, subsurface infiltration and bioretention/rain gardens to reduce peak runoff rates and provide reduction in TSS/Phosphorous concentrations in the post development runoff. Regarding the West Basin, a portion of the contributing watershed area associated with the Project has been reduced and redirected through the Project stormwater treatment train, reducing peak runoff to the Basin except for a de minimus 0.09 CFS increase for the 25-yr storm event. However, as demonstrated in Table 5 of the Revised Stormwater Report, the volume of stormwater released in the 25-year storm is less than Pre-Development conditions. The increase in peak runoff is associated with a slight increase in weighted runoff coefficient (CN) due to the change in impervious/pervious area ratio for the remaining watershed discharging from the Project site to the Basin, though the overall watershed area is reduced. As previously noted, this Basin has additional peak runoff mitigation capacity remaining to accommodate this de minimus increase. The remaining watershed that discharges from the Project site is fully developed, collected, and discharged via closed drainage system, and is not being altered as part of the Project. Retrofitting additional LID strategies cannot be reasonably incorporated within the existing drainage collection system for the existing developed area to remain on the Project site.

- A2. The Existing Conditions plan has a scale of 40’=1” but the Site Development plans are scaled at 50’=1” or 80’=1”. BETA defers to the Commission on the Bylaw requirement of plan scales at 40’=1” or larger per Bylaw Section 7.18.1.1.

HEI RESPONSE: Acknowledged. The Site Development plans are scaled at 50’=1” in order to fit the development area onto two sheets for ease of reference.

- A3. Buffer zones appear to be labeled on most sheets; however, line work is missing and certain buffer zones are missing on some sheets (i.e. sheets G100, C100, C400, C401 and Landscaping Plans). Recommend clearly depicting the 25, 50 and 100-foot buffer zones on all civil and landscaping sheets.

HEI RESPONSE: Buffer zone lines are now shown on all civil and landscaping sheets that are in plan view. The revised plans will be submitted under separate cover.

- A4. The FEMA Flood Zone AE is depicted on the Existing Conditions Plans, however, the BFE should be labeled. This boundary should also be depicted and labeled on the Site Development plans.

HEI RESPONSE: As noted on the Existing Conditions Plans Sheet 4 the base flood elevation is 241.4. This boundary is depicted on the Existing Conditions Plans as the Limit of the 100-Year Floodplain and on the Site Development Plans as the boundary of FEMA Flood Zone AE. The revised Site Development Plans will be submitted under separate cover.

- A5. Provide a Construction Schedule and Sequence in the plan notes, as required under Section 7.18.1.14. of the Bylaw.

HEI RESPONSE: A preliminary construction schedule is submitted for review (Attachment A). A detailed Construction Sequence Plan will be prepared by the selected General Contractor and submitted to Conservation/Planning Staff, Engineering/DPW, and the Peer Reviewer for consideration at the Pre-Construction Meeting.

- A6. Include assessors' references of the abutting properties.

HEI RESPONSE: Assessors' references of the abutting properties have been included on the Existing Conditions Plans.

- A7. Include the survey benchmark.

HEI RESPONSE: Survey benchmarks have been included. Please refer to Benchmark Table on the cover sheet of the Existing Conditions Plans.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite and completed a 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 is within buffer zone only and as such is not subject to specific Performance Standards under the Act. The Project is subject to the MassDEP Stormwater Standards and a review of compliance with these Standards has been completed as part of the Planning Board Review.

The NOI application includes narrative information describing the Project, and the proposed impacts within the buffer zone have been generally described. Mitigation measures include use of erosion controls and installation of Stormwater Best Management Practices (BMP's) to manage stormwater runoff from the new building and the new paved areas. Additional information is required to describe the effects of the work on the interests of the Act and the Bylaw, including demonstration of compliance with the Stormwater Management Standards, demonstration of compliance with the Bylaw, and reassessment of Resource Area boundaries.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on June 6, 2023 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 was limited to locations where the delineated boundary was within, or may be within, 100 feet of the Limit of Work (LOW).

- W1. Channelized flow along a hydraulic gradient was observed interior of the K-Series wetland in the vicinity of WF K314, which was not depicted on the Project plans. This stream meets the definition of a stream with protected Bank and Land Under Water (LUW). This stream is not mapped on the most recent USGS maps, but the Applicant should provide proof of the stream's status as intermittent using the Stream Stats method identified in 310 CMR 10.58 (2)(a)1.c.i. to ensure that the stream does not meet the definition of a River/perennial stream.

HEI RESPONSE: The Wetland Scientist acknowledges there is an unmapped stream channel internal within the K-Series wetland. In review of USGS StreamStats (Attachment B), the surface area of drainage contributing to this stream is 0.07mi² (significantly less than the 0.5mi² threshold to be considered perennial). Thus, this feature is conclusively an intermittent stream not subject to Riverfront Area or performance standards under 310 CMR 10.58 of the Wetlands Protection Act.

- W2. Hydric soil indicators consisting of a depleted matrix underlying a dark mineral layer within 12" of the soil surface were observed up to 20 to 30 feet upgradient of flag WF P-114. A dominance of hydrophytic vegetation including highbush blueberry (*Vaccinium corymbosum*), skunk cabbage (*Symplocarpus foetidus*), and cinnamon fern (*Osmundastrum cinnamomeum*) was observed in this area despite the presence of upland vegetation such as witch hazel (*Hamamelis virginiana*) and Canada mayflower (*Maianthemum canadense*).

HEI RESPONSE: This location was investigated during the wetland delineations. The Wetland Scientist found the soils to be highly disturbed and vegetative species composition to be extremely transitional, with both soils and plant species composition on the marginal cusp between jurisdictional wetland and upland. The area was ultimately dismissed as jurisdictional Bordering Vegetated Wetland (BVW) because the plant species composition did not meet the dominance criteria at the time of delineation.

In response to this comment, the Wetland Scientist revised and extended the P-series wetland flags to conservatively encapsulate this area. HEI acquiesces to including this area as wetland through adding four (4) wetland flags, P-114A through P-114D.

It is important to note, this wetland revision does not result in triggering any additional performance standards under the Wetlands Protection Act or Town of Franklin local bylaws. The revised wetland line merely broadcasts some additional buffer zone into the limits of proposed work, however the project summarily remains a buffer zone only redevelopment project with no expansion of altered footprint proposed at this location. Buffer zone impact calculations have been revised accordingly on revised Site Plans herein.

- W3. The L-Series Pond is approximately 61,000 square feet in area and meets the definition of a Pond under 310 CMR 10.04.

HEI RESPONSE: Acknowledged.

- W4. Hydric soil indicators consisting of a thick, dark mineral layer with prominent redoximorphic concentrations within 12" of the soil surface and hydrophytic vegetation including red maple (*Acer rubrum*), highbush blueberry, and soft rush (*Juncus effusus*) were observed approximately 5-10 feet upgradient of WF K-308. Where WF K-309 was missing in the field, it could not be determined whether this area was previously included within the delineation.

HEI RESPONSE: The Wetland Scientist reestablished flag K-309 in the field via GPS datum. Wetland Flag K-309 does encapsulate this 5-10 foot discrepancy observed. There are no hydric soils or dominance of wetland indicator plant species beyond the wetland flags and we affirm that the wetland is accurately delineated at this location as depicted on the permit Site Plans.

- W5. Although some flagging was observed to be missing in the field, their locations could be discerned and assessed as accurate by reviewing the existing conditions information provided by the Applicant, with exception to WF K-309 as discussed in comment W3. It is recommended that the Commission approve the flagged boundary for this filing only, with a recommendation that if any future Projects are proposed onsite, an updated delineation will be required.

HEI RESPONSE: Acknowledged.

- W6. The Center Line of an intermittent stream that connects the WF-F Series BVW to the WF-P Series BVW was flagged and depicted on the existing conditions plan. This watercourse meets the definition of a stream with protected Bank and Land Under Water (LUW). The Bank of this stream should be delineated to identify the onsite resource areas and accurately depict buffer zones.

HEI RESPONSE: These narrow intermittent drainage channels are at no point wider than 2 to 3 feet between Inland Bank. Centerlines of the narrow channels were delineated and the Wetland Scientist presumed a conservative 3 foot width of channel to broadcast the associated 100-foot buffer zone.

In response to comments, the Wetland Scientist returned to the site, removed the centerline flags, and delineated Inland Bank on both sides of these channels. This again merely broadcasts negligible additional buffer zone into the limits of proposed work, but the project summarily remains a buffer zone only redevelopment project with no expansion of altered footprint proposed at this location. Buffer zone impact calculations have been revised accordingly on revised Site Plans herein.

CONSTRUCTION COMMENTS

- W7. Material storage and laydown areas should be depicted on the Project plans and should be located outside of buffer zones.

HEI RESPONSE: Material storage and laydown areas are now depicted on Sheets C200 and C201 and are located outside of buffer zones. The Projects plans will be submitted under separate cover.

W8. Sheets C200 and C201 depict erosion controls consisting of straw wattles. Given the extent of development and grading, as well as the proximity of the work to the WF1 L100 and likely duration of construction, the plans should be revised to specify the use of 18-inch compost-filled silt sock.

HEI RESPONSE: Straw wattles have been replaced with 18-inch compost-filled silt socks on Sheets C200 and C201.

MITIGATION COMMENTS

W9. All plantings proposed within the 100' buffer zone should consist of species native to Norfolk County. The buffer zone boundary is not depicted on the Landscape Plans and as such it is unclear what species are proposed within the buffer zone.

HEI RESPONSE: All proposed plantings within the 100' buffer zone consist of species native to Norfolk County. The buffer zone boundary has been added to the Landscape Plans to be submitted under separate cover.

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 the local buffer zone Resource Areas.

HEI RESPONSE: Acknowledged.

BYLAW REGULATORY COMMENTS

W10. The Project proposes a crushed aggregate/ stone dust pathway around the L-Series Pond interior of the Site, which is partially within the 25 foot No-Disturbance buffer zone. A variance should be requested pursuant to Section 5 of the Bylaw Regulations. BETA defers to the Commission on granting this waiver.

HEI RESPONSE: The crushed aggregate/ stone dust pathway has been adjusted to be fully outside the 25 foot No-Disturbance buffer zone. The revised plans will be submitted under separate cover.

W11. The following materials must be submitted per the submission requirements of the Bylaw Regulations:

- a. A Construction Sequence and Schedule (Section 7.15).

HEI RESPONSE: A preliminary construction schedule is submitted for review (Attachment A). A detailed Construction Sequence Plan will be prepared by the selected General Contractor and submitted to Conservation/Planning Staff, Engineering/DPW, and the Peer Reviewer for review at the Pre-Construction Meeting.

STORMWATER MANAGEMENT

The Project proposes two rain gardens and seven subsurface infiltration systems to capture, store, and infiltrate stormwater. Conveyance to these Best Management Practices (BMPs) will be achieved via new closed drainage systems consisting of catch basins, manholes, water quality units, and roof leaders. Portions of the existing closed drainage system in the southern area of the Site will also be retained.

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Stormwater BMPs are proposed to connect to each other in series; overflow from these systems will ultimately discharge to the L-series jurisdictional pond in the northern portion of the Site through an existing culvert.

A review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations was issued to the Planning Board on May 25, 2023. Currently, the Project does not fully comply with the Massachusetts Stormwater Standards, and revisions to the design are required to comply with the Standards.

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.

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

truly yours,

BETA Group, Inc.



Elyse Tripp
Staff Scientist



Laura Krause
Project Manager

cc: Amy Love, Town Planner
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of Planning & Community
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