



October 11, 2023

Town of Franklin
Conservation Commission
355 East Central Street
Franklin, Massachusetts 02038

Re: RDA Supplemental Letter #2
121 Grove Street
Map 295, Lot 1 & Map 294, Lot 7
Franklin, Massachusetts 02038

Members of the Franklin Conservation Commission:

On behalf of Fairfield Residential Company LLC (Applicant), and in association with RJO'Connell & Associates, Inc. (RJOC), Lucas Environmental, LLC (LE) is pleased to submit this letter in response to the BETA Comment Letter, dated October 4, 2023. This response is submitted as a supplement to the Request for Determination of Applicability (RDA) for the proposed test pits for the subject property located at 121 Grove Street (Map 295, Lot 1 & Map 294, Lot 7) in Franklin, Massachusetts.

The following details BETA's comments presented in *italics* with LE's response in standard format.

PLAN AND GENERAL COMMENTS

A1. *BETA recommends that the Applicant depict the Buffer Zones associated with the IVW located at the northern extent of the Site.*

The Test Pit Location Plan, prepared by RJOC, revised through October 10, 2023, has been revised to include the Buffer Zones as requested.

A2. *The supplemental plans depict the intermittent streams identified by BETA during the ANRAD process but were not confirmed under the ORAD. The Conservation Commission may consider a condition of the Determination of Applicability (DOA) to state that the precise locations of these streams are not approved through the DOA.*

The Applicant concurs with such a condition.

CONSTRUCTION & MITIGATION COMMENTS

W1. *BETA recommends that the Applicant propose the application of native seed and/or other methods of stabilization following the advancement of test pits due to their proximity to Resource Areas. This could be considered by the Conservation Commission as a condition of the DOA.*

LE recommends the use of the New England Conservation/Wildlife Mix or an equivalent seed mix for areas that may require stabilization following completion of the test pits. See the following table. The seed mix has also been added to the Test Pit Location Plan.

NEW ENGLAND CONSERVATION/WILDLIFE MIX (OR EQUIVALENT SEED MIX)		
Common Name	Botanical Name	Indicator Species Status
Little Bluestem	<i>Schizachyrium scoparium</i>	FACU
Big Bluestem	<i>Andropogon gerardii</i>	FAC
Red Fescue	<i>Festuca rubra</i>	FACU
Indian Grass	<i>Sorghasturum nutans</i>	UPL
Switch Grass	<i>Panicum virgatum</i>	FAC
Partridge Pea	<i>Chamaecrista fasciculata</i>	FACU
Showy Tick Trefoil	<i>Desmodium canadense</i>	FAC
Butterfly Milkweed	<i>Asclepias tuberosa</i>	NL
Beggars Ticks	<i>Bidens frondosa</i>	FACW
Purple Joe Pye Weed	<i>Eupatorium purpureum</i>	FAC
Black Eyed Susan	<i>Rudbeckia hirta</i>	FACU
Heath Aster	<i>Symphotrichum pilosum</i>	FACU
Early Goldenrod	<i>Solidago juncea</i>	---

W2. *Portions of the test pits are located within forested areas at the Site. It is recommended that, as noted by the Applicant, impacts to vegetation be limited through the careful planning of access routes in the field. The Commission could consider requiring a review of the flagged access route prior to conducting the test pits so that removal of mature trees is avoided.*

The Applicant has indicated that they will avoid substantive vegetation, i.e., trees of more than three- to four-inch caliper through the access routes.

W3. *The Applicant should confirm if access to test pits TP-1 through TP-3 can be accomplished off of the Grove Street right-of-way to avoid a second Resource Area crossing.*

Access off Grove Street is problematic in that there are no ideal locations for unloading of equipment and raises safety concerns utilizing a public roadway for equipment access; therefore, it was not deemed viable for access, as a safer route is provided through the existing fields. Additionally, it would likely require more vegetation removal to get the equipment into the site off Grove Street.

WPA PERFORMANCE STANDARDS COMMENTS

W4. *The Applicant has filed the RDA under the Bylaw only and maintains that an Act filing is not required due to the Buffer Zone exemption cited at 310 CMR 10.02(b)(2)g2. However, Resource Area crossings are required for the test pits; therefore, it is recommended that the Applicant also submit the RDA filing to MassDEP and provide the Conservation Commission with proof of submission.*

The RDA application was filed with MassDEP for this project. Verification of the submission on July 7, 2023 via FedEx is attached.

BYLAW REGULATORY COMMENTS

W5. *Although Section 1.2 of the Bylaw states that the advancement of test pits for the purposes of preparing an application to the Conservation Commission do not constitute an alteration, the Project will entail the removal of vegetation up to four (4) inches in caliper diameter, and the crossing of Resource Areas for access. Accordingly, the Applicant should provide a Variance request for the Resource Area crossings per Section 5 of the Bylaw Regulations, notwithstanding the historically disturbed condition of portions of the crossings. No existing crossing appears to be present at the southern crossing. As required by the Bylaw Regulations, this Variance request should discuss alternatives.*

Per Section 5 of the Bylaw Regulations, the Applicant respectfully requests a Variance from the Bylaw Regulations for the proposed test pit work requiring access through two disturbed wetland/stream crossing locations and the 25-Foot No Touch Zones as identified on the Test Pit Location Plan. The proposed work is required to advance the engineering design for the proposed project and will have no adverse effect to the wetland resource areas. As previously noted, impacts are not anticipated as the test pits will be completed as follows:

- Through the use of a rubber-track mounted excavator;
- Access routes that meander primarily around the upland; and
- Both crossings are in areas where lawn tractors mow the fields and so the excavator crossing is almost incidental to the regular maintenance operations. No wetland vegetation will be altered.

There are no viable options to the northern portion of the site other than following the existing access through the agricultural field. Any other access would require new wetland crossings, temporary wetland impacts for vegetation clearing, and restoration. The proposed path has no wetland impacts and is the best viable option.

The only other option to the southern portion of the site is off Grove Street; however, as discussed in Response to Comment #W3, this option is not viable due to safety concerns. No vegetation will be altered with access over the existing stream in the field, as noted above.



W6. *The Applicant should clarify if any removal of vegetation is required within the 25-foot No Alteration Zone for access based on present-day Site conditions. It is recommended that any vegetation removal be avoided within the 25-foot No Disturb Zone. If this vegetation removal is required, it is recommended that this information be included in the Variance request. The southern crossing may require removal of tall herbaceous vegetation based on the location proposed by the Applicant.*

Vegetation removal should not be necessary in the 25-Foot No Touch Zone; however, it is included in the Variance request if required for access to the northern portion of the site.

The Applicant believes the information provided herein and enclosed addresses BETA's comments and the Conservation Commission can evaluate the proposal and allow the test pit program to proceed. We look forward to discussing this further at the public hearing on October 19th.

Enclosed please find one (1) original and one (1) copy of the RDA supplemental information and full-size plan, and six (6) copies of the reduced 11x17 plans. A link to an electronic copy of the pdf file of this response will be provided concurrently with this submittal via email.

If you have any questions, please do not hesitate to contact me at 617.405.4140 or cml@lucasenviro.com. Thank you for your consideration in this matter.

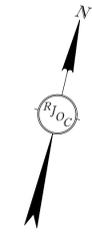
Sincerely,
LUCAS ENVIRONMENTAL, LLC

Christopher M. Lucas, PWS, CWS, RPSS
Environmental Consultant/Wetland & Soil Scientist

Enclosures:

1. Test Pit Location Plan, dated October 10, 2023
2. Test Pit Access Plan, dated October 10, 2023
3. Proof of MassDEP Submission via FedEx

cc: Bryn Smith – Owner (electronic copy)
Fairfield Residential Company LLC, Robb Hewitt, Applicant (electronic copy)
R.J. O'Connell & Associates, Inc., Brian McCarthy (electronic copy)
MassDEP – CERO

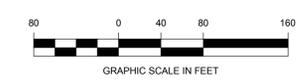


LEGEND

TP-X PROPOSED TEST PITS

PROPOSED ACCESS ROUTE

- NOTES:**
- THIS PLAN DEPICTS TEST PIT LOCATIONS ANTICIPATED REQUIRED IN ORDER TO PERFORM INVESTIGATIONS REQUIRED FOR LAND DEVELOPMENT.
 - ON-SITE JURISDICTIONAL AREAS DEPICTED HEREON ARE AS ESTABLISHED BY THE ORAD ISSUED BY THE FRANKLIN CONSERVATION COMMISSION DATED 05/11/2023.
 - WETLAND FLAG SERIES FRW OFF THE SOUTHEAST CORNER OF THE SITE WERE REPORTEDLY FLAGGED IN AUGUST OF 2021 FOR THE OWNER OF THE ABUTTING PROPERTY. THEY WERE FIELD LOCATED BY GUERRIERE & HALNON, INC IN JANUARY OF 2022.
 - EQUIPMENT WILL BE RUBBER TRACK MOUNTED EXCAVATOR TO MITIGATE RUTTING.
 - PROPOSED ACCESS ROUTE AS SHOWN IS ESTIMATED AND INTENDED TO REPRESENT HOW ACCESS INCLUDES CROSSING BORDERING VEGETATED WETLAND AT MOST NARROW POINTS.
 - CROSSING #1 IS VIA A ROUTE CURRENTLY USED BY FARM EQUIPMENT FOR MOWING AND CROSSES AND EXISTING CULVERT. NO WETLAND VEGETATION WILL BE ALTERED.
 - CROSSING #2 IS ACROSS INTERMITTENT STREAM 1 BUT IN A LAWN AREA CURRENTLY MOWED. NO WETLAND VEGETATION WILL BE ALTERED.
 - EQUIPMENT WILL MEANDER AND ATTEMPT TO AVOID HAVING TO PUSH OVER EXISTING TREES. PROPOSED TEST PIT LOCATIONS CAN BE ADJUSTED IN THE FIELD TO BEST ACCOMMODATE EXISTING TERRAIN AND VEGETATION TO DECREASE DISTURBANCE.



Drawing name: C:\MA\Fairfield\Residential\121 Grove Street\Exhibit\22016_TP_ACCESS_PLAN.dwg
Oct 11, 2023 - 15:26pm



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NO.	REVISION	DATE
3.	ADDED I/VW BUFFER ZONES	10/10/2023
2.	ADDED SUPPLEMENTAL INFORMATION RE ACCESS	9/22/23
1.	ADD OFFSITE WETLANDS & BUFFER ZONES (OFF SE CORNER)	07/13/2023

DESIGNED BY: MAC
 DRAWN BY: MAC
 REVIEWED BY: BJM
 SCALE: 1" = 80'

PREPARED FOR:
FAIRFIELD RESIDENTIAL COMPANY LLC
 30 BRAINTREE HILL PARK
 SUITE 105
 BRAINTREE, MA 02184

SEAL:

PREPARED BY:
RJO'CONNELL & ASSOCIATES, INC.
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
 90 MONTVILE AVENUE, SUITE 201 STONHAM, MA 02180
 PHONE: 781.279.0180 RJOCONNELL.COM

PROJECT NAME:
FAIRFIELD AT GROVE STREET
 FRANKLIN, MA

DRAWING NAME:
TEST PIT ACCESS PLAN

DRAWING NUMBER:
TP-2

DATE:
 06/23/2023

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 Address 2: Suite 201
 City/State: Stoneham, MA
 Postal code: 02180
 Country: US

Ship To

Company: **MassDEP Southeast Regional Office**
 Recipient:
 Address 1: 20 Riverside Drive
 Address 2:
 City/State: Lakeville, MA
 Postal code: 02347
 Country: US
 Phone: 508-946-2700

Ship Date: 07/06/2023 10:37 AM
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 POD:
 Carrier: **FEDEX**
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3	Package in transit	07/06/2023	7:02 PM EST	PICKED UP	PEABODY, MA	
4	Package in transit	07/06/2023	8:35 PM EST	LEFT CARRIER ORIGIN FACILITY	PEABODY, MA	
5	Package in transit	07/06/2023	9:00 PM EST	AT DESTINATION SORT FACILITY	EAST BOSTON, MA	
6	Package in transit	07/07/2023	8:42 AM EST	AT LOCAL CARRIER FACILITY	RAYNHAM, MA	
7	Out For Delivery	07/07/2023	9:26 AM EST	ON CARRIER VEHICLE FOR DELIVERY	RAYNHAM, MA	
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