



October 11, 2023

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

**Re: 3 Mount Street
MassDEP File No. 159-1275
Notice of Intent Peer Review Update**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed the revised documents and plans submitted for the proposed single-family home and septic system installation at **3 Mount Street** in Franklin, Massachusetts (the "Site"). This letter is provided to present BETA's findings, comments, and recommendations.

BASIS OF REVIEW

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

- Letter entitled ***RE: Comments from BETA: 3 Mount Street Franklin***; prepared by Guerriere & Halnon, Inc.; dated September 29, 2023.
- Plans (4 Sheets) entitled ***Notice of Intent Plot Plan 3, Mount Street Franklin, Massachusetts***; dated August 8, 2023 and revised September 28, 2023; prepared by Guerriere & Halnon, Inc.
- Plans (3 Sheets) entitled ***Site Development & Facilities Plan Lots 1,2,3, and 4, 3 Mount Street in Franklin, Massachusetts***; dated September 26, 2022; prepared by Guerriere & Halnon, Inc.; stamped and signed by Robert J. Duff MA P.E. No. 40707.
- Soil Testing attachment; prepared by Guerriere & Halnon, Inc.

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

- Site visit on September 1, 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—OCTOBER 11, 2023

The Applicant has provided written responses and supplemental documents pursuant to BETA's September 20, 2023 peer review letter. BETA's original comments from the September 20, 2023 peer review letter are included in plain text. Comment responses attributed to the Guerriere & Halnon, Inc. (GH) letter dated September 29, 2023 are provided in *italics* and prefaced with "GH:", and BETA's most recent responses are provided in **bold** and prefaced with "**BETA2:**".

At this time, the Applicant has provided sufficient information to describe the Site, the work, and the effects of the work on the interests of the Act but has not provided sufficient information to document compliance with the Bylaw.

SITE AND PROJECT DESCRIPTION

The Site consists of 4 parcels totaling in approximately 10.4 acres located at 3 Mount Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcels 330-110-001 (Lot 1), 330-110-002 (Lot 2), 330-110-003 (Lot 3) and 330-110-004 (Lot 4). The proposed dwelling is located on Lot 4 which will connect to a proposed shared septic system for Lots 2, 3, and 4. A leaching field associated with the septic system is proposed on Lot 1. The Site is bounded to the east by residential properties, to the south by a Mount Street and agricultural land, to the north by residential properties and undeveloped woodland, and to the west by Upper Union Street. Existing improvements at the Site include a driveway, remnants of home that was previously destroyed by a fire, and barn structure on Lot 2; a driveway and existing home on Lot 3; woodlands and a cleared, maintained lawn area on Lot 1; and scrub shrub vegetation and undeveloped woodlands on Lot 4. Topographic relief is present from west to east and consists of approximately 50 feet in elevation change.

According to the Applicant, 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 Vegetated Wetland (BVW).

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protection Areas, and there are no Surface Water Protection Areas (Zone A, B, or C) or Outstanding Resource Waters (ORWs). There are no 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 Potential Vernal Pools or Certified Vernal Pools located within 100 feet of the Site. According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C0317E, dated July 17, 2012, the Site is not located within the 100-year floodplain.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Charlton-Hollis-Rock outcrop complex, 3 to 9 percent slope with a Hydrological Soil Group (HSG) rating of A/D and Charlton-Hollis-Rock rock outcrop complex, 8 to 15 percent slope with an HSG rating of B/D.

The Applicant seeks approval for the construction of a single-family home and a shared septic system within the Buffer Zone to BVW. Proposed work includes the following activities (collectively referred to as the "Project"):

- Installation of erosion controls;
- Construction of a single-family home an attached garage, and a driveway on Lot 4;
- Installation of a portion of the septic system on Lots 2 and 3;
- Installation of a private well on Lot 4;
- Construction of a leaching field on Lot 1;
- Installation of a gravity sewer main;
- Vegetative clearing and grubbing; and
- Grading.

The Project will result in temporary and permanent impacts to Buffer Zone. Work proposed within Buffer Zones includes the proposed driveway and portion of the proposed garage on Lot 4, installation of portions of the septic system on all lots, and construction of the leaching field on Lot 1.

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)	✓	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation		✓ (BETA2: See comment A2)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓ (BETA2: See comment W6)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓ (BETA2:)	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

A1. MassDEP has issued a file number (DEP File No. 159-1275) with no technical comments.

GH: No further action required.

BETA2: No further comment.

A2. Existing vegetation on Lot 4 as shown on the Project plans does not appear accurate to what was observed in the field, as the entire lot is currently vegetated. The Project plans should depict accurate existing conditions information and provide a comprehensive limit of vegetative clearing and the proposed lawn areas on Lot 4, and the tree line on Lot 1 per Section 7.18.1.5 of the Bylaw.

GH: The plan has been updated to reflect the current field conditions as requested.

BETA2: Comment partially addressed. The existing conditions plan has been revised and now depicts an existing stone drive on Lot 4. Although the proposed lawn areas within the Buffer Zone on Lot 4 have not been identified, the Applicant should confirm that tree clearing is not required to establish lawn on Lot 4. The tree line remains missing from Lot 1; however, individual trees have been identified where they exist within the Project area and the Applicant

has confirmed that no tree removal is required for work on Lot 1 (Comment 5). BETA defers to the Commission for approval of the Project based on existing and proposed vegetative conditions as currently depicted.

It was discussed during the October 5, 2023 hearing that the Applicant would amend the existing conditions plan to reflect current vegetative cover on Lot 4; the Commission could consider the submission of a revised existing conditions plan to be a condition of approval.

A3. Depict Assessors' references for the abutting properties on the plans.

GH: Assessors information has been added to the plan.

BETA2: Comment addressed.

A4. The septic design plan referenced in the plan notes should be provided to the Conservation Commission for the Project record.

GH: Enclosed please find plans entitled "Site Development & Facilities Plan – Lots 1,2,3, and 4 Mount Street, Franklin, Massachusetts" dated September 28, 2022 prepared by Guerriere & Halnon

BETA2: Comment addressed. The referenced plan has been provided.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review 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 within Buffer Zone only and is accordingly not subject to the Resource Area Performance Standards set forth by the Act. However, the Applicant is still required to provide evidence that the applicable interests of the Act are being protected during the construction of the Project. The Project is not subject to the MassDEP Stormwater Standards.

The NOI application includes narrative information describing the Project, and the proposed impacts within Buffer Zone have been quantified and generally characterized. However, the change in impervious area at the Site as a result of the Project must be calculated to determine mitigation measures that may be required within Buffer Zone pursuant to the Bylaw. The Applicant should also provide details that indicate the proposed seed mixtures and restoration/stabilization procedures for upland areas.

At this time, the Applicant has not provided sufficient information to describe the Site, the work, or the effects of the work on the interests of the Act or Bylaw.

BETA2: The Applicant has provided sufficient information in the revised submittal to describe the Site, the work, and the effects of the work on the interests of the Act but has not provided sufficient information to document compliance with the Bylaw. The submitted construction schedule and sequence does not describe specific proposed activities as required by the Bylaw, and existing/proposed vegetative cover on Lot 4 remains unclear as noted above in Comment A2.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on September 1, 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) and located within the subject Site. The wetland

boundary appeared to coincide with the toe of slope, and hydrophytic vegetation, hydric soils and hydrology were observed in the field.

- W1. Flagging in the field was observed as missing, sun faded, or torn, however, locations of flags could be discerned and assessed as accurate by reviewing the existing conditions information provided by the Applicant. It is recommended that the Commission approve the flagged boundary for this filling only and that any future work at the Site be subject to an updated wetland delineation.

GH: Acknowledged. No further action required at this time.

BETA2: No further comment.

- W2. BETA recommends that the Commission excludes approval of any wetland flags located on abutting properties, specifically flag GC-75 located on 7 Mount Street (Assessors ID: Parcel 331-037-000).

GH: Applicant defers to the Commission for further discussion if necessary.

BETA2: No further comment.

CONSTRUCTION COMMENTS

- W3. Material storage and laydown areas should be depicted on the Project plans and located outside of jurisdictional areas.

GH: The material storage areas with erosion controls have been added to Sheet 2.

BETA2: Comment addressed. Material storage areas with downgradient perimeter erosion controls have been depicted within an upland area on Sheet 2 of the revised plan set.

- W4. The Applicant should clarify if the remains of the existing house lost to a fire will be removed as part of the Project. If so, additional erosion controls should be provided to demarcate the associated LOW.

GH: A note has been added to the plan located on Sheet 2 under general notes.

BETA2: Comment addressed. Note 10 under General Notes on Sheet 2 indicates the remains of the existing house will be removed and erosion controls will be placed around the ruins. It is anticipated that this area will be stabilize consistently with other work areas at the Site.

- W5. The leaching field is proposed in the location of existing trees. The Applicant should indicate which trees will be removed on the Project plans, as the Commission may request mitigation for the loss of trees within jurisdictional areas.

GH: The plan has been updated to reflect current conditions. No trees within the area of the leaching field are proposed to be removed.

BETA2: Comment addressed; the updated existing conditions survey indicates that no trees are located within the footprint of the proposed leaching field.

MITIGATION COMMENTS

- W6. Provide specifications of the proposed seed mixture(s) proposed for the stabilization of disturbed areas within Buffer Zone. BETA recommends that native species that provide wildlife habitat value be proposed within Buffer Zone wherever ongoing maintenance is not required (such as lawn areas).

GH: A note has been added to sheet 2 for New England Conservation/ Wildlife Mix to be placed within the disturbed buffer zones.

BETA2: Comment addressed.

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 Buffer Zone and local the Buffer Zone Resource Areas.

BYLAW REGULATORY COMMENTS

W7. Provide a Construction Schedule and Sequence in the plan notes as required under Section 7.18.1.14. of the Bylaw.

GH: In accordance with Section 7.18.1.14 of the Town of Franklin Conservation Commission Regulations, a construction schedule and sequence has been added to Sheet 4 of 4.

BETA2: Comment not addressed. The provided construction schedule and sequence as shown on Sheet 3 of the project plans appears to be representative of additional erosion control notes and does not indicate Project sequencing beyond the installation and inspection of erosion controls. BETA defers to the Commission on whether the submission of a revised construction schedule could be a condition of approval.

W8. An Alternative Analysis has been submitted as required under Section 7.13 of the Bylaw for location of septic system components within the 100-foot Buffer Zone. BETA defers to the Commission if the submitted Alternative Analysis complies with the Bylaw Regulations. At a minimum, the Applicant should provide evidence of the high groundwater encountered on Lot 4.

GH: The Applicant defers to the Commission for further discussion. Additional test pit data has been included for Lot 4.

BETA2: The Applicant has provided a plan with locations and data of completed test pits. This data supports that areas of ledge and high groundwater located on Lot 4 make the location of the septic system on Lot 4 (or otherwise outside of the Buffer Zone) infeasible. BETA defers to the Commission on whether the submitted Alternatives Analysis is sufficient to demonstrate compliance with the Bylaw.

W9. Calculations should be provided to indicate if more than 30% of the 50–100-foot Buffer Zone on Lot 4 will be converted to impervious surfaces per Section 4.4.1 of the Bylaw Regulations. The calculations should be depicted on the Project plans. Impervious coverage beyond the 30% threshold within the 50–100-foot Buffer Zone may require additional mitigation per the Bylaw Regulations.

GH: Calculations for impervious coverage has been added to the plan. Total impervious coverage within the 50ft – 100ft. buffer is equal to 10.3%.

BETA2: Comment addressed. Impervious coverage proposed within the 50–100-foot Buffer Zone is less than the 30% threshold per Section 4.4.1.; therefore, additional mitigation under the Bylaw Regulations is not required.

Ms. Breeka Li Goodlander, Agent

October 11, 2023

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REVIEW SUMMARY

Based on our review of the revised NOI submittal and Project plans, the Applicant has provided sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Act but has not documented compliance with the Bylaw. Specifically, existing conditions on Lot 4 should be clarified and a revised Construction Schedule and Sequence should be provided.

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

Very truly yours,

BETA Group, Inc.



Anna Haznar
Staff Scientist



Jonathan Niro
Project Scientist

cc: Amy Love, Town Planner

Bryan Taberner, AICP, Director of Planning & Community Development

Matt Crowley, P.E., BETA