

October 4, 2023

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

**Re: 122 and 138 East Central Street
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the proposed addition and driveway improvements located at **122 and 138 East Central Street** in Franklin, Massachusetts. 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:

- Revised Plan Set entitled ***Site Plan 122 and 138 East Central Street***; prepared by United Consultants, Inc.; dated July 27, 2023; revised September 25, 2023; signed and stamped by Carlos A. Quintal PE No. 30812 and Andrew C. Murphy MA PLS NO. 35042; 7 sheets.
- Revised Alternative Analysis entitled ***122 and 138 East Central Street – Alternative Analysis***; prepared by United Consultants, Inc.; dated July 27, 2023; revised September 25, 2023.
- Peer Review Comments entitled ***122-138 East Central Street Site Plan Peer Review***; prepared by United Consultants, Inc.; dated September 25, 2023.

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

- Site Visit on August 21, 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 4, 2023

The Applicant provided revised materials and written comment responses to BETA's September 6, 2023 peer review letter. BETA's September 6, 2023 peer review comments are included in plain text. Comment responses attributed to United Consultant Inc. (UC), are provided in *italics*, prefaced with "UC:". BETA's most recent responses are provided in **bold**, prefaced with "BETA2:".

At this time, Applicant has provided the Conservation Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Bylaw.

SITE AND PROJECT DESCRIPTION

The Site includes two (2) parcels located at 122 and 138 East Central Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 286-028-000-000 and 286-027-000-000. The Site is bounded to the north by East Central Street, to the south by residential homes and Cross Street, to the east by residential homes and commercial businesses, and to the west by residential homes. The parcel currently consists of two (2) buildings and a parking lot with minimal topographic relief present. Vegetation observed within the upland areas at the Site include Japanese knotweed (*Fallopia japonica*), burning bush (*Euonymus alatus*) and Oriental bittersweet (*Celastrus orbiculatus*).

No 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") exist on the Site. Resource Areas subject to the Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively "the Bylaw") present at the Site include an Isolated Vegetated Wetland (IVW) which is jurisdictional as a Freshwater Wetland.

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; however, a Potential Vernal Pool is mapped northeast of the Site within 200 feet of the lot line. The Site is not located within Surface Water Protection Areas (Zone A, B, or C) or Zone I or Interim Wellhead Protections Areas. The Site is located adjacent to a Zone II Wellhead Protections Area; however, this area is located entirely outside of the limits of the Site.

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of various soil groups at the Site including Urban land with an unranked Hydrologic Soil Group (HSG), and Hollis-Rock outcrop-Charlton complex with a HSG rating of D.

Proposed work is associated with the redevelopment of a parking area and the construction of an addition on an existing building, inclusive of the following activities (collectively referred to as "the Project"):

- Redevelopment of a parking area;
- Removal of existing pavement and concrete pads;
- Installation of erosion controls;
- Repaving;
- Installation of a sidewalk with reinforced concrete curbing and a handicap ramp;
- Planting of landscaping plants;
- Application of loam and seed;
- Construction of an addition on an existing building; and
- Associated grading.

The Project will result in temporary and permanent impacts within the Buffer Zone to IVW.

ADMINISTRATIVE AND PLAN COMMENTS

BETA2: The plan set (as identified above) has been updated to include 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	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	BETA2: ✓	
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

A1. The Project was filed under the Bylaw only; therefore, no DEP file number has been issued.

UC: Agreed. No Comment.

BETA2: No further comment.

A2. The plan should be revised to include a note stating the source(s) and date(s) of the wetland delineation.

UC: A note has been added to sheet 4.

BETA2: Comment addressed.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA has 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 Bylaw. The Project is proposed adjacent to a Resource Area identified by the Applicant as an IVW that is jurisdictional under the Bylaw only.

The Project generally limits impacts to jurisdictional areas by proposing work within previously disturbed areas and proposing removal of existing pavement. However, further information should be provided to demonstrate that mitigation/revegetation can be provided where feasible and that the proposed work will not result in further propagation of invasive plant species. In addition, supplemental information should be submitted to the Conservation Commission to demonstrate full compliance with the submission requirements outlined in the Bylaw. Particularly, an Alternatives Analysis that is more specific to the work proposed within the 25-foot No Disturb Zone should be provided.

At this time, the Applicant has not provided the Conservation Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Bylaw.

BETA2: The Applicant has provided additional information in order to address the filing requirements of the Bylaw. In addition, further details have been provided regarding the management of invasive plant material, and the Applicant has now proposed to apply a native seed mix where turf lawn was previously proposed. At this time, the Applicant has provided the Conservation Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Bylaw.

RESOURCE AREA BOUNDARY COMMENTS

BETA conducted a Site visit on August 21, 2023 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Bylaw.

- W1. BETA concurs with the boundary of the IVW as delineated by the Applicant. Although upland vegetation such as Japanese knotweed was observed within the IVW, a dominance of hydrophytic vegetation including silky dogwood (*Cornus amomum*) and jewelweed (*Impatiens capensis*) was observed. Hydric soils consisting of a saturated, sandy/gravelly soil with redoximorphic concentrations near the surface were observed. BETA observed that uplands within approximately 2-5 feet of the delineated boundary consisted of pavement underneath 2-5 inches of soil. Vegetation with shallow root systems including Japanese knotweed has vegetated these areas.

UC: Agreed. No comment.

BETA2: No further comment.

- W2. BETA concurs with the determination that the IVW is isolated due to there being no observable surficial hydrologic connections to waterbodies or waterways.

UC: Agreed. No Comment.

BETA2: No further comment.

CONSTRUCTION COMMENTS

- W3. Inlet protection measures should be provided for the existing catch basins within the public right-of-way.

UC: A note has been added to install silt sacks at catch basins x-1 and x-2.

BETA2: Comment addressed, note is on sheet 4 of the plans.

- W4. Depict the location of laydown and/or stockpile areas on the Project plans. These areas should be sited outside of the Buffer Zone to the extent feasible.

UC: A laydown and stockpile area has been added to sheet 5.

BETA2: Comment addressed.

- W5. The Applicant should clarify if onsite populations of invasive plant species will be disturbed and require the use of best management practices (BMPs) during construction to prevent the spread of the invasive species. While eradication is likely outside of the scope of work, BMPs to limit spread of viable seeds and rhizomes should be provided if determined to be appropriate.

UC: A protocol has been added to sheet 5.

BETA2: The Applicant has noted that herbicide will be applied, and Japanese knotweed debris will be managed in accordance with local, state, and federal laws. While a detailed invasive species management plan has not been developed, the Commission could consider conditioning the Project to require coordinate with Commission staff prior to construction to ensure that Japanese knotweed is managed in a way that facilitates the establishment of the native wildflower seed mix. In addition, and as noted during the September 25, 2023 call between BETA, the Applicant, and the Conservation Agent, the area of treatment is relatively small and constrained by property boundaries. BETA defers to the Commission on whether the proposed commitment to invasive species management can be appropriately conditioned through the issuance of the Order of Conditions.

MITIGATION COMMENTS

- W6. Due to the widespread “Dutch Elm Disease”, BETA recommends replacing the proposed American elm (*Ulmus americana*) with an alternative native species.

UC: The proposed tree was changed to a Red Maple on sheet 5.

BETA2: Comment addressed.

- W2. The Applicant should provide details on whether areas where pavement is removed will become turf lawn or if the application of native wildflower seed (or similar) could be proposed. While many of these areas are outside of Conservation Commission jurisdictional, any jurisdictional areas should be assessed for the possibility of establishing additional native plantings.

UC: A note to provide wildflower planting has been added to sheet 5.

BETA2: Comment addressed; BETA agrees with the use of New England Wildflower Mix.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Resource Areas Subject to Protection under the Act.

BYLAW REGULATORY COMMENTS

The Applicant is proposing alterations within Areas Subject to Protection under the Bylaw, including the Buffer Zone Resource Area.

- W7. The Applicant should provide a Construction Schedule and Sequence in the plan notes (Bylaw Section 7.15.1).

UC: A construction sequence has been added to sheet 5.

BETA2: Comment addressed.

- W8. The Applicant should provide clarification on the purpose of the Variance request; it is assumed that this was submitted due to work within the 25-foot No Disturb Zone.

UC: The variance request was provided for work with the previously disturbed 25-foot No Disturb Zone.

BETA2: Comment addressed. BETA defers to the Commission on approval of the Variance request.

- W9. Per Bylaw Section 4.3.2, the Site consists of areas disturbed prior to June 29, 2006; therefore, impervious areas and structures within the 25 to 50-foot Buffer Zone may be permitted at the Commission’s discretion.

UC: The applicant is proposing the removal of areas of pavement and to pave within the 25 to 50-foot buffer zone.

BETA2: BETA defers to the Commission for permitting the work within the 25 to 50-foot Buffer Zone.

- W10. Due to the Applicant requesting a Variance, an Alternatives Analysis must be provided (Bylaw Section 7.13.1). The current Alternative Analysis does not comply with the requirements outlined in 310 CMR 10.58(4) as referenced in the Bylaw under Section 7.13.1. The Alternatives Analysis should be revised to discuss alternatives that could result in additional improvements to the 25-foot No Disturb Zone including further reductions in paved areas and an increase in vegetated areas, if practicable.

UC: Discuss Alternative Analysis and revisions.

BETA2: The Alternatives Analysis was updated to include an alternative that decreases pavement within the Buffer Zone, noting that it was not selected in order to comply with local parking requirements. BETA defers to the Commission on the adequacy of the revised Alternatives Analysis.

- W11. BETA defers to the Commission if additional mitigation offsets (e.g., further reductions in impervious area or installation of additional plantings) are required per Bylaw Section 4.4.1 due to more than 30% of the Buffer Zone being proposed as impervious. Existing pavement was observed in these areas during BETA's Site visit.

UC: To provide mitigation, the applicant has proposed to remove paving in close proximity to the IVW and to apply loam and plant the area with a wildflower mix.

BETA2: BETA concurs with the Applicant's approach to mitigation and defers to the Commission on their acceptance of this proposal.

- W12. The Applicant should provide a formal Vernal Pool Statement (Bylaw Section 7.7).

UC: A statement has been added to sheet 4.

BETA2: Comment addressed.

- W13. BETA recognizes that the Site is not subject the Massachusetts Stormwater Management Regulations due to the lack of Act jurisdiction. However, Section 4.3.1 of the Bylaw states that the Commission may condition the Applicant to use BMPs for stormwater management consistent with the most recent version of the Town of Franklin Best Development Practice Guidebook. It is BETA's understanding that the Project is currently under concurrent review with the Planning Board, inclusive of proposed stormwater management.

UC: That is correct. The plans have been revised to include a stone treatment at the edge of the proposed pavement. Refer to sheet 4 for the location.

BETA2: Comment addressed.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant has provided the Conservation Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Bylaw.

Ms. Breeka Li Goodlander, Agent

October 4, 2023

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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