

McArthur Environmental Consulting, LLC
57 Eaton Road
Framingham, Massachusetts 01701
mcarthurenvironmental@gmail.com
508-904-6440

October 25, 2022

Patrick Gallagher, Chairman
Franklin Conservation Commission
355 East Central Street
Franklin, MA 02038

Re: Notice of Intent
74 South Street
Franklin, Massachusetts

Dear Chairman Gallagher and Commissioners:

On behalf of the Applicants, Matthew and Sarah Moore, McArthur Environmental Consulting, LLC respectfully submits 2 copies of a Notice of Intent (NOI) for after-the-fact clearing of shrubs and stockpiling them within the state regulated 100-foot buffer zone to a wetland resource area. An Enforcement Order was issued by the Franklin Conservation Commission on 10/11/2022 for this unpermitted work. In addition, Mr. Moore is proposing to construct a 3,240 square foot barn in the backyard, behind the existing in-ground swimming pool in the outer 80 feet of the 100-foot buffer zone to a Bordering Vegetated Wetland at 74 South Street, Franklin, Massachusetts. In order to construct the barn, 5 trees within the buffer zone will need to be removed.

Notification to abutters within 300 feet of the project site has been made by certified mailing. A copy of the abutter notification form, the affidavit of service, and a list of abutters are provided in the NOI.

In accordance with the requirements of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00), a copy of the NOI has been sent to the Central Regional Office of the Massachusetts Department of Environmental Protection (DEP).

The total filing fee for this NOI is \$220.00 under the state regulations. A check made out to the Town of Franklin for \$122.50 (town's share of state filing fee) is enclosed. A check for \$97.50 (state share of the filing fee) has been sent to the DEP lock box. A check for \$200.00 made out to the Town of Franklin is also included in this filing to cover the local bylaw fee.

We look forward to presenting the project at the next regularly scheduled Conservation Commission hearing.

Sincerely,



Susan McArthur, Wetland Scientist
McArthur Environmental Consulting, LLC

Attached: (2) NOI Packets, 2 Checks (\$122.50, \$200.00)

CC: DEP Central Regional Office
Matthew and Sarah Moore, Applicant/Homeowner

Notice of Intent

**74 South Street
Franklin, Massachusetts**

Prepared for:	Matthew and Sarah Moore Franklin, Massachusetts
Prepared by:	McArthur Environmental Consulting, LLC Framingham, Massachusetts

October 2022

Table of Contents

Notice of Intent Forms

WPA Form 3
Resource Area Impact Summary Form
Property Access Signature Form

Notice of Intent Figures

Figure 1 - Site Locus Map
Figure 2 – Natural Heritage Endangered Species Map
Figure 3 – FEMA – Flood Insurance Rate Map

Notice of Intent Narrative

Introduction
Site Description
Work Description
Mitigation Measures
Regulatory Compliance
Summary

Filing Fee Information

Wetlands Fee Transmittal Form
Local Filing Fee Calculation Worksheet
Copy of Filing Fee Checks

Abutter Information

Abutter Notification Form
Affidavit of Service
Project Abutters

Site Photos

DEP Data Forms

Enforcement Order

Site Plan



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Franklin

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:

Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

74 South Street

a. Street Address

Franklin

b. City/Town

02038

c. Zip Code

Latitude and Longitude:

42.043710

d. Latitude

-71.428840

e. Longitude

341

f. Assessors Map/Plat Number

010

g. Parcel /Lot Number

2. Applicant:

Matthew and Sarah

a. First Name

Moore

b. Last Name

c. Organization

74 South Street

d. Street Address

Franklin

e. City/Town

MA

f. State

02038

g. Zip Code

270-836-7041

h. Phone Number

i. Fax Number

mmoore@blackfordusa.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Susan

a. First Name

McArthur

b. Last Name

McArthur Environmental Consulting, LLC

c. Company

57 Eaton Road

d. Street Address

Framingham

e. City/Town

MA

f. State

01701

g. Zip Code

508-904-6440

h. Phone Number

i. Fax Number

mcarthurenvironmental@gmail.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$220.00

a. Total Fee Paid

\$97.50

b. State Fee Paid

\$122.50

c. City/Town Fee Paid



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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A. General Information (continued)

6. General Project Description:

This is an after-the-fact filing for brush clearing and stockpiling within the 100-foot buffer zone to a BVW. This also includes proposed construction of a barn and the removal of 5 trees of varying species and sizes within the 100 foot buffer zone and a portion of the locally regulated 50-foot buffer.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Norfolk

a. County

30966

c. Book

b. Certificate # (if registered land)

577

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☒ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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MassDEP File Number

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City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here. _____	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



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C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

August 2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Franklin

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering **10 or more acres** of land, also submit:*

- (d) ☐ Vegetation cover type map of site

- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3. ☐ Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. ☐ Is this an aquaculture project?

- d. ☐ Yes ☐ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Franklin

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 - a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 - b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 - a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 - a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 - a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. ☐ A portion of the site constitutes redevelopment
 3. ☐ Proprietary BMPs are included in the Stormwater Management System.
 - b. ☒ No. Check why the project is exempt:
 1. ☒ Single-family house
 2. ☐ Emergency road repair
 3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Certified Plot Plan

a. Plan Title

Continental Land Survey, LLC

Christopher Charlton

b. Prepared By

c. Signed and Stamped by

October 18, 2022

1"=40'

d. Final Revision Date

e. Scale

Site Layout by N3 Architecture at 1"=30'

10/21/2022

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

444

10/21/2022

2. Municipal Check Number

3. Check date

446

10/21/2022

4. State Check Number

5. Check date

Sarah O.

Moore

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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Document Transaction Number

Franklin

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

October 21, 2022

2. Date

3. Signature of Property Owner (if different)

4. Date

October 18, 2022

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Town of Franklin Conservation Commission

RESOURCE AREA IMPACT SUMMARY FORM

The Franklin Wetlands Protection Bylaw Franklin Town Code Section 181

Resource Area	Alteration Proposed	Mitigation Proposed
Bordering Vegetated Wetland (SF)		
Bank (LF)		
Land Under Water Bodies (SF)		
Isolated Wetland (SF)		
Vernal Pool (SF)		
Buffer Zone (SF)	3,138 sf w/in 100' buffer 690 sf w/in 50' buffer	
Riverfront (SF)		
100-Year Floodplain (CF)		
(SF) = Square Feet (LF) = Linear Feet (CF) = Cubic Feet Flood Storage		

Town of Franklin Conservation Commission

PROPERTY ACCESS SIGNATURE FORM

I hereby request that the Franklin Conservation Commission review this NOI/RDA/ANRAD application. I (we) grant authority to the Franklin Conservation Commission members and agents to go onto my (our) property solely for purposes directly related to the inspection and approval of this application and for follow-up compliance with the permit conditions.



Signature of Property Owner

October 21, 2022

Date

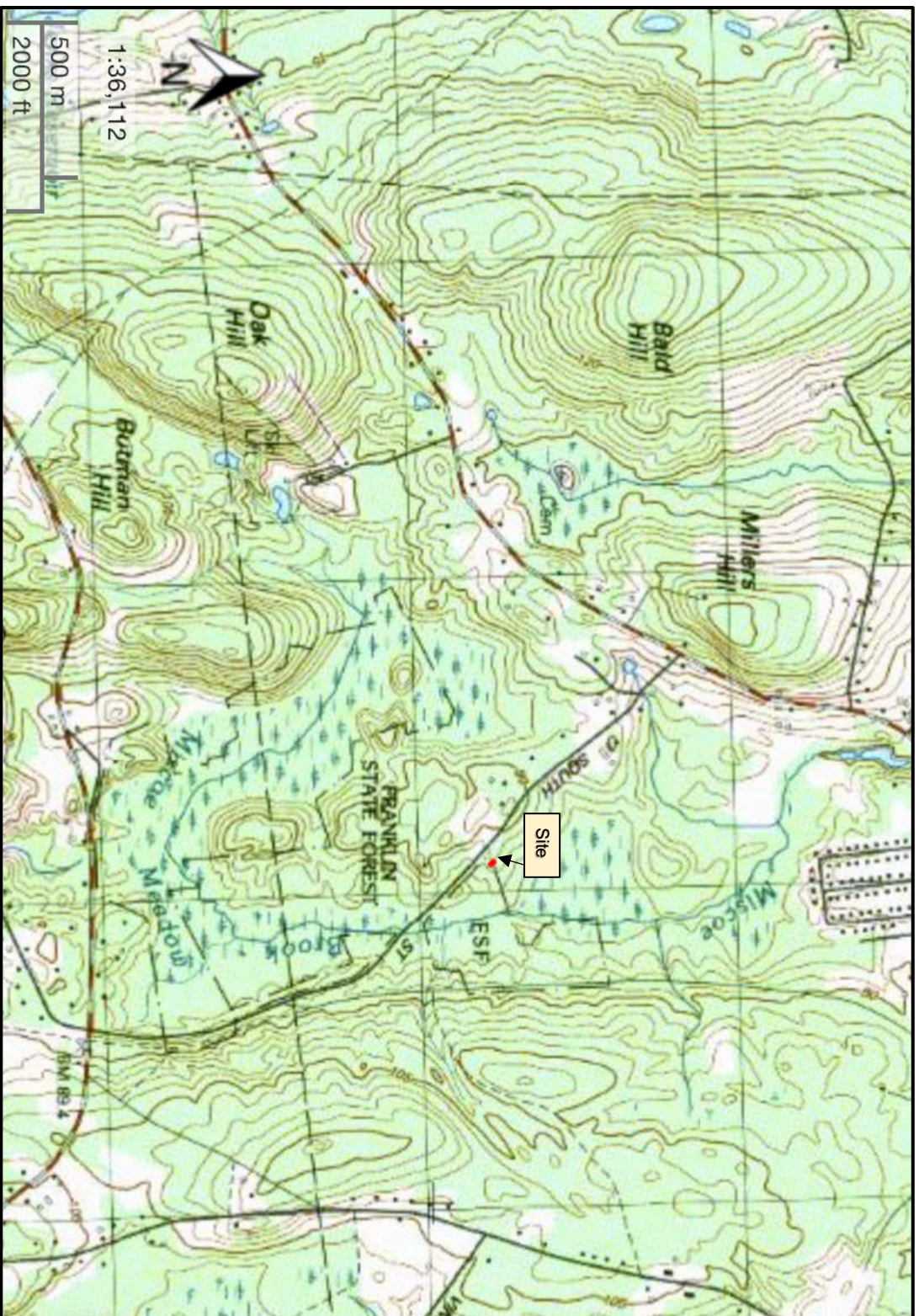


Figure 1 - Site Locus Map
74 South Street
Franklin, Massachusetts

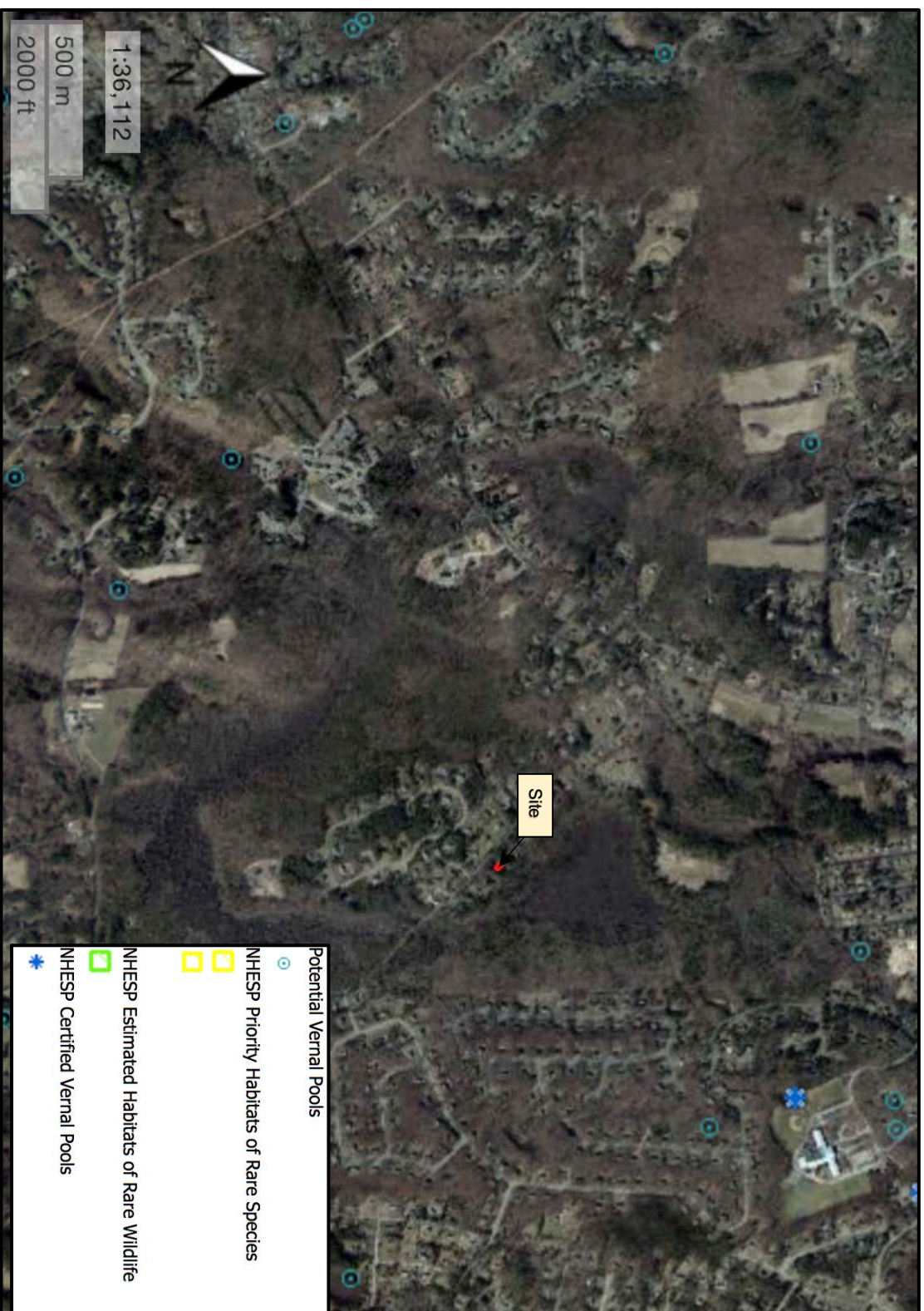


Figure 2 – Natural Heritage and Endangered Species Map
74 South Street
Franklin, Massachusetts



National Flood Hazard Layer FIRMette







Figure 3 - FEMA FIRM









Legend

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	 Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR  Regulatory Floodway
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OTHER AREAS OF FLOOD HAZARD	 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X  Future Conditions 1% Annual Chance Flood Hazard Zone X  Area with Reduced Flood Risk due to Levee. See Notes. Zone X  Area with Flood Risk due to Levee Zone D
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OTHER AREAS	 NO SCREEN Area of Minimal Flood Hazard Zone X  Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	 Channel, Culvert, or Storm Sewer  Levee, Dike, or Floodwall

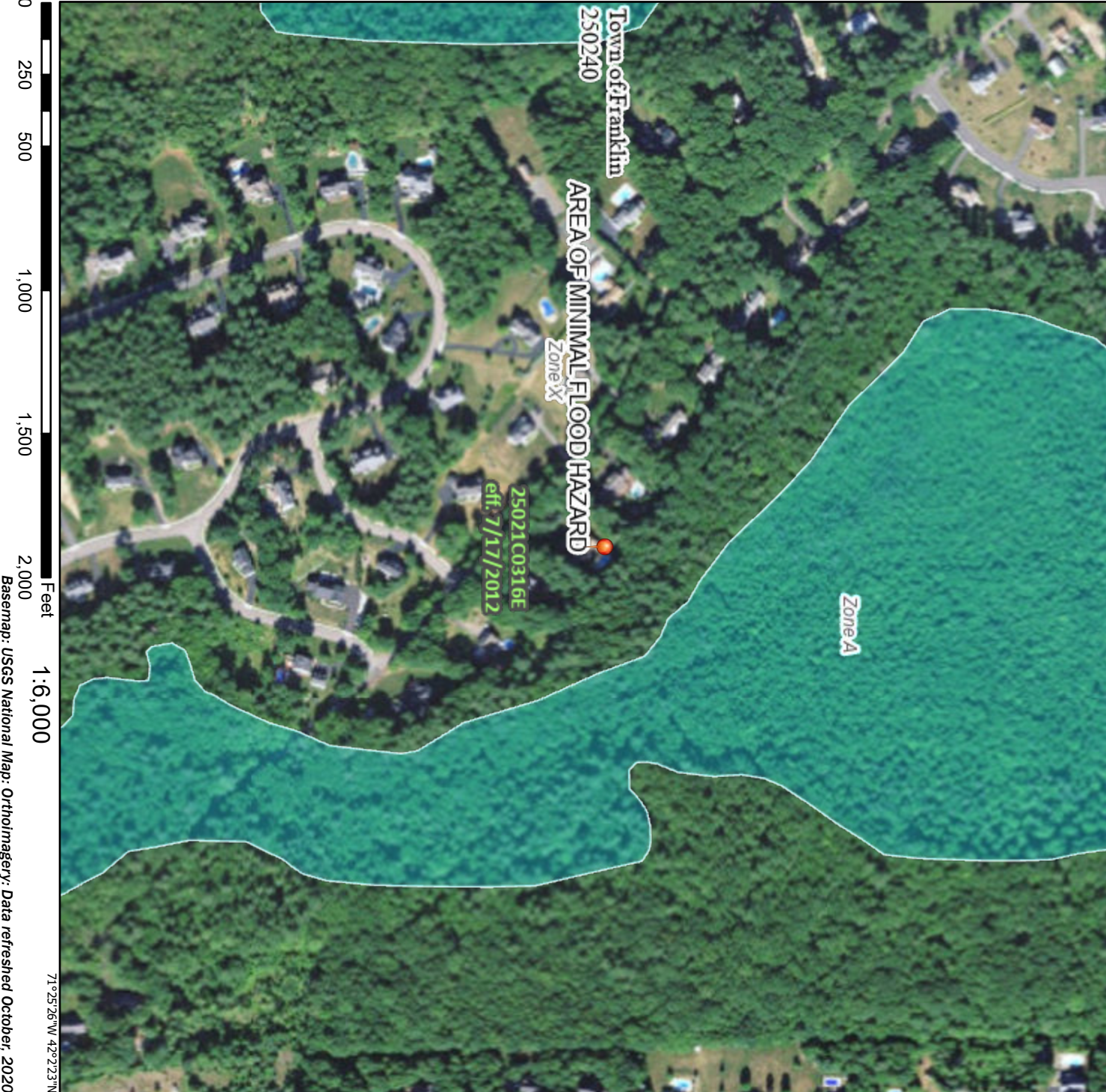
OTHER FEATURES	 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation  17.5 Coastal Transect  Base Flood Elevation Line (BFE)  Limit of Study  Jurisdiction Boundary  Coastal Transect Baseline  Profile Baseline  Hydrographic Feature
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MAP PANELS	 Digital Data Available  No Digital Data Available  Unmapped
 The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.	

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/12/2022 at 8:12 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmoderized areas cannot be used for regulatory purposes.



Introduction

This Notice of Intent (NOI) is being filed under the Massachusetts Wetlands Protection Act (WPA), M.G.L. Chapter 131, Section 40, and the Franklin Wetlands Protection By-law (Chapter 181) for after-the-fact brush cutting and stockpiling within the 100-foot buffer zone and a portion of the locally regulated 50-foot buffer zone to a Bordering Vegetated Wetland at 74 South Street in Franklin, Massachusetts. In addition, the Applicants, Matthew and Sarah Moore, are proposing to construct a 3,240 square foot barn in the backyard behind the existing in-ground swimming pool. In order to construct the barn, 7 trees will need to be removed. Five of the trees and a portion of the proposed barn lie within the 100-foot buffer zone to a Bordering Vegetated Wetland.

As a single-family home project, it is exempt from Massachusetts Stormwater Regulations.

Existing Conditions

The proposed project is located at 74 South Street in Franklin, Massachusetts (Figure 1 - Site Locus Map). The subject property is approximately .4 miles north of the Wrentham town line. It is listed on the Franklin Assessor's Maps as Parcel ID #341-010. The 1.79-acre parcel consists of a two-story wood framed single family home with an attached two-car garage, a paved driveway, a back deck, a landscaped lawn, an in-ground swimming pool with a surrounding fence, and forested uplands and wetlands. It is surrounded by residential properties to the south, east, and west. A large wetland complex is located immediately north of the subject property on land owned by the United States Army Corps of Engineers. Topography at the site varies, ranging from 116 feet in the front side yard to 90 feet at the wetlands at the rear of the property.

Behind the swimming pool in the backyard is a forested upland area which transitions to a forested wetland. The wetland is part of a large forested wetland complex associated with Miscoe Brook which is located off-property to the east. The boundary of the wetland was delineated on October 6, 2022 with pink survey flagging WF1-100 to WF1-110. Dominant vegetation within the wetland consists of red maple (*Acer rubrum*), eastern white pine (*Pinus strobus*), highbush blueberry (*Vaccinium corymbosum*), sensitive fern (*Onoclea sensibilis*), cinnamon fern (*Osmundastrum cinnamomeum*), and common greenbrier (*Smilax rotundifolia*).

The wetland resource area at the property is regulated as Bordering Vegetated Wetland (BVW). According to 310 CMR 10.55 (2), Bordering Vegetated Wetlands are freshwater wetlands that border on creeks, rivers, streams, ponds, and lakes. The boundary of BVW is determined by 50 percent or more wetland indicator plants, and evidence of hydric soils. A 100-foot buffer extends from the boundary of a BVW. Under the Franklin Wetlands Protection By-law, there is a 25-foot and a 50-foot buffer zone offset from the delineated wetland boundary.

According to the FEMA Flood Insurance information for Franklin (Community Panel Number 25021C316E dated 07/17/2012), a small portion at the back of the property lies within the 100-year flood plain (Figure 3 - FEMA FIRM Map). However, no work is proposed within this area.

According to the most recently published information using MassGIS for the Massachusetts Natural Heritage Endangered Species data, there are no Priority Habitats

of Rare Species, Estimated Habitats of Rare Wildlife, or Certified Vernal Pools that occur on or in the vicinity of the property (Figure 2 - NHESP Map).

Proposed Project

As previously discussed, shrubs and dead/downed trees have been removed and stockpiled within the 100-foot buffer zone, a portion of which lies within the 50-foot buffer zone to the wetland boundary. Proposed work includes removing the stockpiles and disposing them off-site, at a suitable location.

In addition, the Applicant is proposing to construct a 3,240 square foot barn in the backyard within this area. Approximately 460 square feet of this barn lies within the outer 80 feet of the 100-foot buffer zone to the BVW. This represents approximately 5.5 percent of the area within the 50 to 100 foot buffer zone. The barn will sit on a concrete slab foundation. In order to level off this area due to the sloping topography, approximately 1,200 cubic yards of fill will need to be installed. Grading will not extend into the 50-foot buffer zone.

Due to the location of the barn, and their proximity to the swimming pool, approximately 7 large trees will need to be removed. These trees consist of eastern white pine, red oak, and red maple of varying sizes. Five of the trees lie within the jurisdictional 100-foot buffer zone. The trees will be cut with a chainsaw and will then be bucked up, branches will be chipped, and logs will be used for firewood. The work will lie entirely within a previously disturbed area behind the swimming pool.

Access to this area of the backyard will be from the existing driveway. Eventually, the paved driveway will be extended down to the entrance to the new barn, outside of the jurisdictional 100-foot buffer zone. However, the Applicant would like to install a gravel bump-out of the driveway to swing vehicles out of the barn. Areas within the 100-foot buffer zone not covered by the barn or the gravel bump-out are proposed to be seeded with a conservation seed mixture.

In total, the proposed work within the buffer zones is equal to approximately 3,138 sf within the 100-foot buffer zone and 690 square feet within the locally regulated 50-foot buffer zone to a BVW.

Mitigation Measures

As previously discussed, the project incorporates mitigation measures to protect and enhance the site.

Erosion Control Barrier

An erosion and sedimentation control barrier consisting of siltation fencing has been installed at the downgradient limits of work to prevent sedimentation. The erosion control barrier will be inspected after every storm event. Any sediment that collects behind the barrier will be removed and will be either reused at the site or disposed of at a suitable offsite location. Any damaged sections of barrier will be repaired or replaced. The barrier will be maintained until the site has been stabilized following the completion of the project.

Cistern

A cistern will be installed adjacent to the proposed barn and existing swimming pool, outside of the 100-foot buffer zone to collect clean rooftop runoff from the barn. Roof runoff will be captured with gutters and directed to the cistern. The cistern will be sized to accommodate 270 cubic feet of volume.

Regulatory Compliance

The proposed work lies within the 100-foot buffer zone and a small portion within the 50-foot buffer zone to the BVW, however, no work is proposed within the locally regulated 25-foot buffer zone or within the wetland resource area. As previously stated, an erosion control barrier has been installed to prevent any sediment from reaching the wetland resource area during construction.

According the Franklin Wetland Regulations 4.4.1 "Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface."

As previously stated, approximate 5.5 percent of the 50 – 100 foot buffer zone is proposed to become impervious due to the construction of the barn.

Summary

The Applicants, Matthew and Sarah Moore, are filing this Notice of Intent for after-the-fact brush clearing and stockpiling, proposed construction of a barn, and the removal of 5 trees within the state regulated 100-foot buffer zone in the backyard of property located at 74 South Street in Franklin, Massachusetts. An erosion control barrier has been installed at the downgradient limits of work and a cistern will be installed to capture clean rooftop runoff from the proposed barn.

The Applicant requests that the Franklin Conservation Commission find that this project will not adversely impact the adjacent wetland and issue an Order of Conditions for work to proceed as described in this narrative.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

74 South Street

a. Street Address

446

c. Check number

Franklin

b. City/Town

\$97.50

d. Fee amount

2. Applicant Mailing Address:

Matthew and Sarah

a. First Name

Moore

b. Last Name

c. Organization

74 South Street

d. Mailing Address

Franklin

e. City/Town

MA

f. State

02038

g. Zip Code

270-836-7041

h. Phone Number

i. Fax Number

mmoore@blackfordusa.com

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1.a.	2	\$220.00	\$220.00
Step 5/Total Project Fee:			\$220.00

Total Project Fee:	<u>\$220.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$97.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$122.50</u>
	c. 1/2 Total Fee plus \$12.50

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

Page 2 of 2

Town of Franklin Conservation Commission

LOCAL FILING FEE CALCULATION WORKSHEET

1. NOTICE OF INTENT (NOI)

1.1. New Individual Single Family Home (SFH) \$200.00 X
This includes all projects associated with a SFH

1.2. Work Associated with Existing Residential Property
\$50.00 _____
Above-ground pools, fences or other incidental projects
involving land disturbance that are not covered by the MBZA

1.3. Control of Nuisance Vegetation \$50.00 _____
This category shall not apply to any non-natural
deposition of material e.g. vegetative debris

1.4. Subdivisions

Base Fee \$600.00 _____
Infrastructure in Buffer Zone **or** Resource Area
Roads _____ linear feet x \$2.00 = _____
*Drainage Structures _____ X \$10.00 each = _____
Wetland Resource Area Disturbed _____ square feet x \$0.50 = _____

(If single family homes are proposed as part of a subdivision
application, for each house in jurisdiction, individual NOI fees will apply.)

1.5. Multifamily Dwellings, including Condominium Units:
_____ MFDU x \$100.00 _____

1.6. Commercial/Industrial

Base Fee \$600.00 _____
Infrastructure in Buffer Zone **or** Resource Area

Roads	_____ linear feet x \$2.00	= _____
*Drainage Structures	_____ X \$10.00 each	= _____
Wetland Resource Area Disturbed	_____ square feet x \$0.50	= _____
Buildings	_____ X \$125 each	= _____
All Accessory Improvements	\$100.00	= _____

2. **REQUEST FOR DETERMINATION (RDA)** \$100.00

3. **MINOR BUFFER ZONE ACTIVITY (MBZA)** \$50.00

4. **ABBREVIATED NOTICE OF RESOURCE AREA DETERMINATION (ANRAD)**

\$0.50/foot/resource area: = _____

5. **OTHER PERMITS/SERVICES**

Order of Conditions Extension	\$50.00	_____
Certificate of Compliance Request	\$50.00	_____
Certificate Re-Inspection	\$50.00	_____
Status Letter for Financial Institution	\$100.00	_____
Permit Amendment	\$100.00	_____

6. **FILING FEE CALCULATION**

Town Share of State Fees (See NOI Wetland Fee Transmittal Form) \$ **\$122.50**

Local Filing Fee Calculated Above \$ **\$200.00**

TOTAL Due Town of Franklin (Check No.1) \$ **\$322.50**

State Share of Filing Fee (See NOI Wetland Fee Transmittal Form)

TOTAL Due DEP (Check No. 2) \$ **\$97.50**

7. **ADVERTISING FEE (Check No. 3)** **TBD**

The fee will be the exact amount the newspaper charges for that specific advertisement. Once the advertisement is placed with the paper, by the Conservation Commission, the applicant will be notified of the cost and will be expected to submit a check for that exact amount, payable to the Town of Franklin, to the Conservation Department prior to the first hearing.

*Drainage structures: catch basins, manholes, leaching basins, gutter inlet or any other man-made structure (other than a pipe) for purposes of controlling drainage.

Town of Franklin Conservation Commission

NOTIFICATION TO ABUTTERS

Under the Massachusetts Wetlands Protection Act And The Franklin Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following proposed project:

McArthur Environmental Consulting, LLC has filed a Notice of Intent with the Franklin Conservation Commission for the cutting shrubs and stockpiling debris, construction of a barn, and the removal of 5 trees within the 100-foot buffer zone on October 25, 2022, under the Wetlands Protection Act (M.G.L c.131 §40).

Copies of the Notice of Intent may be examined during regular office hours by contacting McArthur Environmental Consulting, LLC at mcarthurenvironmental@gmail.com

Copies may also be examined by contacting the Franklin Conservation Department located at 355 East Central Street, Franklin, MA, (508) 520-4929.

Notice of the public hearing including the date, time, and place will be published at least five (5) days in advance in the Milford Daily News.

Notice of the public hearing including the date, time, and place will be posted in the Franklin Town Hall at least forty eight (48) hours in advance of the public hearing.

The public hearing will be held on Thursday, November 10, 2022, at 7:00 PM, via Zoom, and can be accessed through the Conservation Commission agenda for that night, which will be posted on the Town's website 48 hours prior to the meeting. Please call the Conservation Department at (508) 520-4929 if you have any questions.

You may also contact the Massachusetts Department of Environmental Protection, Central Regional Office, Worcester, MA at (508) 792-7650.

Town of Franklin Conservation Commission

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of Environmental Protection and the Franklin Conservation Commission when filing a Notice of Intent)

I, Susan McArthur hereby certify under the pains and penalties of perjury that on October 25, 2022, I gave Notification to Abutters in compliance with second paragraph of Massachusetts General Laws Chapter 131, Section 40 in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by McArthur Environmental Consulting, LLC with the Franklin Conservation Commission on October 25, 2022 for property located on 74 South Street, Franklin, MA.

The Notification to Abutters form and list of the abutters to whom it was given and their addresses are attached to the Affidavit of Service.

Susan McArthur
Signature

October 20, 2022
Date



300 foot Abutters List Report

Franklin, MA
October 18, 2022

Subject Property:

Parcel Number: 341-010-000
CAMA Number: 341-010-000-000
Property Address: 74 SOUTH ST

Mailing Address: MOORE MATTHEW P&SARAH O TRS
MIRAGE TRUST
74 SOUTH ST
FRANKLIN, MA 02038

Abutters:

Parcel Number: 336-010-000
CAMA Number: 336-010-000-000
Property Address: SOUTH ST

Mailing Address: UNITED STATES OF AMERICA USA
ARMY CORP OF ENGINEER
696 VIRGINIA RD
CONCORD, MA 01742-2751

Parcel Number: 336-011-000
CAMA Number: 336-011-000-000
Property Address: SOUTH ST

Mailing Address: UNITED STATES OF AMERICA
696 VIRGINIA RD
CONCORD, MA 01742-2751

Parcel Number: 336-019-000
CAMA Number: 336-019-000-000
Property Address: 66 SOUTH ST

Mailing Address: SMITH KEITH SMITH SANDRA
66 SOUTH ST
FRANKLIN, MA 02038

Parcel Number: 341-004-019
CAMA Number: 341-004-019-000
Property Address: 7 OPAL CIR

Mailing Address: SULLIVAN CHRISTOPHER G SULLIVAN
CHERYL L
7 OPAL CIR
FRANKLIN, MA 02038

Parcel Number: 341-004-020
CAMA Number: 341-004-020-000
Property Address: 3 OPAL CIR

Mailing Address: HOWARD WILLIAM S HOWARD DIANE
3 OPAL CIR
FRANKLIN, MA 02038

Parcel Number: 341-004-038
CAMA Number: 341-004-038-000
Property Address: 2 JADE ST

Mailing Address: POWERS MICHAEL J POWERS
BARBARA
2 JADE ST
FRANKLIN, MA 02038

Parcel Number: 341-004-039
CAMA Number: 341-004-039-000
Property Address: 79 SOUTH ST

Mailing Address: SABA MICHAEL SABA LISA L
79 SOUTH ST
FRANKLIN, MA 02038

Parcel Number: 341-004-040
CAMA Number: 341-004-040-000
Property Address: 77 SOUTH ST

Mailing Address: SMITH DANIEL I SMITH EILEEN A
77 SOUTH ST
FRANKLIN, MA 02038

Parcel Number: 341-004-041
CAMA Number: 341-004-041-000
Property Address: 75 SOUTH ST

Mailing Address: BEERS SAMANTHA BEERS DANIEL
75 SOUTH ST
FRANKLIN, MA 02038

Parcel Number: 341-009-000
CAMA Number: 341-009-000-000
Property Address: 70 SOUTH ST

Mailing Address: SIMMS ANTHONY SIMMS JILL
70 SOUTH ST
FRANKLIN, MA 02038



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



300 foot Abutters List Report

Franklin, MA
October 18, 2022

Parcel Number: 341-010-000
CAMA Number: 341-010-000-000
Property Address: 74 SOUTH ST

Mailing Address: MOORE MATTHEW P&SARAH O TRS
MIRAGE TRUST
74 SOUTH ST
FRANKLIN, MA 02038

Parcel Number: 341-011-000
CAMA Number: 341-011-000-000
Property Address: 76 SOUTH ST

Mailing Address: TRUPIANO JEROME M TRUPIANO
DONNA M
76 SOUTH ST
FRANKLIN, MA 02038

Parcel Number: 341-012-000
CAMA Number: 341-012-000-000
Property Address: 82 SOUTH ST

Mailing Address: BARKER EDWARD J BARKER TINA
MARIE
82 SOUTH ST
FRANKLIN, MA 02038

Parcel Number: 341-013-000
CAMA Number: 341-013-000-000
Property Address: 84 SOUTH ST

Mailing Address: MACPHERSON BRADFORD EARL
MACPHERSON MOLLY JOHANNA
84 SOUTH ST
FRANKLIN, MA 02038



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



Photo #1: View of the wetland in backyard.



Photo #2: Photo of area of cleared brush with stockpiles.

Site Photographs:

74 South Street

Franklin, MA

Photos taken: October 6, 2022



Photo #3: View proposed trees to be removed. Note the house and swimming pool in background.



Photo #4: Another photo of wetland in backyard.

Site Photographs:

74 South Street

Franklin, MA

Photos taken: October 6, 2022

Vegetated Wetland Delineation Field Data Form

Applicant: Matt & Sarah Moore Prepared by: McArthur Environmental Project Location: 74 South St., Franklin, MA DEP File #: _____

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☒ Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- ☐ Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: 1 (wet) Transect Number: 1 Date of Delineation: 10/6/2022

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
--	-------------------------------------	----------------------	----------------------------------	-----------------------------------

Trees:

Eastern white pine (<i>Pinus strobus</i>)	20.5%	25%	Yes	UPL
Red maple (<i>Acer rubrum</i>)	63%	75%	Yes	FAC*

Shrubs:

Highbush blueberry (<i>Vaccinium corymbosum</i>)	38%	100%	Yes	FACW-*
--	-----	------	-----	--------

Ground Cover:

Cinnamon fern (<i>Osmundastrum cinnamomea</i>)	63%	100%	Yes	FACW*
--	-----	------	-----	-------

Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 3 Number of non-wetland indicator plants: 1

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants: yes ☒ no ☐

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? Yes ☒ No ☐

title/date: Norfolk and Suffolk Counties

map number: 422C

soil type mapped: Canton fine sandy loam, 8 to 15 percent slopes, extremely stony

hydric soil inclusions: no

Are field observations consistent with soil survey? Yes ☒ No ☐

Remarks:

2. Soil Description		
Horizon	Depth	Matrix Color
0	2-0"	Organic
A	0-7"	10YR 2/1
B	7-15"	10YR 4/2

Remarks:

3. Other:

Conclusion: Is soil hydric? Yes ☒ No ☐

Other Indicators of Hydrology: (check all that apply and describe)

- ☐ Site inundated: _____
- ☐ Depth to free water in observation hole: _____
- ☐ Depth to soil saturation in observation hole: _____
- ☐ Water marks: _____
- ☐ Drift lines: _____
- ☐ Sediment deposits: _____
- ☐ Drainage patterns in BVW: _____
- ☐ Oxidized rhizospheres: _____
- ☐ Water-stained leaves: _____
- ☐ Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

☐ Other: _____

Vegetation and Hydrology Conclusion	
	Yes
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<input checked="" type="checkbox"/>
Wetland hydrology present:	
hydric soil present	<input checked="" type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>
Sample location is in BVW	<input checked="" type="checkbox"/>

Vegetated Wetland Delineation Field Data Form

Applicant: Matt & Sarah Moore Prepared by: McArthur Environmental Project Location: 74 South Street, Franklin DEP File #: _____

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☒ Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- ☐ Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: 1 (upl) Transect Number: 1 Date of Delineation: 10/6/2022

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Trees:</u>				
Eastern white pine (<i>Pinus strobus</i>)	20.5%	21%	Yes	UPL
Red maple (<i>Acer rubrum</i>)	38%	39%	Yes	FAC*
Northern red oak (<i>Quercus rubra</i>)	38%	39%	Yes	FACU-
<u>Saplings</u>				
Eastern white pine (<i>Pinus strobus</i>)	20.5%	66%	Yes	UPL
Northern red oak (<i>Quercus rubra</i>)	10.5%	33%	Yes	FACU-
<u>Shrubs:</u>				
Highbush blueberry (<i>Vaccinium corymbosum</i>)	3%	100%	Yes	FACW-*
<u>Ground Cover:</u>				
Starflower (<i>Trientalis borealis</i>)	3%	8%	No	FAC*
Cinnamon fern (<i>Osmundastrum cinnamomeum</i>)	10.5%	31%	Yes	FACW*
Haystacked fern (<i>Demissaedia punctilobula</i>)	20.5%	60%	Yes	NL

Use an asterisk to mark indicator plants: plant species listed in the wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:	
Number of dominant wetland indicator plants: 4	Number of non-wetland indicator plants: 5
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants:	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? Yes ☒ No ☐

title/date: Norfolk and Suffolk Counties

map number: 422C

soil type mapped: Canton fine sandy loam, 8 to 15 percent slopes, extremely stony

hydric soil inclusions: no

Are field observations consistent with soil survey? Yes ☒ No ☐

Remarks:

2. Soil Description		
Horizon	Depth	Matrix Color
		Mottles Color

0	2-0"	organic	--
A	0-6"	7.5YR 2.5/2	
B	6-13"	7.5YR 4/3	

Remarks:

3. Other:

Conclusion: Is soil hydric? Yes ☐ No ☒

Other Indicators of Hydrology: (check all that apply and describe)

- ☐ Site inundated: _____
- ☐ Depth to free water in observation hole: _____
- ☐ Depth to soil saturation in observation hole: _____
- ☐ Water marks: _____
- ☐ Drift lines: _____
- ☐ Sediment deposits: _____
- ☐ Drainage patterns in BVW: _____
- ☐ Oxidized rhizospheres: _____
- ☐ Water-stained leaves: _____
- ☐ Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

☐ Other: _____

Vegetation and Hydrology Conclusion	
Number of wetland indicator plants greater than or equal to number of non-wetland indicator plants	<div>Yes <input type="checkbox"/></div> <div>No <input checked="" type="checkbox"/></div>
Wetland hydrology present:	<div>hydric soil present <input type="checkbox"/></div> <div>other indicators of hydrology present <input checked="" type="checkbox"/></div>
Sample location is in BVW	<div><input type="checkbox"/></div> <div><input checked="" type="checkbox"/></div>



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

A. Violation Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Franklin
Conservation Commission (Issuing Authority)

10/11/2022
Date

To:

Matthew and Sarah Moore
Name of Violator
74 South Street, Franklin, MA 02038
Address

1. Location of Violation:

Property Owner (if different)
74 South Street
Street Address
Franklin
City/Town
341
Assessors Map/Plat Number

02038
Zip Code
010
Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

The property owner cleared and removed small shrubs, saplings, herbaceous vegetation, and leaf litter within the 25 to 100-foot Buffer Zone without the Franklin Conservation Commission approval.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- ☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____

Dated _____

File Number _____

Condition number(s) _____

☐ The Order of Conditions expired on (date):

_____ Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☐ Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

- ☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- ☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☒ *An after-the-fact MBZA*
A restoration plan shall be filed with the issuing authority on or before

10/25/2022
Date

for the following:

The Applicant shall file an after-the-fact MBZA.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

C. Order (cont.)

- ☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

_____ Date

_____ for the following:

_____ No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- ☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

_____ The Applicant shall install a siltation fence or biodegradable compost wattles along the 25-foot No Touch Zone/Boundary line to mitigate for any soil erosion occurring due to the removal of shrubs, saplings, herbaceous vegetation and leaf litter.

_____ Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

_____ Breeka Li Goodlander

_____ Name

_____ 508-520-4847

_____ Phone Number

_____ M-T 8-4, W 8-6, Th 8-4, Fri 8-1

_____ Hours/Days Available

Issued by:

_____ Franklin

_____ Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

9489 0090 0027 6064 1805 24

Signature of delivery person or certified mail number