

Town of Franklin Conservation Commission

NOTICE OF INTENT PACKET

This packet contains information and application forms necessary for all Notice of Intent (NOI) applications. This packet consists of the following:

1. Instructions for Completing an NOI in the Town of Franklin
2. Application Process Signature Form
3. Property Access Signature Form
4. Local Filing Fee Calculation Worksheet
5. Resource Area Impact Summary Form
6. Notification to Abutters
7. Affidavit of Service
8. DEP's WPA Form 3 – NOI Application Form
9. DEP's BRP WPA Form 3 - NOI Instructions and Supporting Materials
10. DEP's NOI Wetland Fee Transmittal Form
11. DEP's Checklist for Stormwater Report
12. DEP's Bordering Vegetated Wetland Delineation Field Data Form

It is important to note that there are some applications that do not require the level of detail and information required for an NOI. The forms for a Minor Buffer Zone Activity (MBZA) and a Request for Determination of Applicability (RDA), for example, are in separate documents that are available electronically on the Conservation Commission's webpage and in the Conservation Department at Town Hall.

If you are proposing any work within 100' of a wetlands resource area, additional local regulations will apply. These are in the Regulations of the Franklin Conservation Commission and are in a separate document that is available electronically on the Conservation Commission's webpage and in the Conservation Department at Town Hall.

All questions should be directed to the Conservation Department at 508-520-4929. In order to save everyone time and expense, it is recommended that the Department be contacted BEFORE an NOI is filed to make sure all information is contained in the packets and to determine the filing fees and date and time of the hearing. Also, by state law there are legal, procedural requirements that must be met before construction can begin. These will be outlined in the approved permit.

INSTRUCTIONS FOR COMPLETING A NOTICE OF INTENT IN THE TOWN OF FRANKLIN

The Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) require the use of state forms for the above permit application. The forms can be found on the State's Department of Environmental Protection website and at the end of this application packet.

In addition, under the Franklin Wetlands Protection Bylaw, Franklin Town Code Chapter 181 and the Wetlands Regulations promulgated under the Bylaw, the Town requires applicants to follow specific procedures and submit additional documents.

All NOIs will be peer reviewed by an outside consultant as allowed under the Town of Franklin Ch. 181 Wetlands Protection Bylaw and MGL Ch. 44 Section 53G. A hardcopy of the entire application must be sent, at the same time as submitted to the Franklin Conservation Department, and a PDF sent to bgoodlander@franklinma.gov and mcrowley@beta-inc.com.

SUBMITTAL REQUIREMENTS

The Notice of Intent (NOI) package submitted to the Franklin Conservation Commission shall comply with the format and content requirements below. Forms specific to the Town of Franklin are described and provided as attachments to this document.

When filing a Notice of Intent (NOI), the original hardcopy, one (1) additional hardcopy, two (2) full-sized sets of plans, and seven (7) reduced 11"x17" sets of plans are to be submitted to the Franklin Conservation Commission via mail or hand delivery. The application and plan must also be submitted electronically to the Conservation Department at bgoodlander@franklinma.gov and the Department of Public Works at mmaglio@franklinma.gov. One (1) additional copy must be submitted to the Department of Environmental Protection.

All applications must be signed by the property owner.

Any additional material to be discussed by the Conservation Commission should be submitted to the Conservation office no later than 12:00 PM the Friday before the Commission hearing. The Commission reserves the right to waive that deadline.

A. COVER PAGE

Each copy of the NOI Application shall be separately bound and include a cover sheet with the following information:

1. Application Type
2. Prepared for (Applicant)
3. Prepared by (Representative)
4. Date

B. NOTICE OF INTENT APPLICATION FORMS

1. *Notice of Distribution Form
2. Application Process Signature Form
3. Property Access Signature Form
4. NOI Application Form (DEP's WPA Form 3)
5. NOI Wetland Fee Transmittal Form (DEP's Form)
6. Local Filing Fee Calculation Worksheet
7. Copies of Checks to DEP and Town
8. Resource Area Impact Summary Form
9. DEP's Checklist for Stormwater Report (if stormwater report is applicable)
10. DEP's Bordering Vegetated Wetland Delineation Field Data Form

C. PROJECT DESCRIPTION

The project description must explain all that the project entails. This includes what the activity is, all the associated amenities, and distances from the limit of work to the resource areas.

D. FUNCTIONS & CHARACTERISTICS STATEMENT

The purpose of the Franklin Wetlands Protection Bylaw is to regulate and control activities deemed to have a significant or cumulative effect on the functions and characteristics of floodplains and wetlands. In order to make this determination the Commission requires that the applicant prepare a statement that describes whether the project will have an adverse effect on these functions and characteristics. If the proposed project will have an effect on one or more functions or characteristics, then a mitigation plan must be prepared and submitted (see Section K).

The functions and characteristics to address include but are not limited to the following:

1. **Public Water Supplies** - Distance from proposed project to nearest public wells.
2. **Private Water Supplies** - Distance to nearest private wells.

3. **Groundwater** - Depth to groundwater as well as impacts associated with construction (i.e. digging or blasting) and operations (water use, use of toxic or hazardous materials, and stormwater management).
4. **Flood Control** - Work within the 100-year flood plain must address compensatory storage.
5. **Erosion and Sedimentation** - This item must be addressed for both the construction and post construction conditions at the property.
6. **Storm Damage Prevention** - Address whether or not the project will have an adverse effect on the way that the wetland or flood plain will be able to minimize water and wind related impacts during large-scale storm events.
7. **Water Quality** - This item must be addressed for both the construction and post construction conditions at the property. This item will address the quality of the surface waters associated with the resource area being impacted by the project.
8. **Water Pollution Control** - This item must be addressed for both the construction and post construction conditions at the property.
9. **Fisheries** - Reserved for work taking place adjacent to ponds and perennial streams. The response must address both the construction and post construction conditions at the property.
10. **Shellfish** - Not applicable in Franklin.
11. **Wildlife Habitat** - This item must be addressed for both the construction and post construction conditions at the property.
12. **Rare Species Habitat** (including rare plant species) - This item must be addressed for both the construction and post construction conditions at the property.
13. **Agriculture** - This item must be addressed for both the construction and post construction conditions at the property.
14. **Aquaculture** - To date there are no aquaculture operations in Franklin.
15. **Recreation** - This item must be addressed for both the construction and post construction conditions at the property and include both passive and active recreational uses.

E. VERNAL POOL STATEMENT

A statement is required by the applicant of whether there are Potential and/or Certified Vernal Pools onsite or on abutter parcels. This information is available at the MassGIS (MassMapper) website under the Conservation/Recreation/Natural Heritage Data page.

F. ABUTTER NOTIFICATION

The NOI application shall contain the documents listed below in the following order:

1. Notification to Abutters
2. Affidavit of Service
3. Certified Abutters List from the Assessor's Office (do not rewrite the list)

The process of notifying the abutters to a proposed project requires that the applicant take the following steps:

1. Obtain a Certified Abutters List from the Assessor's Office. Applicants are required to notify all abutting property owners within 300 feet of their property lines. The original certified copy of the abutters list must be submitted with the Notice of Intent Application.
2. Complete the Notification to Abutters. A copy of this notification must be sent either by Certified Mail or by hand delivery to each landowner on the Certified Abutters List. Receipts for each Certified Mailing to an abutter must be submitted to the Conservation Department.
3. The Affidavit of Service is a required document under the Wetlands Protection Act. The applicant must copy and fill out the Affidavit of Service as evidence that the applicant, in accordance with the law, has notified the abutters to the proposed project site.

G. MAPS

A copy of the most recent revisions of the following maps must be submitted with the project locus depicted:

1. USGS Topographic Map
2. Natural Heritage & Endangered Species Estimated Habitat Maps
3. FEMA Flood Plain Map

H. DEP FIELD DATA FORMS

DEP's Bordering Vegetated Wetland Delineation Field Data Form can be found at the end of this packet and also on the Mass.gov website under Wetlands Permitting Forms. Completed forms and/or written report prepared by the wetland's delineator must be submitted with the NOI application.

A copy of the recorded Order of Resource Area Delineation (ORAD) may be substituted for the DEP Field Data Sheets if a determination has been issued by the Commission within the last three (3) years.

I. EROSION & SEDIMENTATION CONTROL NARRATIVE

This narrative describes the measures that will be taken to properly install and maintain the erosion control devices used during the project. The narrative must also include the names and phone numbers of all individuals who will be responsible for erosion control as well as the requirement that the erosion control be inspected weekly and after

significant rain events. The individual responsible for inspection and maintenance shall keep a log of the inspections and maintenance and be prepared to show it to the Conservation Agent and Commissioners upon request. The text from the narrative will also appear in the plan set, preferably on the sheet that depicts the erosion control location and detail.

Please note that it is a requirement in Franklin that the engineering detail used on the project plan must depict the erosion control measures to be installed. There may also be a special condition in the Orders, if issued, requiring that there be additional erosion control devices stored under cover on site in the event of an emergency. Straw hay-bales/wattles AND filter fabric are NOT to be used for erosion control.

J. ALTERNATIVES ANALYSIS

The following project types shall require the submission of an Alternatives Analysis narrative:

1. Riverfront Resource Area
2. Septic System Components within the 100-Foot Buffer Zone Resource Area
3. Wetland filling up to 5,000 square feet

The Alternatives Analysis shall comply with the requirements as presented in 310 CMR 10.58 (4).

K. MITIGATION NARRATIVE

This narrative shall be included in the NOI and will describe the application of the “avoid, minimize and mitigate calculus” during project planning. That is, Applicants must demonstrate that efforts have been made to avoid wetland impacts wherever possible, minimize the impacts when unavoidable, and mitigate these impacts by employing replication or restoration components in the proposed project plans.

When undisturbed areas within the Buffer Zone Resource Area are proposed for alteration, a separate narrative must be prepared describing the steps taken to mitigate for the impacts. This may include the use of plantings from the Town of Franklin’s Best Development Practices Guidebook (available from the Conservation Department or from the website (www.franklin.ma.us) for wildlife habitat enhancement or other physical components that will compensate for the loss of resource area functions.

L. REPLICATION NARRATIVE & PROTOCOL

When wetland alteration is necessary, the Commission shall require that the applicant replicate the altered wetland at a 2:1 ratio (the replication area must be twice the square footage of the natural wetland area impacted). The narrative submitted shall comply with the requirements as presented in the most recent revision of DEP’s Massachusetts

Inland Wetland Replication Guidelines. The replication narrative, protocol, and schedule shall also appear in the approved plan set along with cross sections of altered and proposed replicated areas, ground water elevation data, and planting lists and details.

M. CONSTRUCTION SEQUENCE AND SCHEDULE

A detailed sequence of activities proposed shall be depicted in the approved plan set and in the NOI application as well.

N. DRAINAGE CALCULATIONS

If drainage calculations are required, they must be submitted with the NOI application. Calculations must be prepared by a Civil Engineer licensed to practice in Massachusetts. DEP's Checklist for Stormwater Report should be attached to the top of any drainage reports.

O. PLANS

See Instructions and Supporting Materials for completing an NOI issued by DEP. In addition, the Franklin Conservation Department requires the following:

1. Index of sheets on cover page if submitting more than one sheet
2. The North arrow must have a reference
3. Existing topography as prepared by a registered land surveyor
4. Proposed topography as prepared by a registered land surveyor
5. Existing structures, improvements and limits of disturbance
6. Each Resource Area identified and labeled (including Buffer Zone)
7. Locations of erosion controls
8. Cross sections of impacted Bordering Vegetated Wetlands including ground water elevation information
9. Cross sections of proposed replication area(s)
10. Appropriate details to explain any activities to be undertaken.
11. Planting list(s) with species recommended in the most recent revision of the Franklin Best Development Practices Guidebook
12. Construction Sequence and Schedule

P. ADDITIONAL INFORMATION

Any other supplementary information that the Applicant determines to be relevant to the Commission reaching a decision on the proposed project may be included in this section of the application package.

If you need further assistance, please contact the Conservation Department at (508) 520-4929 or visit our web site www.franklin.ma.us