

November 14, 2023

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

Re: 0 Bent Street
MassDEP File No. 159-1280
Notice of Intent Peer Review

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the proposed wireless communication facility at **0 Bent Street** in Franklin, Massachusetts (the "Site"). This letter is provided to present BETA's findings, comments, and recommendations.

BASIS OF REVIEW

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

- Notice of Intent entitled **Notice of Intent Wireless Communication Facility**; prepared by Lucas Environmental, LLC; dated September 27, 2023.
- Drainage Report entitled **Drainage Summary**; prepared by ProTerra Design Group, LLC; stamped and signed by Jesse M. Moreno, MA P.E. No. 47315; dated September 27, 2023.
- Plans (11 Sheets) entitled **Site Name: Franklin Bent Street Address: Bent Street, Franklin, MA 02038**; prepared by Pro Terra Design Group, LLC; stamped and signed by Jesse M. Moreno, MA P.E. No. 47315 and Daniel F. Stasz, MA P.L.S. No. 47160; dated August 30, 2023 and last revised September 1, 2023.

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

- Site visit on October 26, 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

SITE AND PROJECT DESCRIPTION

The Site consists of an approximately 8-acre parcel located at 0 Bent Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 206-103-000. The Site is bounded to the north by Bent Street and a single family home, to the east by a single family home and undeveloped woodlands, to the south by a residential neighborhood, and to the west by undeveloped woodlands.

Existing conditions at the Site consist of undeveloped/wooded upland and wetland areas with topographic relief present in a south-to-north orientation.

According to the Applicant, Resource Areas Subject to Protection under the Massachusetts Wetlands Protection Act (M.G.L. ch.131 s.40) and its implementing regulations at 310 CMR 10.00 (collectively “the Act”), as well as the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively “the Bylaw”) present at the Site include Bordering Vegetated Wetland (BVW) and Isolated Vegetated Wetland (IVW).

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protection Areas, and there are no Surface Water Protection Areas (Zone A, B, or C) or Outstanding Resource Waters (ORWs). There are no Areas of Critical Environmental Concern (ACEC) present, and the most recent Natural Heritage and Endangered Species Program (NHESP) mapping does not depict Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Certified Vernal Pools mapped within 100 feet of the Site, however there is a mapped Potential Vernal Pool (PVP) interior to the delineated A Series BVW. The PVP boundary was delineated as described in the NOI narrative and is over 100 feet from the proposed limit of work. According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C0144E, dated July 17, 2012, the Site is located in a Zone X Area of Minimal Flood Hazard, which is classified as areas outside the 0.2% Annual Chance Flood Hazard (500-year floodplain). No portion of the Site is within Bordering Land Subject to Flooding (BLSF).

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Montauk fine sandy loam with a Hydrological Soil Group (HSG) rating of C and Woodbridge fine sandy loam with a HSG rating of C/D.

The Applicant seeks approval for the construction of a telecommunications facility, an access driveway, and associated utilities within the Buffer Zone to BVW. The proposed tower is designed to support wireless broadband telecommunications carriers, local public safety communications, and accommodate the necessary antennas, electronic equipment, and cabling. Proposed work includes the following activities (collectively referred to as the “Project”):

- Installation of erosion and sedimentation controls;
- Vegetative clearing;
- Construction of a 609-foot long, 12-foot-wide gravel access driveway;
- Construction of Stormwater Best Management Practices (BMPs);
- Construction of concrete foundation;
- Construction and installation of a 190-foot tall, galvanized steel lattice structure within a 60’x60’ (3,600 sf) area central to the parcel;
- Installation of a six-foot tall chain link fence; and
- Installation of utilities including an overhead transmission line.

The Project will result in temporary and permanent impacts to Buffer Zone. Work proposed within the 25-foot No Disturb Zone, 25-50-foot Buffer Zone, and 50-100-foot Buffer Zones includes portions of the proposed access driveway and stormwater BMPs.

ADMINISTRATIVE AND PLAN COMMENTS

The plan set (as identified above) is missing information and requires additional information for clarity.

Table 1. NOI Plan

NOI Plan Requirements	Yes	No
Scale of 40'=1" or larger	✓	
North Arrow (with reference)	✓	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation		✓ (Comment A2)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓ (Comment W9)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. MassDEP has issued a file number (DEP File No. 159-1280) with no technical comments.
- A2. Existing woody plants to be removed within Buffer Zone that are larger than 1 inch in diameter should be depicted on the plans (Bylaw Section 7.18.1.5.).
- A3. The Existing Conditions Plan (Sheet C-2) cuts off the northwest portion of the Site along Bent Street. Since work is not proposed in that area, BETA defers to the Commission on whether sufficient existing conditions information has been provided.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review and completed a regulatory review of the submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Act and the Bylaw. The Project is proposed within Buffer Zone only and is accordingly not subject to the Resource Area Performance Standards set forth by the Act. However, the Applicant is still required to provide evidence that the applicable interests of the Act provided by the adjacent Resource Areas are being protected during and after the construction of the Project.

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

addition, BETA has recommended that the Applicant re-evaluate select portions of the wetland delineation based on BETA's observations of wetland indicators upgradient of the flagged boundary. However, it does not appear that any potential modifications to wetland boundaries will result in direct wetland impacts by the Project.

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

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on October 25, 2023 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw. Review of Resource Area delineations included all flagged areas on the Site, with a focus on areas closest to where work is proposed.

- W1. BETA observed saturated soils and hydrophytic vegetation including dense stands of sweet pepperbush (*Clethra alnifolia*) upgradient of portions of the A Series BVW boundary (flags A30 to A42); however, no hydric soil indicators were observed. Therefore, BETA concurs with the Applicant's delineation of the A Series BVW.
- W2. The flagged boundaries of the B Series and C Series BVW appear to be correct based on observations of hydrophytic vegetation, hydric soils, and indicators of hydrology.
- W3. BETA observed saturated soils and water-stained leaves as well as hydrophytic vegetation including royal fern (*Osmunda regalis*), grass-leaved goldenrod (*Euthamia graminifolia*), and rough-stem goldenrod (*Solidago rugosa*) upgradient of the southern portion of the D Series BVW. However, no hydric soil indicators were observed. Therefore, BETA concurs with the Applicant's delineation of the D-Series BVW.
- W4. BETA observed a shallow, isolated depression southeast of the 95 Bent Street parcel with evidence of hydrology including surface saturation and water staining. This area is vegetated with hydrophytic vegetation including red maple (*Acer rubrum*) and tupelo (*Nyssa sylvatica*); however, no hydric soil indicators were observed. Therefore, this isolated depression would not be Subject to Jurisdiction as a Freshwater Wetland under the Bylaw.

CONSTRUCTION & MITIGATION COMMENTS

- W5. Proposed erosion controls include use of armored silt fence with a silt sock as shown on the Project plans. Silt fence is not a permitted erosion control measure in the Town of Franklin (Pg. 13 of *Town of Franklin Best Development Practices Guidebook*). The Applicant should coordinate with the Conservation Commission to determine the appropriate erosion control measures for the Site. Twelve (12)-inch diameter compost filter tubes may be an appropriate option commensurate with the scope of the Project.
- W6. The Applicant should consider extending erosion controls along the eastern limit of work to provide a clear limit of work and reduce the likelihood of additional disturbances.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within Buffer Zone and local the Buffer Zone Resource Area.

BYLAW REGULATORY COMMENTS

W7. A Bylaw Variance request has been submitted for work within the 25-foot No Disturb Zone.

The Applicant has provided an Alternatives Analysis to demonstrate that impacts to jurisdictional areas have been avoided and minimized to the extent feasible as required by the Bylaw. The Alternatives Analysis generally focuses on the siting of the Project as a whole and provides what appears to be a reasonable justification for the use of the Site as the location of the Project. However, in consideration of the access road being the work proposed closest to Resource Areas and within the 25-foot No Disturb Zone, the Applicant should include an assessment of whether the access road can be shifted further west away from the BVW and maintain compliance with any Site constraints including zoning setbacks. In addition, the Applicant should consider shifting the proposed overhead wires to the western side of the access road in order to minimize clearing closest to the BVW.

W8. The Applicant should provide a Construction Sequence and Schedule per Section 7.15 of the Bylaw Regulations. This schedule should also be included on the Project plans.

W9. The Erosion & Sedimentation Control Plan should be revised to include contact information of the person(s) responsible for inspecting and maintaining erosion controls, and the requirement to inspect erosion controls weekly, or following significant rain events per Section 7.12.1 of the Bylaw Regulations.

STORMWATER MANAGEMENT

The proposed stormwater management design includes the construction of an infiltration basin along the western side of the proposed tower and a wet basin along the eastern side of the proposed access road. Vegetated swales are proposed around three sides of the tower to attenuate and direct runoff to the aforementioned stormwater BMPs. A culvert will convey accumulated water from the vegetated swale along the west side of the entrance driveway to the D Series BVW.

GENERAL

G1. The Project summary in the HydroCAD printout should include watershed area totals to confirm that the existing and proposed conditions analysis are the same area.

G2. If the intent of the subdrain system is to convey runoff away from the tower, then the runoff from impervious surfaces in this area must be treated in accordance with the MassDEP Stormwater Standards. Directing this runoff outside the limit of the proposed stormwater treatment facilities will bypass the treatment provided by the stormwater improvements in direct violation of the Standards. This drain should discharge directly into the forebay.

MASSDEP STORMWATER STANDARDS

The project is subject to the Massachusetts Stormwater Standards (310 CMR 10.05(6)(k-m) – the Standards) as outlined by MassDEP. Compliance with these Standards is outlined below:

NO UNTREATED STORMWATER (STANDARD NUMBER 1): *No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.*

SW1. As previously noted, the runoff from the proposed impervious surfaces around the tower must be treated in accordance with the Standards. The proposed subdrain system cannot bypass the stormwater treatment facilities.

POST-DEVELOPMENT PEAK DISCHARGE RATES (STANDARD NUMBER 2): *Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.*

SW2. The maximum flow length for sheet flow is 50 feet. Revise the calculations as needed to reduce this sheet flow length.

SW3. The time of concentration (Tc) calculation for the watersheds should be longest time not longest distance. BETA recommends that the Designer review flow paths.

SW4. The outlet control structures at the two basins are multistage inlets. Provide construction details for these two structures.

SW5. The starting water surface elevation for the pocket wetland/wet basin should be consistent with the low-level outlet invert.

SW6. The discharge from the proposed wetland pocket/wet basin will flow across the property line prior to discharge into the D-series wetlands. BETA recommends that the flow from the basin be maintained onsite prior to discharge into the wetlands.

RECHARGE TO GROUNDWATER (STANDARD NUMBER 3): *Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to maximum extent practicable.*

SW7. Test Pit SW-1 indicates that groundwater is present at 3.5 feet below the surface. The floor of the proposed infiltration basin is being set approximately 15 inches below existing grade. Therefore, based on the test pit results, the bottom of the basin is less than 4' above Estimated Seasonal High Groundwater. Since it is being used for both recharge and peak discharge rate control, a mounding analysis is required.

TOTAL SUSPENDED SOLIDS (STANDARD NUMBER 4): *For new development, stormwater management systems must be designed to remove 80% of the annual load of Total Suspended Solids (TSS).*

SW8. The only impervious surfaces proposed which will require treatment are the concrete pads around the tower. See comment SW9 below.

HIGHER POTENTIAL POLLUTANT LOADS (STANDARD NUMBER 5): *Stormwater discharges from Land Uses with Higher Potential Pollutant Loads (LUHPPLs) require the use of specific stormwater management BMPs. The site is not a LUHPPL. Standard does not apply.*

CRITICAL AREAS (STANDARD NUMBER 6): *Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas.*

SW9. As noted in the Notice of Intent, a Potential Vernal Pool is located within the A Series BVW along the western extent of the Site. Accordingly, the discharge from Basin 2 will be to a Critical Area. The calculations should document that 44% total suspended solids (TSS) pretreatment will be provided for the runoff into Basin 2.

REDEVELOPMENT (STANDARD NUMBER 7): *Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. The site is not redevelopment, and this standard does not apply.*

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EROSION AND SEDIMENT CONTROLS (STANDARD NUMBER 8): *Erosion and sediment controls must be implemented to prevent impacts during construction or land disturbance activities.* The disturbance area is less than 1.0 acre and therefore the Site is not subject to the EPA CGP nor is it subject to the Town of Franklin Stormwater Bylaw. The Erosion Control Plan depicts perimeter erosion controls along the disturbed areas of the Site and a tracking pad at the entrance.

OPERATIONS/MAINTENANCE PLAN (STANDARD NUMBER 9): *A Long-Term Operation and Maintenance Plan (O&M) shall be developed and implemented to ensure that stormwater management systems function as designed.*

SW10. Provide a cost estimate for the O&M Budget.

SW11. Provide the owners signature on the O&M Plan.

ILLICIT DISCHARGES (STANDARD NUMBER 10): *All illicit discharges to the stormwater management system are prohibited.* A signed Illicit discharge statement has been provided.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant is required to provide the Conservation Commission with additional information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw.

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

Very truly yours,

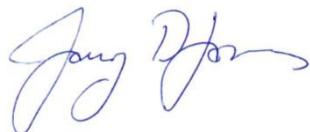
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