

March 7, 2024

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

**Re: 100 and 110 East Central Street  
Notice of Intent Peer Review #2**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the project located at: **100 and 110 East Central Street** located in Franklin, Massachusetts (the "Site"). This letter is provided to present BETA's findings, comments, and recommendations.

## **BASIS OF REVIEW**

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

- Response letter entitled, **100 – 110 East Central Street – Site Plan Peer Review**; dated February 26, 2024; prepared by United Consultants Inc.
- Plans (10 Sheets) entitled, **Site Plan 100 and 110 East Central Street**; dated January 5, 2024; revised February 25, 2024; prepared by United Consultants Inc; stamped and signed by Carlos A Quintal PE. No. 30812.
- Revised Documents entitled, **100 and 110 East Central Street Revised Project Narrative**; dated February 26, 2024; prepared by United Consultants Inc.

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

- Site Visit on February 15, 2024
- **Massachusetts Wetlands Protection Act 310 CMR 10.00** effective October 24, 2014
- **Wetlands Protection Chapter 181 From the Code of the Town of Franklin**, dated August 20, 1997
- **Conservation Commission Bylaws Chapter 271 From the Code of the Town of Franklin**, dated July 11, 2019
- **Town of Franklin Conservation Commission Regulations**, dated October 3, 2019
- **Town of Franklin Best Development Practices Guidebook**, dated September 2016

## **PEER REVIEW UPDATE—MARCH 7, 2024**

The Applicant has provided revised materials and written comment responses pursuant to BETA's February 16, 2024 peer review letter. BETA's original comments from the February 16, 2024 peer review letter are included in plain text. Comment responses attributed to United Consultants Inc. are provided in *italics* and are prefaced with "UC:". BETA's most recent responses are provided in **bold text** and are prefaced with "**BETA2:**".

BETA's responses in this letter identify that the Commission could find the Project to be in compliance with the Bylaw, subject to the recommended Special Conditions and Commission input on the Bylaw

compliance matters noted herein. However, final confirmation of the Project's compliance with the Massachusetts Stormwater Management Regulations is still required and is anticipated to be addressed through the Planning Board review process.

## SITE AND PROJECT DESCRIPTION

The Site includes two (2) parcels located at 100 and 110 East Central Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcels 286-031-000-000 and 286-030-000-000. The Site is bounded to the north by East Central Street, to the south and west by residential properties, and to the east by residential properties and commercial businesses. Existing improvements at the Site consist of two (2) buildings, and a parking lot and driveway. Minimal topographic relief is present. Vegetation observed within the upland areas at the Site includes white ash (*Fraxinus americana*), privet (*Ligustrum vulgare*) and Asiatic bittersweet (*Celastrus orbiculatus*).

No Resource Areas Subject to Protection under the Massachusetts Wetlands Protection Act (M.G.L. ch.131 s.40) and its implementing regulations at 310 CMR 10.00 (collectively "the Act") exist on the Site. Resource Areas subject to the Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively "the Bylaw") present at the Site include an Isolated Vegetated Wetland (IVW) which is considered jurisdictional as a Freshwater Wetland.

There are also no Outstanding Resource Waters (ORWs) or Areas of Critical Environmental Concern (ACEC) present, and the most recent Natural Heritage and Endangered Species Program (NHESP) mapping does not depict any Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Certified or Potential Vernal Pools located within 100 feet of the Site. The Site is not located within Surface Water Protection Areas (Zone A, B, or C) or Zone I or Interim Wellhead Protections Areas. The Site is located adjacent to a Zone II Wellhead Protections Area; however, this area is located entirely outside of the limits of the Site.

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

Proposed work is associated with the redevelopment of the current buildings and parking areas and the construction a multi-use building, inclusive of the following activities (collectively referred to as "the Project"):

- Installation of erosion controls and signage;
- Clearing of trees and removal of stumps/soils;
- Removal of existing utilities
- Demolition of the existing building;
- Excavation of the foundation hole;
- Construction of a new foundation and multi-use building;
- Installation of site utilities;
- Construction of retaining walls;
- Grading and construction of paved areas;
- Construction of walkways;
- Installation of curbing; and
- Landscaping in all disturbed areas with loam, seed, and trees.

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

## 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	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

## PLAN AND GENERAL COMMENTS

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

*UC: Agreed. No Comment.*

**BETA2: No further comment required.**

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

*UC: The request information has been added to sheet 4.*

**BETA2: Comment resolved.**

A3. Existing woody plants to be removed within Buffer Zone that are larger than one (1) inch in diameter should be depicted on the plans (Bylaw Regulations Section 7.18.1.5).

*UC: As discussed at the public hearing, we have added the existing trees with a diameter of 3" or greater within the buffer zone are of work. See sheet 2.*

**BETA2: Comment resolved.**

A4. Flags UC-5 and UC-6 are located outside of the Site boundaries on private property. BETA recommends that the Commission exclude approvals of the locations of these flags in the Order of Conditions (OOC) unless permission is sought from the property owner by the Applicant.

*UC: The applicant is amenable to this proposed Condition.*

**BETA2: Comments resolved, subject to the recommendation noted above.**

- A5. It is BETA's understanding that Buffer Zone is considered a Resource Area under the Bylaw. Accordingly, the Applicant should provide a revised local fee that calculates the fee for disturbance within the Buffer Zone Resource Area based on the total area of the Project.

*UC: Additional fee of \$7,752 was paid by the applicant for the buffer zone disturbance.*

**BETA2: Comment resolved.**

## **WETLAND RESOURCE AREAS AND REGULATORY REVIEW**

BETA has conducted an onsite and regulatory review of the submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Bylaw. The Project is proposed adjacent to a Resource Area identified by the Applicant as an IVW that is jurisdictional under the Bylaw only.

The NOI application generally requires the submission of additional materials to meet all submission requirements of the Bylaw. The Applicant should clarify certain aspects of proposed conditions including the proposed activities that will occur within the Buffer Zone to the existing house. At this time, 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.

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

**BETA2: The Applicant has provided revised materials that address the majority of BETA's original comments. Specifically, the Applicant has provided further details and supplemental information to demonstrate compliance with the provisions of the Bylaw. In addition, a more robust mitigation plan has been provided to offset the proposed impacts to the 100-foot Buffer Zone. The Commission has been provided with sufficient information to render a decision on the Project's compliance with the Bylaw subject to the recommendations noted herein, including the replacement of a proposed mitigation species and the scheduling of a pre-construction meeting prior to commencing work.**

### **RESOURCE AREA BOUNDARY COMMENTS**

BETA conducted a Site visit on February 15, 2024 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Bylaw.

- W1. BETA concurs with the boundary of the IVW as delineated by the Applicant. Although upland vegetation including multiflora rose (*Rosa multiflora*) was observed within the IVW, a dominance of hydrophytic vegetation including red osier dogwood (*Swida sericea*) and red maple (*Acer rubrum*) was observed. Hydric soils consisting of a saturated, loamy soil with high organic content and redoximorphic concentrations near the surface were observed.

*UC: Agreed. No Comment.*

**BETA2: No further comment required.**

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

*UC: Agreed. No comment.*

**BETA2: No further comment required.**

## CONSTRUCTION COMMENTS

W3. The building proposed for demolition should be called out as such on the Site Layout plans.

*UC: The building has been labeled on sheet 4.*

**BETA2: Comment resolved.**

W4. Inlet protection measures should be provided for the existing catch basins within the public right-of-way. The use of silt sacks is mentioned within the Operation and Maintenance Plan on the Erosion Control Plan; however, the relevant catch basins should be called out in plan view.

*UC: Silt sak locations with East Central Street ROW have been added to sheet 6.*

**BETA2: Comment resolved.**

W5. The Applicant should be cognizant of invasive plant species including privet, multiflora rose, and Asiatic bittersweet that will be disturbed and require the use of best management practices (BMPs) during construction to prevent the spread of the invasive species. While eradication is likely outside of the scope of work, BMPs to limit spread of viable seeds and rhizomes should be provided if determined to be appropriate.

*UC: The applicant conducted a pre-construction meeting with the Conservation Agent at their 122-138 East Central Street. A note has been added to sheet 5 indicating the applicant shall schedule a pre-construction meeting with the Conservation Agent to discuss the invasive species removal.*

**BETA2: BETA recommends the Commission implement a Special Condition requiring a pre-construction meeting with the Conservation Agent to discuss the invasive species removal plan, as well as the submission of any relevant documentation required by the Conservation Agent following the pre-construction meeting.**

## MITIGATION COMMENTS

W6. The Applicant should clarify the locations of proposed snow storage on the plans and locate them outside of Buffer Zone to the extent feasible. BETA recommends a Special Condition requiring the installation of signage demarcating snow storage areas.

*UC: Snow storage areas have been labeled on sheet 5.*

**BETA2: Comment resolved.**

W7. Proposed erosion controls in the narrative include use of silt fence and compost filter tubes. 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.

*UC: Erosion Control Note 10 has been added to sheet 6.*

**BETA2: BETA defers to the Commission on the use of silt fence.**

- W8. Provide specifications of the proposed seed mixtures(s) proposed for the stabilization of disturbed areas within Buffer Zone. BETA recommends that native species with wildlife habitat value (i.e., pollinator species) be proposed within Buffer Zone. In addition, consideration should be given to woody plantings in these areas to mitigate the loss of woody vegetation from clearing efforts.

*UC: Now England Conservation and Wildlife Mix has been proposed for the planting areas within the Buffer Zone. A note has been added to seed the listed area with a New England Conservation and Wildlife mix. Twenty-two shrubs were added within the disturbed buffer zone area. See sheet 5.*

**BETA2: Comment resolved; however, BETA recommends the use of the Northern Bayberry (*Myrica pennsylvanica*) rather than the proposed Southern Bayberry (*Morella caroliniensis*) due to the Project's location within Massachusetts.**

### **WPA PERFORMANCE STANDARDS COMMENTS**

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

### **BYLAW REGULATORY COMMENTS**

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

- W9. The Applicant should clarify which buildings will be demolished versus retained in the Construction Schedule and Sequence.

*UC: The buildings labels have been added to the existing site feature notes and the Construction Sequence Notes.*

**BETA2: Comment resolved.**

- W10. The Project appears to exceed 30% coverage of impervious area within Buffer Zone; however, the Applicant should provide calculations disclosing this information. BETA defers to the Commission if additional mitigation offsets (e.g., further reductions in impervious area and/or installation of additional plantings) are required per Bylaw Regulations Section 4.4.1 should more than 30% of the Buffer Zone be proposed as impervious.

*UC: The project proposed approximately 52 percent coverage within the buffer zone. The applicant has proposed planting within the disturbed buffer zone area for mitigation as discussed in the public hearing. See sheet 5.*

**BETA2: Comment resolved. BETA defers to the Commission on whether this additional mitigation is sufficient given the proposed impervious area.**

- W11. BETA defers to the Commission on the approval of the Project Narrative due to several Bylaw requirements being absent from the current Project Narrative (Bylaw Regulations Section 7.9.1) including, who is performing the work, a detailed description of all of the activity within Conservation jurisdiction, how the activity will or will not affect the Functions and Characteristics of the resource areas, when the proposed activity will be done and what measures will be used to mitigate any impacts to the functions and characteristics of the resource area.

*UC: The project narrative has been revised.*

**BETA2: BETA defers to the Commission for the acceptance of the Project Narrative.**

- W12. Due to the proposal of alteration to undisturbed areas within the Buffer Zone a separate narrative must be provided describing the steps taken to mitigate impacts (Bylaw Regulations Section 7.11.2). According to the Landscaping Plan, plantings do not appear to be proposed within Buffer Zone. It is recommended that an invasive species control plan be implemented during the growing season(s) following the re-establishment of vegetation within Buffer Zone to promote success, at the Commission's discretion.

*UC: A buffer zone impact mitigation plan has been provided. The applicant would agree to a condition of approval that a pre-construction meeting be held with the Conservation Agent to determine the invasive species removal and ongoing monitoring of the buffer zone area planting.*

**BETA2: Comment resolved, subject to the Special Conditions referenced above by the Applicant. BETA defers to the Commission on the acceptance of this plan.**

- W13. The Construction Sequence and Schedule should be provided within the NOI application in addition to the plans (Bylaw Regulations Section 7.15.1).

*UC: The Construction Sequence and Schedule has been provided for inclusion with the NOI.*

**BETA2: The Construction Sequence and Schedule appears to differ between the plans and the narrative. BETA recommends that the most up-to-date sequence be used across all documents, which is assumed to be the one provided with the narrative.**

## STORMWATER MANAGEMENT

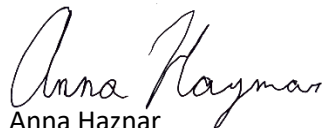
The Project is subject to the Massachusetts Stormwater Management Regulations and Standards and is also required to comply with the Town of Franklin Best Development Practices Guidebook. A review of the Project's compliance with the Massachusetts Stormwater Management Regulations and Standards is currently ongoing through the Planning Board Site Plan Review process.

## REVIEW SUMMARY

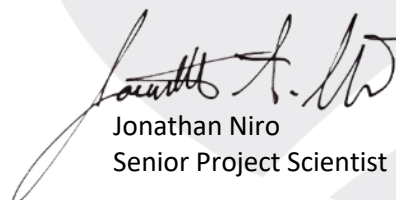
Based on our review of the NOI submittal and Project plans, the Applicant has provided the Conservation Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Bylaw, subject to the recommendations included in this letter.

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

Very truly yours,  
BETA Group, Inc.



Anna Haznar  
Staff Scientist



Jonathan Niro  
Senior Project Scientist

cc: Amy Love, Town Planner  
Bryan Taberner, AICP, Director of Planning & Community Development  
Matt Crowley, P.E., BETA