

June 13, 2023

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

**Re: 100 Financial Park
MassDEP File No. 159-1270
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the project entitled: **100 Financial Park** located 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 Submission**; prepared by Highpoint Engineering, Inc., dated May 11, 2023.
- Plan set (45 Sheets) entitled **Warehouse/ Industrial Development Site Development Plans 100/200 Financial Park Franklin, Massachusetts**; prepared by Highpoint Engineering, Inc.; dated May 11, 2023; stamped and signed by Douglas J. Hartnett MA P.E. No. 37796. Inclusive of
 - **Limited/ Compiled Existing Conditions Plan for 100 & 200 Financial Park Franklin, MA**; prepared by Hancock Associates; dated October 24, 2022, last revised May 5, 2023; stamped and signed by John D. Bremser MA P.L.S No. 35380.
 - **Warehouse/ Industrial Dev. 100/200 Financial Park, Franklin, MA**; prepared by Michael D'Angelo Landscape Architecture; dated May 11, 2023; stamped and signed by Michael D'Angelo MA R.L.A No. 4006.
- Drainage report entitled **Stormwater Management Analysis**; prepared by Highpoint Engineering, Inc.; dated March 11, 2023.
- Wetland delineation report entitled **RE: 100 and 200 Financial Park, Franklin – Wetland Delineation Report**; prepared by Hancock Associates; dated March 15, 2023.

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

- Site visit on June 6, 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 approximately 51-acre Site includes two (2) parcels located at 100 and 200 Financial Park in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 312-020-000 and 312-020-001. The Site is bounded to the east by Washington Street, to the south by an industrial building, and to the north and west by Spring Pond, Mine Brook, and associated wetlands. Existing improvements at the Site include a 183,306 square foot (sf) office building, a 57,570 sf warehouse building, maintained lawn, landscaped areas, and paved parking areas.

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 Land Subject to Flooding (BLSF), Bordering Vegetated Wetlands (BVW), Bank (to a pond and intermittent stream), and Land Under Water (LUW). Riverfront Area associated with Mine Brook to the west and Dix Brook to the south is outside of the proposed limit of work.

The Site is located within a Zone II Wellhead Protection Area but is not located within Zone I or Interim Wellhead Protections Area. There are no Surface Water Protection Areas (Zone A, B, or C), 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 five NHESP-mapped Potential Vernal Pools located within 100 feet of the Site, but no NHESP-mapped Certified Vernal Pools.

According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C0308E, dated July 17, 2012, the Site is not located within the 100-year floodplain. A Flood Zone AE is mapped to the north and east of the Site with a Base Flood Elevation (BFE) of 241' (NAVD88), and a Flood Zone X is mapped to the east and west of the Site.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Freetown muck with a Hydrologic Soil Group (HSG) rating of B/D, Hinckley loamy sand with a HSG rating of A, Merrimac fine sandy loam with a HSG rating of A, Merrimac Urban land complex with a HSG rating of A, and Udorthents with a HSG rating of A.

The Applicant seeks approval for construction of two new warehouse buildings within the buffer zone to BVW and Bank. Proposed work includes the following activities (collectively referred to as the "Project"):

- Demolition of the existing 183,306 sf office building;
- Construction of a 224,300 sf warehouse (Building 1) and construction of a 70,500 sf warehouse (Building 2);
- Removal of existing paved parking areas, fire pump house, and diesel fuel tanks;
- Paving of a newly configured parking area;
- Repaving a portion of the Financial Park roadway with heavy duty asphalt;
- Installation of retaining walls in multiple locations;
- Installation of new water, electric, telecommunication, sewer, and gas utilities;
- Construction of a crushed aggregate and stone dust pathways around the detention pond;
- Construction of concrete sidewalks and walkways in multiple locations;
- Construction of concrete loading docks south of Building 1 and north of Building 2;

- Construction of a paved trailer storage area at the rear of the existing 57,570 sf warehouse (Building 3);
- Construction of multiple subsurface infiltration systems and rain gardens;
- Construction of landscaped areas;
- Vegetation removal and grubbing;
- Site grading; and
- Installation of erosion controls.

The Project will result in temporary and permanent impacts within the buffer zone to BVW and Bank Subject to Protection under the Act and the Bylaw.

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		✓ (See comment A2)
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		✓ (See comment A3 and A4)
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓ (See comment A5)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference		✓ (See comment A6)
Survey Benchmark		✓ (See comment A7)
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

A1. MassDEP has issued a file number (DEP File No. 159-1270) and provided the following technical comments:

- "The Commission may want to require confirmation that Pond POA A was constructed, maintained and is functioning as designed".
- "MassDEP asks if other treatment BMPs including LID treatment techniques have been considered to provide further treatment for site runoff, particularly that which is directed to POA A Pond West. Possible examples include vegetated filter strips, infiltration trenches or rain gardens which may serve to further attenuate peak flows, reduce TSS, allow for additional infiltration and may be constructed with minimal additional impact".

- A2. The Existing Conditions plan has a scale of 40'=1" but the Site Development plans are scaled at 50'=1" or 80'=1". BETA defers to the Commission on the Bylaw requirement of plan scales at 40'=1" or larger per Bylaw Section 7.18.1.1.
- A3. Buffer zones appear to be labeled on most sheets; however, line work is missing and certain buffer zones are missing on some sheets (i.e. sheets G100, C100, C400, C401 and Landscaping Plans). Recommend clearly depicting the 25, 50 and 100-foot buffer zones on all civil and landscaping sheets.
- A4. The FEMA Flood Zone AE is depicted on the Existing Conditions Plans, however, the BFE should be labeled. This boundary should also be depicted and labeled on the Site Development plans.
- A5. Provide a Construction Schedule and Sequence in the plan notes, as required under Section 7.18.1.14. of the Bylaw.
- A6. Include assessors' references of the abutting properties.
- A7. Include the survey benchmark.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite 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 is within buffer zone only and as such is not subject to specific Performance Standards under the Act. The Project is subject to the MassDEP Stormwater Standards and a review of compliance with these Standards has been completed as part of the Planning Board Review.

The NOI application includes narrative information describing the Project, and the proposed impacts within the buffer zone have been generally described. Mitigation measures include use of erosion controls and installation of Stormwater Best Management Practices (BMP's) to manage stormwater runoff from the new building and the new paved areas. Additional information is required to describe the effects of the work on the interests of the Act and the Bylaw, including demonstration of compliance with the Stormwater Management Standards, demonstration of compliance with the Bylaw, and reassessment of Resource Area boundaries.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on June 6, 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 was limited to locations where the delineated boundary was within, or may be within, 100 feet of the Limit of Work (LOW).

- W1. Channelized flow along a hydraulic gradient was observed interior of the K-Series wetland in the vicinity of WF K314, which was not depicted on the Project plans. This stream meets the definition of a stream with protected Bank and Land Under Water (LUW). This stream is not mapped on the most recent USGS maps, but the Applicant should provide proof of the stream's status as intermittent using the Stream Stats method identified in 310 CMR 10.58 (2)(a)1.c.i. to ensure that the stream does not meet the definition of a River/perennial stream.
- W2. Hydric soil indicators consisting of a depleted matrix underlying a dark mineral layer within 12" of the soil surface were observed up to 20 to 30 feet upgradient of flag WF P-114. A dominance of hydrophytic vegetation including highbush blueberry (*Vaccinium corymbosum*), skunk cabbage

(*Symplocarpus foetidus*), and cinnamon fern (*Osmundastrum cinnamomeum*) was observed in this area despite the presence of upland vegetation such as witch hazel (*Hamamelis virginiana*) and Canada mayflower (*Maianthemum canadense*).

- W3. The L-Series Pond is approximately 61,000 square feet in area and meets the definition of a Pond under 310 CMR 10.04.
- W4. Hydric soil indicators consisting of a thick, dark mineral layer with prominent redoximorphic concentrations within 12" of the soil surface and hydrophytic vegetation including red maple (*Acer rubrum*), highbush blueberry, and soft rush (*Juncus effusus*) were observed approximately 5-10 feet upgradient of WF K-308. Where WF K-309 was missing in the field, it could not be determined whether this area was previously included within the delineation.
- W5. Although some flagging was observed to be missing in the field, their locations could be discerned and assessed as accurate by reviewing the existing conditions information provided by the Applicant, with exception to WF K-309 as discussed in comment W3. It is recommended that the Commission approve the flagged boundary for this filing only, with a recommendation that if any future Projects are proposed onsite, an updated delineation will be required.
- W6. The Center Line of an intermittent stream that connects the WF-F Series BVW to the WF-P Series BVW was flagged and depicted on the existing conditions plan. This watercourse meets the definition of a stream with protected Bank and Land Under Water (LUW). The Bank of this stream should be delineated to identify the onsite resource areas and accurately depict buffer zones.

CONSTRUCTION COMMENTS

- W7. Material storage and laydown areas should be depicted on the Project plans and should be located outside of buffer zones.
- W8. Sheets C200 and C201 depict erosion controls consisting of straw wattles. Given the extent of development and grading, as well as the proximity of the work to the WF1 L100 and likely duration of construction, the plans should be revised to specify the use of 18-inch compost-filled silt sock.

MITIGATION COMMENTS

- W9. All plantings proposed within the 100' buffer zone should consist of species native to Norfolk County. The buffer zone boundary is not depicted on the Landscape Plans and as such it is unclear what species are proposed within the buffer zone.

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 the local buffer zone Resource Areas.

BYLAW REGULATORY COMMENTS

- W10. The Project proposes a crushed aggregate/ stone dust pathway around the L-Series Pond interior of the Site, which is partially within the 25 foot No-Disturbance buffer zone. A variance should be requested pursuant to Section 5 of the Bylaw Regulations. BETA defers to the Commission on granting this waiver.
- W11. The following materials must be submitted per the submission requirements of the Bylaw Regulations:

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- a. A Construction Sequence and Schedule (Section 7.15).

STORMWATER MANAGEMENT

The Project proposes two rain gardens and seven subsurface infiltration systems to capture, store, and infiltrate stormwater. Conveyance to these Best Management Practices (BMPs) will be achieved via new closed drainage systems consisting of catch basins, manholes, water quality units, and roof leaders. Portions of the existing closed drainage system in the southern area of the Site will also be retained. Stormwater BMPs are proposed to connect to each other in series; overflow from these systems will ultimately discharge to the L-series jurisdictional pond in the northern portion of the Site through an existing culvert.

A review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations was issued to the Planning Board on May 25, 2023. Currently, the Project does not fully comply with the Massachusetts Stormwater Standards, and revisions to the design are required to comply with the Standards.


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,

BETA Group, Inc.



Elyse Tripp
Staff Scientist



Laura Krause
Project Manager

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