



CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS

80 Montvale Ave., Suite 201
Stoneham, MA 02180
781-279-0180

www.rjoconnell.com

July 6, 2023

Town of Franklin
Conservation Commission
355 East Central Street
Franklin, MA 02038

Regarding: Request for Determination of Applicability
121 Grove Street
Map 295, Lot 1 & Map 294, Lot 7
Franklin, MA 02038

Members of the Franklin Conservation Commission:

On behalf of Fairfield Residential Company LLC (applicant), and in association with SHIPE Consulting, RJ O'Connell & Associates, Inc (RJOC) is pleased to submit this Request for Determination of Applicability (RDA) for the purpose of performing on-site soil testing on the subject property at 121 Grove Street (Map 295, Lot 1 & Map 294, Lot 7) in Franklin, Massachusetts.

Enclosed please find one (1) original and one (1) copy of the ANR submittal and a full-size plan, and six (6) copies of reduce-sized (11x17") plans. The ANR application package includes: a cover letter from the Applicant's legal counsel, WPA Form-1, Application Process Signature Form, USGS Map, Notification to Abutters, 300-foot Abutters List Report, Filing Fees, and Test Pit Location Plan. A thumb drive containing PDF files of the ANR application package has been included with this submittal. We respectfully request that you place this matter on your agenda for the July 13, 2023, Public Hearing.

Please call me if you have any questions at 781-279-0180.

Sincerely,

RJO'CONNELL & ASSOCIATES

Brian J. McCarthy
Vice President

cc: MassDEP - SERO
Robb Hewitt - Fairfield Residential Company, LLC
John Shipe - SHIPE Consulting
Richard R. Cornetta Jr. - Cornetta, Ficco & Simmler, P.C.

LAW OFFICES
CORNETTA, FICCO & SIMMLER, P.C.
ATTORNEY AT LAW
4 WEST STREET
FRANKLIN, MASSACHUSETTS 02038

RICHARD R. CORNETTA, JR.

VOICE (508) 528-5300
FAX (508) 528-5555

July 5, 2023

Mr. Patrick Gallagher, Chairman
Franklin Conservation Commission
Town of Franklin
355 East Central Street
Franklin, MA 02038

RE: **Fairfield Residential Company LLC**
Locus: 121 Grove Street, Franklin, Massachusetts 02038

Dear Chairman Gallaher:

Please be advised that this firm is legal counsel to Fairfield Residential Company LLC (“FRC”) in the proposed activities upon the above-entitled property in the town of Franklin. This correspondence has been prepared and attached with the Request for Determination of Applicability filed in accordance with §181-5B of the Franklin Code (the “RDA”) as to the above-entitled Locus.

FRC is seeking to make entry upon the Locus to complete certain test pit activities as detailed in the reports and plan renderings prepared by RJ O’Connell & Associates, Inc. and attached along with the RDA. The jurisdiction over certain activities is addressed in the local Wetlands Bylaw at §181-2B, to wit:

Except as permitted by the Conservation Commission or as provided in this chapter, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter any of the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; beaches; intermittent streams; land under water bodies; lands within 100 feet of any of the aforesaid wetland or floodplain areas; lands subject to flooding or inundation by groundwater or surface water; rivers and streams; and lands within 200 feet of the mean annual high-water line of any river or stream.

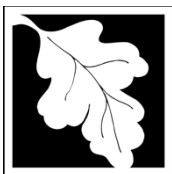
Please be advised that FRC has submitted an application for a determination of Project Eligibility under the provisions of the Commonwealth of Massachusetts comprehensive permit process (M.G.L. Chapter 40B, 760 C.M.R. 56, and the Massachusetts Department of Housing and Community Development's Comprehensive Permit Guidelines) as to the Locus.

Thank you for your attention to this matter.

Very truly yours,

Richard R. Cornetta, Jr

Richard R. Cornetta, Jr.



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Fairfield Residential Company LLC
Name

rhewitt@ffres.com
E-Mail Address

30 Braintree Hill Park, Suite 105
Mailing Address

Braintree
City/Town

MA
State

02184
Zip Code

781-881-2303
Phone Number

Fax Number (if applicable)

2. Representative (if any):

RJ O'Connell & Associates, Inc
Firm

brian.mccarthy@rjoconnell.com
E-Mail Address

Brian McCarthy
Contact Name

80 Montvale Ave, Suite 201
Mailing Address

Stoneham
City/Town

MA
State

02180
Zip Code

781-279-0180
Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Franklin Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Franklin
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

121 Grove Street	Franklin
Street Address	City/Town
294 & 295	7 & 1
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The site is approximately 31.44 acres with a portion of the site is developed with a three-family home and multiple shed type buildings, driveways, and walkways. The remainder of the site is undeveloped and includes open field area, woodland, intermittent streams and bordering vegetated wetlands. The majority of the site is undeveloped. The residential development has two driveways onto Grove Street.

c. Plan and/or Map Reference(s):

Test Pit Location Plan - Drawing # TP	06/23/2023
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

To perform soil testing (test pits) within the 50' wetland buffer zone (all test pits are located outside of 25' "No touch" zone) for the purpose of stormwater design and preparation of an application to the Commission. See attached plan for test pit locations. The test pits will be backfilled to existing grade.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

As stated in Chapter 271, Conservation Commission Bylaw, dated July 11, 2019, Section 271-13, Definition of Key Terms in Town Wetland Protection Bylaw, the definition of Alter states that "Test Pits for the purpose of preparing an application to the Commission are excluded from the definition of "Alter" set forth in the Town Wetland Protection Bylaw". Also, per 310 CMR 10.02(2)(b)2.g. soil exploration for design purposes are not subject to regulation.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1 - Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Bryn Smith
 Name
 108 Mendon Street
 Mailing Address
 Bellingham
 City/Town
 MA
 State
 02019
 Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Robert D. Hewitt

Digitally signed by Robert D. Hewitt
Date: 2023.06.29 14:15:30 -0400'

Signature of Applicant

Date

6/29/23

Signature of Representative (if any)

Date

6/30/23

R. J. O'CONNELL & ASSOCIATES, INC.
80 MONTVALE AVE., SUITE 201
STONEHAM, MA 02180

Reading
COOPERATIVE BANK
READING, MA
53-7240/2113



CHECK DATE 7/5/2023

PAY One hundred and 00/100
TO Town of Franklin, MA

AMOUNT \$100.00



Tom O'Connell
AUTHORIZED SIGNATURE

⑆030092⑆ ⑆211372404⑆ 2500399543⑆

R. J. O'CONNELL & ASSOCIATES, INC.

30092

22016

Filing RDA w/ Can Commission

30092

Town of Franklin Conservation Commission

APPLICATION PROCESS SIGNATURE FORM

There are three different applications that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for Determination (RDA) and a Minor Buffer Zone Activity (MBZA). All three applications have different criteria for submission and approval and the NOI and RDA are governed by both the state law and the local bylaw. The MBZA is issued under the local bylaw only.

When a potential applicant requests advice from the Conservation Agent on which application to file, the opinion of the Agent is based on the information given by the potential applicant and any other information available to the Agent, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after an application is filed or permission of the property owner is given.

It is important that all applicants understand that after an application is filed, additional information may come to light e.g. via a field inspection or a review of the application, that may impact the scope of the submitted application and the approval process. **Therefore, it is the ultimate responsibility of the applicant to decide which application to file.**

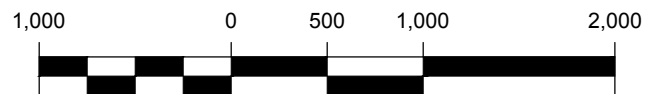
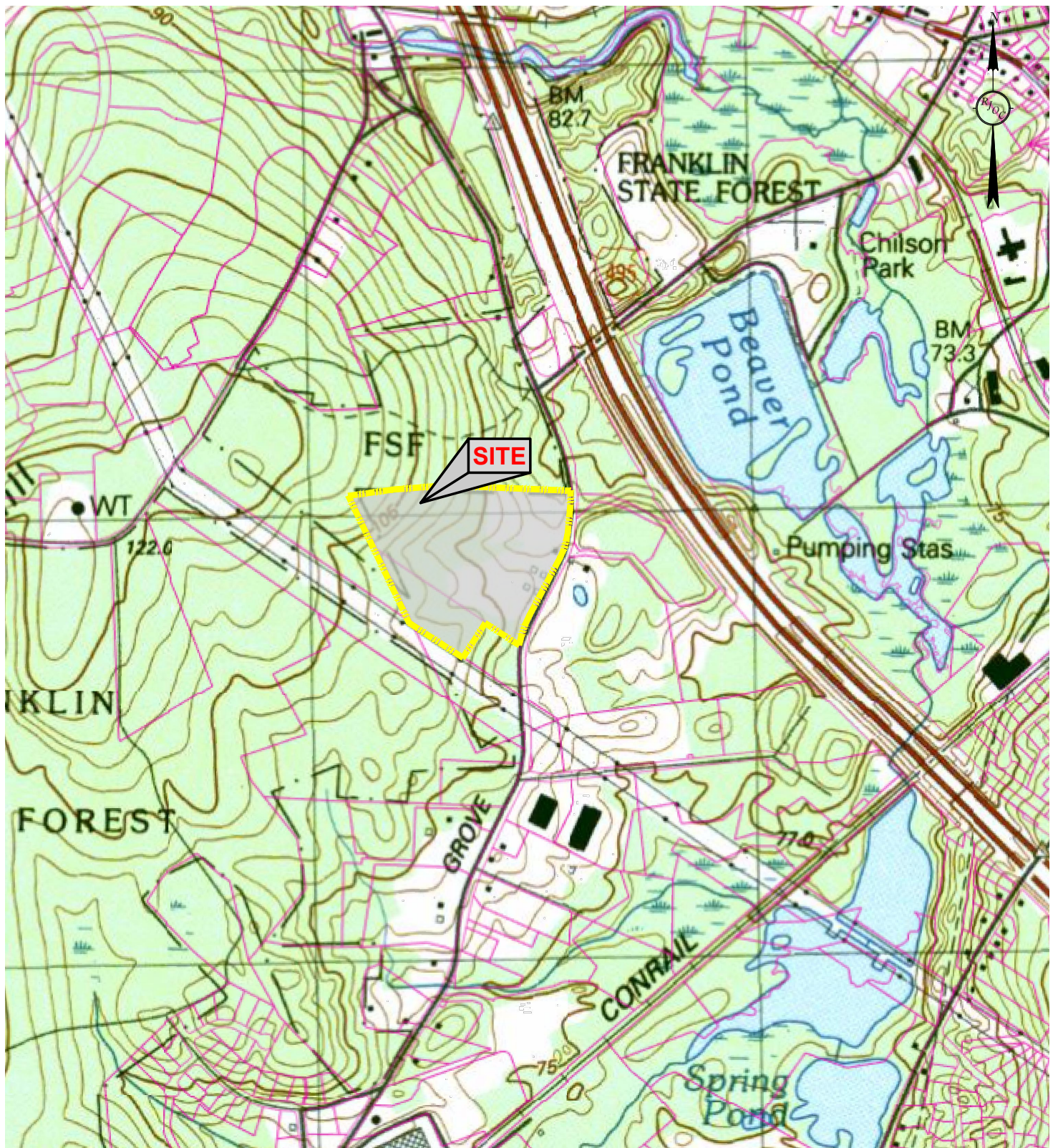
In light of the above, please sign below indicating an understanding of this policy and submit it with the application.

Bryan Smith

Signature of Property Owner

6/29/2023

Date



GRAPHIC SCALE IN FEET

DESIGNED BY: MAC
 DRAWN BY: MAC
 REVIEWED BY: BJM
 SCALE: 1" = 1,000'
 DATE: 06/23/2023
 PROJECT NUMBER: 22016

PREPARED BY:

RJO'CONNELL & ASSOCIATES, INC.
CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
 80 MONTVALE AVENUE, SUITE 201
 STONEHAM, MA 02180
 PHONE: 781.279.0180 RJOCONNELL.COM

PROJECT NAME:
121 GROVE STREET
 FRANKLIN, MA

DRAWING NAME:
USGS MAP

DRAWING NO:
FIG-1

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:

Fairfield Residential Company LLC has filed a Request for Determination of Applicability with the Franklin Conservation Commission for the **121 Grove Street (Map 295, Lot 1 & Map 294, Lot 7)** on **July 6, 2023**, under the Wetlands Protection Act (M.G.L c.131 §40).

Copies of the Request for Determination or Applicability may be examined during regular office hours at **the Applicant's representative: RJ O'Connell & Associates, 80 Montvale Avenue, Suite 201, Stoneham MA 02180**

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, July 13, 2023**, 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.



125104

Abutter's List Request Form

Status: Active

Submitted On: 6/26/2023

Primary Location

121 GROVE ST
FRANKLIN, MA 02038

Owner

SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

Applicant

Michael Capachietti
781-279-0180
michael.capachietti@rjoconnell.com
80 Montvale Ave
Stoneham, MA 02180

Abutter's List Request Form

Which Board/Commission is requiring this list?*

Conservation Commission

What is the purpose for the request?*

RDA Filing

How would you like to receive this abutters list?*

Emailed

What email address should we use to send you the abutters list?*

michael.capachietti@rjoconnell.com

General Parcel Information

Assessor's Parcel ID*

295-001-000-000

Property Street Address*

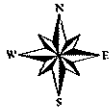
121 grove street

Assessor's Parcel ID*

294-007-000-000

Property Street Address*

Grove Street



121 GROVE ST [294-007 & 295-001] - 300' ABUTTERS

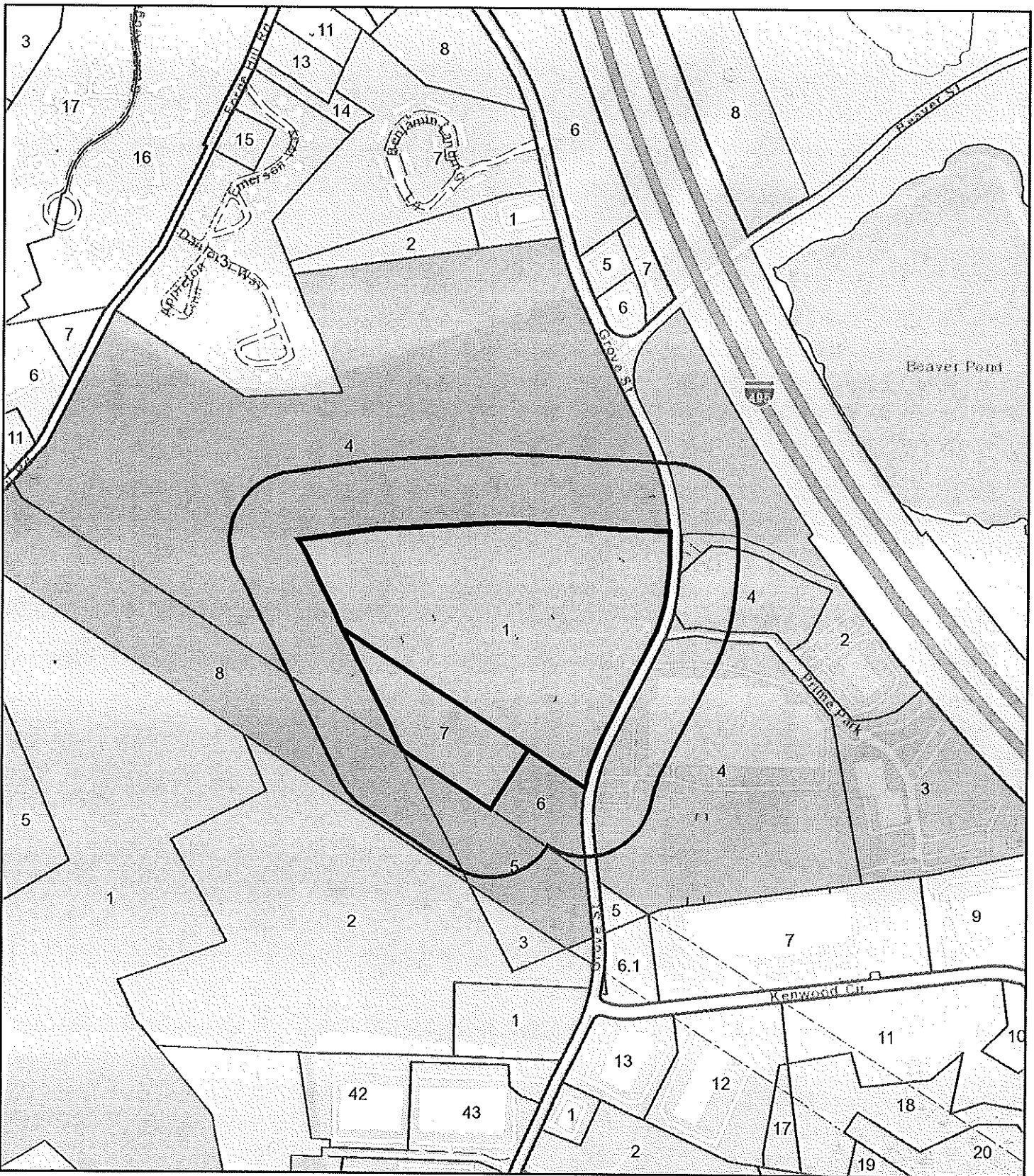
Franklin, MA



June 26, 2023

1 inch = 600 Feet

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
June 26, 2023

Subject Properties:

Parcel Number: 294-007-000
CAMA Number: 294-007-000-000
Property Address: GROVE ST

Mailing Address: SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

Parcel Number: 295-001-000
CAMA Number: 295-001-000-000
Property Address: 121 GROVE ST

Mailing Address: SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

Abutters:

Parcel Number: 288-003-000
CAMA Number: 288-003-000-000
Property Address: 100 GROVE ST

Mailing Address: FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

Parcel Number: 288-004-000
CAMA Number: 288-004-000-000
Property Address: 120 GROVE ST

Mailing Address: BEAULIEU DEBRA A TR MEL-DINA
REALTY TRUST
842 UPPER UNION ST STE 8
FRANKLIN, MA 02038

Parcel Number: 289-004-000
CAMA Number: 289-004-000-000
Property Address: GROVE ST

Mailing Address: COMMONWEALTH OF
MASSACHUSETTS DIVISION OF STATE
PARKS AND RE
251 CAUSEWAY ST, STE 600
BOSTON, MA 02114

Parcel Number: 294-005-000
CAMA Number: 294-005-000-000
Property Address: GROVE ST

Mailing Address: NEW ENGLAND POWER CO PROPERTY
TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 294-006-000
CAMA Number: 294-006-000-000
Property Address: 131 GROVE ST

Mailing Address: NEW ENGLAND POWER CO PROPERTY
TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 294-007-000
CAMA Number: 294-007-000-000
Property Address: GROVE ST

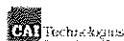
Mailing Address: SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

Parcel Number: 294-008-000
CAMA Number: 294-008-000-000
Property Address: GROVE ST

Mailing Address: HUGHES STEPHEN V JR NEW
ENGLAND POWER CO PROPERTY TAX
DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 295-001-000
CAMA Number: 295-001-000-000
Property Address: 121 GROVE ST

Mailing Address: SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019



www.cai-tech.com

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

6/26/2023

Page 1 of 2



300 foot Abutters List Report

Franklin, MA

June 26, 2023

Parcel Number: 295-002-000
CAMA Number: 295-002-000-000
Property Address: 122 GROVE ST

Mailing Address: AMEGO INC
33 PERRY AVE
ATTLEBORO, MA 02703

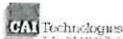
Parcel Number: 295-003-000
CAMA Number: 295-003-000-000
Property Address: 124 GROVE ST

Mailing Address: FRANKLIN OAKS EQUITY PARTNERS,
C/O AEGEAN CAPITAL LLC
150 EAST 58TH ST - 23RD FLOOR
NEW YORK, NY 10155

Parcel Number: 295-004-000
CAMA Number: 295-004-000-000
Property Address: 126 GROVE ST

Mailing Address: KEY BOSTON INC
126 GROVE ST BOX 247
FRANKLIN, MA 02038

Kevin M. Doyle, 6-26-2023



www.cai-tech.com

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

6/26/2023

Page 2 of 2

AMEGO INC
33 PERRY AVE
ATTLEBORO, MA 02703

BEAULIEU DEBRA A TR
MEL-DINA REALTY TRUST
842 UPPER UNION ST STE 8
FRANKLIN, MA 02038

COMMONWEALTH OF
MASSACHUS
DIVISION OF STATE PARKS A
251 CAUSEWAY ST, STE 600
BOSTON, MA 02114

FRANKLIN OAKS EQUITY PART
C/O AEGEAN CAPITAL LLC
150 EAST 58TH ST - 23RD FLOOR
NEW YORK, NY 10155

FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

HUGHES STEPHEN V JR
NEW ENGLAND POWER CO PROP
40 SYLVAN RD
WALTHAM, MA 02451-2286

KEY BOSTON INC
126 GROVE ST BOX 247
FRANKLIN, MA 02038

NEW ENGLAND POWER CO
PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019