



July 10, 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: **15 Liberty Way** 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 (NOI) booklet entitled **Notice of Intent for 15 Liberty Way, Franklin MA 02038**; prepared by Goddard Consulting, LLC., dated May 25, 2023. Inclusive of
  - **Stormwater Report for 15 Liberty Way Franklin MA**; prepared by Level Design Group, LLC; signed and stamped by Daniel R Campbell MA PE No. 46245
  - **Liberty Parking Expansion**; prepared by Level Design Group, LLC; signed and stamped by Daniel R Campbell MA PE No. 46245; 8 sheets.

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

- Site visit on July 3, 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 15-acre Site consists of a portion of an existing parcel located at 15 Liberty Way in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 320-004-000-000. The Site is bounded to the east by a commercial property, to the south by office buildings, to the west by undeveloped forest and single-family residential parcels, and to the north by undeveloped forest. Existing improvements at the Site include a 92,490 square foot (sf) warehouse building, paved parking and road areas, maintained lawn, landscaped areas, and an undeveloped forest. Approximately 58% of the existing Site consists of impervious surfaces.

According to the Applicant, there are 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”) at the Site, but there is a Resource Area Subject to Protection under the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated Regulations (collectively “the Bylaw”) present at the Site, an Isolated Vegetated Wetland (IVW).

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protections Area, 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 any Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Potential Vernal Pools (PVPs) or Certified Vernal Pools (CVPs) located on or within 100 feet of the Site.

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0317E and 25021C0316E, both dated July 17, 2012, the Site is not located within the 100-year floodplain, though it is within a Zone X. A Flood Zone A is mapped to the northwest, west, and south of the Site with no Base Flood Elevation (BFE) determined.

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

The Applicant seeks approval for the expansion of the existing parking into a forested area and installation of additional stormwater management infrastructure within an IVW and the associated buffer zone. Proposed work includes the following activities (collectively referred to as the “Project”):

- Vegetation removal and grubbing;
- Site re-grading;
- Installation of stormwater management infrastructure;
- Removal of sections of the existing chain link fence;
- Installation of a new perimeter chain link fence;
- Paving a total of 105,320 sf;
- Invasive species management; and,
- Final Site-wide vegetative stabilization and landscaping.

The Project will result in temporary and permanent impacts to an IVW and the associated buffer zone Subject to Protection under 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	✓	
North Arrow (with reference)	✓	
Topographic contours (2’ intervals)	✓	
Existing Conditions Topography (with source and date of survey)		✓ (See comments A2a and b)
Proposed Topography	✓	

Existing and Proposed Vegetation	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled		✓ (See comment A3)
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
Registered PLS Stamp (Existing Condition Plans Only)		✓ (See comment A2c)
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

### PLAN AND GENERAL COMMENTS

- A1. MassDEP has not issued a file number for this Project as the Applicant has not submitted this filing to MassDEP. Although asserting that the Project is only subject to Bylaw approval, the Applicant may still be required to file under the Act, depending on the outcome of the resource area boundary determinations (comments W1 – W6).
- A2. The existing conditions topography should include the following:
- a. A survey benchmark;
  - b. Topographic features including interior drainage ditches (see comments W7 and W8) and the upland berm (see comment W4); and
  - c. A registered Professional Land Surveyor (PLS) stamp.
- A3. Two IVW's are described within the NOI narrative; however only one is shown on the Project plan. Furthermore, associated 0-25', 25-50', and 50-100' Buffer Zones are not depicted on any of the plan sheets as required per Section 7.18.1.8 of the Bylaw.

### 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 within a resource area identified by the Applicant as an IVW that is not Subject to Jurisdiction under the Act but is Subject to Protection under the local Bylaw. Work is proposed within Buffer Zones associated with the identified IVW under the local Bylaw. Although the Applicant has not filed the NOI with MassDEP, 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 quantified and generally described but not shown on the Project plans. Mitigation measures include use of erosion controls, proposed invasive species management, and installation of Stormwater Best Management Practices (BMP's) to manage stormwater runoff from the new paved areas. Additional information is required to determine if areas subject to jurisdiction under the Act are present, and 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 July 3, 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. As discussed in Section 1.1 of the NOI narrative, the wetland referenced as an IVW was not flagged in the field. Although the boundary appears to be generally defined by a rip-rap slope, the Applicant should flag this area for BETA to confirm the delineated boundary. Existing conditions as shown on the Project plan are not sufficient to determine the accuracy of this Resource Area as observed in the field. The boundary of the IVW should be determined in the field so it can be confirmed. In addition, the Applicant should provide additional information on the location of the existing underground stormwater management system discussed in Section 1.1.
- W2. South and east of the wetland described in comment W1 within the easement area and along the existing chain link fence (see attached sketch), BETA observed hydric soils consisting of a depleted matrix with redoximorphic features within 12" of the soil surface. Hydrologic indicators observed included leaf staining, saturation, and hydrophytic vegetation such as purple loosestrife (*Lythrum salicaria*), common reed (*Phragmites australis*), deer-tongue (*Dichanthelium clandestinum*), and pointed broom sedge (*Carex scoparia*). Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of additional wetlands in accordance with the definition at 310 CMR 10.55(2).
- W3. A man-made channel (identified as Channel 1 on the attached sketch), as evidenced by sections of rip rap, was observed upgradient of and connected to the resource area described in comment W1. Hydric soil indicators consisting of organic streaking with depletions and redoximorphic features within 12" of the soil surface, as well as a dominance of hydrophytic vegetation including sensitive fern (*Onoclea sensibilis*), jewelweed (*Impatiens capensis*), purple loosestrife and sawtooth sedge (*Carex lurida*) was observed. Additionally, evidence of prior flow was observed within the channel including eroded banks, organic debris deposits, and drift marks. Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of additional wetlands and/or bank in accordance with the definition at 310 CMR 10.54(2) and 10.55(2). The source of water flowing to this channel should also be provided by the Applicant.
- W4. An offsite ditch running parallel to the northern property line, referenced in Section 1.2 of the NOI as an unmaintained stormwater ditch (identified as Channel 2 on the attached sketch), was observed in the field. This ditch is separated from the remainder of the parcel by an upland berm until its outlet to the easement directly northwest of the Project parcel, upgradient of the channel described in comment W3. Pockets of standing water were observed along the length of the ditch, in addition to channelized flow observed near its western limit (see attached sketch and Photos 4 through 7). The Applicant identified this area as an IVW, but its boundary was not observed to have been flagged in the field; therefore, BETA cannot confirm the accuracy of this delineation. The boundary of the IVW should be determined in the field so it can be reviewed, and buffer zones can be shown accordingly.

- W5. A rip rap mound was observed between the start of the channel discussed in comment W3 and the end of a channel discussed in comment W4. Although these areas have been discussed separately and a rip rap mound was observed to visually separate these two areas, an apparent hydrologic connection was observed as evidenced by ponded water and saturation on either side of the rip-rap mound. This is further supported by the evidence of prior flow discussed in comment W3. Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of bank in accordance with the definition at 310 CMR 10.54(2).
- W6. Hydric soil indicators consisting of a depleted matrix underlying a dark mineral layer within 12" of the soil surface, as well as stained leaves and ponding were observed within the northern portion of the site (see attached sketch). A dominance of hydrophytic vegetation including royal fern (*Osmunda regalis*), cinnamon fern (*Osmundastrum cinnamomeum*), black tupelo (*Nyssa sylvatica*), red maple (*Acer rubrum*) and Sphagnum moss were observed despite some upland ground cover including Canada mayflower (*Maianthemum canadense*) and princess pine (*Lycopodium obscurum*). Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of additional wetlands in accordance with the definition at 310 CMR 10.55(2).
- W7. The interior drainage ditch described as non-jurisdiction in Section 1.3 of the NOI narrative (see attached sketch) was generally observed to be dry and sparsely vegetated with upland species such as hay-scented fern (*Dennstaedtia punctilobula*) and partridge berry (*Mitchella repens*). BETA concurs with the Applicant that this drainage ditch is not jurisdictional under the WPA or the Bylaw.

## CONSTRUCTION COMMENTS

- W8. The project as currently depicted will disturb more than one acre of land, therefore, a Notice of Intent (NOI) with EPA and a Stormwater Pollution Prevention Plan (SWPPP) are required.
- W9. Material stockpile and laydown areas should be labeled on the Project plans.
- W10. Proposed erosion controls include inlet protection measures and 12-inch diameter Silt Soxx. These controls are appropriate for this Project, however, Sheet C-5.0 of the plans includes a detail depicting silt fence and straw wattles for stockpile protection and Sheet C-4.0 references use of erosion control fencing under the Erosion Control Plan Notes. BETA defers to the Commission on whether they will approve the use of these controls.

## MITIGATION COMMENTS

- W11. The Applicant is proposing approximately 11,000 sf of invasive species management as a form of mitigation. To support this, the Applicant should submit a comprehensive Invasive Species Management Plan (ISMP) that includes the following:
- Species-specific treatment methods (mechanical, chemical, or a combination of the two) for each species identified on site;
  - Proposed methods to prevent the accidental spread of any invasive removed while clearing and grubbing;
  - Monitoring of the areas subject to the ISMP; and
  - Seed mix and/or native plantings proposed to revegetate areas where invasive species were removed.

## **WPA PERFORMANCE STANDARDS COMMENTS**

The Applicant asserts that Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within the locally jurisdiction IVW and its associated buffer zone Resource Areas. Depending on the outcome of the resource area boundary review (comments W1 – W6), an evaluation of compliance with the WPA Performance Standards may be necessary.

## **BYLAW REGULATORY COMMENTS**

- W12. The Applicant has requested a variance for management of invasive species within resource areas. A variance should additionally be requested for work proposed with the 0-25' No Disturb and the 25-50' buffer zones of the IVW per the Bylaw.
- W13. Section 4.4.1 of the Bylaw indicates that “mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface”. The Applicant should provide the Commission with calculations of proposed impervious area within the 50-100 foot buffer zone for the Commission to determine appropriate mitigation measures.
- W14. The Applicant states that 264 sf of work is proposed within the onsite IVW associated with two proposed stormwater outlets and associated rip-rap apron. Work proposed within a wetland is subject to the requirements of section 7.14 of the Bylaw for the submission of a Replication Plan and Protocol.

## **STORMWATER MANAGEMENT**

The Project proposes one subsurface infiltration system, a Stormtech SC-740 subsurface detention basin, to capture, store, and infiltrate stormwater. Conveyance to these Best Management Practices (BMPs) will be achieved via deep sump catch basins. Stormwater BMPs are proposed to connect to each other in series; overflow from these systems will ultimately discharge to the rip-rap lined jurisdictional IVW in the northern portion of the Site through a High-Density Polyethylene (HDPE) pipe.

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 March 8, 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.

Ms. Breeka Lí Goodlander, Agent

July 10, 2023

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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

Attachments:

1. Annotated Plans
2. Photographic Documentation





**Photo 1**



View of the ponding upgradient of the IVW—facing north.

**Photo 2**



View of the vegetated channel north of the IVW—facing south.

**PHOTOGRAPHIC DOCUMENTATION**

15 Liberty Way

Franklin, Massachusetts

Photographs Documented July 3, 2023

**Photo 3**



View of a soil sample within the vegetated channel.

**Photo 4**



View from the easement looking interior to the channel parallel to the northern limit of work—facing east.

**PHOTOGRAPHIC DOCUMENTATION**

15 Liberty Way

Franklin, Massachusetts

Photographs Documented July 3, 2023

**Photo 5**



View of the stream interior to the channel parallel to the northern limit of work—facing east.

**Photo 6**



View of a ponded area interior to the channel parallel to the northern limit of work—facing north.

**PHOTOGRAPHIC DOCUMENTATION**

15 Liberty Way

Franklin, Massachusetts

Photographs Documented July 3, 2023

**Photo 7**



View of the rip-rap apron at the eastern extent of the channel parallel to the northern limit of work—facing north.

**Photo 8**



View of the area interior to the limit of work with hydrophytic vegetation and ponding—facing southwest.

**PHOTOGRAPHIC DOCUMENTATION**

15 Liberty Way

Franklin, Massachusetts

Photographs Documented July 3, 2023

**Photo 9**



View of a saturated depression within the limit of work—facing northeast.

**Photo 10**



Typical view of a hydric soil profile interior to the limit of work.

**PHOTOGRAPHIC DOCUMENTATION**

15 Liberty Way

Franklin, Massachusetts

Photographs Documented July 3, 2023