

April 13, 2023

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

**Re: 1 Paddock Lane – Franklin, MA**  
**MassDEP File No. 159-1266**  
**Abbreviated Notice of Resource Area Delineation Peer Review**

Dear Ms. Goodlander,

BETA Group, Inc. (BETA) is pleased to provide peer review services for the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted for the parcel located at **1 Paddock Lane, further identified as the Town of Franklin Assessor's Parcel ID: Map 211, Lot 118 in Franklin, Massachusetts** (the Site). This letter provides BETA's peer review findings and comments as they relate to the Massachusetts Wetlands Protection Act (M.G.L. ch.131, §40) and its implementing regulations at 310 CMR 10.00 (collectively "the Act"), and the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its implementing regulations (collectively "the Bylaw").

BETA Wetland Scientists performed a Site visit on April 11, 2023 to review the onsite Resource Area boundaries and confirm existing conditions as they relate to the ANRAD filing. BETA's initial comments on the ANRAD filing, based on a review of the submitted documents and the Site visit, are further discussed below.

#### DOCUMENTS REVIEWED

- Application entitled: ***Abbreviated Notice of Resource Area Delineation for 1 Paddock Lane Franklin, MA 02038***; prepared by Goddard Consulting, LLC.; dated March 2, 2023.
- Plan entitled: ***A.N.R.A.D Plan of Land in Franklin, MA***; prepared by Colonial Engineering Inc.; dated February 16, 2023; stamped and signed by Anthony M. Dellorco MA P.L.S. No. 34303; 1 sheet.

#### SCOPE SUMMARY

The Applicant is requesting that the Conservation Commission confirm 1,250 linear feet (lf) of Bordering Vegetated Wetland (BVW) as noted in the application materials and as delineated in the field and depicted on the ANRAD plan.

#### ADMINISTRATIVE REQUIREMENTS

The following provides an assessment of the plans in light of generally accepted existing conditions plan standards and the applicable plan requirements under Section 7.18 of the Bylaw Regulations:

**Table 1 – ANRAD Plan Requirements**

| Plan Requirements  | Yes            | No             |
|--|----------------|----------------|
| North Arrow (with reference)                                   |                | ✓ (Comment 1a) |
| Registered PLS Stamp   | ✓              |                |
| Assessors' Reference   |                | ✓ (Comment 1b) |
| Abutting Property Assessors' Reference                         |                | ✓ (Comment 1b) |
| Survey Benchmark   | ✓ (Comment 1d) |                |
| Existing Conditions and Topography Sourced with date of survey |                | ✓ (Comment 1c) |
| Topography/Contours  | ✓              |                |
| Lot Line Surveyed  | ✓              |                |
| Accurate Plan Scale  | ✓              |                |
| Resource Areas Identified and Labeled (including Buffer Zones) |                | ✓ (Comment 1f) |

**EXISTING CONDITIONS AND ONSITE RESOURCES**

The 2.36-acre Site consists of one (1) parcel located at the corner of Paddock Lane and Beech Street. The Site is bounded to the north and east by residential properties and undeveloped woodlands, to the south by Beech Street, and to the west by Paddock Lane. The Site is improved by an existing dwelling and garage, a paved driveway, and maintained lawn and landscaped areas. The Site is generally forested with the exception of the dwelling and appurtenances.

MassGIS environmental data layers mapped within or near the Site include the following:

**Table 2 – GIS-Mapped Areas**

| Mapped Resource On or Within Proximity to the Survey Area | Yes | No |
|---|-----|----|
| Area of Critical Environmental Concern                    |     | ✓  |
| NHESP Certified Vernal Pool                               |     | ✓  |
| NHESP Potential Vernal Pool                               |     | ✓  |
| NHESP Estimated Habitat of Rare Wildlife                  |     | ✓  |
| NHESP Priority Habitat of Rare Species                    |     | ✓  |
| Outstanding Resource Waters                               |     | ✓  |
| FEMA Floodplain   |     | ✓  |
| Surface Water Protection Area (Zone A, B and C)           |     | ✓  |
| Interim Wellhead Protection Area                          |     | ✓  |
| Zone II Wellhead Protection Area                          |     | ✓  |

As depicted on the plan, and as described in the ANRAD application, Resource Areas within 100 feet of the Site include Bordering Vegetated Wetlands (BVW).

Table 3 further details these Resource Areas.

**Table 3 – Resource Areas and Act/Bylaw Jurisdiction (*As identified by the Applicant*)**

| Resource Area                             | Flag Series | Act | Bylaw |
|---|-------------|-----|-------|
| BVW                                       | GC1 to GC50 | ✓   | ✓     |
| BVW (Boundary of upland island exclusion) | UA1 to UA15 | ✓   | ✓     |

**COMMENTS**

1. BETA provides the following administrative and plan comments after conducting a review of the submitted application and plan:
  - a) Provide a reference for the north arrow on the plan.
  - b) Include the Assessors’ references for the Site and abutting properties on the plan.
  - c) Provide the date(s) and method(s) of the survey location of wetland flagging on the plan.
  - d) Indicate the horizontal datum reference for topography and the benchmark on the plan.
  - e) Depict the elevation of the onsite pipe invert of the culvert conveying water under Beech Street on the plan.
  - f) Depict and label all Act and Bylaw Buffer Zones on the plan.
2. A file number has been issued by the Massachusetts Department of Environmental Protection (MassDEP) with the following technical comment:
 

*“All boundaries and flags confirmed under this ANRAD should be accurately located in the field”.*

BETA Comment 1.c) should be addressed to provide the requisite details on the survey.
3. The Wetland Border Report accompanying the ANRAD indicates that two (2) interior upland islands flagged as U1 to U5 and UA1 to UA15 are present within the onsite BVW; however, only flags UA1 to UA15 are depicted on the plan, and BETA did not observe flags U1 to U5 in the field. The Applicant should clarify which flags are being requested for confirmation.
4. A ponded area approximately one (1) to two (2) feet in depth was observed interior to the BVW on the adjacent property at 54 Palomino Drive. This ponded area is associated with a Potential Vernal Pool (PVP) mapped by the Natural Heritage and Endangered Species Program (NHESP) per MassGIS data. A brief visual inspection of the area was completed from within the boundaries of the Site; however, given the PVP’s location on an offsite property, a detailed assessment could not be performed. The observed water depth and number of potential attachment sites for use by Vernal Pool species may support this area’s function as a Vernal Pool. Presence of Vernal Pool indicator species cannot be confirmed nor denied at this time.
5. BETA observed evidence of hydrology, hydric soils, and/or hydrophytic vegetation upgradient of the wetland boundary. Specifically:
  - a) Hydric soil indicators consisting of a deep layer of muck, as well as hydrophytic vegetation including cinnamon fern (*Osmundastrum cinnamomeum*) and red maple (*Acer rubrum*), were observed approximately six (6) to seven (7) feet upgradient of flags WF1 and WF2.

- b) Hydric soil indicators consisting of a thick, dark mineral layer with prominent redoximorphic concentrations within 12" of the soil surface and hydrophytic vegetation including cinnamon fern and red maple were observed approximately ten (10) feet upgradient of WF11 towards Paddock Lane.
  - c) Hydric soil indicators consisting of a depleted mineral soil layer within 12" of the soil surface were observed upgradient of WF16 near the stone along the toe of slope adjacent to the lawn.
  - d) Ponding and hydric soil indicators including a depleted mineral soil layer within 12" of the soil surface were observed along an uprooted tree upgradient of flag WF18.
  - e) Hydric soil indicators were observed approximately five (5) to seven (7) feet upgradient of WF35 through WF37 within what appears to be a cleared understory underlain by decomposing yard waste. Approximately 8" of organic material was observed over the mineral soil with an underlying depleted matrix observed within 12" of the surface of the mineral soil. Sparse skunk cabbage (*Symplocarpus foetidus*) was also observed in this area.
  - f) 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 flags WF47 through WF50. Hydrophytic vegetation including red maple, skunk cabbage, cinnamon fern, and sensitive fern (*Onoclea sensibilis*) were also observed within this area. Due to disturbances along an adjacent parcel including altered vegetation, BETA relied primary on an assessment of soils to determine the location of the BVW boundary.
  - g) Hydric soil indicators consisting of matrix depletions and redoximorphic features within 8" of the soil surface were observed interior to the "upland island" (flags UA1 to UA15). Although several eastern white pine (*Pinus strobus*) saplings were observed in this area, hydrophytic vegetation including skunk cabbage is also present. Accordingly, this area meets the criteria of BVW as defined by the Act and the Bylaw.
6. Channelized flow along a hydraulic gradient that may be regulated as an intermittent stream with jurisdictional Bank and Land Under Water (LUW) was observed downgradient of WF18 as well as approximately 15 feet downgradient of the culvert under Beech Street. These Resource Areas are not depicted on the plans.

## RECOMMENDATIONS

1. The Applicant should provide a revised plan addressing Comments 1.a) through f) and any revised flag locations.
2. All locations where hydrophytic vegetation, hydric soils, and indicators of hydrology were observed by BETA upgradient of the flagged BVW boundary should be reevaluated by the Applicant to accurately depict the extent of BVW at the Site.
3. The Applicant should clarify whether the delineation of intermittent streams interior to the onsite BVW are within the scope of the ANRAD. If considered outside of the scope of the ANRAD, BETA recommends that any Order of Resource Area Delineation (ORAD) issued for the Site note that the boundaries of Bank and LUW associated with onsite intermittent streams are not confirmed.

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4. BETA recommends that any Order of Resource Area Delineation (ORAD) issued for the Site note that offsite Resource Areas (i.e., BVW and Vernal Pool) projecting jurisdictional areas onto the Site may be present and are not confirmed.

#### REVIEW SUMMARY

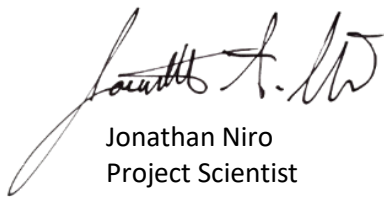
Based on our review of the ANRAD submittal and plan, and the existing conditions at the Site, it is BETA's opinion that the comments and recommendations above should be addressed by the Applicant with a revised submission and relocated flagging to accurately delineate the extent of BVW at the Site.

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



Jonathan Niro  
Project Scientist