



December 9, 2022

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

**Re: 803 Washington Street
MassDEP File No. Not Yet Issued
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the project entitled: **Notice of Intent for Proposed Site Development**, located at **803 Washington Street** in Franklin, Massachusetts. 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 for Proposed Site Development at Map 322 – Parcel 61, 803 Washington Street**; prepared by Arthur F. Borden & Associates, Inc.; dated November 2022.
- Plan (1 Sheet) entitled **Title 5 System Upgrade Plan**; prepared by Arthur F. Borden & Associates, Inc.; revised September 27, 2022; stamped and signed by Frank J. Gallagher MA P.E. No. 33959 and Arthur F. Borden MA P.L.S. NO. 35775.

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

- Site Visit on December 2, 2022
- **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 Site includes one (1) parcel located at 803 Washington Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 322-061-000-000. The Site is bounded to the north by undeveloped woodlands and wetlands, to the east by a residential property and Washington Street, to the south by the intersection of Spring Street and Washington Street, and to the west by Spring Street. The eastern end of the parcel is improved with an existing dwelling, maintained lawn, and a shed, while the remainder of the property consists of a wetland complex.

Several 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”) are present at the Site and include the following:

- Inland Bank (to Pond and Intermittent Stream);
- Bordering Vegetated Wetland (BVW); and
- Land Under Water (LUW).

The Site is partially located within a Zone II Wellhead Protection Area. The Site is not located within a Zone I or Interim Wellhead Protection Area or Surface Water Protection Area (Zone A, B, or C). 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.

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of various soil groups at the Site including Merrimac Fine Sandy Loam with a Hydrologic Soil Group (HSG) rating of A, Walpole Sandy Loam with a HSG rating of B/D, and Canton Fine Sandy Loam with a HSG rating of B.

Proposed work is associated with the construction of a single-family home and includes the following activities (collectively referred to as “the Project”):

- Demolition of the existing 1,350 sf home and construction of a new 2,900 sf home and attached garage;
- Construction of a paved driveway to the east of the new home;
- Construction of a walkway around the south side of the new home;
- Installation of a water utility line;
- Installation of a septic system;
- Construction of a retaining wall along the southeast side of the leaching area; and
- Vegetation clearing and grading.

The Project will result in temporary and permanent impacts within the buffer zone to BVW Subject to Protection under the Act and the Bylaw. At this time, the Applicant has not submitted adequate information to describe the Site, the work, and the effect of the work on the interests identified in 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	✓	
North Arrow (with reference)		✓ (See Comment A2)
Topographic contours (2’ intervals)	✓	
Existing Conditions Topography (with source and date of survey)		✓ (See Comment A3)
Proposed Topography	✓	
Existing and Proposed Vegetation		✓ (See Comment A4)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	

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	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. No file number or technical comments have been issued by the Massachusetts Department of Environmental Protection (MassDEP) as of 12/8/2022.
- A2. Provide a reference for the North Arrow (Bylaw Section 7.18.1.3.).
- A3. Include the date(s) and method(s) of the topographic survey in the plan notes.
- A4. Depict existing and proposed vegetation on the Project plans, including the tree line and lawn areas. Additionally, show any woody plants larger than 1" diameter at the base proposed to be removed on the Project plans (Bylaw Section 7.18.1.5. and 7.18.1.6).
- A5. Provide a Construction Schedule and Sequence in the plan notes (Bylaw Section 7.18.1.14.).
- A6. Depict Assessors' references for the abutting properties on the plans.
- A7. Note 12 of the Project plan indicates that a Zone II Wellhead Protection Area is not present onsite. Review of MassGIS Online Mapping indicates a Zone II is mapped within the northern portion of the parcel.
- A8. The Project plan indicates installation of a water service line. Additional utilities such as electric and telecommunication lines have not been shown.
- A9. Although all septic system components are located outside of the 100-foot buffer zone to BVW, a portion of the future reserve area is depicted within the buffer zone.

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 Act and the Bylaw. The Project is proposed within buffer zone only and as such is not subject to specific Performance Standards under the Act. The Applicant must still provide proof that the applicable interests of the Act are being protected during the Project.

The NOI application does not include narrative information documenting compliance with the Bylaw, or protection of the applicable interests of the Act. The impacts within each buffer zone area have been quantified and generally described but the change in impervious area at the Site must be calculated to determine appropriate mitigation measures required within the buffer zone pursuant to the Bylaw. The Project plans do not provide sufficient detail of existing conditions at the Site, and further information from the Applicant will be necessary to demonstrate that the proposed design reflects a minimization of impacts within the buffer zone. The Applicant should also provide mitigation details that describe proposed native seed mixes and restoration/stabilization procedures for upland areas. At this time, the

Applicant has not provided sufficient information to describe the Site, the work, or the effects of the work on the interests of the Act or Bylaw.

RESOURCE AREA BOUNDARY COMMENTS

BETA conducted a Site visit on December 2, 2022 to assess existing conditions and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw.

W1. Although WF 12 and WF 15 were not found in the field, Resource Area flagging generally appeared accurate.

CONSTRUCTION COMMENTS

W2. Provide a clear limit of work/limit of lawn on the Project plan to prevent disturbance, alteration, or heavy equipment operation within regulated areas that are outside of the approved Project limits.

W3. Remove all references to silt fence on the Project Plan, details, and specifications. 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.

W4. Provide erosion controls around the perimeter of the proposed work along the property line to prevent migration of sediment to Spring Street and Washington Street.

W5. Provide catch basin inlet protection within Washington Street roadway to protect drainage systems from sedimentation, if approved by the Franklin DPW.

W6. Indicate the location of laydown or stockpile areas on the Project plans. These areas should be located outside of the buffer zone to BVW to the extent practicable.

W7. Demolition of the existing home will result in construction debris and waste requiring disposal. Indicate the method of off-site disposal for construction waste and debris. If an onsite dumpster is proposed, the location should be provided on the Project plans.

W8. Indicate whether the existing shed on the parcel will be removed or retained on plans.

MITIGATION COMMENTS

W9. Provide specifications of the proposed seed mix to be used to stabilize disturbed areas within 100 feet of the BVW.

W10. Based on the Notice of Intent, approximately 900 sf of new lawn area will be created within the 50-foot buffer zone to BVW. Additionally, the Project will result in the overall creation of approximately 4,570 sf of new lawn area. Pursuant to the *Town of Franklin Best Development Practices Guidebook*, the use of turf grass and lawn areas should be minimized in favor of native vegetative plantings.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within a resource area; however, work is proposed within the buffer zone to BVW. According to the Notice of Intent, the Project proposes 7,470 square feet of impact within the buffer zone to BVW. Approximately 1,050 sf of work is proposed within 50 feet of the BVW, and approximately 6,420 sf of work is proposed within 50 to 100 feet of the BVW.

BYLAW REGULATORY COMMENTS

- W11. The Bylaw Regulations state that no work is permitted within 25 feet of a Resource Area, and no structures are permitted within 50 feet. A portion of the proposed house is located within the 50-foot no build zone. Section 7.13 of the Bylaw Regulations requires an alternatives analysis narrative for projects with “structures proposed within the 50-foot buffer zone resource area” (Section 7.13.1). No alternatives analysis narrative has been provided. If alternate configurations are not feasible, the Applicant must provide sufficient reasoning and submit a Variance Request that meets the provisions of Section 5 of the Bylaw Regulations.
- W12. Section 4.4.1 of the Bylaw Regulations 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 mitigation requirements.
- W13. The following materials should be submitted per the submission requirements of the Bylaw Regulations:
- a. A Vernal Pool Statement (Section 7.7);
 - b. A Functions & Characteristics Statement (Section 7.10);
 - c. An Avoidance, Minimization, and Mitigation Statement (Section 7.11);
 - d. A Construction Sequence and Schedule (Section 7.15); and
 - e. USGS Topographic Map, Natural Heritage Priority Habitats and Estimated Habitat Map, and FEMA Flood Plain Map (Section 7.17.1).
- W14. The Erosion and Sedimentation Control Plan provided in the application should be updated to address the requirements under Section 7.12.1. Notes regarding erosion and sedimentation control requirements should be included on the Project plan.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, 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 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
Lead Scientist

cc: Amy Love, Town Planner
Bryan Taberner, AICP, Director of Planning & Community Development

Ms. Breeka Lí Goodlander, Agent

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