

December 28, 2022

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

**Re: Bent Street, Lot 1**  
**MassDEP File No. 159-1257**  
**Notice of Intent Peer Review #2**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed the revised documents and plans for the project entitled: **Bent Street, Lot 1**, located at **Bent Street** in Franklin, Massachusetts. This letter is provided to present BETA's findings, comments and recommendations.

## **BASIS OF REVIEW**

The following supplemental documents were received by BETA and will form the basis of the review:

- Letter entitled **Response to BETA letter dated 12-9-22. Kelleher, Lot 1 Bent Street**; prepared by Land Planning, Inc.; dated December 13, 2022.
- Plan (2 Sheets) entitled **On-Site Sewage Disposal System for New Construction with 4 bedrooms located at Bent Street (Lot 1) Franklin, MA**; prepared by Land Planning, Inc.; dated October 17, 2022 and revised through December 13, 2022; stamped and signed by Norman G Hill MA P.E. No. 31887 and P.L.S. No. 41786.
- Revised Page 2 of WPA Form 3.

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

## **PEER REVIEW UPDATE—12/28/2022**

Since the issuance of BETA's December 9, 2022 peer review comment letter (original comments below in plain text), Land Planning, Inc. has submitted revised project plans and documents. Formal replies made by Land Planning, Inc. to each of BETA's peer review comments were provided in their respective December 13, 2022 response letter (labeled "*LPI*" in *italic text*) and BETA's December 28, 2022 responses follow in **bold text** labeled "**BETA2**".

At this time, the Applicant has submitted adequate information for the Project to be conditioned by the Conservation Commission under the Act and Bylaw.

## SITE AND PROJECT DESCRIPTION

The Site includes one (1) parcel located at Lot 1 Bent Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 215-022-000-000. The Site is bounded to the north by Bent Street, to the south and east by undeveloped woodlands and wetlands, and to the west by development. The parcel consists of undeveloped woodlands with a gradual decline in elevation from west to east. Vegetation observed within the upland area includes red oak (*Quercus rubra*), eastern white pine (*Pinus strobus*), and witch hazel (*Hamamelis virginiana*).

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 Vegetated Wetlands (BVW). Based on the delineation report included in the submission, there is a Potential Vernal Pool (PVP) located northeast of the Site interior of the wetland boundary.

The Site is not located within any Wellhead Protections Areas (Zone I, Zone II, & Interim) or Surface Water Protection Areas (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; however, a Potential Vernal Pool is mapped northeast of the Site within 200 feet of the lot line.

Natural Resource Conservation Service (NRCS) soil maps indicate the presence of various soil groups at the Site including Scituate Fine Sandy Loam with a Hydrologic Soil Group (HSG) rating of C, and Ridgebury Fine Sandy Loam with a HSG rating of D.

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

- Construction of paved driveway;
- Construction of a single-family home and garage;
- Construction of a walkway from the driveway to the home;
- Installation of a septic system;
- Installation of a water utility line; and
- Site 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.

**BETA2: The Project Plans have been revised to include stormwater Best Management Practices (BMP's) inclusive of a roof infiltration system and rain garden to manage roof and driveway runoff. Additionally, a foundation drain is now proposed around the house that will discharge at the eastern corner of the proposed driveway.**

## 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)	<b>BETA2: ✓</b>	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	<b>BETA2: ✓</b>	
Registered PLS Stamp (Existing Condition Plans Only)	<b>BETA2: ✓</b>	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

## PLAN AND GENERAL COMMENTS

- A1. A file number has been issued by the Massachusetts Department of Environmental Protection (MassDEP) with no technical comments.  
*LPI: No comment*  
**BETA2: No response required.**
- A2. Include the date(s) and method(s) of the topographic survey in the plan notes.  
*LPI: We have added the dates and method of the topo survey to the plan.*  
**BETA2: Comment addressed.**
- A3. Provide a Construction Schedule and Sequence in the plan notes (Bylaw Section 7.18.1.14.).  
*LPI: We have added the construction schedule to the plan.*  
**BETA2: Comment addressed.**
- A4. A Massachusetts Professional Land Surveyor (PLS) should stamp the Project plan.  
*LPI: Our Professional Land Survey has also stamped and signed the plan.*  
**BETA2: Comment addressed.**
- A5. WPA Form 3 and the Notice of Intent cover letter describe the Project to include installation of a well; however, the Project plans indicate installation of a water service line. The Applicant should clarify whether a well is proposed.

*LPI: We have corrected NOI to show a Town Water connection and not a well. A copy of the revised NOI page is enclosed, along with the revised plan.*

**BETA2: Comment addressed.**

- A6. The Project plan indicates installation of a water service line. The plan should depict other utilities including electric and telecommunication services.

*LPI: The plan still shows a water service connection. It also now includes an aerial telephone, cable, and electric service.*

**BETA2: Comment addressed.**

- A7. Although all septic system components are cited outside of the 100-foot buffer zone to BVW, a portion of the future reserve area is proposed within the buffer zone.

*LPI: The proposed septic system and reserve area are both proposed to be more than 100 feet away from the BVW. However, our plan also depicts the location of a conventional septic system which is not going to be built. The Title 5 rules require us to show the conventional system location.*

**BETA2: Comment addressed.**

## **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. However, 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 sufficient narrative information demonstrating compliance with the Bylaw, or protection of the applicable interests of the Act. The impacts within the buffer zone areas have been quantified and generally described; however, the change in impervious area at the Site between existing and proposed conditions 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.

**BETA2: The Applicant has provided revised materials that address regulatory requirements including accurate quantifications of impacts, summaries of compliance with applicable Performance Standards, and documentation required for Bylaw compliance. In addition, a second sheet has been added to the Project Plans to include numerous notes relevant to construction in and near wetlands.**

**Based on the revised plans provided by the Applicant, additional information regarding the proposed stormwater BMP's including the roof infiltration system and the proposed rain garden should be provided prior to construction to ensure effective operation.**

## 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. Based on field observation, while redoximorphic concentrations were observed upgradient of the resource area boundary near flag A-8, no evidence of hydrology or greater than 50% of wetland indicator plants were found. The wetland boundary has been confirmed as accurate in the field.

## CONSTRUCTION COMMENTS

W1. 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.

*LPI: We have removed any reference to silt fence from the plan. We now show the proposed compost sock.*

**BETA2: Comment addressed.**

W2. Indicate the location of laydown or stockpile areas on the Project plan. These areas should be cited outside of the buffer zone to BVW.

*LPI: The plan had already been revised to show stockpile locations.*

**BETA2: Comment addressed.**

W3. Provide erosion controls along the northern property line to prevent migration of sediment during construction onto Bent Street roadway. Similarly, catch basins within the vicinity of the Project on Bent Street roadway should be depicted on the plan and inlet protection measures provided if applicable and approved by the Franklin DPW.

*LPI: The plan has been revised to show proposed erosion controls along the street. The plan now also calls for silt socks to be installed into all nearby catch basins.*

**BETA2: Comment addressed.**

## MITIGATION COMMENTS

W4. Provide specifications of the proposed seed mix to be used to stabilize disturbed areas within 100 feet of the BVW.

*LPI: The plan now specifies the proposed seed mix.*

**BETA2: Comment addressed. Note 6 of the *Erosion & Sediment Control Notes* on page 2 of the Project plans specifies a grass seed mixture.**

W5. Based on the Project plan, it appears that new lawn area will be created within the 100-foot buffer zone to BVW. 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.

*LPI: We have already minimized the amount of proposed lawn within 100 feet of the BVW. There is almost no lawn between the proposed driveway and BVW.*

**BETA2: A rain garden is proposed at the northern corner of the parcel to the east of the proposed driveway, which reduces the size of new lawn area. Specifications for the rain garden should be provided that includes of the proposed plant species and soil requirements.**

## **WPA PERFORMANCE STANDARDS COMMENTS**

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, 10,379 square feet of alteration to the buffer zone to BVW is proposed. Erosion controls will be installed to protect downgradient resource areas during construction.

## **BYLAW REGULATORY COMMENTS**

W6. 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 driveway 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.

*LPI: We would not consider the proposed driveway to be a structure. However, we hereby request a Variance from section 13.2 of the Franklin Wetland Bylaw to allow 390 square feet of the proposed driveway to be located within 50 feet of the BVW. We are asking this because there is no other feasible alternative for the proposed driveway.*

**BETA2: Comment addressed. The appropriate variance has been requested.**

W7. 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”. Calculations of the proposed impervious area within the 50-100 foot buffer zone have not been provided for the Commission to determine appropriate mitigation measures.

*LPI: The plan has been revised to show the proposed impervious area in the 50-to-100 foot buffer zone. We have proposed a rain garden as mitigation for the driveway.*

**BETA2: Comment addressed. The Applicant has provided calculations indicating that 27% of the 50-100 foot buffer zone will be impervious surface, meeting the performance standards at Section 4.4.1.**

W8. The following materials must be submitted per the submission requirements of the Bylaw Regulations:

- a. Proof of notification to Abutters and Affidavit of Service (Section 7.5.2); and
- b. An Avoidance, Minimization, and Mitigation Sequence (Section 7.11) and Narrative (Section 7.11.2).

*LPI: We have previously submitted proof of abutter notification and mitigation.*

**BETA2: Comment addressed.**

W9. The Erosion and Sedimentation Control Plan provided on the Project Plan under Notes should be updated to address the requirements under Section 7.12.1.



*LPI: The plan has been revised to address Erosion and sediment control.*

**BETA2: Comment addressed.**

- W10. The Functions and Characteristics Statement (Section 7.10) does not address all applicable functions and characteristics as listed in Section 7.10.1 of the Bylaw Regulations and should be revised to address effects of the Project on the capacity of the buffer zone as a resource<sup>1</sup> to provide storm damage prevention and wildlife habitat.

*LPI: Functions and characteristics statement:*

<i>Public water supply</i>	<i>The plan now shows the distance to the nearest public water supply.</i>
<i>Private water supply</i>	<i>We are not aware of any private wells within 500 feet of this property.</i>
<i>Groundwater</i>	<i>The plan shows the ground water elevation.</i>
<i>Flood control</i>	<i>There is no work proposed within 100 feet of a flood zone.</i>
<i>Erosion and sed.</i>	<i>The plan now shows adequate controls</i>
<i>Storm Damage Pre.</i>	<i>This project will not have an adverse effect of the wetlands, or the flood plain. The plan shows an infiltration system for the roof runoff and a rain garden for the driveway runoff.</i>
<i>Water Quality</i>	<i>This is a gently sloping lot, and it will remain a gently sloping lot. We do not expect any change in the quality of the water leaving the site.</i>
<i>Water pollution cont.</i>	<i>This is a gently sloping low, and it will remain a gently sloping lot. We do not expect any change in the quality of the water leaving the site.</i>
<i>Fisheries</i>	<i>There is no work proposed near a pond or perennial stream.</i>
<i>Agriculture</i>	<i>This is a gently sloping lot, and it will remain a gently sloping lot. We do not expect any change in the quality of the water leaving the site.</i>
<i>Recreation</i>	<i>This is a gently sloping lot, and it will remain a gently sloping lot.</i>

**BETA2: Comment addressed.**

- W11. The Construction Sequence and Schedule (Section 7.15) is provided within the NOI application but is not provided on the Project plan as required under the Bylaw Regulations.

*LPI: We have added the construction sequence to the plan.*

**BETA2: Comment addressed.**

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<sup>1</sup> Section 4.1.1 of the *Franklin Conservation Commission Regulations* “The Town of Franklin considers 100 feet from a defined/ delineated resource area as the buffer zone and consequently an additional protected resource”.

Ms. Breeka Lí Goodlander, Agent

December 28, 2022

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## REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant has submitted adequate information for the Project to be conditioned by the Conservation Commission at their discretion under the Act and the Bylaw to protect the interests of the onsite Resource Areas. If we can be of any further assistance regarding this matter, please contact us at our office.

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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  
Matt Crowley, P.E., BETA  
Robert Drake, P.E., BETA