



January 24, 2023

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

**Re: 803 Washington Street
MassDEP File No. 159-1262
Notice of Intent Peer Review 2**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised 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 based on the most current Notice of Intent (NOI) submission.

BASIS OF REVIEW

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

- Response letter entitled **RE: File #CE 159-1262 803 Washington Street**; prepared by Arthur F. Borden & Associates, Inc.; dated January 16, 2023.
- Plan (1 Sheet) entitled **Notice of Intent Existing Conditions Plan**; prepared by Arthur F. Borden & Associates, Inc.; revised January 4, 2023; stamped and signed by Arthur F. Borden MA P.L.S. NO. 35775.
- Plan (1 Sheet) entitled **Notice of Intent Site Development Plan**; prepared by Arthur F. Borden & Associates, Inc.; revised January 4, 2023; 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

PEER REVIEW UPDATE

The Applicant provided revised materials and written responses to BETA's December 9, 2022 peer review letter. For ease of review, BETA's original comments from the December 9, 2022 peer review letter are included in plain text. Comment responses attributed to the Arthur F. Borden & Associates, Inc. (AFB)

letter are provided in *italics* and prefaced with “*AFB:*”, and BETA’s most recent responses are provided in **bold** and prefaced with “**BETA2:**”.

At this time, the Applicant has not submitted adequate information to demonstrate compliance with all Performance Standards and filing requirements under the Bylaw.

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.

BETA2: The revisions to the Project presented by the Applicant generally include the addition of mitigation and stabilization measures. Proposed mitigation includes installation of an infiltration system to manage roof runoff and the use of pervious pavers for the proposed walkway around the south side of the proposed home. A sediment track-out pad is proposed at the entrance of the Site to prevent sediment tracking on Washington Street during construction.

ADMINISTRATIVE AND PLAN COMMENTS

The plan set (as identified above) is missing information and requires additional information for clarity.

AFB: All of the requested information has been added to the site plan.

BETA2: See Table 1 and Plan and General Comments for BETAs response.

Table 1. NOI Plan

NOI Plan Requirements	Yes	No
Scale of 40'=1" or larger	✓	
North Arrow (with reference)	✓ BETA2	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓ BETA2	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓ BETA2	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓ BETA2	
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓ BETA2	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

AFB: Items A1 thru A9 have been addressed on the plan

BETA2: See Comments A1 through A9 for BETAs response.

A1. No file number or technical comments have been issued by the Massachusetts Department of Environmental Protection (MassDEP) as of 12/8/2022.

BETA2: The Project has been issued file number (MassDEP File No. 159-1262) with no technical comments.

A2. Provide a reference for the North Arrow (Bylaw Section 7.18.1.3.).

BETA2: Comment addressed.

- A3. Include the date(s) and method(s) of the topographic survey in the plan notes.

BETA2: Comment addressed.

- 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).

BETA2: A tree line has been added to the plans. Comment Addressed.

- A5. Provide a Construction Schedule and Sequence in the plan notes (Bylaw Section 7.18.1.14.).

BETA2: Comment addressed.

- A6. Depict Assessors' references for the abutting properties on the plans.

BETA2: Comment addressed.

- 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.

BETA2: Note 12 has been removed from the Project plans. While the Plans no longer conflict with MassGIS data layers, it is recommended that the Applicant revise the Project documents to reflect the presence of a Zone II onsite.

- A8. The Project plan indicates installation of a water service line. Additional utilities such as electric and telecommunication lines have not been shown.

BETA2: Comment not addressed. No additional utilities have been depicted on the Project plans.

- 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.

BETA2: No comment necessary.

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.

BETA2: The Applicant has provided a separate existing condition plan that details existing vegetation and contours. Although no calculations regarding impervious area at the Site have been provided, mitigation measures and stormwater best management practices (BMP's) are proposed including use of pervious pavers for the proposed walkway and an infiltration system for to manage roof runoff southeast of the proposed house.

The Applicant has not provided information regarding maintenance and monitoring of the proposed erosion controls and sediment track-out pad. Clarifications of proposed conditions, including whether the existing shed will remain as a portion of the Project, should be provided to the Commission.

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.

BETA2: No response necessary.

CONSTRUCTION COMMENTS

AFB: Items W2 thru W8 have been addressed on the plan.

BETA2: See comments W2 through W8 for BETA's response.

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.

BETA2: Comment addressed. The Applicant has used the proposed erosion controls to depict the limit of work and has suggested use of silt fence as a visual barrier. Use of silt fence is at the discretion of the Commission.

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.

BETA2: Comment addressed. The Applicant is proposing biodegradable compost wattles as erosion controls.

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.

BETA2: Comment addressed.

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

BETA2: Comment addressed.

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.

BETA2: Comment addressed. A stockpile location has been provided on the Project plans and included in Project Construction Sequence note 6.

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.

BETA2: Comment addressed. A proposed dumpster location has been provided on the Project plans, and Project Construction Sequence note 5 addressed debris disposal.

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

BETA2: Comment not addressed.

MITIGATION COMMENTS

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

BETA2: Comment not addressed. No seed mix specifications have been provided; however, it is assumed that the area within the limits of erosion controls will be stabilized with lawn. The Applicant should confirm.

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.

BETA2: No response necessary.

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.

AFB: A review of the property record card (attached) indicates that the existing dwelling was constructed about 1900 clearly prior to the Wetlands Protection Act and the Town Wetland By-law.

The proposed project is to replace the existing structure with a “pre-constructed” modular home. The proposed site work is within the “existing developed footprint” of the property. A small portion (172 sf) of the new dwelling is within the 25’-50’ buffer zone. However, that corner of the dwelling is within an existing lawn area. We respectfully request the Commissions discretion to allow this activity.

BETA2: Pursuant to Section 2.3 of the Bylaw Regulations ¹ and in consideration of the provided property record card, the property was disturbed, and the existing dwelling constructed, prior to the enactment of the Wetlands Protection and Franklin Wetlands Protection Bylaw. Due to the date of the pre-existing disturbance within the 25-50 buffer zone, an alternatives analysis is not required pursuant to Section 7.13 of the Bylaw Regulations and a variance request is not required pursuant of Section 4.3.1 of the Bylaw Regulations. Approval of the proposed work within the 25–50-foot buffer is at the Commission discretion “based on the demonstration by the applicant that the functions and characteristics of the resource area will not be adversely impacted” (Section 4.3.2 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.

AFB: To mitigate the increase in impervious cover we are suggesting that the proposed walkway from the garage to the rear of the dwelling be constructed with concrete pavers (see detail on plan). Likewise, we have added an infiltration system for the roof runoff (see detail on plan and attached calculations in support of the system)

BETA2: The Applicant has not provided calculations to document whether more than 30% of the 50–100-foot buffer zone is proposed to be impervious surface; however, the Applicant has incorporated additional mitigation measures into the Project including permeable pavers and an infiltration system to capture and infiltrate roof runoff. It is at the Commissions discretion to determine if the proposed mitigation measures are sufficient to offset the work proposed within the 50–100-foot buffer zone.

- W13. The following materials should be submitted per the submission requirements of the Bylaw Regulations:

- a. A Vernal Pool Statement (Section 7.7);

BETA2: Comment addressed.

- b. A Functions & Characteristics Statement (Section 7.10);

BETA2: Comment not addressed. No Functions & Characteristics Statement has been provided.

¹ Section 2.3 of the Bylaw Regulations “Areas Disturbed Prior to June 29, 2006: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or disturbed prior to the enactment of the Wetlands Protection Act and the Franklin Wetlands Protection Bylaw), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area.”

- c. An Avoidance, Minimization, and Mitigation Statement (Section 7.11);

BETA2: Comment addressed. The Applicant has provided additional mitigation to offset impacts proposed within the buffer zone.

- d. A Construction Sequence and Schedule (Section 7.15); and

BETA2: Comment addressed. The Applicant has provided a Construction Sequence & Schedule on the Project plans.

- e. USGS Topographic Map, Natural Heritage Priority Habitats and Estimated Habitat Map, and FEMA Flood Plain Map (Section 7.17.1).

BETA2: Comment not addressed. A USGS Topographic Map has not been provided.

AFB: The report from our wetland scientist contains a statement regarding vernal pools. A construction sequence and schedule has been added to the plans. The Requested maps are attached.

- 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.

AFB: The erosion and sedimentation controls have been updated to require the biodegradable compost wattles. We are also suggesting that they be backed up by a staked in place siltation fencing, for a visual limit of work.

BETA2: Notes regarding erosion and sedimentation controls have been provided on the Project plans; however, all requirements under Section 7.12.1 have not been addressed including who will be responsible for maintenance of the erosion controls and the requirement for weekly inspections. Use of siltation fencing as a visual limit of work is at the Commissions discretion.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant has not submitted adequate information to demonstrate the Project's compliance with the Bylaw. Once comments A7, A8, W8, W9, W13b, W13e, and W14 have been addressed, and if the Commission accepts the proposed mitigation as adequate to protect the function and characteristics of the onsite wetland, the Project could be conditioned at the discretion of Conservation Commission under the Act and 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
Project Manager

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

Ms. Breeka Lí Goodlander, Agent

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Matt Crowley, P.E., BETA

Robert Drake, P.E., BETA

