

March 14, 2023

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

Re: 74 South Street
MassDEP File No. 159-1259
Notice of Intent Peer Review 3

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed the revised documents and plans for the project entitled: **74 South Street** located in Franklin, Massachusetts. This letter is provided to present BETA's findings, comments, and recommendations based on the most current Notice of Intent (NOI) and construction plan submission.

BASIS OF REVIEW

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

- Letter entitled **Follow-up Information**; prepared by Susan McArthur of McArthur Environmental Consulting, LLC.; dated March 8, 2023.
- Revised plan (1 Sheet) entitled **74 South St. Proposed Plan of Land in Franklin, MA**; prepared by Legacy Engineering; dated January 27, 2023 and revised through March 8, 2023; stamped and signed by Daniel J. Merrikin, MA P.E. No 43309.

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

- Site visit on December 30, 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—MARCH 14, 2023

The Applicant previously provided revised materials and written comment responses to BETA's February 4, 2023 peer review letter. BETA's original comments from the February 4, 2023 peer review letter are included in plain text. McArthur Environmental Consulting, LLC (MEC)'s February 15, 2023 responses are prefaced with "MEC:". BETA's February 23, 2023 review of documents and MEC's response letter are in plain text prefaced with "BETA2:".

Updated comments responses from MEC per the most recent documents submitted through March 8, 2023 are prefaced with “MEC2:”, with BETA’s March 14, 2023 responses prefaced with “**BETA3:**” in **bold** text for ease of review.

SITE AND PROJECT DESCRIPTION

The Site includes one (1) parcel located at 74 South Street in Franklin, Massachusetts, further identified by the Franklin Assessor’s Office as Assessor’s Parcel 341-010-000-000. The Site is bounded to the north by protected open space consisting of undeveloped woodlands and wetlands, and to the east, west, and south by residential properties. At the rear of the property is an easement to the United States of America in association with the protected Article 97 land. The Site is developed with an existing single-family home and associated amenities including an attached garage, paved driveway, septic system, in-ground pool, attached deck, landscaped and hardscaped areas, and a shed.

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).

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 of the Site indicate the presence of Merrimac Fine Sand Loam with a Hydrologic Soil Group (HSG) rating of A, and Canton Fine Sandy Loam with a HSG rating of B. According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C316E, dated effective July 17, 2012, the northern property line is partially within a Flood Zone A with no published Base Flood Elevation (BFE).

An Enforcement Order was issued by the Franklin Conservation Commission on October 11, 2022 for unauthorized vegetation clearing within the 25-to-100-foot buffer zone to the BVW at the Site. The Applicant seeks after the fact approval for work completed subject to the Enforcement Order, in addition to newly proposed Site improvements. Proposed work includes the following activities (collectively referred to as “the Project”):

- Removal and disposal of debris stockpiles associated with previous vegetative clearing within the buffer zone;
- Construction of a 3,240 square foot (sf) barn inclusive of an 840 sf RV storage area partially within the 100-foot buffer zone;
- Installation of a cistern to capture stormwater runoff from the barn;
- Extension of the existing paved driveway of which portions that are located within the 100-foot buffer zone will be gravel; and
- Removal of 5 trees within the 100-foot buffer zone.

Additional work is proposed at the Site, such as the installation of a 360 sf patio and extension of the paved driveway that is located outside of the 100-foot buffer zone. This work is outside of jurisdiction under the Act and the Bylaw and therefore, it is not included within this review.

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 revisions to the Project presented by the Applicant include additional mitigation and stabilization measures. Erosion control notes were added to the plan, in addition to a proposed sediment track-out pad. The previously proposed cistern has been removed and replaced with a sub-surface stormwater infiltration system within the 50 to 100 foot buffer zone. The proposed driveway extension is no longer proposed. A retaining wall is additionally proposed in association with the barn; however, this is proposed outside of the Commission’s jurisdiction.

BETA3: The Applicant has revised the Project to address administrative comments and document compliance with the requirements of 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)	BETA3: ✓	
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		✓BETA3: (Comment A4)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors’ Reference	✓	
Abutting Property Assessors’ Reference	✓	
Survey Benchmark	BETA3: ✓	
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.

BETA2: No response required.

- A2. Include the date(s) and method(s) of the topographic survey in the plan notes.

BETA2: Comment remains, the Applicant has not included date(s) and method(s) of topographic survey on plans.

BETA3: Comment addressed.

- A3. Include proposed topographic contours associated with the construction of the barn, driveway, and patio.

BETA2: Comment addressed.

- A4. Provide a Construction Schedule and Sequence in the plan notes (Bylaw Section 7.18.1.14.).

BETA2: Comment remains, the Applicant has not included a construction schedule and sequence on the revised plan, as required by the Bylaw.

BETA3: Comment not addressed. The Applicant has indicated that the plan does not provide sufficient space to include the Construction Schedule and Schedule. BETA defers to the Commission on whether they would like the Applicant to provide this information on the plans.

- A5. Include assessors' references of the abutting properties.

BETA2: Comment addressed.

- A6. Include the survey benchmark.

BETA2: Comment remains.

BETA3: 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. Although exempt from the MassDEP Stormwater Standards as a single-family home project, a cistern is proposed within uplands west of the barn to capture roof runoff for reuse.

The NOI application includes sufficient narrative information describing the Project, and the proposed impacts within the buffer zone areas have been quantified and generally described. Mitigation measures include use of erosion controls and installation of Stormwater Best Management Practices (BMP's) to manage stormwater runoff from the barn. Although sufficient information has been provided to describe the effects of the work on the interests of the Act, additional information is necessary to demonstrate compliance with the Bylaw.

The Project plans and narrative require administrative revisions including information regarding the topographic survey, proposed Site conditions, and a Construction Sequence and Schedule.

BETA3: Supplemental information has been provided to describe the Site and the effects of the work on the interests of the Act and Bylaw.

EXISTING CONDITIONS COMMENTS

BETA conducted a Site visit on December 30, 2022 to assess existing conditions, however, as requested, the Resource Area delineation was not reviewed for accuracy under the Act or Bylaw. It is assumed the

resource area boundary will be reviewed and confirmed by others. Straw wattles and silt fence were observed to have been installed downgradient of the limit of cleared brush in compliance with the Enforcement Order. Additionally, removal of only the brush and woody debris from the prior completed work in the buffer zone was ongoing.

CONSTRUCTION COMMENTS

W1. Add a note on the plans indicating how the site will be restored if heavy machinery is required to assist with the existing debris removal or proposed tree removal within the buffer zone.

MEC: The revised plans now states, "Upon completion of construction, bare soils within the project limits shall be stabilized with a conservation seed mix."

BETA2: Comment addressed, see Erosion Control Note 4.

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

MEC: No soil will be stockpiled within the 100-foot buffer zone. Soil is proposed to be brought in during grading to accommodate the slope at the back of the proposed barn.

BETA2: Comment remains. Stockpile and laydown areas are not depicted on the plans.

BETA3: Comment partially addressed. Stockpile and laydown areas are not depicted on the plans; however, the Applicant has indicated on the plans that no soil stockpiling will occur at any point during construction. The intent of this comment is to ensure that there is sufficient space within the proposed limit of work to support the proposed construction and is meant to encompass all construction support and staging areas. BETA defers to the Commission on whether these areas must be shown on the plans.

W3. Provide confirmation that the "optional extension" of the driveway as labeled on the Project plan would consist of gravel as described in the project narrative. The Plan should be updated to indicate this.

MEC: The Applicant has removed the extension of the driveway outside of the barn. The drive down to the barn is proposed to be gravel. The revised plan reflects this change.

BETA2: Comment addressed. The revised plan reflects the removal of the driveway extension.

W4. Approximately 1,200 cubic yards of fill will be required for construction of the proposed barn. The Applicant should depict the proposed topography on the plans and the plan should note method of long-term stabilization (i.e. The "Conservation Seed Mix"). In addition, the Applicant should indicate the type of fill proposed and confirm that only clean fill will be used.

MEC: Approximately 1,200 cubic yards of clean fill shall be brought in to raise the elevation at the back of the proposed barn. Upon completion of construction, the site shall be stabilized with a Conservation Seed Mix. This is shown on the revised plan.

BETA2: Comment addressed. The revised plan indicates the volume of fill required and depicts the proposed. Stabilization of exposed soils is indicated on the plans as Erosion Control Note 4.

W5. A detail for the cistern and plan showing how water will flow to the cistern should be included on the plans.

MEC: A cistern is no longer planned to be installed at the site. Instead, a Cultech system shall be installed northeast of the proposed barn. It will collect clean rooftop runoff from the barn and infiltrate it into the ground. The new system has been sized to hold 261 cf of storage which will accommodate the runoff from the new barn during a 1-inch storm event.

BETA2: Although a cistern is no longer proposed, a detail has been provided on the plan for the newly proposed infiltration field. Because the proposed infiltration unit is subsurface, it is recommended that installation of this feature be witnessed by the Conservation Commission or their agent.

MITIGATION COMMENTS

W6. A method of interim soil stabilization, such as straw mulch, should be provided to cover exposed soils within cleared areas of the buffer zone until permanent stabilization with seed mix can be completed. The Applicant should also provide a schedule for permanent stabilization.

MEC: Straw mulch shall be spread over bare soil until the site is stabilized with conservation seed mix.

BETA2: Comment addressed.

BETA3: As discussed at the February 23, 2023 hearing, use of straw mulch is not a permitted stabilization strategy in Franklin. The Applicant should propose additional interim stabilization methods.

W7. The Plan should depict the location of the existing erosion control barriers.

MEC: The revised plan shows the locations of the erosion and sediment control barriers.

BETA2: Comment addressed.

W8. The project narrative indicates use of a conservation seed mix to stabilize cleared areas within 100 feet of the BVW. Specifications of the proposed conservation seed mix should be provided.

*MEC: The bare soils within the project limits shall be loamed and seeded with a conservation seed mix consisting of the following or similar species: Virginia Wild Rye (*Elymus virginicus*), Little Bluestem (*Schizachyrium scoparium*), Big Bluestem (*Andropogon gerardii*), Red Fescue (*Festuca rubra*), Switch Grass (*Panicum virgatum*), Partridge Pea (*Chamaecrista fasciculata*), Panicleleaf Tick Trefoil (*Desmodium paniculatum*), Indian Grass (*Sorghastrum nutans*), Blue Vervain (*Verbena hastata*), Butterfly Milkweed (*Asclepias tuberosa*), Black Eyed Susan (*Rudbeckia hirta*), Common Sneezeweed (*Helenium autumnale*), Heath Aster (*Aster pilosus/Symphotrichum pilosum*), Early Goldenrod (*Solidago juncea*), Upland Bentgrass (*Agrostis perennans*).*

BETA2: Comment addressed.

W9. Indicate the anticipated use of the cleared buffer zone area within the 50-100 foot buffer zone, specifically whether this area will be maintained as a lawn or naturalized using the seed mix discussed in W8.

MEC: Areas within the buffer zone will be planted (naturalized) with herbaceous vegetation as indicated above. There are no plans to create a formal lawn in this area.

BETA2: Comment addressed.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, 3,138 square feet of alteration to the buffer zone to BVW is proposed. Erosion controls have already been installed to protect downgradient resource areas per the Enforcement Order.

BYLAW REGULATORY COMMENTS

W10. The following materials must be submitted per the submission requirements of the Bylaw Regulations:

- a. A Vernal Pool Statement (Section 7.7)
- b. A Construction Sequence and Schedule (Section 7.15); and
- c. A Functions and Characteristics Statement (Section 7.10)

BETA2: Comment remains, the Applicant has not included a Vernal Pool Statement, a Construction Sequence and Schedule, or a Functions and Characteristics Statement as is required under the Bylaw.

BETA3: The requested materials have been provided. All submission requirements per the Bylaw Regulations have been addressed, however, the Applicant's Functions and Characteristics Statement did not discuss the Project's impacts on the following functions: Storm Damage Prevention, Water Quality, or Water Pollution Control. BETA defers to the Commission on whether the Functions and Characteristics Statement is sufficient to issue an Order of Conditions.

W11. The Erosion and Sedimentation Control Plan provided within the narrative should also be included on the Project plans as required under Section 7.12.1.

MEC: Notes regarding sediment control have been added to the revised construction plan.

BETA2: Comment remains. While Erosion Control Notes were added to the plans, these notes do not meet the requirement of the Bylaw.

BETA3: Comment addressed. The person responsible for inspection and maintenance of erosion controls, and their contact information, has been provided on the plans.

REVIEW SUMMARY

Based on our review of the supplemental materials, the Applicant has 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, with the exception of providing the Construction Sequence and the location of staging areas on the Project Plans, and addressing all Functions and Characteristics in the required statement. BETA defers to the Commission on whether they have sufficient information to issue an Order of Conditions at this time.

If we can be of any further assistance regarding this matter, please contact us at our office.

Ms. Breeka Lí Goodlander, Agent

March 14, 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

Robert Drake, P.E., BETA