

**Notice of Intent**  
for  
100 Populatic Street  
(Map 216, Lot 22)  
Franklin, MA

**DATE:**

October 5, 2023

**ADDRESSED TO:**

Franklin Municipal Building  
Franklin Conservation Commission  
355 East Central Street  
Franklin, MA 02038

**PREPARED BY:**

Goddard Consulting LLC  
291 Main Street, Suite 8  
Northborough, MA 01532

**PREPARED FOR:**

Richard and Alicia Karas  
100 Populatic Street  
Franklin MA, 02038



October 5, 2023

Franklin Municipal Building  
Franklin Conservation Commission  
355 East Central Street  
Franklin, MA 02038

Re: Notice of Intent (NOI) Application  
100 Populatic Street, Franklin MA

Dear Franklin Conservation Commission,

Goddard Consulting, LLC (Goddard) is pleased to submit this Notice of Intent on behalf of the applicant Richard and Alicia Karas for the property known as 100 Populatic Street, Franklin MA (Map 216, Lot 22). This Notice of Intent is for work within the 100-foot Buffer Zone to a Bordering Vegetated Wetland and Bordering Land Subject to Flooding consisting of hardscaping and landscaping work in an existing hardscaped and landscaped area. The applicant seeks an Order of Conditions that would allow the proposed work to begin. This NOI application is a filing under the MA Wetlands Protection Act (WPA) and the Franklin Wetlands Protection Bylaw.

Included in this submittal is the original hardcopy of the application, one additional hardcopy, two full size sets of plans, and seven reduced sets of plans. In addition, an electronic copy has been submitted to the Conservation Department and the Department of Public Works. If you have any questions about this Notice of Intent application, please feel free to contact Chris Frattaroli at (617) 620-2740.

Sincerely,  
Goddard Consulting, LLC

Chris Frattaroli  
Wetland Scientist

CC: Richard and Alicia Karas, 100 Populatic Street, Franklin MA 02038  
Monique Allen, The Garden Continuum, Inc., 67 West Street, Suite 101, Medfield, MA 02052  
MassDEP Central Regional Office, 8 New Bond Street, Worcester, MA 01606

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- DEP Bordering Vegetated Wetland Determination Forms
- Orthophoto of Locus Site, Goddard Consulting LLC, 7/7/2023
- Orthophoto with NRCS Soils, Goddard Consulting LLC, 7/7/2023
- Orthophoto with FEMA Flood Zones, Goddard Consulting LLC, 7/7/2023
- Orthophoto with DEP Mapped Wetlands, Goddard Consulting LLC, 7/7/2023
- USGS of Site, Goddard Consulting LLC, 7/7/2023
- Delineation Sketch, Goddard Consulting LLC, 7/7/2023

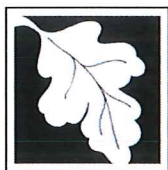
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**Site Plans & Additional Materials**

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- Request for Variance
- Copy of Checks
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- Property Access Signature Form
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- *Existing Conditions Plot Plan 100 Populatic Street Franklin Massachusetts*, prepared by Guerriere and Halnon Inc, dated 9/11/23
- *Final Hardscape Plan*, prepared by The Garden Continuum, dated 10/4/23
- *Final Landscape Plan*, prepared by The Garden Continuum, dated 10/4/23



**WPA FORM 3**



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and the Franklin Wetlands Protection Bylaw

MassDEP File Number

Document Transaction Number

Franklin

City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**

Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

100 Populatic Street

a. Street Address

Franklin

b. City/Town

02038

c. Zip Code

Latitude and Longitude:

216

f. Assessors Map/Plat Number

42.12804604140477

d. Latitude

-71.38084804234433

e. Longitude

22

g. Parcel /Lot Number

2. Applicant:

Richard and Alicia

a. First Name

Karas

b. Last Name

c. Organization

100 Populatic Street

d. Street Address

Franklin

e. City/Town

MA

f. State

02038

g. Zip Code

508-561-7597

h. Phone Number

i. Fax Number

alicia.karas@tufts.edu

j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Chris

a. First Name

Frattaroli

b. Last Name

Goddard Consulting LLC

c. Company

291 Main Street Suite 8

d. Street Address

Northborough

e. City/Town

MA

f. State

02131

g. Zip Code

617-620-2740

h. Phone Number

i. Fax Number

chris@goddardconsultingllc.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110

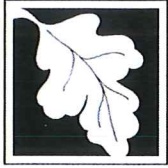
a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

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**A. General Information (continued)**

6. General Project Description:

Hardscaping and landscaping within the 100-foot buffer zone to a Bordering Vegetated Wetland and Bordering Land Subject to Flooding

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Norfolk

a. County

9887

c. Book

b. Certificate # (if registered land)

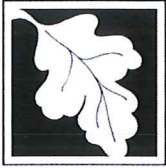
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d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 3. cubic yards dredged _____	2. square feet _____

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	115 1. square feet _____ 0 3. cubic feet of flood storage lost _____	0 2. square feet _____ 0 4. cubic feet replaced _____

e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
---	---	------------------------------

f.  Riverfront Area  
1. Name of Waterway (if available) - **specify coastal or inland** \_\_\_\_\_

2. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4.  Restoration/Enhancement  
 If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW \_\_\_\_\_

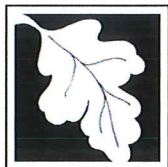
b. square feet of Salt Marsh \_\_\_\_\_

5.  Project Involves Stream Crossings

a. number of new stream crossings \_\_\_\_\_

b. number of replacement stream crossings \_\_\_\_\_





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**C. Other Applicable Standards and Requirements**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program**  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

August 2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area \_\_\_\_\_  
percentage/acreage

(b) outside Resource Area \_\_\_\_\_  
percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

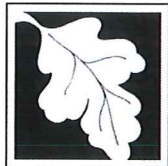
(b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

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**C. Other Applicable Standards and Requirements (cont'd)**

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2.  A portion of the site constitutes redevelopment
  3.  Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:
1.  Single-family house
  2.  Emergency road repair
  3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

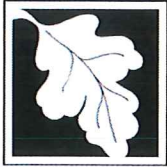
**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

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**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Existing Conditions Plot Plan 100 Populatic Street Franklin Massachusetts

a. Plan Title

Guerriere and Halnon Inc.

Robert E Constantine

b. Prepared By

c. Signed and Stamped by

9/11/23

1" = 10'

d. Final Revision Date

e. Scale

Final Landscape Plan, Final Hardscape Plan (The Garden Continuum)

10/4/23

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8.  Attach NOI Wetland Fee Transmittal Form
9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

5345

2. Municipal Check Number

9/28/23

3. Check date

5346

4. State Check Number

9/28/23

5. Check date

Richard and Alicia

Karas

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

### WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and the Franklin Wetlands Protection Bylaw

Provided by MassDEP:
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#### F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	9-28-23
1. Signature of Applicant Alicia Karas Same as applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	10/3/2023
5. Signature of Representative Chris Frattaroli, Goddard Consulting LLC	6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

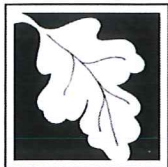
**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 and the Franklin Wetlands Protection Bylaw

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

100 Populatic Street Franklin  
 a. Street Address b. City/Town  
 5346 \$42.50  
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Richard and Alicia Karas  
 a. First Name b. Last Name  
 c. Organization  
 100 Populatic Street  
 d. Mailing Address  
 Franklin MA 02038  
 e. City/Town f. State g. Zip Code  
 508-561-7597 alicia.karas@tufts.edu  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Same as applicant  
 a. First Name b. Last Name  
 c. Organization  
 d. Mailing Address  
 e. City/Town f. State g. Zip Code  
 h. Phone Number i. Fax Number j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

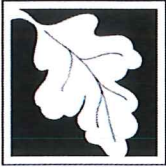
**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 and the Franklin Wetlands Protection Bylaw

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1a. Work on a single family house	1	\$110	\$110
Bylaw fee	1	\$50	\$50

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	\$110 (+\$50 bylaw)
State share of filing Fee:	\$42.50
City/Town share of filling Fee:	\$67.50 (+\$50 bylaw)
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

**C. Submittal Requirements**

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



**Notice of Intent – Regulatory Compliance Narrative**



## REGULATORY COMPLIANCE NARRATIVE

### 1.0 EXISTING CONDITIONS

The locus site is located at 100 Populatic Street in northeastern Franklin, abutting Populatic Pond at the site's rear. The property contains an existing single-family home with attached deck and a small, paved driveway. A shed is located near the southeastern corner of the property. Stone steps lead to a floating dock at the Pond's edge. Most of the property is occupied by existing hardscaped and landscaped areas. Wooded areas are present in the south of the site and along the slope leading to Populatic Pond at the rear of the site.



Figure 1: View of the rear of the existing home.



Figure 2: Existing patio area at rear of house.



Figure 3: Existing patio area at rear of house.

A Bordering Vegetated Wetland (BVW) associated with Populatic Pond is located in the east of the site along the Pond's edge. There is also a BVW system across Populatic Street from the locus site that extends nearly to the edge of the road's pavement. These two BVW systems cast 100-foot Buffer Zones that encompass the entire locus site.

These wetland resource areas were delineated in the field by Goddard Consulting on July 7, 2023. The wetland border was flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 et al. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes. Detailed information about the wetland delineation is provided in the attached Wetland Border Report, dated 7/10/2023.

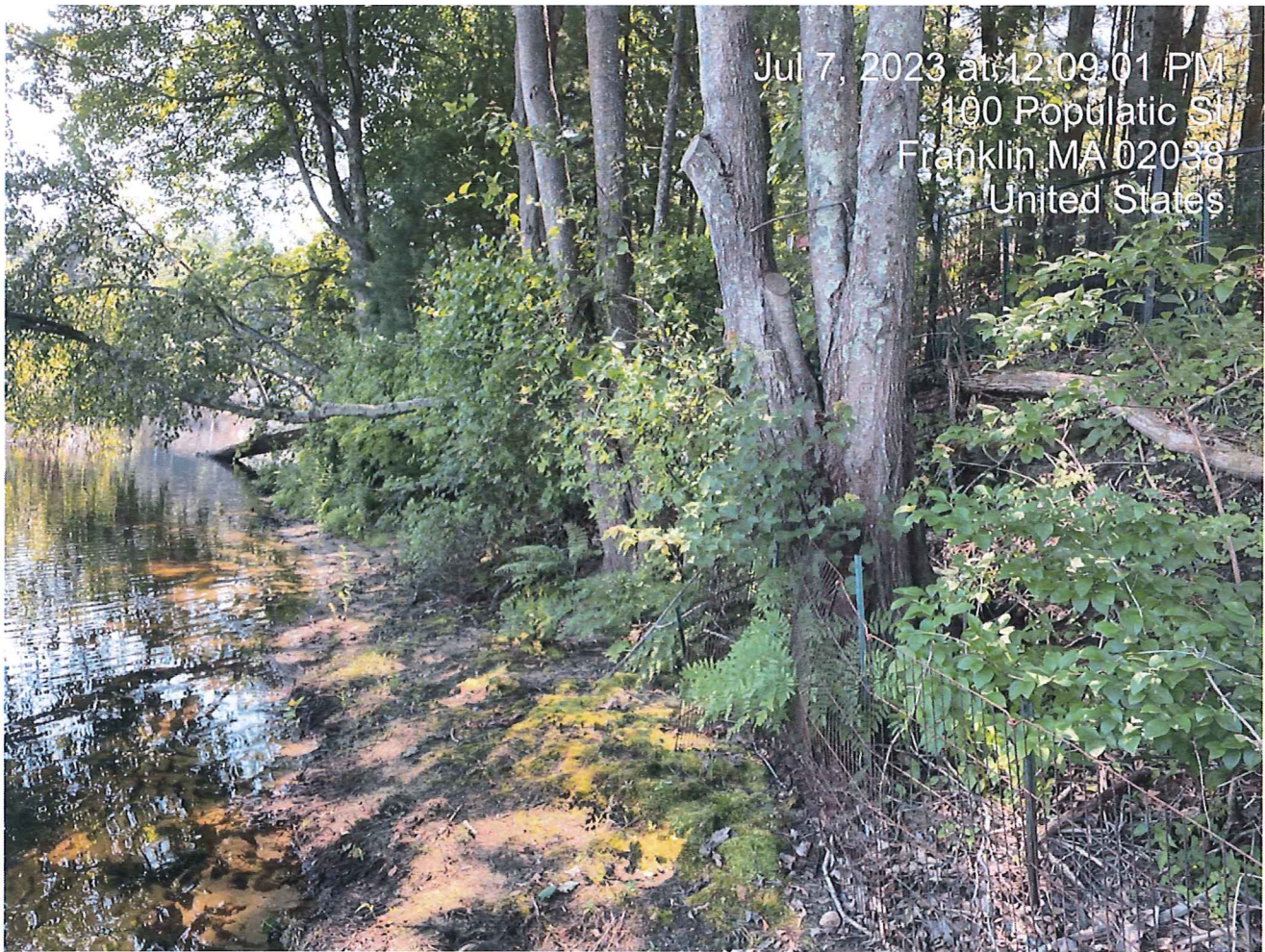


Figure 4: View of wetland edge at A-series BVW, facing south near wetland flag A8.

According to the MassGIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife. There are no certified or potential vernal pools on or in the adjacent to the site. The site is not mapped within an Area of Critical Environmental Concern (ACEC) or Outstanding Resource Waters Area (ORW). The site does contain a jurisdictional FEMA Flood Zone, Flood Zone AE (1% annual chance of flooding with base flood elevation 137'), which constitutes the resource area Bordering Land Subject to Flooding (BLSF).



Figure 5: Orthophoto of the locus site.

## **2.0 PROPOSED PROJECT**

The applicant proposes landscaping and hardscaping work within the existing landscaped and hardscaped areas onsite. This work is proposed within the 100-foot Buffer Zone to a Bordering Vegetated Wetland and small portions of BLSF. Work consists of the construction of multiple planting beds and other landscaped areas, placement of stone pavers, meandering paths, landscape boulders, and other aesthetic stone features. Compacted stone dust paths will connect the proposed landscaped and hardscaped areas. No clearing of wooded areas is proposed. Renovation of existing patio areas, including a minor expansion to one patio area, is proposed.

Please see attached Final Hardscape Plan (The Garden Continuum, 10/4/23) for a depiction of the proposed stonework, and Final Landscape Plan (The Garden Continuum, 10/4/23) for a depiction of the proposed planting areas.

The applicant also proposes the construction of a retaining wall built of reused concrete blocks to allow the uneven stone steps that lead to the water to be replaced with a metal stair set with handrails for the safety of the homeowners. This retaining wall is located on the cusp of the 137' contour (i.e., Bordering Land Subject to Flooding). The wall and associated concrete landing will be set no higher than the 137' contour. Lowering the grade in the area is will likely be required to keep this elevation below the floodplain limit, which will in fact slightly increase the flood storage capacity of the site. Two 4'x4' raised planters are also proposed slightly within BLSF. Similarly to the retaining wall and concrete pad, these planters will be set at or below the floodplain elevation of 137'. Lastly, a portion of the path leading to the existing shed in the southeastern corner of the site will be located within BLSF. Slight grading will be required in this area to maintain walkable grades, but only cut is proposed.

Additionally, the existing floating dock will be reset in its current location to ensure continued safety for its users.

Lastly, the applicant proposes invasive species management along the slope leading to Populatic Pond to improve the aesthetic value of the area and ensure long-term sustainability of the site. Please see the attached Invasive Species Management Plan for details.

## **3.0 REGULATORY COMPLIANCE WITH WETLANDS PROTECTION ACT**

### **3.1 BUFFER ZONE (100-FOOT)**

The WPA Regulations do not contain performance standards for Buffer Zone Alteration (310 CMR 10.02(2)(b)). All reasonable efforts to avoid, minimize and mitigate adverse impacts on the Buffer Zone have been considered. The entire site is situated within the 100-foot Buffer Zone so impacts are unavoidable.

### **3.2 BORDERING LAND SUBJECT TO FLOODING (BLSF)**

The WPA Regulations contain three performance standards for BLSF (310 CMR 10.57(4)(a)). The project does not propose any fill in BLSF. A table summarizing the performance standards for BLSF and the project's compliance follows.

<p>§ 10.57</p>	<p style="text-align: center;"><b>Bordering Land Subject to Flooding:</b></p> <p style="text-align: center;">An area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds, or lakes.</p>	
<p><b>Performance Standard</b></p>		<p><b>Compliance</b></p>
<p>10.57 (4)(a)(1)</p>	<p><i>Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.</i></p> <p><i>(1) Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.</i></p>	<p>Work in BLSF consists of the installation of a retaining wall and concrete pad to support a new staircase leading to the edge of Populatic Pond. This retaining wall and concrete pad will be set lower than the floodplain elevation, to avoid importing fill to the floodplain. Other work areas situated within the floodplain will utilize cut to create appropriate grades. No fill material will be imported to the floodplain anywhere on the project site. Therefore, compensatory storage is not required.</p>
<p>10.57 (4)(a)(2)</p>	<p><i>(2) Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.</i></p>	<p>The proposed work will not restrict flows so as to cause an increase in flood stage or velocity because the project does not include the construction of any building within BLSF. Aside from the retaining wall that supports the proposed stairs, the only structure proposed within BLSF is the proposed metal staircase, which, in Goddard’s opinion, is negligible.</p>

<p>10.57 (4)(a)(3)</p>	<p><i>(3) Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.</i></p>	<p>All proposed work is located in areas that currently contain landscaped or hardscaped features. Therefore, it is Goddard’s opinion that the proposed work will not have an adverse impact on the capacity of the resource area to provide important wildlife habitat functions.</p> <p>If the Conservation Commission requires a wildlife habitat evaluation for the BLSF disturbance, the Applicant can provide this as a supplemental submittal.</p> <p>Additionally, there are no certified or potential vernal pools mapped on or nearby the site.</p>
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**4.0 REGULATORY COMPLIANCE WITH FRANKLIN WETLANDS PROTECTION BYLAW**

**4.1 0-25’ BUFFER ZONE**

Some work is proposed within the 0-25’ Buffer Zone at the rear of the locus site. This work primarily includes the management of invasive species on the slope leading to Populatic Pond. This work is intended to remove the aesthetically unappealing invasive plant species, thereby improving wildlife habitat value and allowing native species to thrive in this area. Other work in the 0-25’ Buffer Zone includes a small amount of landscape and hardscape work. This work will take place in areas that are currently landscaped or hardscaped and is therefore not a change to the current land use in this area. Please see the attached request for variance for more details about work in the 0-25’ Buffer Zone.

**4.2 25-50’ BUFFER ZONE**

Similar to the work proposed in the 0-25’ Buffer Zone, proposed work in the 25-50’ Buffer Zone consists of landscape and hardscape work. This work will take place in areas that are currently landscaped or hardscaped and is therefore not a change to the current land use in this area. Section 4.3.1 of the Franklin Wetlands Protection Bylaw states, “Alteration in the 25-50 foot buffer zone resource area is limited to grading, tree clearing, Stormwater management system components, lawns, gardens, and other low impact uses.” Work proposed in this area consists only of garden areas and small areas of grading, and therefore is considered a low impact uses. Therefore, this work is not subject to the variance procedure.

**4.3 50-100’ BUFFER ZONE**

Consistent with the landscape and hardscape work proposed in the 0-25’ and 25-50’ Buffer Zones, proposed work in the 50-100’ Buffer Zone consists of landscape and hardscape work. This work will take place in areas that are currently landscaped or hardscaped. No new structures are proposed in this area.

**4.4 FUNCTIONS AND CHARACTERISTICS STATEMENT**

In accordance with §7.10.1 of the Town of Franklin Conservation Commission Regulations, please find below a summary of the proposed project’s impacts on the functions and characteristics of floodplains and wetlands. It is

Goddard's opinion that the project will have no significant individual or cumulative adverse effects on these functions and characteristics.

**1. Public Water Supplies** – The project site is located approximately 360 feet from the Village Street GP Well Interim Wellhead Protection Area. Because the project proposes only landscaping and hardscaping at a single-family home, it is not expected that the proposed work will have any impact on public water supplies.

**2. Private Water Supplies** – According to MassDEP's Well Drilling Database, the neighboring property, 102 Populatic Street, has a private well. Because the project proposes only landscaping and hardscaping at a single-family home, it is not expected that the proposed work will have any impact on public water supplies.

**3. Groundwater** – Stormwater management on the project site is not proposed to be changed at all. Changes in impervious cover are negligible, and groundwater recharge is expected to continue unabated. The final condition of the site will have no lawn, meaning that under proposed conditions, there will be no need to fertilize or manage pests in turfgrass, further contributing to the protection of groundwater.

**4. Flood Control** – Work in the floodplain will not require fill, as described in section 3.2 of this narrative. Therefore, compensatory storage is not required.

**5. Erosion and Sedimentation** – Erosion and sedimentation controls consisting of a 12" Filtermitt will be utilized. See section 4.6 of this narrative for details.

**6. Storm Damage Prevention** – Work in the floodplain has been designed to avoid requiring fill. This will enable the area to continue to provide flood storage as under existing conditions to minimize storm damage.

**7. Water Quality** – Populatic Pond is located at the rear of the locus site. The proposed work is not expected to have any impacts on water quality of the Pond. Post-construction conditions will, in fact, likely result in a net improvement in water quality due to improved vegetative buffer.

**8. Water Pollution Control** – During construction, erosion and sediment controls as described above will minimize any potential water pollution. No chemical pollution (fertilizer, pesticide, hazardous waster) or biological pollution (bacteria or viruses) is expected to occur as a result of construction activities or post-construction use of the site, as the site is a single-family home and does not handle any chemical or biological pollutants.

**9. Fisheries** – Work is proposed adjacent Populatic Pond, which is presumably home to fish populations. Erosion and sedimentation controls will be in place to minimize any potential runoff to the Pond. No other potential impacts to the Pond are foreseen.

**10. Shellfish** - Not applicable in Franklin.

**11. Wildlife Habitat** – Construction activities are not expected to harm wildlife habitat value, as all proposed work is located within existing landscaped and hardscaped areas. Invasive species management is proposed on the slope leading to Populatic Pond, which will improve wildlife habitat value in this area.

**12. Rare Species Habitat (including rare plant species)** – No rare species are mapped on or near the project site. There are no mapped potential or certified vernal pools onsite or in proximity.

**13. Agriculture** – The project site is not located in proximity to any agricultural operations. In addition, the soil unit mapped on site (Hinckley Loamy Sand) is considered not prime farmland by the NRCS Soil Survey.



**14. Aquaculture** – There are no aquaculture operations on or near the project site.

**15. Recreation** – The proposed work will improve the recreational value of the site and adjacent Populatic Pond for the homeowners by repairing the dilapidated and dangerous stairs to the water. This will allow the homeowner, who has a physical disability, better access to the dock for kayaking and canoeing.

**4.5 VERNAL POOL STATEMENT**

There are no mapped potential or certified vernal pools on or in proximity to the site. The nearest mapped vernal pool is a potential vernal pool (PVP 8151), located approximately 1,300 feet to the north of the site.

**4.6 EROSION AND SEDIMENTATION (E&S) CONTROL NARRATIVE**

Erosion and sedimentation controls will be employed throughout construction. The erosion control barrier to be used is a 12” Filtermitt by Groundscapes Express. An additional 9” Filtermitt will be installed at the base of the existing stone stairs near the pond’s edge to further protect the resource area. The Filtermitt erosion control barrier is comprised of burlap fabric and filled with a compost/shredded wood mixture. E&S controls will be maintained weekly and after significant rain events throughout the duration of the construction, including the removal of accumulated sediment once accumulation reaches half the height of the wattle. The Filtermitt will be inspected regularly by the contractor performing the work, who will keep a log of inspections and maintenance.

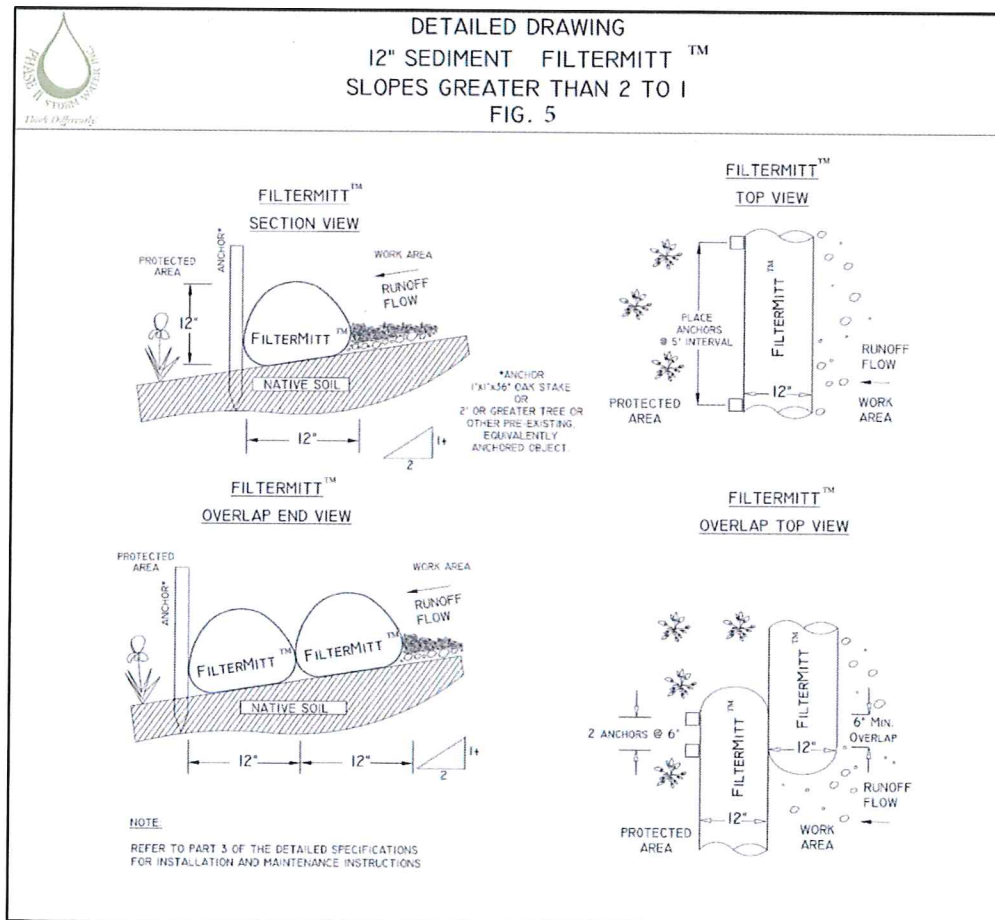


Figure 6: Schematic of Filtermitt installation.

## **5.0 CONCLUSION**

In summary, Goddard Consulting believes that the proposed project will not have any significant adverse impacts on the interests identified in the Wetlands Protection Act or the Franklin Wetlands Protection Bylaw. The project has been designed with sensitivity to the resource areas near the site and is intended to enhance the site's sustainability for the future. The proposed project meets all regulatory compliance standards under the Wetlands Protection Act and the Franklin Wetlands Protection Bylaw; therefore, Goddard Consulting respectfully requests that the Franklin Conservation Commission issue an Order of Conditions approving the project.

Please feel free to contact us if you have any questions about this Notice of Intent submission.