



January 2, 2024

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

Re: 15 Liberty Way
MassDEP File No. 159-1282
Notice of Intent Peer Review #3

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the project entitled: **15 Liberty Way** located in Franklin, Massachusetts (the "Site"). 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:

- **Notice of Intent for 15 Liberty Way, Franklin, MA 02038 (Map: 320, Parcel 4)**; prepared by Goddard Consulting, LLC.; dated November 1, 2023.
- **Liberty Parking Expansion**; prepared by Level Design Group, LLC; dated January 13, 2023 and revised October 17, 2023; signed and stamped by Daniel R Campbell MA PE No. 46245 and Robert R. Litchfield MA PLS No. 47615; 9 sheets.
- **Stormwater Report for 15 Liberty Way Franklin MA**; prepared by Level Design Group, LLC; dated January 13, 2023 and revised October 16, 2023; signed and stamped by Daniel R Campbell MA PE No. 46245.
- **Invasive Species Management Plan**; prepared by Goddard Consulting, LLC.; dated September 7, 2023, last revised November 14, 2023.

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

- Site visits on July 3, 2023 and August 2, 2023
- **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—JANUARY 2, 2024

The Applicant has provided revised materials pursuant to BETA's September 21, 2023 peer review letter; however, no written comment responses have been provided.

BETA's original comments from the July 10, 2023 peer review letter are included in plain text, and comment responses attributed to Goddard Consulting, LLC's (GC) September 7, 2023 letter are provided in *italics* and are prefaced with "GC:". BETA's comments from the September 21, 2023 letter are provided in **bold** and are prefaced with "**BETA2:**" and reflect observations made and discussed during the August 2, 2023 Site visit attended by BETA, GC, and the Franklin Conservation Commission Agent. BETA's most recent responses are provided in **bold** and are prefaced with "**BETA3:**".

BETA's responses in this letter identify additional information that should be provided by the Applicant to demonstrate compliance with the Act and Bylaw.

SITE AND PROJECT DESCRIPTION

The approximately 15-acre Site consists of a portion of an existing parcel located at 15 Liberty Way in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 320-004-000-000. The Site is bounded to the east by a commercial property, to the south by office buildings, to the west by undeveloped forest and single-family residential parcels, and to the north by undeveloped forest. Existing improvements at the Site include a 92,490 square foot (sf) warehouse building, paved parking and road areas, maintained lawn, landscaped areas, and an undeveloped forest. Approximately 58% of the existing Site consists of impervious surfaces.

According to the Applicant, there are no 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") at the Site, but there is a Resource Area Subject to Protection under the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated Regulations (collectively "the Bylaw") present at the Site, an Isolated Vegetated Wetland (IVW).

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protections Area, and there are no Surface Water Protection Areas (Zone A, B, or C), or Outstanding Resource Waters (ORWs). There are no 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 Potential Vernal Pools (PVPs) or Certified Vernal Pools (CVPs) located on or within 100 feet of the Site.

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0317E and 25021C0316E, both dated July 17, 2012, the Site is not located within the 100-year floodplain, though it is within a Zone X. A Flood Zone A is mapped to the northwest, west, and south of the Site with no Base Flood Elevation (BFE) determined.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Woodbridge fine sandy loam with a Hydrologic Soil Group (HSG) rating of C/D and Udorthents, sandy, with a HSG rating of A.

The Applicant seeks approval for the expansion of the existing parking into a forested area and installation of additional stormwater management infrastructure within an IVW and the associated buffer zone. Proposed work includes the following activities (collectively referred to as the "Project"):

- Vegetation removal and grubbing;
- Site re-grading;
- Installation of stormwater management infrastructure;
- Removal of sections of the existing chain link fence;

- Installation of a new perimeter chain link fence;
- Paving a total of 105,320 sf;
- Invasive species management; and,
- Final Site-wide vegetative stabilization and landscaping.

The Project will result in temporary and permanent impacts to an IVW and the associated buffer zone Subject to Protection under the Bylaw.

BETA2: Based on observations made during the August 2, 2023 Site visit, the wetland identified along the northern Site boundary qualifies as a Bordering Vegetated Wetland (BVW) Subject to Protection under the Act due to the presence of an interior intermittent stream channel. Therefore, work will also occur within the Act-regulated Buffer Zone to BVW.

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)	BETA2: ✓	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled		✓ (See comment A3)
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
Registered PLS Stamp (Existing Condition Plans Only)	BETA2: ✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. MassDEP has not issued a file number for this Project as the Applicant has not submitted this filing to MassDEP. Although asserting that the Project is only subject to Bylaw approval, the Applicant may still be required to file under the Act, depending on the outcome of the resource area boundary determinations (comments W1 – W6).

GC: An interior intermittent stream was identified within the F-series wetland, which means that work is proposed within the Buffer Zone to BVW, and, in the opinion of BETA, is under the jurisdiction of the Wetlands Protection Act. The project will be filed with MassDEP after local approval is granted.

BETA2: Local approval under the Act cannot be granted until the Applicant files with MassDEP and receives a MassDEP file number. According to the Wetlands Notice of Intent Lookup site on the EEA Data Portal as reviewed on September 21, 2023, an NOI filing has not yet been received by MassDEP.

BETA3: The NOI has been filed with MassDEP and a File Number has been issued (File No. 159-1282) with no technical comments.

A2. The existing conditions topography should include the following:

- a. A survey benchmark;
- b. Topographic features including interior drainage ditches (see comments W7 and W8) and the upland berm (see comment W4); and
- c. A registered Professional Land Surveyor (PLS) stamp.

GC:

a. A survey benchmark is shown on previously submitted site plans titled Liberty Parking Expansion, dated 1/13/23 – a hydrant bolt near the northwestern corner of the existing building.

b. The interior drainage ditches have been flagged with J-, K-, and L-series flags and are shown on site plans. Per BETA, these ditches are non-jurisdictional. The upland berm was not flagged, but the wetland areas on either side of the upland area were flagged and are shown on site plans titled Liberty Parking Expansion, dated 1/13/23.

c. The updated site plan, titled Liberty Parking Expansion, dated 1/13/23, has been stamped with a PLS stamp and is attached to this document.

BETA2: Comments A2a. through c. have been addressed.

A3. Two IVW's are described within the NOI narrative; however only one is shown on the Project plan. Furthermore, associated 0-25', 25-50', and 50-100' Buffer Zones are not depicted on any of the plan sheets as required per Section 7.18.1.8 of the Bylaw.

GC: All wetland resource areas have been flagged in the field and are now shown on site plans. Updated site plans show flagging as agreed upon by BETA Group and Goddard on a site visit that occurred on August 2, 2023.

BETA2: The Existing Conditions plan appears to depict Buffer Zones; however, they are not labeled. In addition, Buffer Zones should also be depicted on the Grading and Drainage plan sheet. Comment remains.

BETA3: Buffer Zones have been depicted on the plans but are missing labels. In addition, it appears that Buffer Zones have been offset from the boundaries of non-jurisdictional swales within the center of the Site. Buffer Zones should be revised to be accurate and labeled in accordance with the Act and the Bylaw. Comment remains.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite and completed a 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 a resource area identified by the Applicant as an IVW that

is not Subject to Jurisdiction under the Act but is Subject to Protection under the local Bylaw. Work is proposed within Buffer Zones associated with the identified IVW under the local Bylaw. Although the Applicant has not filed the NOI with MassDEP, the Project is subject to the MassDEP Stormwater Standards and a review of compliance with these Standards has been completed as part of the Planning Board Review.

The NOI application includes narrative information describing the Project, and the proposed impacts within the buffer zone have been quantified and generally described but not shown on the Project plans. Mitigation measures include use of erosion controls, proposed invasive species management, and installation of Stormwater Best Management Practices (BMP's) to manage stormwater runoff from the new paved areas. Additional information is required to determine if areas subject to jurisdiction under the Act are present, and to describe the effects of the work on the interests of the Act and the Bylaw, including demonstration of compliance with the Stormwater Management Standards, demonstration of compliance with the Bylaw, and reassessment of Resource Area boundaries.

GC: The applicant has provided revised site plan sheets (titled Liberty Parking Expansion, dated 1/13/23) and updated documents as described herein to address BETA's comments. WPA jurisdiction has been identified by BETA, compliance with Stormwater Management Standards and the Town of Franklin's Bylaw has been demonstrated, and resource area boundaries have been reassessed and confirmed by BETA.

BETA2: The revised materials provided by the Applicant have not demonstrated compliance with the requirements of the Act and Bylaw. Although Act jurisdiction has been identified and Resource Area boundaries have been reviewed in the field, the Applicant has not yet filed with MassDEP nor has compliance with the Stormwater Management Standards been demonstrated through the concurrent Planning Board review process. Additional information is required to support the success of the proposed invasive species management plan, and the Applicant will also be required to submit additional information in order to comply with the Bylaw.

BETA3: The Applicant has filed with MassDEP and received a MassDEP file number with no technical comment; however, compliance with the Stormwater Management Standards has not been demonstrated through the concurrent Planning Board review process. Additional information is required to adequately describe the proposed invasive species management plan and to comply with the Bylaw, including details on the proposed methods of treatment and considerations for working within a maintained easement. Prior to further revisions to the proposed invasive species management plan, BETA recommends that the Commission determine if the proposed mitigation is sufficient as mitigation for the filling of Bylaw-jurisdictional wetlands.

RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on July 3, 2023, to assess existing conditions, and to review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw. Review of Resource Area delineations was limited to locations where the delineated boundary was within, or may be within, 100 feet of the Limit of Work (LOW).

W1. As discussed in Section 1.1 of the NOI narrative, the wetland referenced as an IVW was not flagged in the field. Although the boundary appears to be generally defined by a rip-rap slope, the Applicant should flag this area for BETA to confirm the delineated boundary. Existing conditions as shown on the Project plan are not sufficient to determine the accuracy of this Resource Area as observed in the field. The boundary of the IVW should be determined in the field so it can be

confirmed. In addition, the Applicant should provide additional information on the location of the existing underground stormwater management system discussed in Section 1.1.

GC: The IVW discussed in Section 1.1 of the NOI narrative dated 5/25/23 has been flagged in the field and its extent was confirmed by BETA in the field. This flagging is now shown on site plans titled Liberty Parking Expansion, dated 1/13/23.

A site plan titled "ALTA/NSPS Land Title Survey Plan" prepared by Kelly Engineering Group, dated 2/18/21, shows the location of underground stormwater management features located on the project site. This plan is attached to this document.

BETA2: Comment addressed. BETA reviewed the delineation during the August 2, 2023 Site visit and concurs with the locations of flags.

- W2. South and east of the wetland described in comment W1 within the easement area and along the existing chain link fence (see attached sketch), BETA observed hydric soils consisting of a depleted matrix with redoximorphic features within 12" of the soil surface. Hydrologic indicators observed included leaf staining, saturation, and hydrophytic vegetation such as purple loosestrife (*Lythrum salicaria*), common reed (*Phragmites australis*), deer-tongue (*Dichanthelium clandestinum*), and pointed broom sedge (*Carex scoparia*). Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of additional wetlands in accordance with the definition at 310 CMR 10.55(2).

GC: These wetland areas have been flagged in the field and their extent was confirmed by BETA in the field. They are now shown on site plans titled Liberty Parking Expansion, dated 1/13/23.

BETA2: Comment addressed. BETA reviewed the delineation during the August 2, 2023 Site visit and concurs with the locations of flags.

- W3. A man-made channel (identified as Channel 1 on the attached sketch), as evidenced by sections of rip rap, was observed upgradient of and connected to the resource area described in comment W1. Hydric soil indicators consisting of organic streaking with depletions and redoximorphic features within 12" of the soil surface, as well as a dominance of hydrophytic vegetation including sensitive fern (*Onoclea sensibilis*), jewelweed (*Impatiens capensis*), purple loosestrife and tall sedge (*Carex lurida*) was observed. Additionally, evidence of prior flow was observed within the channel including eroded banks, organic debris deposits, and drift marks. Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of additional wetlands and/or bank in accordance with the definition at 310 CMR 10.54(2) and 10.55(2). The source of water flowing to this channel should also be provided by the Applicant.

GC: This wetland area has been flagged and its extent was agreed upon by BETA and Goddard in the field. It is now shown on site plans titled Liberty Parking Expansion, dated 1/13/23.

A thorough search of Registry of Deeds records and Conservation Commission documents/plans did not yield any information about the source of the water flowing to this channel. Based on the information that is available and multiple site visits conducted by Goddard and Level Design Group, we believe that the source of this water is roof and/or parking lot runoff from adjacent properties.

BETA2: Comment addressed. BETA reviewed the delineation during the August 2, 2023 Site visit and concurs with the locations of flags.

- W4. An offsite ditch running parallel to the northern property line, referenced in Section 1.2 of the NOI as an unmaintained stormwater ditch (identified as Channel 2 on the attached sketch), was observed in the field. This ditch is separated from the remainder of the parcel by an upland berm until its outlet to the easement directly northwest of the Project parcel, upgradient of the channel described in comment W3. Pockets of standing water were observed along the length of the ditch, in addition to channelized flow observed near its western limit (see attached sketch and Photos 4 through 7). The Applicant identified this area as an IVW, but its boundary was not observed to have been flagged in the field; therefore, BETA cannot confirm the accuracy of this delineation. The boundary of the IVW should be determined in the field so it can be reviewed, and buffer zones can be shown accordingly.

GC: As stated in Goddard's response to comment A1, an intermittent stream was identified interior to the F-series wetland (the channel identified as Channel 2 by BETA). Therefore, this wetland was identified by BETA as a Bordering Vegetated Wetland (BVW) and thus is jurisdictional under the Wetlands Protection Act.

The boundary of this wetland was reviewed in the field and confirmed by BETA.

BETA2: Comment addressed. BETA reviewed the delineation during the August 2, 2023 Site visit and concurs with the locations of flags. The boundary of Bank associated with the interior intermittent stream was not delineated; however, the Applicant has noted its presence and associated Act jurisdiction.

- W5. A rip rap mound was observed between the start of the channel discussed in comment W3 and the end of a channel discussed in comment W4. Although these areas have been discussed separately and a rip rap mound was observed to visually separate these two areas, an apparent hydrologic connection was observed as evidenced by ponded water and saturation on either side of the rip-rap mound. This is further supported by the evidence of prior flow discussed in comment W3. Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of bank in accordance with the definition at 310 CMR 10.54(2).

GC: The rip rap mound discussed here is located downgradient of flags F17-18. The flagging shown on site plans titled Liberty Parking Expansion, dated 1/13/23 was confirmed by BETA in the field, thus making the F-series and H-series wetlands separated.

BETA2: Comment addressed. BETA reviewed the delineation during the August 2, 2023 Site visit and concurs with the locations of flags. After holding discussions with the Applicant in the field, BETA also concurs that there is not sufficient evidence of a surficial channel connecting these two (2) areas.

- W6. Hydric soil indicators consisting of a depleted matrix underlying a dark mineral layer within 12" of the soil surface, as well as stained leaves and ponding were observed within the northern portion of the site (see attached sketch). A dominance of hydrophytic vegetation including royal fern (*Osmunda regalis*), cinnamon fern (*Osmundastrum cinnamomeum*), black tupelo (*Nyssa sylvatica*), red maple (*Acer rubrum*) and Sphagnum moss were observed despite some upland ground cover including Canada mayflower (*Maianthemum canadense*) and princess pine (*Lycopodium obscurum*). Based on BETA's observations, the Applicant should re-evaluate this area and flag the boundaries of additional wetlands in accordance with the definition at 310 CMR 10.55(2).

GC: The wetlands identified in this comment have been flagged in the field. They were determined

to be two distinct IVWs and are flagged with C-series and G-series flags. The extent of these wetlands was confirmed by BETA in the field, and they are shown on updated site plans titled Liberty Parking Expansion, dated 1/13/23.

BETA2: Comment addressed. BETA reviewed the delineation during the August 2, 2023 Site visit and concurs with the locations of flags.

- W7. The interior drainage ditch described as non-jurisdiction in Section 1.3 of the NOI narrative (see attached sketch) was generally observed to be dry and sparsely vegetated with upland species such as hay-scented fern (*Dennstaedtia punctilobula*) and partridge berry (*Mitchella repens*). BETA concurs with the Applicant that this drainage ditch is not jurisdictional under the WPA or the Bylaw.

GC: Non-jurisdictional drainage ditches were marked with J-, K-, and L-series flags and are shown on site plans titled Liberty Parking Expansion, dated 1/13/23.

BETA2: Comment addressed.

CONSTRUCTION COMMENTS

- W8. The project as currently depicted will disturb more than one acre of land, therefore, a Notice of Intent (NOI) with EPA and a Stormwater Pollution Prevention Plan (SWPPP) are required.

GC: After approval for the project is granted and a contractor selected, the appropriate paperwork will be filed with EPA. No work will begin until EPA approval is received.

BETA2: Comment addressed.

- W9. Material stockpile and laydown areas should be labeled on the Project plans.

GC: Stockpile areas will be determined by the selected contractor after the project is approved. No material will be stockpiled for more than 14 days. Any stockpile location will be situated outside of the 100-foot Buffer Zone to any wetland resource area.

BETA2: Comment addressed.

- W10. Proposed erosion controls include inlet protection measures and 12-inch diameter Silt Soxx. These controls are appropriate for this Project, however, Sheet C-5.0 of the plans includes a detail depicting silt fence and straw wattles for stockpile protection and Sheet C-4.0 references use of erosion control fencing under the Erosion Control Plan Notes. BETA defers to the Commission on whether they will approve the use of these controls.

GC: Goddard and Level Design Group maintain that the erosion controls depicted are appropriate for this project.

BETA2: BETA defers to the Commission for approval of silt fence as an erosion control measure.

BETA3: Comment remains.

MITIGATION COMMENTS

- W11. The Applicant is proposing approximately 11,000 sf of invasive species management as a form of mitigation. To support this, the Applicant should submit a comprehensive Invasive Species Management Plan (ISMP) that includes the following:

- a. Species-specific treatment methods (mechanical, chemical, or a combination of the two) for each species identified on site;
- b. Proposed methods to prevent the accidental spread of any invasive removed while clearing and grubbing;
- c. Monitoring of the areas subject to the ISMP; and
- d. Seed mix and/or native plantings proposed to revegetate areas where invasive species were removed.

GC: An invasive species management plan, dated 9/7/23, has been developed and is attached to this submittal. Invasive species management proposed now totals 37,621 square feet.

BETA2: Based on the Project plans, the proposed invasive species management area appears to be located within existing drainage and utility easements. As noted by the Applicant, native herbaceous cover will be established at this location due to anticipated future maintenance of the easements (i.e., mowing). BETA offers the following comments on the provided invasive species management plan.

- a. **Section 2.2 “Cut-Stem Treatment” requires that target plants be cut flush with the ground and that the cut stems treated with herbicide. When performing cut-stem treatment, however, approximately five (5) inches of the stem should be retained in case resprouting occurs. This will allow for enough material to remain for a second treatment.**
- b. **The time of year for the proposed treatment should be identified in the invasive species management plan. Cut-stem herbicide treatment is most effective in the late summer or early fall.**
- c. **Additional species identified in the invasive species management plan such as multiflora rose (*Rosa multiflora*) and honeysuckle (*Locinera* spp.) could also be treated using cut-stem method. This method would result in less soil disturbance than grubbing and would ensure a higher kill rate for the undesirable species. The Applicant should indicate if use of this method for treatment of those species was reviewed, and if so, why it is not the preferred treatment method for those species.**

BETA3: Comments W11.a. through c. have not been addressed. Comment remains.

BETA understands that a portion of the proposed invasive species management will occur within a Town sewer easement and that the Applicant has coordinated with the Town of Franklin Department of Public Works (DPW) regarding the Project. It is also BETA’s understanding that woody plantings are not permitted by the Town within the sewer easement. It is recommended that the invasive species management plan be revised to incorporated multiple rounds of seeding with a native seed mixture, as the mowing schedule may impact certain species’ abilities to establish seed heads and self-seed.

In addition, the Applicant notes that a formal planting plan within the areas subject to the invasive species management plan will only be prepared once mitigation efforts are underway and it is determined which native species will be preserved. The Commission could consider including a Special Condition in the Order of Conditions requiring the Applicant to submit a formal planting plan for review and approval by the Commission prior to construction, after an inventory of native species to remain is performed.

WPA PERFORMANCE STANDARDS COMMENTS

The Applicant asserts that Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within the locally jurisdiction IVW and its associated buffer zone Resource Areas. Depending on the outcome of the resource area boundary review (comments W1 – W6), an evaluation of compliance with the WPA Performance Standards may be necessary.

GC: Based on the reevaluation of WPA jurisdiction, BETA has determined that the F-series wetland is a jurisdictional BVW under the WPA due to the presence of an internal intermittent stream.

Work is proposed only within the buffer zone to this BVW. There are no Performance Standards for buffer zones listed in the WPA.

BETA2: Comment addressed. A filing under the Act is now required.

BETA3: An NOI has been submitted to MassDEP. Comment resolved.

BYLAW REGULATORY COMMENTS

- W12. The Applicant has requested a variance for management of invasive species within resource areas. A variance should additionally be requested for work proposed within the 0-25' No Disturb and the 25-50' buffer zones of the IVW per the Bylaw.

GC: The request for variance, initially dated 5/24/23, has been revised and is attached here.

BETA2: BETA defers to the Commission for approval of the Variance Request for work proposed within the IVW, the 0-25' Buffer Zone, and 25-50' Buffer Zone.

BETA3: Comment remains.

- W13. Section 4.4.1 of the Bylaw 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 appropriate mitigation measures.

GC: The project proposes the creation of 18,894 square feet of impervious area in 50-100' Buffer Zone. Goddard believes that the stormwater management features proposed will provide sufficient mitigation for the increase in impervious area in the 50-100' Buffer Zone.

BETA2: Comment not addressed. The Applicant should provide the percentage of impervious surface increase associated with the 18,894 sf of impervious surface proposed in the 50-100' Buffer Zone. BETA defers to the Commission for a determination on whether the proposed mitigation is sufficient for the proposed impacts.

BETA3: Comment remains.

- W14. The Applicant states that 264 sf of work is proposed within the onsite IVW associated with two proposed stormwater outlets and associated rip-rap apron. Work proposed within a wetland is subject to the requirements of section 7.14 of the Bylaw for the submission of a Replication Plan and Protocol.

GC: The impacts proposed to the IVW consist of only the placement of additional riprap in areas that already have a riprap substrate. Therefore, the applicant does not propose wetland

replication. Additionally, the fill of two small IVWs within the work area is proposed. Mitigation for impacts to IVW is achieved by the proposed invasive species management, which will improve the habitat value of the area, and construction of a stormwater management system, which will provide the benefits of improving water quality, reducing pollutant and nutrient loading to nearby wetland resources, increasing groundwater recharge, and attenuating peak surface water flows. Impacts to IVW total 2,680sf. Of the IVW proposed to be impacted, 2,416sf consists of IVW that have developed as a result of the unmaintained stormwater management features present at the site's north; therefore, Goddard believes that installation of new stormwater management infrastructure constitutes a functional replacement of the impacted IVW.

BETA2: The Bylaw Regulations Section 7.14 requires replication of altered wetlands at a minimum ratio of 2:1, and Section 7.13 requires submission of an Alternatives Analysis for wetland filling up to 5,000 sf. Notwithstanding the missing Bylaw requirements, BETA defers to the Commission for a determination on whether the proposed mitigation is sufficient for the proposed impacts.

BETA3: Comment remains. BETA defers to the Commission for a determination on whether the proposed mitigation is sufficient for the proposed impacts, with the understanding that restoration within the sewer easement will only consist of the application of a native seed mixture in lieu of woody plantings.

STORMWATER MANAGEMENT

The Project proposes one subsurface infiltration system, a Stormtech SC-740 subsurface detention basin, to capture, store, and infiltrate stormwater. Conveyance to these Best Management Practices (BMPs) will be achieved via deep sump catch basins. Stormwater BMPs are proposed to connect to each other in series; overflow from these systems will ultimately discharge to the rip-rap lined jurisdictional IVW in the northern portion of the Site through a High-Density Polyethylene (HDPE) pipe.

A review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations was issued to the Planning Board on March 8, 2023. Currently, the Project does not fully comply with the Massachusetts Stormwater Standards, and revisions to the design are required to comply with the Standards.

GC: Stormwater management comments are being addressed with Planning Board. Some comments will not be able to be addressed until Conservation permitting is completed. No work will begin until all necessary approvals are received.

BETA2: Comment remains. Full compliance with the Massachusetts Stormwater Management Regulations cannot be demonstrated until all stormwater comments are resolved.

BETA3: Comment remains. BETA most recently submitted a peer review letter to the Franklin Planning Board on December 14, 2023, outlining remaining issues with the proposed stormwater design. The remaining stormwater comments are primarily related to the documented high groundwater at the Site, and the Applicant's proposal to artificially lower groundwater elevations around an infiltration system in order to meet the 2-foot separation to groundwater requirement. It is anticipated that additional stormwater management system design changes will be required, as the Applicant's proposal does not currently provide the level of recharge required to meet the Standards.

Ms. Breeka Lí Goodlander, Agent

January 2, 2024

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REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant is required to provide the Conservation Commission with additional information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw.

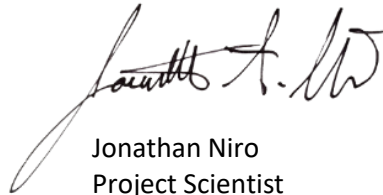
If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,

BETA Group, Inc.



Elyse Tripp
Staff Scientist



Jonathan Niro
Project Scientist

cc: Amy Love, Town Planner

Bryan Taberner, AICP, Director of Planning & Community Development

Matt Crowley, P.E., BETA