



May 11, 2023

Email

Franklin Conservation Commission
355 E. Central Street
Franklin, MA 02038

Re: Request for Determination of Applicability
King Street and Constitution Boulevard Right-of-Way
Franklin, Massachusetts

[LEC File #: MP21-209.01]

Dear Members of the Commission:

On behalf of the Applicant, MP Properties III, LLC c/o Marcus Partners, LLC, LEC Environmental Consultants, Inc. (LEC) is submitting this Request for Determination of Applicability (RDA) for roadway and transportation improvements on King Street and Constitution Boulevard in Franklin, Massachusetts. The RDA is being filed under the Massachusetts Wetlands Protection Act (Act, M.G.L. c. 131, § 40), its implementing Regulations (Act Regulations 310 CMR 10.00), and the Town of Franklin Wetland Bylaw (Chapters 281 and 271, the Bylaw) and its implementing Franklin Conservation Commission Regulations (the Bylaw Regulations). The proposed project is shown on the Transportation Improvement Project Plans, prepared by Vanasse & Associates, Inc., dated April 2023 (Attachment C).

Background

The proposed roadway and transportation improvements are associated with a proposed commercial development slated for construction on property adjacent to the north of King Street. The purpose of the project is to create a signalized four-way intersection with King Street, Constitution Boulevard, and the access driveway to the commercial development, as depicted on the Plans. The commercial development to the north was approved by the Conservation Commission through an Order of Conditions (OOC), dated August 16, 2022 (DEP File No. 159-1255). Wetland Resource Area boundaries depicted on the Plans were approved through an Order of Resource Area Delineation (ORAD), dated November 23, 2021.

Proposed Project

The proposed project involves transportation improvements at the current intersection of King Street and Constitution Boulevard (Attachment A, Figure 1 and 2). The project is designed to include future access driveway construction associated with the commercial development to the north, as described above. The project involves a new traffic signal, sidewalks, drainage improvements, utility connections, and new traffic lanes (painting). The intersection will be resurfaced (mill and overlay) once the subsurface work is complete. The project does not involve any significant grading and will not expand the existing footprint

Table with 5 columns: LEC Environmental Consultants, Inc., 12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491, 380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500, 100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077, P.O. Box 590 Rindge, NH 03461 603.899.6726, www.lecenvironmental.com, 680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109, PLYMOUTH, MA, WAKEFIELD, MA, WORCESTER, MA, RINDGE, NH, EAST PROVIDENCE, RI



of pavement/development along King Street and Constitution Boulevard. As noted above, the driveway and other activities on the property to the north have been permitted separately through an OOC.

Erosion controls proposed as part of the commercial development plans will be in place for this work. No additional mitigation is required or necessary and the project is not expected to have any adverse impact or cause disturbance to Wetland Resource Areas or Buffer Zones.

The proposed project activities occur partially within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and Bank to an intermittent stream, and a small area occurs within the 25-foot Wetland Buffer. The Applicant is seeking a Request for Variance for the activities in the 25-foot Buffer (Attachment B).

### **Summary**

LEC has prepared this RDA for transportation improvements on King Street and Constitution Boulevard. The project will not impact any Wetland Resource Areas or Buffer Zones and the Applicant requests a Negative (3) Determination finding that “the work is within the Buffer Zone but will not alter an area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent.”

Our team looks forward to discussing the project with the Commission at the May 18, 2023 Public Hearing.

Sincerely,

**LEC Environmental Consultants, Inc.**

Mark L. Manganello

Assistant Director of Ecological Services

cc: Marcus Partners

Vanasse and Associates, Inc.



**Massachusetts Department of Environmental Protection**  
**Bureau of Water Resources - Wetlands**

**WPA Form 1- Request for Determination of Applicability**

Franklin  
Municipality

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

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



1. Applicant:

Josh  
First Name

Berman (Marcus Partners)  
Last Name

201 Washington St, Suite 2100  
Address

Boston  
City/Town

MA  
State

02108  
Zip Code

617-556-5206  
Phone Number

jberman@marcuspartners.com  
Email Address

2. Property Owner (if different from Applicant):

Town of Franklin  
First Name

Last Name

355 E. Central Street  
Address

Franklin  
City/Town

MA  
State

02038  
Zip Code

508-520-4900  
Phone Number

Email Address (if known)

3. Representative (if any)

Mark  
First Name

Manganello  
Last Name

Company Name

12 Resnik Road, Suite 1  
Address

Plymouth  
City/Town

MA  
State

02360  
Zip Code

508-746-9491  
Phone Number

mark@lecenvironmental.com  
Email Address (if known)

**B. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

King Street Right-of-Way  
Street Address

Franklin  
City/Town

42.063  
Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)

-71.403  
Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)

N/A  
Assessors' Map Number

N/A  
Assessors' Lot/Parcel Number

How to find Latitude and Longitude

and how to convert to decimal degrees

b. Area Description (use additional paper, if necessary):

King Street ROW at the intersection with Constitution Boulevard

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Transportation Improvement Project  
Title

April 2023  
Date

Title

Date



Massachusetts Department of Environmental Protection  
Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability** Franklin  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

**B. Project Description (cont.)**

2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

Roadway re-surfacing (mill and overlay), new travel lanes, traffic signals, and drainage improvements.  
See attached letter for additional detail.

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- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

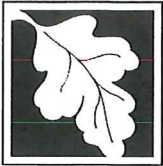
The project will have negligible impacts on Buffer Zones and Resource Areas and therefore a Notice of Intent is not required.

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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)
-



Massachusetts Department of Environmental Protection  
Bureau of Water Resources - Wetlands

**WPA Form 1- Request for Determination of Applicability**

Franklin  
Municipality

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Determinations**

1. I request the Franklin make the following determination(s). Check any that apply:  
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.
- c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance or bylaw** of:

Franklin

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

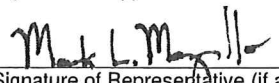
Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

  
\_\_\_\_\_  
Signature of Applicant

5/9/2023

Date

  
\_\_\_\_\_  
Signature of Representative (if any)

5/9/2023

Date

## AFFIDAVIT OF SERVICE

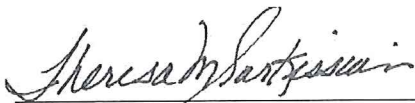
Under the *Massachusetts Wetlands Protection Act Regulations* (310 CMR 10.00),  
and the

Town of *Franklin Wetlands Protection Bylaw* (Chapters 181 & 271) and its  
Implementing Regulations

I, Theresa M. Sarkissian, on behalf of the Applicant, MP Properties III, LLC c/o Marcus Partners, LLC, hereby certify under the pains and penalties of perjury that on May 11, 2023, notification to abutters was given in compliance with the second paragraph Massachusetts General Laws Chapter 131, Section 40, and 310 CMR 10.05 (4) (a) in connection with the following matter:

A Request for Determination of Applicability (RDA) was filed under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, § 40) and its implementing Regulations (310 CMR 10.00), and the *Town of Franklin Wetlands Protection Bylaw* (Chapters 181 & 271) and its implementing regulations on behalf of the MP Properties III, LLC c/o Marcus Partners with the Town of Franklin Conservation Commission on May 11, 2023, for property located at the King Street and Constitution Boulevard Right-of-Way Franklin, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.



Theresa M. Sarkissian  
Permitting Technician

5/11/2023

Date

May 11, 2023

**CERTIFIED MAIL**

«Name»

«Name2»

«Address»

«City», «State» «Zip»

**Re: Request for Determination of Applicability  
King Street and Constitution Boulevard ROW  
Franklin, Massachusetts**

[LEC File #: MP\21-209.01]

Dear Abutter:

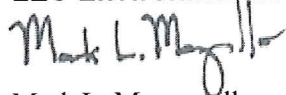
On behalf of the Applicant, MP Properties III, LLC c/o Marcus Partners, LEC Environmental Consultants, Inc. (LEC) has submitted Request for Determination of Applicability (RDA) for roadway and transportation improvements on King Street and Constitution Boulevard in Franklin, Massachusetts. The RDA has been filed under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, § 40) and its implementing Regulations (310 CMR 10.00) and the *Town of Franklin Wetlands Protection Bylaw* (Chapters 181 & 271) and its implementing *Regulations*.

The RDA Application and accompanying site plan are available for review by the public at the Franklin Conservation Commission office. The public hearing will be held on Thursday May 18, 2023 at 7:00 p.m. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using provided phone number or citizens can participate by copying a link provided. Please call the Conservation Department at (508) 520-4929 for more information. If you wish to attend in person, the meeting will be held in the Town Council Chambers, located on the second floor of the Franklin Municipal Building on 355 East Central Street. Notice of the hearing will also be posted at least 48 hours in advance.

Please do not hesitate to review the materials at the Conservation Commission office, attend the public hearing(s), and/or contact LEC should you have any questions or concerns about the RDA.

Sincerely,

**LEC Environmental Consultants, Inc.**



Mark L. Manganello

Assistant Director of Ecological Services

Enclosure

## **Town of Franklin Conservation Commission**

### **NOTIFICATION TO ABUTTERS**

#### **Under the Massachusetts Wetlands Protection Act And The Franklin Wetlands Protection Bylaw**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following proposed project:

MP Properties III, LLC c/o Marcus Partners LLC has filed a Request for Determination of Applicability with the Franklin Conservation Commission for the King Street transportation improvements on May 11, 2023, under the Wetlands Protection Act (M.G.L c.131 §40).

Copies of the Request for Determination or Applicability may be examined during regular office hours at LEC Environmental Consultants, Inc. (the Applicant's representative) by calling 508-746-9491 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Copies may also be examined by contacting the Franklin Conservation Department located at 355 East Central Street, Franklin, MA, (508) 520-4929.

Notice of the public hearing including the date, time, and place will be published at least five (5) days in advance in the Milford Daily News.

Notice of the public hearing including the date, time, and place will be posted in the Franklin Town Hall at least forty eight (48) hours in advance of the public hearing.

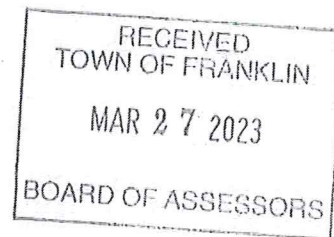
The public hearing will be held on Thursday, May 18, 2023, at 7:00 pm, via Zoom, and can be accessed through the Conservation Commission agenda for that night, which will be posted on the Town's website 48 hours prior to the meeting. Please call the Conservation Department at (508) 520-4929 if you have any questions.

You may also contact the Massachusetts Department of Environmental Protection, Central Regional Office, Worcester, MA at (508) 792-7650.



**Town of Franklin – Board of Assessors**

355 East Central St  
Franklin, MA 02038  
Tel # 508-520-4920  
Fax # 508-520-4923



**Abutters List Request Form**

***Please Note:*** A \$25.00 fee per list is required to process your request. Payment is due at the time of submission of this form. Please allow 10 days from the date of both payment and submission of the form for the Assessors office to complete processing your request. (Revised 1-1-17)

Date of Request 3/21/2023

Assessors Parcel ID # (12 digits) King Street Right of Way (see attached)

Property Street Address King Street Right of Way

Distance Required From Parcel # listed above (Circle One) 500 300 100  
(Note: if a distance is not circled, we cannot process your request)

Property Owner: Town of Franklin

Property Owner's Mailing Address : Town Hall

Town/City Franklin State MA

Property Owner's Telephone # N/A

Requestor's Name (if different from Owner) Mark Manganello (LEC Environmental)

Requestor's Address: 12 Resnik Road, Suite 1, Plymouth, MA

Requestor's Telephone # 508-746-9491 (Email: mmanganello@lecenvironmental.com)

Office Use Only: Date Fee Paid 3/27/23 Paid in Cash \$     

Paid by Check \$ 25.00 Check # 41310 Town Receipt # 30072



March 21, 2023

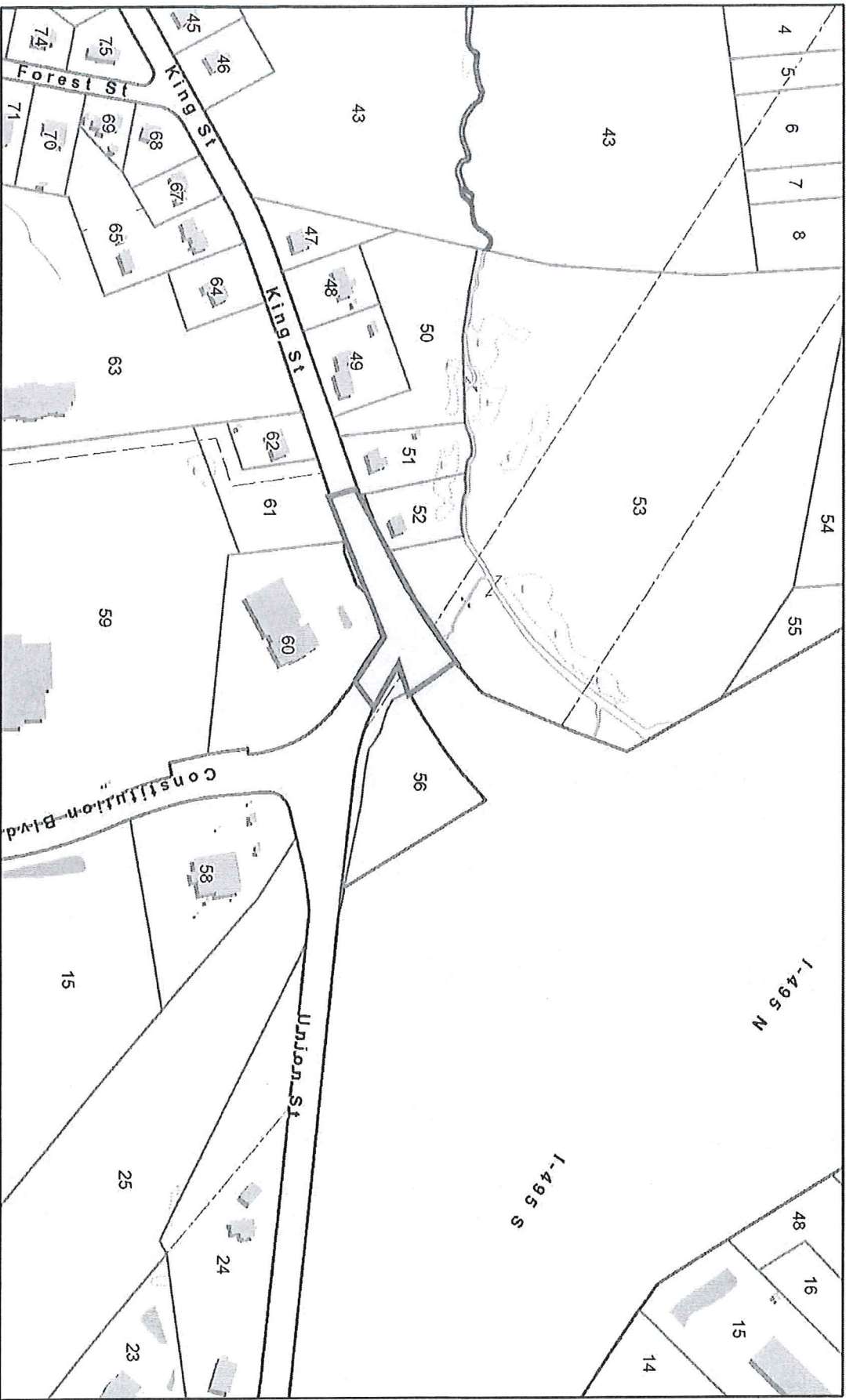
Franklin, MA

1 inch = 279 Feet



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This information is believed to be correct but is subject to change and is not warranted.



# KING & UNION INTERSECTION - 300' ABUTTERS

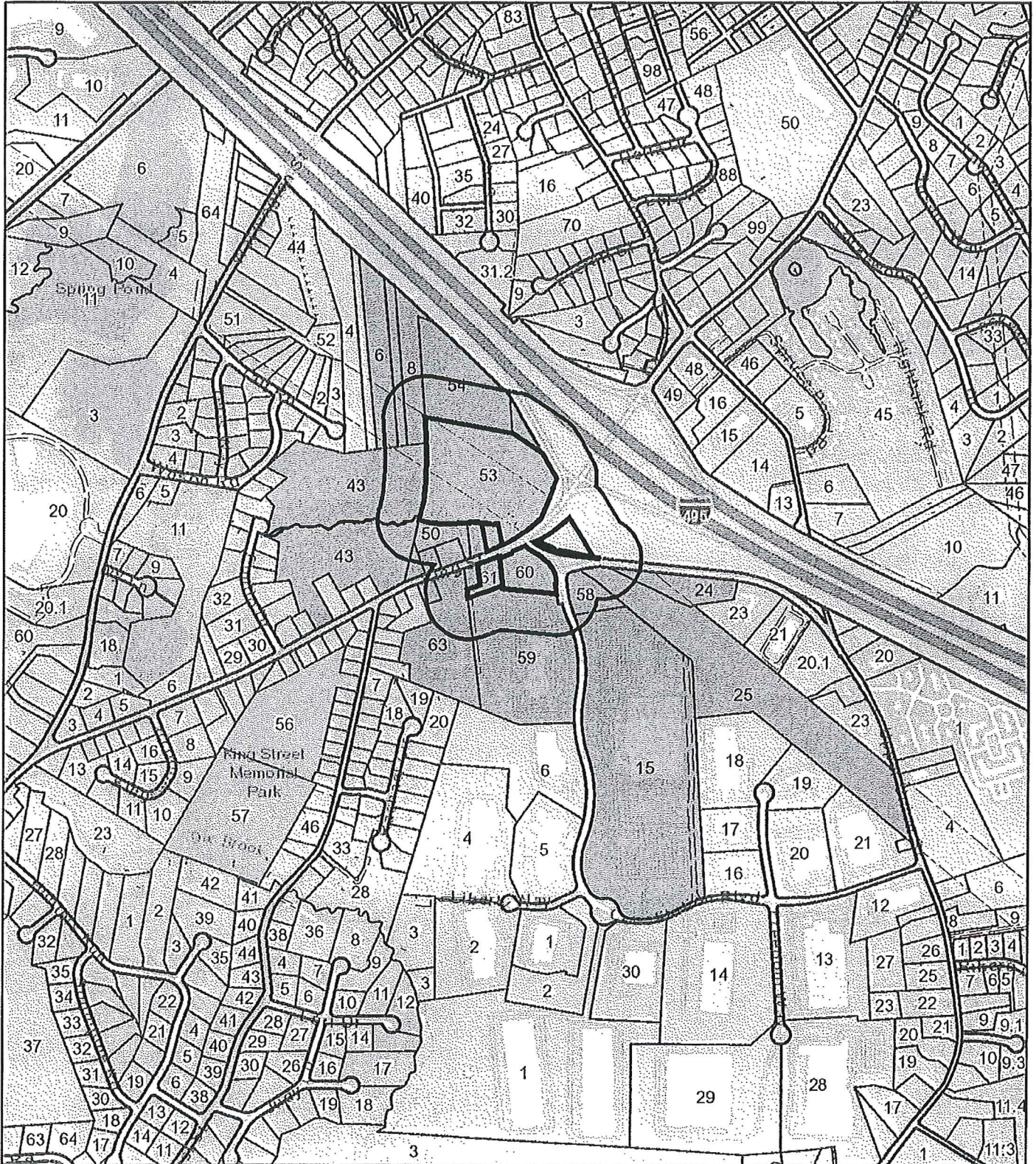
Franklin, MA



April 6, 2023

1 inch = 1000 Feet

www.cai-tech.com



This information is believed to be correct but is subject to change and is not warranted.



# 300 foot Abutters List Report

Franklin, MA  
April 06, 2023

## Subject Properties:

Parcel Number: 313-052-000 Mailing Address: CHESTERCOVE RICHARD P TR L/E  
CAMA Number: 313-052-000-000 CHESTERCOVE FAMILY REALTY TRST  
Property Address: 627 KING ST 627 KING ST  
FRANKLIN, MA 02038

Parcel Number: 313-053-000 Mailing Address: MCP III 555 KING ST LLC  
CAMA Number: 313-053-000-000 201 WASHINGTON ST STE 2100  
Property Address: 555 KING ST BOSTON, MA 02108

Parcel Number: 313-056-000 Mailing Address: NEW ENGLAND POWER CO PROPERTY  
CAMA Number: 313-056-000-000 TAX DEPT  
Property Address: UPPER UNION ST 40 SYLVAN RD  
WALTHAM, MA 02451-2286

Parcel Number: 313-057-000 Mailing Address: FRANKLIN TOWN OF  
CAMA Number: 313-057-000-000 355 EAST CENTRAL ST  
Property Address: UPPER UNION ST FRANKLIN, MA 02038

Parcel Number: 313-060-000 Mailing Address: FRANKLIN TOWN OF  
CAMA Number: 313-060-000-000 355 EAST CENTRAL STREET  
Property Address: 600 KING ST FRANKLIN, MA 02038

Parcel Number: 313-061-000 Mailing Address: CUMBERLAND FARMS INC  
CAMA Number: 313-061-000-000 165 FLANDERS RD  
Property Address: 634 KING ST WESTBOROUGH, MA 01581

## Abutters:

Parcel Number: 313-006-000 Mailing Address: RANIERI MARGARET C TR RANIERI  
CAMA Number: 313-006-000-000 TRUST MILLER, CATHERINE R TR  
Property Address: WASHINGTON ST PO BOX Q  
FRANKLIN, MA 02038

Parcel Number: 313-007-000 Mailing Address: RANIERI MARGARET C TR RANIERI  
CAMA Number: 313-007-000-000 TRUST MILLER, CATHERINE R TR  
Property Address: WASHINGTON ST PO BOX Q  
FRANKLIN, MA 02038

Parcel Number: 313-008-000 Mailing Address: RANIERI MARGARET C TR THE RANIERI  
CAMA Number: 313-008-000-000 TRUST MILLER, CATHERINE R TR  
Property Address: WASHINGTON ST PO BOX Q  
FRANKLIN, MA 02038

Parcel Number: 313-043-000 Mailing Address: DELLORCO VIRGINIA M TR DELLORCO  
CAMA Number: 313-043-000-000 REALTY TRUST  
Property Address: 731 KING ST 731 KING ST  
FRANKLIN, MA 02038



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

4/6/2023

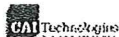
Page 1 of 3



# 300 foot Abutters List Report

Franklin, MA  
April 06, 2023

Parcel Number: 313-047-000 CAMA Number: 313-047-000-000 Property Address: 665 KING ST	Mailing Address: SCHAAF ROBERT SCHAAF BARBARA 665 KING ST FRANKLIN, MA 02038
Parcel Number: 313-048-000 CAMA Number: 313-048-000-000 Property Address: 659 KING ST	Mailing Address: ALSTON JOSHUA J ALSTON MICHELLE L 659 KING ST FRANKLIN, MA 02038
Parcel Number: 313-049-000 CAMA Number: 313-049-000-000 Property Address: 651 KING ST	Mailing Address: MCP III 555 KING ST LLC 201 WASHINGTON ST STE 2100 BOSTON, MA 02108
Parcel Number: 313-050-000 CAMA Number: 313-050-000-000 Property Address: KING ST	Mailing Address: MCP III 555 KING STREET LLC 201 WASHINGTON ST STE 2100 BOSTON, MA 02108
Parcel Number: 313-051-000 CAMA Number: 313-051-000-000 Property Address: 637 KING ST	Mailing Address: PERCUOCO CHRISTINA 3 INDEPENDENCE WAY APT 407 FRANKLIN, MA 02038
Parcel Number: 313-052-000 CAMA Number: 313-052-000-000 Property Address: 627 KING ST	Mailing Address: CHESTERCOVE RICHARD P TR L/E CHESTERCOVE FAMILY REALTY TRST 627 KING ST FRANKLIN, MA 02038
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Parcel Number: 313-054-000 CAMA Number: 313-054-000-000 Property Address: 585 KING ST	Mailing Address: MCP III 555 KING ST LLC 201 WASHINGTON ST STE 2100 BOSTON, MA 02108
Parcel Number: 313-055-000 CAMA Number: 313-055-000-000 Property Address: KING ST	Mailing Address: MCP III 555 KING ST LLC 201 WASHINGTON ST STE 2100 BOSTON, MA 02108
Parcel Number: 313-058-000 CAMA Number: 313-058-000-000 Property Address: 2 CONSTITUTION BLVD	Mailing Address: BRIGHT HORIZONS CHILDRENS CENT 2 WELLS AVENUE NEWTON, MA 02459
Parcel Number: 313-059-000 CAMA Number: 313-059-000-000 Property Address: 55 CONSTITUTION BLVD	Mailing Address: EMC CORPORATION 171 SOUTH ST HOPKINTON, MA 01748
Parcel Number: 313-060-000 CAMA Number: 313-060-000-000 Property Address: 600 KING ST	Mailing Address: FRANKLIN TOWN OF 355 EAST CENTRAL STREET FRANKLIN, MA 02038



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This information is believed to be correct but is subject to change and is not warranted.

4/6/2023

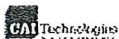
Page 2 of 3



# 300 foot Abutters List Report

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April 06, 2023

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www.cai-tech.com

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4/6/2023

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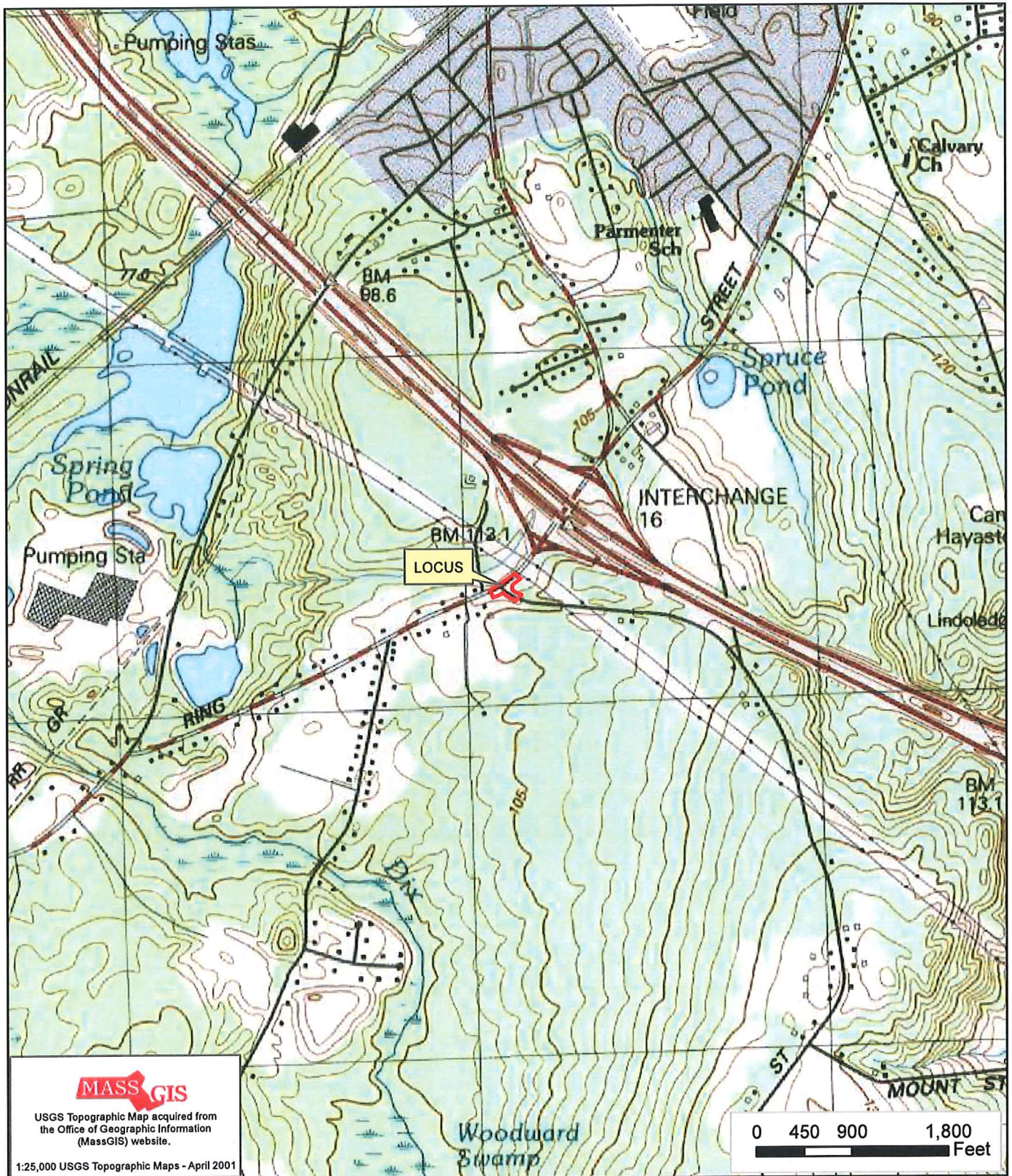
**Attachment A**

Locus Maps

Figure 1: USGS Topographic Map

Figure 2: Aerial/NHESP Map

Figure 3: FEMA Flood Insurance Rate Map



**MASS GIS**  
 USGS Topographic Map acquired from  
 the Office of Geographic Information  
 (MassGIS) website.  
 1:25,000 USGS Topographic Maps - April 2001

**Figure 1: USGS Topographic Map**  
 King Street/Constitution Blvd.  
 Franklin, Massachusetts

N  
  
 May 9, 2023

**LEC**  
 LEC Environmental Consultants, Inc.  
 Plymouth, MA  
 508.746.9491  
 www.lecenvironmental.com





**LEC**  
LEC Environmental Consultants, Inc.  
Plymouth, MA  
508.746.9491  
www.lecenvironmental.com

**Figure 2: Aerial/NHESP Map**  
King Street/Constitution Blvd.  
Franklin, Massachusetts

**N**  
May 9, 2023

# Figure 3: National Flood Hazard Layer FIRMette



71°24'31"W 42°3'59"N



71°23'53"W 42°3'33"N

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
*Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. *Zone 2*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS**

- NO SCREEN
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/9/2023 at 2:22 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.