

December 21, 2023

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

**Re: 60 Spring Street Lot 1**  
**MassDEP File No. 159-XXXX**  
**Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the proposed construction of a single-family dwelling (the Project) at **60 Spring Street (Lot 1)** in Franklin, Massachusetts (the "Site"). This letter is provided to present BETA's findings, comments, and recommendations.

## **BASIS OF REVIEW**

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

- Notice of Intent entitled **Notice of Intent 60 Spring Street Lot 1 Assessors Map 310 Parcel 2**; prepared by Turning Point Engineering., dated November 30, 2023.
  - Attachments include:
    - Application Forms;
    - Site Evaluation & Wetland Delineation;
    - Local Filling Fees;
    - Delineation Field Data Forms;
    - Certified Abutters List & Notification to Abutters;
    - Affidavit of Service & Property Access Signature Form; and
    - Miscellaneous Figures (USGS and FEMA).
- Plans (1 Sheet) entitled **Plan of Land of Spring Street in Franklin, MA**, dated December 31, 2019, prepared by Andrews Survey & Engineering, Inc.; stamped and signed by Byron J. Andrews, MA PLS No. 47389.
- Plans (1 Sheet) entitled **Sewage Disposal System Design (Lot 1) #60 Spring Street, Franklin, MA**, dated October 18, 2023, prepared by Turning Point Engineering; stamped and signed by John M. Madeiros, MA Sanitarian No. 1214.

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

- Site visit on December 18, 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

## SITE AND PROJECT DESCRIPTION

The Site consists of a portion of a 48-acre parcel located at 60 Spring Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 310-002-000. The Site is bounded to the north and west by undeveloped forested areas, to the east by Spring Street, to the south by a solar field. Existing conditions at the Site consist of undeveloped/wooded upland and wetland complexes. The lot is generally flat with slight topographic relief east-west.

According to the Applicant, Resource Areas Subject to Protection under the Massachusetts Wetlands Protection Act (M.G.L. ch.131 s.40) and its implementing regulations at 310 CMR 10.00 (collectively "the Act"), as well as the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively "the Bylaw") present at the Site include Bordering Vegetated Wetland (BVW) and its associated Buffer Zone.

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protection Areas, 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 Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Certified Vernal Pools or Potential Vernal Pools (PVP) mapped within 100 feet of the Site. According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C0304E, dated July 17, 2012, the Site is not located within a FEMA Flood Zone.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Montauk fine sandy loam with a Hydrological Soil Group (HSG) rating of C, Ridgebury fine sandy loam with the HSG rating of D, Whiteman fine sandy loam with an HSG rating of D, and Woodbridge fine sandy loam with an HSG rating of C/D.

The Applicant seeks approval for the construction of a single-family dwelling, installation of a septic system, installation of a private well, and associated grading within the 100-foot Buffer Zone to a BVW. Proposed work includes the following activities (collectively referred to as the "Project"):

- Installation of siltation barrier;
- Removal of trees and grubbing stumps to prepare site for excavation;
- Removal of the top and subsoil in the location of the proposed house and septic field;
- Construction of the proposed house;
- Drilling and installation of the well;
- Paving of the driveway;
- Grading of the site; and
- Spreading loam and seed over disturbed areas.

The Project will result in temporary and permanent impacts to Buffer Zone. Work proposed within the 50- to 100-foot Buffer Zone includes the installation of erosion controls, installation of a well, and grading and landscaping activities.

## 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)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation		✓ (Comment A2)
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	
Survey Benchmark	✓	
Accurate Plan Scale	✓	

## PLAN AND GENERAL COMMENTS

- A1. MassDEP has not issued a file number; however, only one submission appears on the MassDEP NOI portal. The Applicant should confirm if 2 separate submissions were submitted to MassDEP, consistent with what was submitted to the Conservation Commission.
- A2. No existing conditions plan was provided by the Applicant; however, a Plan of Land was provided. BETA defers to the Commission on the approval of the NOI based on the plans provided. At a minimum, the proposed conditions plans should also be stamped by a Professional Land Surveyor registered in Massachusetts due to the depiction of existing conditions information not shown on the Plan of Land.
- A3. The proposed conditions plans are only stamped by a Sanitarian in lieu of a Professional Engineer. BETA defers to the Commission on the approval of the NOI based on the plans provided.
- A4. Existing woody plants to be removed within Buffer Zone that are larger than 1 inch in diameter should be depicted on the plans (Bylaw Section 7.18.1.5.).
- A5. The provided plans do not depict wetland flag numbers; however, the flags were labeled in the field. The Applicant should include the wetland flag numbers on the plans.

## WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite review 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 Buffer Zone only and is accordingly not subject to the

Resource Area Performance Standards set forth by the Act. However, the Applicant is still required to provide evidence that the applicable interests of the Act provided by the adjacent Resource Areas are being protected during and after the construction of the Project.

The NOI application generally requires the submission of additional materials to meet all submission requirements of the Bylaw. In addition, the Applicant should clarify certain aspects of proposed conditions including the extent of proposed lawn and any Jurisdictional Areas that could potentially be re-naturalized following construction activities. At this time, 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.

### **RESOURCE AREA AND BOUNDARY COMMENTS**

BETA conducted a Site visit on December 19, 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 included all flagged areas on the Site, with a focus on areas closest to where work is proposed.

- W1. The BVW boundary appears to be correct based on observations of hydrophytic vegetation, hydric soils and indicators of hydrology. As noted above, the plans should be revised to reflect the flag labels observed in the field.

### **CONSTRUCTION & MITIGATION COMMENTS**

- W2. Proposed erosion controls include use of silt fence and straw wattles. Silt fence and straw are not permitted erosion control measures in the Town of Franklin (Pg. 13 of *Town of Franklin Best Development Practices Guidebook*). The Applicant should coordinate with the Conservation Commission to determine the appropriate erosion control measures for the Site. Twelve (12)-inch diameter compost filter tubes may be an appropriate option commensurate with the scope of the Project.
- W3. Provide specifications of the proposed seed mixture(s) proposed for the stabilization of disturbed areas within Buffer Zone, including any areas that are proposed to be lawn. All areas of proposed lawn should be demarcated on the Project plans. BETA recommends that native species with wildlife habitat value be proposed within Buffer Zone where lawn is not required.
- W4. Material storage and laydown areas should be depicted on the Project plans and located outside of jurisdictional areas.

### **WPA PERFORMANCE STANDARDS COMMENTS**

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within Buffer Zone and local the Buffer Zone Resource Area.

### **BYLAW REGULATORY COMMENTS**

- W5. The Applicant should provide an Erosion & Sedimentation Control Plan which includes contact information of the person(s) responsible for inspecting and maintaining erosion controls, the requirement to inspect erosion controls weekly or following significant rain events, and all other requirements listed in Section 7.12.1 of the Bylaw Regulations. These notes could be included on the proposed conditions plan.

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- W6. A Natural Heritage and Priority Habitats and Estimated Habitats Maps is required for NOI submissions to the Franklin Conservation Commission (Bylaw Section 7.17.1).
- W7. The Applicant should provide the construction sequence on the plans as required by Bylaw Section 7.15. BETA defers to the Commission on the adequacy of the provided construction sequence in the narrative.
- W8. According to the Section 7.9.1 of the Bylaw, the Project Narrative should include the following missing content:
- a. Existing site conditions;
  - b. All activities required to construct the Project;
  - c. The entity performing the work;
  - d. A detailed description of activities within Conservation jurisdiction;
  - e. When the proposed activities will be completed; and
  - f. Measures that will be used to mitigate any impacts to the functions and characteristics of the Resource Areas.

## STORMWATER MANAGEMENT

The proposed Project is not subject to the MassDEP Stormwater Management Standards as a single-family home construction.

## 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.



Anna Haznar  
Staff Scientist



Jonathan Niro  
Project Scientist

cc: Amy Love, Town Planner  
Bryan Taberner, AICP, Director of Planning & Community Development  
Matt Crowley, P.E., BETA