

**Abbreviated Notice of Resource Area Delineation
(ANRAD)**

for

124 and 126 Grove Street

(Assessor's Parcel Number 295-004-000 and 295-003-000)

DATE:

July 10, 2023

PREPARED FOR (APPLICANT):

New England Appliance Group

126 Grove St

Franklin, MA 02038

PREPARED BY (REPRESENTATIVE):

Goddard Consulting LLC

291 Main Street, Suite 8

Northborough, MA 01532

ADDRESSED TO:

Franklin Conservation Commission

355 E. Central Street

Franklin, MA 02038



July 10, 2023

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

Re: Abbreviated Notice of Resource Area Delineation (ANRAD)

- 124 and 126 Grove St, Franklin, MA (Parcel 295-004 and 295-003)

Dear Franklin Conservation Commission,

Goddard Consulting, LLC is pleased to submit this Abbreviated Notice of Resource Area Delineation (ANRAD) on behalf of the applicant, Brian Bowen for the property located at 124 and 126 Grove St. This ANRAD is being filed under the MA Wetlands Protection Act (the WPA) and the Franklin Wetlands Protection Bylaw (the Bylaw).

One original and two hard copies of the ANRAD application are enclosed, including three full-sized sets of plans, and six 11x17 sets of the site plans. The titles of all the documents enclosed are as follows:

Titles of all enclosed documents are as follows:

- ANRAD (WPA Form 4A) Application Form
- ANRAD Wetland Fee Transmittal Form
- Local Filing Fee Worksheet
- Owner information
- Both Owners signature forms and Property Access Signature Form
- Notification to Abutters
- Certified Abutters List
- Affidavit of Service
- USGS *Topographic View of Site*
- *Orthophoto View of Site*
- *FEMA Map*
- Wetland Border Report, Goddard Consulting LLC
- DEP Field Data Forms
- *Resource Area Plan 124/126 Grove Street by Guerrier & Halnon Inc., dated June 26, 2023*

During March of 2023, the wetland resources were delineated on land located at 124 and 126 Grove Street (Map: 259, Lot: 4 and Lot 3) 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 and the local Wetland Protection Bylaw. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes. The attached Wetland Border Report provides a description of the wetland resource areas and contains DEP Bordering Vegetated Wetland Delineation Field Data Forms (reference *Wetland Border Report*, Goddard Consulting LLC, 6/27/2023).

Existing Conditions

Bordering Vegetated Wetlands (BVW) and Intermittent stream channel Bank were delineated on site. BVW was flagged with series GC1-74 and GC100-146 (which includes BVW flags 100A-100W). Bank was flagged with series GC 200-237. Department of Environmental Protection BVW field data forms were documented at wetland flag # GC-53. The BVW and Bank resources are jurisdictional under both the state and local law and has a jurisdictional 100-ft buffer zone. See attached wetland resource report for more information and BVW data forms.



According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife. The site is not located in an Area of Critical Environmental Concern (ACEC), or within 200-ft of a mapped river or within a FEMA flood zone. There are no mapped potential or certified vernal pools on site.

Jurisdiction of Wetlands and Potential Stormwater Basins located around 126 Grove Street

The focus of this ANRAD is the confirmation of resource areas on site which in this case includes BVW, Bank and potential areas of the on-site stormwater basins, due to the local bylaw which takes jurisdiction over all areas with hydric soils and wetland vegetation.

The stormwater basins of interest are located to the north, south and front of building #126 Grove Street, since the landowner would like to alter these stormwater systems. Two reports were compiled on this subject and are attached herein. The first report by Goddard Consulting dated March 2, 2023, analyzes the historical presence of the stormwater basins via aerial photography and determines that these basins were created prior to the Wetlands Protection Act, were constructed in uplands, and were permitted via Notice of Intent/Orders of Conditions and therefore would not be jurisdictional under the Wetlands Protection Act.

Whether or not these basins are protected under the local wetland bylaw was analyzed in a second report by Goddard Consulting dated June 7, 2023 and is attached herein. These potentially, locally protected areas are within the western portion of the basins in areas with wetland soil and vegetation and were flagged with series W1-11 in Basin 2 and W2 1-6 in Basin 3 (Basin 1 did not have any wetland soils and therefore was not flagged and is not jurisdictional). This report also describes the important Wetland Protection Act Functions and Values offered in each basin. This report concludes that the function and values (which are the protection of private water supply, ground water supply, storm damage protection, prevention of pollution, and the protection of fisheries and wildlife) that are currently being satisfied within the basins (specifically the functions of storm damage protection, prevention of pollution and flood control) will remain even after the proposed basin work (Basin 2 is to be modified and Basin 3 to be filled and additional stormwater management areas created). Since the functions of the wetland areas within the stormwater basin will be preserved the potentially local jurisdictional work within the basins should be allowed to be permitted with a Notice of Intent.

It is our request that the Commission use this ANRAD filing to determine if these wetland soil and wetland vegetational areas within the stormwater basins are locally jurisdictional and if so, will the Commission allow work within the basins as described above (with all wetland functions and values preserved) through a future Notice of Intent filing with potential intent to approve this work with an Order of Conditions.

Please feel free to contact us if you have any questions.

Very truly yours,
GODDARD CONSULTING, LLC

A handwritten signature in blue ink, appearing to read 'Scott Goddard'.

Scott Goddard,
Principal & PWS

Cc:

- MassDEP Central Regional Office, Wetlands Division. 8 New Bond Street, Worcester, MA 01606



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**WPA Form 4A – Abbreviated Notice of
Resource Area Delineation**
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Franklin
City/Town

A. General Information

1. Project Location (**Note:** electronic filers will click on button for GIS locator):

124 and 126 Grove Street
a. Street Address

Latitude and Longitude:
259

f. Assessors Map/Plat Number

Franklin
b. City/Town

42.075110
d. Latitude

71.421300
e. Longitude

003 and 004
g. Parcel /Lot Number

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



2. Applicant:

Brian
a. First Name

New England Appliance Group/Key Boston
c. Organization

126 Grove St
d. Mailing Address

Franklin
e. City/Town

508-298-7402
h. Phone Number

i. Fax Number

Bowen
b. Last Name

MA
f. State

02038
g. Zip Code

bbowen@neag.com
j. Email Address

3. Property owner (if different from applicant):

a. First Name
SEE Form Attached

c. Organization

d. Mailing Address

e. City/Town

h. Phone Number

i. Fax Number

b. Last Name

f. State

g. Zip Code

j. Email Address

Check if more than one owner (attach additional sheet with names and contact information)

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

4. Representative (if any):

Nicole
a. Contact Person First Name

Goddard Consulting
c. Organization

291 Main st
d. Mailing Address

Northboro
e. City/Town

h. Phone Number

i. Fax Number

Hayes
b. Contact Person Last Name

MA
f. State

01532
g. Zip Code

Nicole@goddardconsultingllc.com
j. Email Address

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

2000.00
a. Total Fee Paid

987.50
b. State Fee Paid

1012.50 + 3,007.50
c. City/Town Fee Paid

Fees will be calculated for online users.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4A – Abbreviated Notice of
Resource Area Delineation**

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

Provided by MassDEP:

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Franklin
City/Town

B. Area(s) Delineated

1. Bordering Vegetated Wetland (BVW) 3,290 (lot 4) and 2,725 (lot 3) minus 400 ft for bank
2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:
 - a. MassDEP BVW Field Data Form (attached)
 - b. Other Methods for Determining the BVW boundary (attach documentation):
 1. 50% or more wetland indicator plants
 2. Saturated/inundated conditions exist
 3. Groundwater indicators
 4. Direct observation
 5. Hydric soil indicators
 6. Credible evidence of conditions prior to disturbance

3. Indicate any other resource area boundaries that are delineated:

Bank (within flags GC200-237)

a. Resource Area

400 feet

b. Linear Feet Delineated

c. Resource Area

d. Linear Feet Delineated

C. Additional Information

Applicants must include the following plans with this Abbreviated Notice of Resource Area Delineation. 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. ANRAD (Delineation Plans only)
2. 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.)
3. Plans identifying the boundaries of the Bordering Vegetated Wetlands (BVW) (and/or other resource areas, if applicable).
4. List the titles and final revision dates for all plans and other materials submitted with this Abbreviated Notice of Resource Area Delineation.

D. Fees



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4A – Abbreviated Notice of
Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Franklin
City/Town

The fees for work proposed under each Abbreviated Notice of Resource Area Delineation must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Wetland Fee Transmittal Form).

- 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 the attached Wetland Fee Transmittal Form) to confirm fee payment:

1000826 _____

2. Municipal Check Number

6/28/2023 _____

3. Check date

1000827 _____

4. State Check Number

6/28/23 _____

5. Check date

Treasurers Checks _____

6. Payor name on check: First Name

7. Payor name on check: Last Name

E. Signatures

I certify under the penalties of perjury that the foregoing Abbreviated Notice of Resource Area Delineation and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I

124 Grove



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4A – Abbreviated Notice of
Resource Area Delineation**

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

Provided by MassDEP:

MassDEP File Number _____

Document Transaction Number _____

Franklin
City/Town

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 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.

I hereby grant permission, to the Agent or member of the Conservation Commission and the Department of Environmental Protection, to enter and inspect the area subject to this Notice at reasonable hours to evaluate the wetland resource boundaries subject to this Notice, and to require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

I acknowledge that failure to comply with these certification requirements is grounds for the Conservation Commission or the Department to take enforcement action.

Brian G Bowen
 1. Signature of Applicant _____

 3. Signature of Property Owner (if different) _____

 5. Signature of Representative (if any) _____

06/23/2023
 2. Date _____

7/5/23
 4. Date _____

7/5/23
 6. Date _____

For Conservation Commission:

Two copies of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; two copies of the ANRAD Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; one copy of the ANRAD Wetland Fee Transmittal Form; and a copy of the state fee payment must be sent to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery. (E-filers may submit these electronically.)

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

**WPA Form 4A – Abbreviated Notice of
Resource Area Delineation**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Franklin
City/Town

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I acknowledge that failure to comply with these certification requirements is grounds for the Conservation Commission or the Department to take enforcement action.

Brian G Bowen

1. Signature of Applicant

06/28/2023

2. Date

3. Signature of Property Owner (if different)

Brian G Bowen

Chief Operating Officer

4. Date

06/28/2023

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; two copies of the ANRAD Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

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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.



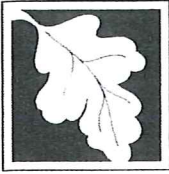
Applicant Information

Brian Bowen (CEO for New England Appliance Group/Key Boston)
126 Grove St
Franklin, MA 02038

Owner Information

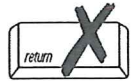
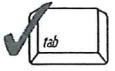
124 Grove Street
Franklin Oaks Equity Partners
150 East 58th St. 23rd Floor
New York, New York, 10155

126 Grove Street
Brian Bowen (CEO signed as owner)
Key Boston Inc
126 Grove Street
Franklin, MA 02038



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
ANRAD Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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:

124 and 126 Grove St	Franklin
a. Street Address	b. City/Town
987.50	1000827
c. Fee amount	d. Check number

2. Applicant:

Brian	Bowen	NEAG
a. First Name	b. Last Name	c. Company
126 Grove St		
d. Mailing Address		
Franklin	MA	02038
e. City/Town	f. State	g. Zip Code
h. Phone Number		

3. Property Owner (if different):

see attached		
a. First Name	b. Last Name	c. Company
t		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code
h. Phone Number		

B. Fees

The fee is calculated as follows for each Resource Area Delineation included in the ANRAD (check applicable project type). The maximum fee for each ANRAD, regardless of the number of Resource Area Delineations, is \$200 activities associated with a single-family house and \$2,000 for any other activity.

Bordering Vegetated Wetland Delineation Fee:

1. <input type="checkbox"/>	single family house project	a. feet of BVW	x \$2.00 =	b. Fee for BVW
2. <input checked="" type="checkbox"/>	all other projects	a. feet of BVW	x \$2.00 =	2000.00 max b. Fee for BVW

Other Resource Area (e.g., bank, riverfront area, etc.):

3. <input type="checkbox"/>	single family house project	a. linear feet	x \$2.00 =	b. Fee
4. <input type="checkbox"/>	all other projects	a. linear feet	x \$2.00 =	b. Fee

Total Fee for all Resource Areas:	2000.00
	Fee
State share of filing fee:	987.50
	5. 1/2 of total fee less \$12.50
City/Town share of filing fee:	1012.50
	6. 1/2 of total fee plus \$12.50

Online users: check box if fee exempt.

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK.

HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

 **Main Street**
BANK
81 Granger Boulevard
Marlborough, MA 01752
508-481-8300

Treasurers Check

1000827

53-7075 / 2113

June 28, 2023

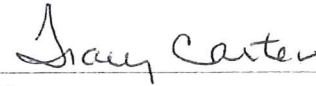
Pay to the
Order of: **COMMONWEALTH OF MA**

\$987.50

Nine Hundred Eighty-Seven and 50/100*****

Memo ACT FEE

Authorized Signature



⑈ 1000827⑈ ⑆ 211370752⑆ ⑈ 30000222⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK.

HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

 **Main Street**
BANK
81 Granger Boulevard
Marlborough, MA 01752
508-481-8300

Treasurers Check

1000826

53-7075 / 2113

June 28, 2023

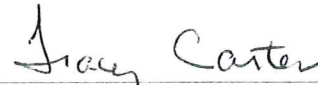
Pay to the
Order of: **TOWN OF FRANKLIN**

\$1,012.50

One Thousand Twelve and 50/100*****

Memo ACT FEE

Authorized Signature



⑈ 1000826⑈ ⑆ 211370752⑆ ⑈ 30000222⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK.

HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

 **Main Street**
BANK
81 Granger Boulevard
Marlborough, MA 01752
508-481-8300

Treasurers Check

1000825

53-7075 / 2113

June 28, 2023

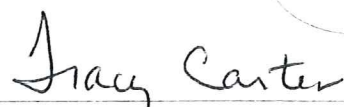
Pay to the
Order of: **TOWN OF FRANKLIN**

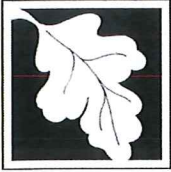
\$3,007.50

Three Thousand Seven and 50/100*****

Memo BYLAW FEE

Authorized Signature





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
ANRAD Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Submittal Requirements

- a.) Send a copy of this form, with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Abbreviated Notice of Resource Area Delineation; a **copy** of this form; and the city/town fee payment.
- c.) **To DEP Regional Office:** Send one copy of the Abbreviated Notice of Resource Area Delineation (and any additional documentation required as part of a Simplified Review Buffer Zone Project); a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Town of Franklin Conservation Commission

LOCAL FILING FEE CALCULATION WORKSHEET

1. NOTICE OF INTENT (NOI)

1.1. New Individual Single Family Home (SFH) \$200.00 _____
This includes all projects associated with a SFH

1.2. Work Associated with Existing Residential Property \$50.00 _____
Above-ground pools, fences or other incidental projects involving land disturbance that are not covered by the MBZA

1.3. Control of Nuisance Vegetation \$50.00 _____
This category shall not apply to any non-natural deposition of material e.g. vegetative debris

1.4. Subdivisions

Base Fee \$600.00 _____
Infrastructure in Buffer Zone **or** Resource Area
Roads _____ linear feet x \$2.00 = _____
*Drainage Structures _____ X \$10.00 each = _____
Wetland Resource Area Disturbed _____ square feet x \$0.50= _____

(If single family homes are proposed as part of a subdivision application, for each house in jurisdiction, individual NOI fees will apply.)

1.5. Multifamily Dwellings, including Condominium Units:
_____ MFDU x \$100.00 _____

1.6. Commercial/Industrial

Base Fee \$600.00 _____
Infrastructure in Buffer Zone **or** Resource Area

Roads	_____ linear feet x \$2.00	= _____
*Drainage Structures	_____ X \$10.00 each	= _____
Wetland Resource Area Disturbed	_____ square feet x \$0.50	= _____
Buildings	_____ X \$125 each	= _____
All Accessory Improvements	\$100.00	= _____

2. **REQUEST FOR DETERMINATION (RDA)** \$100.00

3. **MINOR BUFFER ZONE ACTIVITY (MBZA)** \$50.00

4. **ABBREVIATED NOTICE OF RESOURCE AREA DETERMINATION (ANRAD)**

\$0.50/foot/resource area: = \$3007.50

5. **OTHER PERMITS/SERVICES**

Order of Conditions Extension	\$50.00	_____
Certificate of Compliance Request	\$50.00	_____
Certificate Re-Inspection	\$50.00	_____
Status Letter for Financial Institution	\$100.00	_____
Permit Amendment	\$100.00	_____

6. **FILING FEE CALCULATION**

Town Share of State Fees (See NOI Wetland Fee Transmittal Form) \$ 1012.50

Local Filing Fee Calculated Above \$ 3007.50

TOTAL Due Town of Franklin (Check No.1) \$ _____

State Share of Filing Fee (See NOI Wetland Fee Transmittal Form)

TOTAL Due DEP (Check No. 2) \$ 987.50

7. **ADVERTISING FEE (Check No. 3)** **TBD**

The fee will be the exact amount the newspaper charges for that specific advertisement. Once the advertisement is placed with the paper, by the Conservation Commission, the applicant will be notified of the cost and will be expected to submit a check for that exact amount, payable to the Town of Franklin, to the Conservation Department prior to the first hearing.

*Drainage structures: catch basins, manholes, leaching basins, gutter inlet or any other man-made structure (other than a pipe) for purposes of controlling drainage.

126 Leave

Town of Franklin Conservation Commission

PROPERTY ACCESS SIGNATURE FORM

I hereby request that the Franklin Conservation Commission review this NOI/RDA/ANRAD application. I (we) grant authority to the Franklin Conservation Commission members and agents to go onto my (our) property solely for purposes directly related to the inspection and approval of this application and for follow-up compliance with the permit conditions.

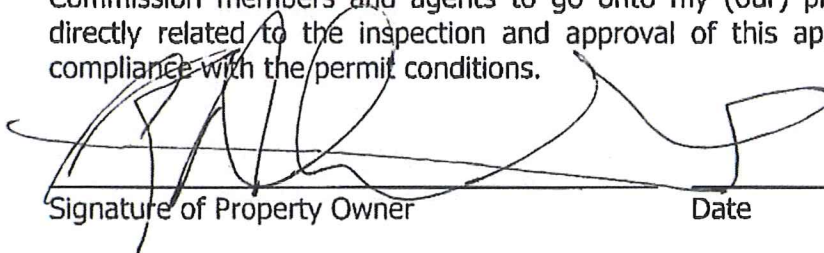
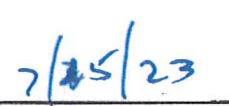
Brian G Bowen Chief Operating Officer 06/23/2023
Signature of Property Owner Date

124 Grove

Town of Franklin Conservation Commission

PROPERTY ACCESS SIGNATURE FORM

I hereby request that the Franklin Conservation Commission review this NOI/RDA/ANRAD application. I (we) grant authority to the Franklin Conservation Commission members and agents to go onto my (our) property solely for purposes directly related to the inspection and approval of this application and for follow-up compliance with the permit conditions.

Signature of Property Owner

Date



124 & 126 GROVE ST - 300' ABUTTERS

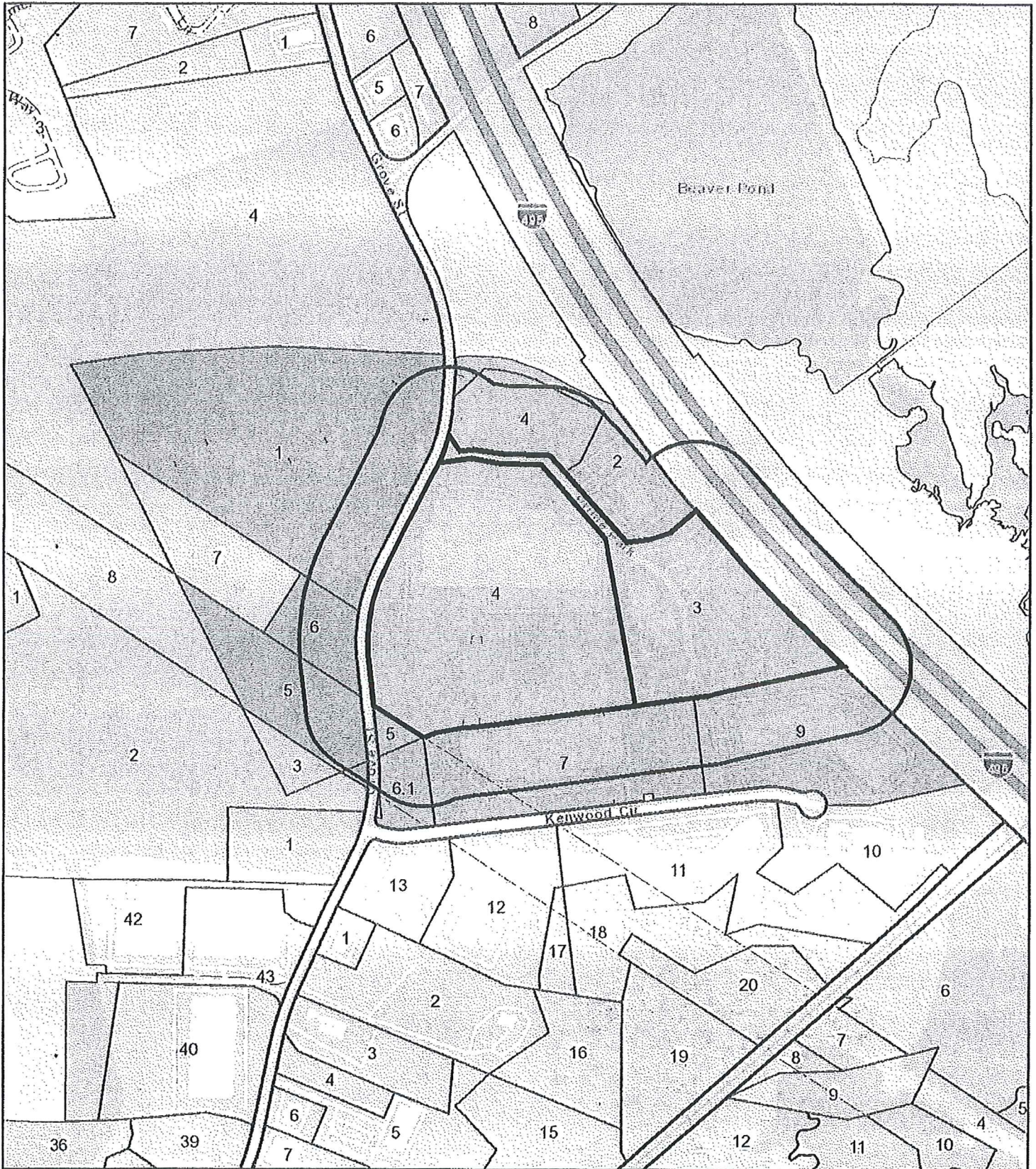
Franklin, MA



June 27, 2023

1 inch = 600 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
June 27, 2023

Subject Properties:

Parcel Number: 295-003-000
CAMA Number: 295-003-000-000
Property Address: 124 GROVE ST

Mailing Address: FRANKLIN OAKS EQUITY PARTNERS,
C/O AEGEAN CAPITAL LLC
150 EAST 58TH ST - 23RD FLOOR
NEW YORK, NY 10155

Parcel Number: 295-004-000
CAMA Number: 295-004-000-000
Property Address: 126 GROVE ST

Mailing Address: KEY BOSTON INC
126 GROVE ST BOX 247
FRANKLIN, MA 02038

Abutters:

Parcel Number: 288-004-000
CAMA Number: 288-004-000-000
Property Address: 120 GROVE ST

Mailing Address: BEAULIEU DEBRA A TR MEL-DINA
REALTY TRUST
842 UPPER UNION ST STE 8
FRANKLIN, MA 02038

Parcel Number: 294-004-000
CAMA Number: 294-004-000-000
Property Address: GROVE ST

Mailing Address: HUGHES STEPHEN V JR NEW
ENGLAND POWER CO PROPERTY TAX
DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 294-005-000
CAMA Number: 294-005-000-000
Property Address: GROVE ST

Mailing Address: NEW ENGLAND POWER CO PROPERTY
TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 294-006-000
CAMA Number: 294-006-000-000
Property Address: 131 GROVE ST

Mailing Address: NEW ENGLAND POWER CO PROPERTY
TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 295-001-000
CAMA Number: 295-001-000-000
Property Address: 121 GROVE ST

Mailing Address: SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

Parcel Number: 295-002-000
CAMA Number: 295-002-000-000
Property Address: 122 GROVE ST

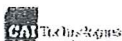
Mailing Address: AMEGO INC
33 PERRY AVE
ATTLEBORO, MA 02703

Parcel Number: 295-003-000
CAMA Number: 295-003-000-000
Property Address: 124 GROVE ST

Mailing Address: FRANKLIN OAKS EQUITY PARTNERS,
C/O AEGEAN CAPITAL LLC
150 EAST 58TH ST - 23RD FLOOR
NEW YORK, NY 10155

Parcel Number: 295-004-000
CAMA Number: 295-004-000-000
Property Address: 126 GROVE ST

Mailing Address: KEY BOSTON INC
126 GROVE ST BOX 247
FRANKLIN, MA 02038



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
June 27, 2023

Parcel Number: 295-005-000
CAMA Number: 295-005-000-000
Property Address: GROVE ST

Mailing Address: NEW ENGLAND POWER CO PROPERTY
TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 295-006-001
CAMA Number: 295-006-001-000
Property Address: GROVE ST

Mailing Address: NEW ENGLAND POWER CO
40 SYLVAN RD
WALTHAM, MA 02451-2286

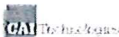
Parcel Number: 295-007-000
CAMA Number: 295-007-000-000
Property Address: 10 KENWOOD CIR

Mailing Address: ASTRO INVESTMENT LLC C/O KSI
TRADING CORP
6 BARBARA PLACE
EDISON, NJ 08817

Parcel Number: 295-009-000
CAMA Number: 295-009-000-000
Property Address: 40 KENWOOD CIR

Mailing Address: LMF FRANKLIN CORP
182 W CENTRAL ST #303
NATICK, MA 01760

Kevin W. Doyle, 6-27-2023



www.cai-tech.com

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

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:

New England Appliance has filed an ANRAD with the Franklin Conservation Commission for the Confirmation of wetland resources on July 10, 2023, under the Wetlands Protection Act (M.G.L c.131 §40).

Copies of the ANRAD may be examined during regular office hours at Goddard Consulting 291 Main St, Northboro, MA 01532

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, July 27, 2023, 2023, at 700 pm at the Town Council Chambers, located on the Second Floor of the Municipal Building on 355 East Central Street. The meeting is also available 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 Conservation Commission

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of Environmental Protection and the Franklin Conservation Commission when filing a an Abbreviated Notice of Resource Area Delineation)

I, Nicole Hayes hereby certify under the pains and penalties of perjury that on July 15, 2023, I gave Notification to Abutters in compliance with second paragraph of Massachusetts General Laws Chapter 131, Section 40 in connection with the following matter:

An Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act by New England Appliance Group with the Franklin Conservation Commission on July 10, 2023 for property located on 124 + 126 Grove St, Franklin, MA.

The Notification to Abutters form and list of the abutters to whom it was given and their addresses are attached to the Affidavit of Service.

Nicole Hayes
Signature

7/15/23
Date

Wetland Border Report

Site Locus: 124-126 Grove St, Franklin MA 02038

Prepared for: Guerriere & Halnon, Inc., P.O.Box 325 Milford MA 01757

Prepared by: Goddard Consulting LLC, 291 Main St, Suite 8, Northborough MA 01532

Date: June 27, 2023

INTRODUCTION

The wetland resources were delineated on land located on or near 124-126 Grove St, Franklin MA 02038 (refer to enclosed locus maps). 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 and the local wetland bylaw. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

The titles of attached documents are as follows:

- DEP Bordering Vegetated Wetland Delineation Field Data Form
- Wetland Border Report USGS, Goddard Consulting LLC, 2/13/2023
- Ortho Map, Goddard Consulting LLC, 2/13/2023
- NRCS Soil Map, Norfolk and Suffolk Counties, Massachusetts, accessed 2/13/2023
- Wetland Border Report FEMA Map, Goddard Consulting LLC, 2/13/2023

SUMMARY OF FINDINGS

The bank of an intermittent stream was delineated with flag series GC200-GC218. The boundaries of two Bordering Vegetated Wetland (BVW) were delineated with flag series GC1-GC74 and GC100-GC146. The sampling point for the BVW determination took place near flag GC53. Vegetation upgradient of the BVW consists of white pine, red oak, and red maple. Downgradient vegetation of the BVW consists of red maple, poison ivy, and cinnamon fern.

Consistent with the NRCS Soil Map, soils identified on the property include Merrimac loamy sands. In the upland soil sample, eight inches of 10YR3/3 sandy loam was over 12 inches of 10YR5/4 sands. In the wetland soil sample; 10 inches of organic loam (10YR2/1) was found over 10 inches of 10YR6/1 sand. More detailed information about soils is included in the attached NRCS Soil Map and the DEP Bordering Vegetated Wetland Delineation Field Data Form.

According to the MassGIS data layers for the Natural Heritage & Endangered Species Program (NHESP), this site is not located within Estimated and/or Priority Habitat of Rare Wildlife or an Area of Critical Environmental Concern (ACEC). The site is not located in an Outstanding Resource Waters Area (ORW) nor located within a jurisdictional FEMA Flood Zone. There are no mapped certified or vernal pools on site.

The local Wetlands Protection Bylaw and the MA Wetlands Protection Act take jurisdiction of Bordering Vegetated Wetland resources along with a jurisdictional 100-ft BVW Buffer Zone. The town of Franklin also has a 25-Foot no disturb zone within the 100-ft jurisdictional buffer zone.. Any work within these resource areas including the 100-foot Buffer Zones requires a Request for Determination (RDA) or Notice of Intent (NOI) to be filed with the Franklin Conservation Commission.

DESCRIPTION OF REGULATED INLAND RESOURCE AREA

The table below provides the regulatory jurisdiction, flag numbers/colors, and wetland types and locations for the resource areas delineated.

Resource Area	Regulatory Jurisdiction	Flag Numbers and Color	Wetland Types and Locations
Bordering Vegetated Wetland (BVW)	BVW & 100-foot Buffer Zone 25-foot No Disturb Zone (Town Policy)	GC 1-74 (Blue flags)	Scrub shrub and forested wetlands. Southern portion of the site
Bordering Vegetated Wetland (BVW)	BVW & 100-foot Buffer Zone 25-foot No Disturb Zone (Town Policy)	GC 100-146 (Blue flags)	Scrub shrub and forested wetlands. Eastern section of the site
Bank	Bank & 100-foot Buffer Zone 25-foot No Disturb Zone (Town Policy)	GC 200-218 (Blue flags)	Intermittent stream channel. South-Central portion of the site



Sincerely
Goddard Consulting, LLC.



Nicole Hayes, PWS
Senior Wetland Scientist



Legend

-  Property Boundary
-  Tax Parcels



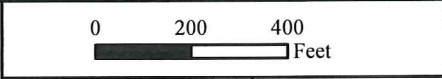
Date: 2/13/2023

GC Job Number:
101-80

Wetland Border Report

Orthophoto

124-126 Grove Street, Franklin MA 02038



1 in = 400 ft




Map: 295, Lot: 4

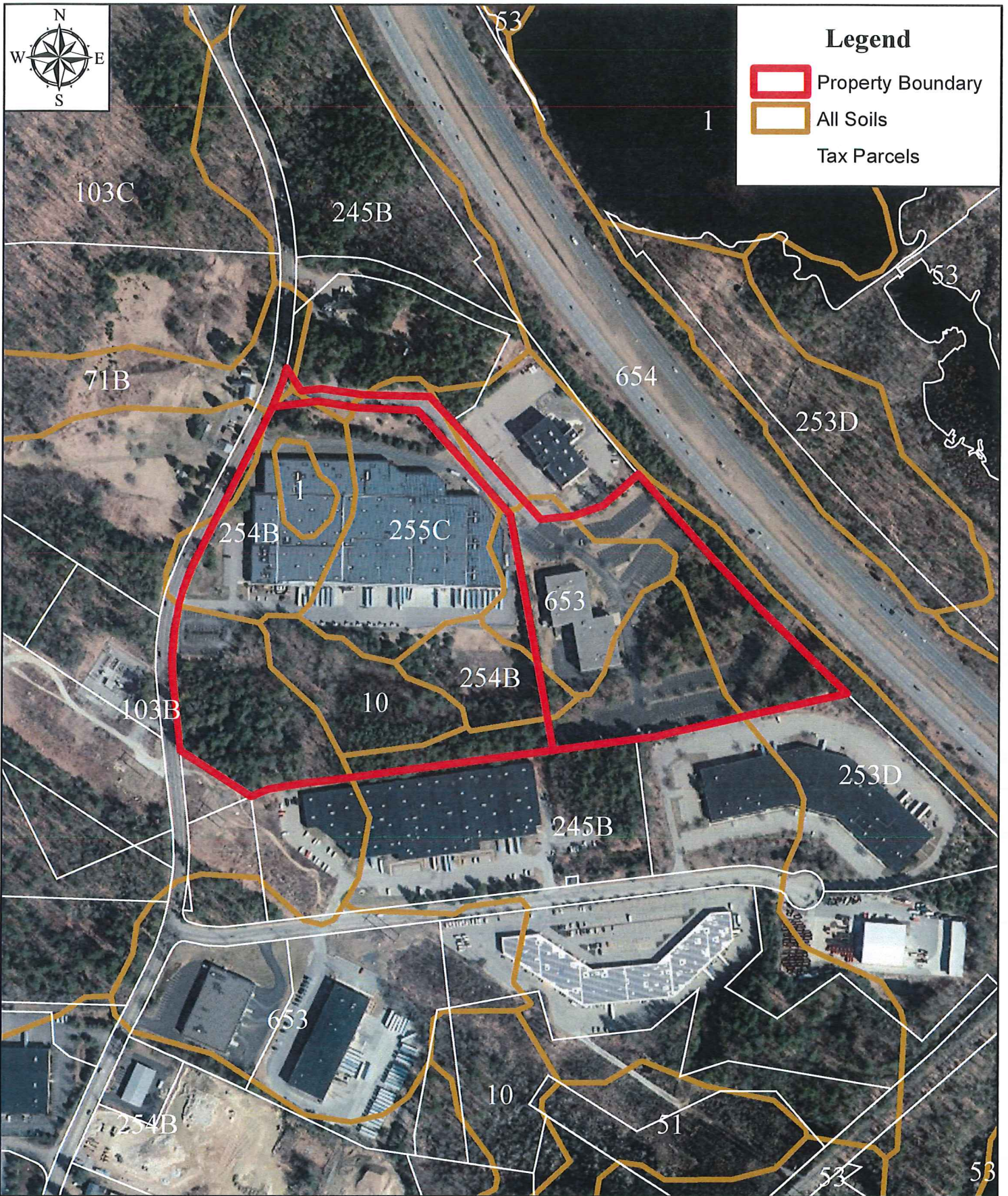
Figure 1

GODDARD CONSULTING
Strategic Wetland Permitting LLC



Legend

-  Property Boundary
-  All Soils
-  Tax Parcels



Date: 2/13/2023

GC Job Number:
101-80

Wetland Border Report Soil Map

0 200 400
Feet

1 in = 400 ft

124-126 Grove Street, Franklin MA 02038

Map: 295, Lot: 4

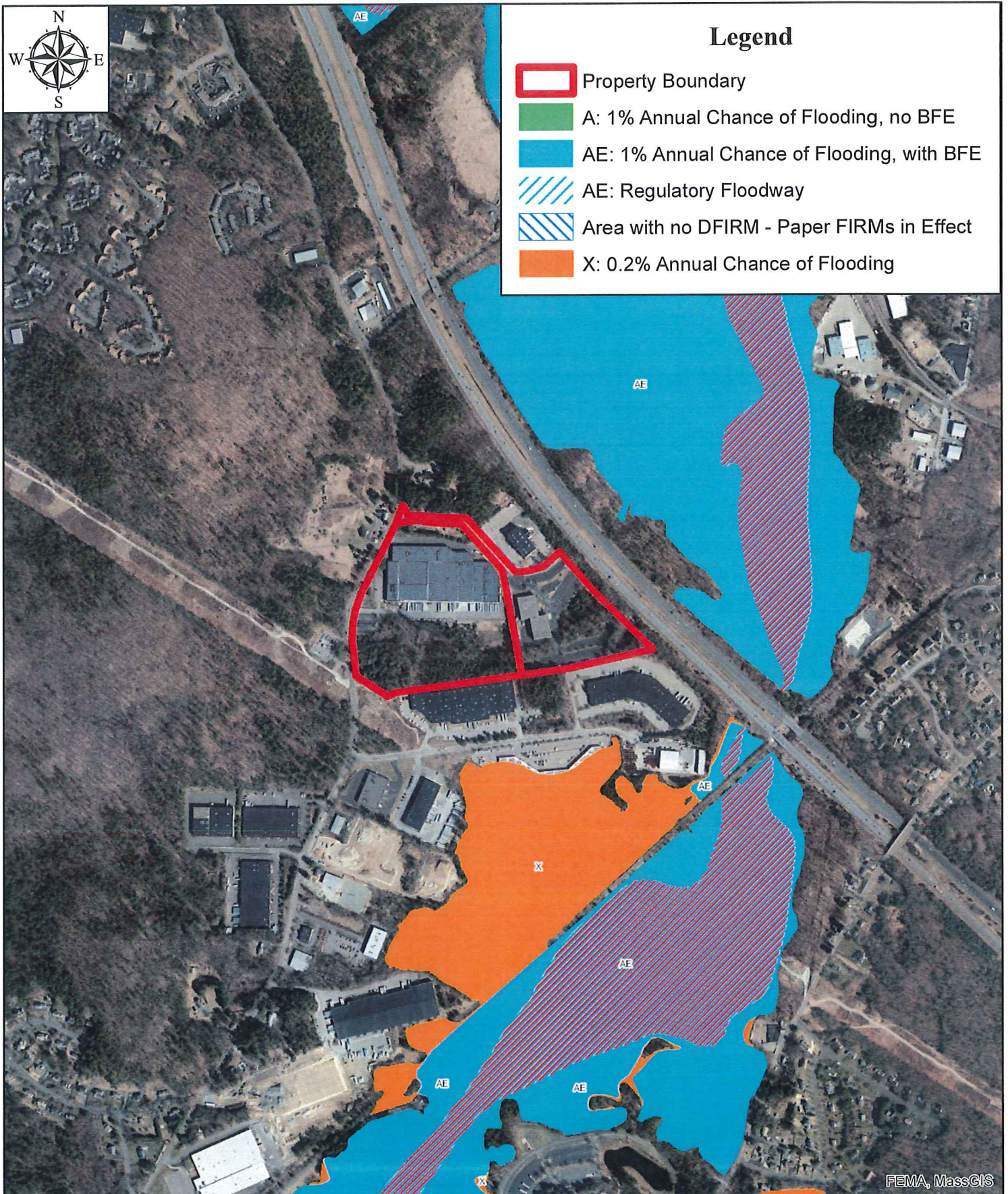
Figure 2

GODDARD CONSULTING
Strategic Wetland Permitting LLC



Legend

- Property Boundary
- A: 1% Annual Chance of Flooding, no BFE
- AE: 1% Annual Chance of Flooding, with BFE
- AE: Regulatory Floodway
- Area with no DFIRM - Paper FIRMs in Effect
- X: 0.2% Annual Chance of Flooding



FEMA, MassGIS

Date: 2/13/2023

GC Job Number:
101-80

Wetland Border Report FEMA Map

0 450 900
Feet

GODDARD CONSULTING
Strategic Wetland Permitting LLC

124-126 Grove Street, Franklin MA 02038

1 in = 900 ft

Map: 295, Lot: 4

Figure 4

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: **G&H** Prepared by: **Goddard Consulting LLC** Project location: **126 Grove St. Franklin** DEP File #: _____
 Check all that apply:

<input checked="" type="checkbox"/>	Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
<input type="checkbox"/>	Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
<input type="checkbox"/>	Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: **GCS3** Transect Number: **Upgradient** Date of Delineation: **1-Mar-23**
 Sample Layer and Plant Species Scientific name % Cover % Dominance Dominant Plant (yes or no) Wetland Indicator Category*

Tree Layer
 White Pine *Pinus strobus* 63% 46.7% Yes FACU
 Red Maple *Acer rubrum* 36% 26.7% Yes FAC*
 Red Oak *Quercus rubra* 36% 26.7% Yes FACU

Sapling Layer
 Black cherry *Prunus serotina* 3% 100.0% Yes FACU

Shrub Layer
 Princess-pine *Dendrolycopodium obscurum* 10% 100.0% No FACU

Climbing Woody Vine
 Remarks: * An asterisk after common plant name indicates stunted growth. ** indicates extremely stunted growth

Ground Cover
 Morphological Adaptations: 0 Description:

Vegetation conclusion: Number of dominant wetland indicator plants: **1** Number of dominant non-wetland indicator plants: **3**
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **no**

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent. MA DEP: 3/95

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: **G&H**

Prepared by: **Goddard Consulting LLC**

Project location: **126 Grove St, Franklin**

DEP File #: _____

Check all that apply: Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
 Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
 Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: **GCS3** Transect Number: **Downgradient** Date of Delineation: **1-Mar-23**

Sample Layer and Plant Species	Scientific name	% Cover	% Dominance	Dominant Plant (yes or no)	Wetland Indicator Category*
<i>Tree Layer</i>					
Red Maple	<i>Acer rubrum</i>	36%	100.0%	Yes	FAC*
<i>Sapling Layer</i>					
Red Maple	<i>Acer rubrum</i>	36%	100.0%	Yes	FAC*
<i>Shrub Layer</i>					
<i>Climbing Woody Vine</i>					
<i>Ground Cover</i>					
Eastern poison ivy	<i>Toxicodendron radicans</i>	36%	78.3%	Yes	FAC*
Cinnamon fern	<i>Osmundastrum cinnamomeum</i>	10%	21.7%	Yes	FACW*

Remarks: * An asterisk after common plant name indicates stunted growth; ** indicates extremely stunted growth

Morphological Adaptations: 0 Description: _____
 * An asterisk after indicator status denotes wetlands plants; plants listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; or plants listed as FAC, FACW, or OBL.

Vegetation conclusion:

Number of dominant wetland indicator plants: 4

Number of dominant non-wetland indicator plants: 0

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **yes**

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

yes no

title/date: Soil Survey of Norfolk and Suffolk Counties - 1989

map number: _____

soil type mapped: Merrimac fine sandy loam

hydric soil inclusions: _____

Are field observations consistent with soil survey?

yes no

Remarks:

2. Soil Description

Horizon

Depth (inches)

Matrix Color

Mottles Color or Texture

O 0-10" 10YR2/1

10-20 10YR6/1

Remarks:

3. Other:

Conclusion: Is soil hydric?

yes

no

Other Indicators of Hydrology: (check all that apply and describe)

Site inundated: _____

Depth to free water in observation hole: _____

Depth to soil saturation in observation hole: _____

Water marks: _____

Drift Lines: _____

Sediment deposits: _____

Drainage patterns in BVW: _____

Oxidized rhizospheres: within 6 inches

Water-stained leaves: _____

Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

Other: _____

Vegetation and Hydrology Conclusion for Downgradient of GC53	yes	no
Number of wetland indicator plants		
>= number of non-wetland plants	X	
Wetland hydrology present:		
hydric soils present	X	
other indicators of hydrology present	X	
Sample location is in a BVW		X

Submit this Form with the Request for Determination of Applicability or Notice of Intent

June 7, 2023

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

Re: Isolated Wetland/Stormwater Basin Analysis
126 Grove Street, Franklin, Massachusetts

Dear Franklin Conservation Commission,

Introduction

The property, 126 Grove Street, has three existing detention ponds: one on the north side of the existing building, one on the south side, and one along the front. These man-made permitted stormwater areas would not be considered jurisdictional under the Act however are considered jurisdictional under the local wetland bylaw in the presence of hydric soil and wetland vegetation. The applicant is not proposing any work in Basin 1 (right now) but would like to fill in Basin 2 and modify Basin 3 for a proposed parking lot and building expansion project (more details to follow in a future Notice of Intent). This report will discuss regulatory implications, the important functions associated with wetlands, identify the functions offered by the on-site stormwater basins, and discuss mitigation for this potential project.



Photo 1. Red highlighted areas of concern; basin to the north, south and front of the building

Why the Basins Are Not Protected Under the Act

In March of 2023, Goddard Consulting did an analysis of two out of the three stormwater basins in question, to see if these areas qualified as a wetland resource or stormwater basin under the Massachusetts Wetlands Protection Act (see appendix A). After lengthy research of past historical aerial photographs and permitting records, it was determined that the area for the southern detention basin (Basin 2) was created around the same time as the construction of the first on-site building (between 1978-1985). And according to aerial photos this area was not located within a wetland. The year 2001 is the earliest instance where both the southern and northern detention basins appear to be functional.

The northern detention basin (Basin 3) was created sometime between 1997-2001. Both basins were created after the MA Wetland Protection Act and after the 1996 Stormwater Provision and, therefore, would have been permitted through a Notice of Intent.

Two prior Orders of Conditions have been issued for improvement features on the existing stormwater basins. The OOC issued in 2000 (DEP File #159-686) approved the expansion and modification of the two detention ponds on site to detain the increased flow rate caused by the additional impervious area. The south detention pond (Basin 2) was approved for improvements with the addition of water quality features (i.e. sediment traps). Both ponds were expanded and undercut to provide additional recharge to ground water. The OOC issued in 2003 (DEP File #159-812) approved modification of the existing northern detention pond to accommodate for the expansion of a parking lot. The modification of both detention basins included water quality improvements, flood control, and groundwater recharge enhancement. Since these basins were created in uplands and permitted through NOI's after the stormwater provision, Goddard Consulting believes that these detention basins are non- jurisdictional under the Massachusetts Wetlands Protection Act.

Jurisdiction and Functions of Wetlands

Since the local bylaw takes jurisdiction over all areas that have wetland soils and 50% or more wetland vegetation it is important to identify what in relation to the wetlands is protected and why.

Under the Massachusetts Wetlands Protection Act and local wetland bylaws; wetlands are protected because of the valuable functions/statutory interests they provide which may include public or private water supply, ground water supply, flood control, storm damage prevention, prevention of pollution, protection of fisheries, and wildlife habitat.

Not all wetlands have all these functions or offer the same quality of habitat. For example, a small wetland located within a highly developed area may not contribute as much to stormwater prevention, fisheries, and/or offer the same wildlife habitat as a large pristine wetland with an adjoining river. The larger wetland with the river will offer higher quality habitat with several different vegetational cover-types providing greater amounts and varieties of animal's food, shelter, breeding and overwintering opportunities as well as aid in larger amounts of stormwater prevention and even offer potential fisheries. Whereas the smaller wetland still provides stormwater protection and wildlife habitat; however, less valuable and in lesser amounts than the larger riverine system.

The areas of concern are the three stormwater basins the applicant would like to fill. The issue is that the basins collect stormwater and as a result portions of the basins have wetland species growing within and some basins have areas of hydric soils. Since the local wetland bylaw takes jurisdiction over all areas that have hydric soils and 50% or more wetland indicator species, the Commission is reserving the right to claim jurisdiction over parts of the basins that have hydric soils and wetland vegetation under the local wetland bylaw.

As described above it is the functions of the wetlands that are important (i.e. stormwater protection, etc.). These functions will be protected in the case of development and re-location of the basins.

Basin Analysis

Basin 1.

On May 24, 2023, Goddard Consulting performed an analysis to determine the species and soils present within the three basins and inspect potential wetland functions offered by the basins. Each of the three basins were delineated as well as the areas within the basins that have hydric soils and wetland species (see Figure 1).

The small basin in the front of the building (see photo 1 and 2 and 3) contains areas of riprap and sandy soils normally associated with man-made detention ponds and is vegetated with maintained lawn species with a small area of wetland rush species.

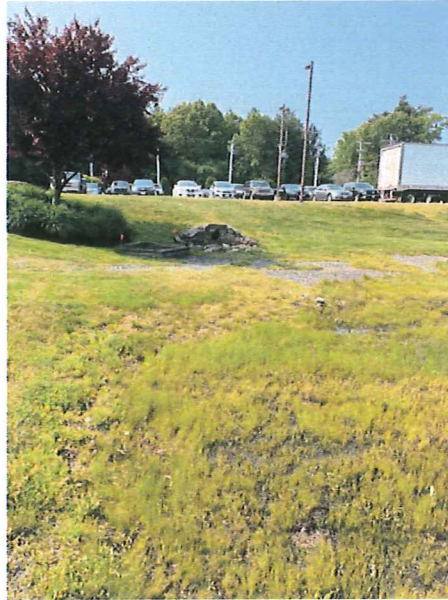


Photo 2. Basin 1., in front of building looking west. The basin consists of rip rap near the culvert and sandy soils. The basin is vegetated with lawn species and a small area of wetland rushes located in the foreground.



Photo 3. Basin 1., looking west; observing all of the detention basin except the culvert shown in the other photo. Culvert is located to the left of this photo.

Basin 1. is flagged with series DB1-1 through DB1-9 and is approx. 5,500 sq ft in size. The basin consists of rip rap and sandy soils (mucky, hydric soils were not observed within the basin). It is vegetated with upland lawn species with white clover (*Trifolium repens*, FacU) and a small area of wetland sedge (*Elecharis ovata*, Obl). Eighty percent of the vegetative coverage consisted of little blue stem (*Schizachyrium scoparium*, FacU) and red fescue (*Festuca rubra*, FacU) ten percent clover and ten percent wetland sedge (approx. 500 sq ft in size) (see Figure 1). No bylaw “wetland” area was flagged within this detention basin since no hydric soils were observed and a majority of the basin was vegetated with upland species.

This basin provides three out of the eight important wetland functions/statutory interest which include: flood control, storm damage prevention and prevention of pollution.

Basin 2.

Basin 2., is located to the south of the building (see photo 1,4,5,6) and was flagged with series DB2-1 DB2-16.



Photo 4. Detention basin 2., looking south at the middle of the basin.

The soils observed within the basin includes sandy soils and areas of mucky hydric soils. The hydric soils are located within the western section of the basin (see photo 5 and 6). Vegetation within the sandy soils include sedges (*Eleocharis ovata*, OBL) and (*Carex vulpinoidea*, OBL), rushes (*Juncus effusus*, FACW) and loosestrife (*Decodon verticillatus*, OBL). Vegetation within the hydric soil area includes dominants of sensitive fern (*Onoclea sensibilis*, FACW), poison ivy (*Toxicodendron radicans*, Fac), willow (*Salix spp*, Fac) and cattail (*Typha latifolia*, OBL). The area of hydric soils and wetland vegetation was flagged with series W1-11. The basin is approx. 33,000 sf and consists of 77% upland species similar to that found in basin 1 and 23% of wetland species (7,700 sf) and of that 14% is invasive loosestrife (see Figure 1).



Photo 5. Basin 2, area of hydric soils with loosestrife within flagged area W1-11.



Photo 6. Basin 2, area of hydric soils, surface water and wetland vegetation within flagged area W1-11.

Basin 2., provides four out of the eight important functions/statutory interest which include: flood control, storm damage prevention, prevention of pollution, and wildlife habitat.

Basin 3

Basin 3., is located to the north of the building (see photo 1,7,8) and was delineated with DB3-1-DB3-23. The soils observed within the basin includes sandy soils and areas of mucky hydric soils. The hydric soils are located within the western section of the basin (within the forebay area). Vegetation within the sandy soils include tussock sedges (*Carex stricta, Obl*) and rushes (*Juncus effusus, FacW*). Vegetation within the hydric soil area consists of cattail (*Typha latifolia, Obl*). The area of hydric soils and wetland vegetation was flagged with series W2-1-6. This entire basin is approx. 12,000 sq ft of that 75% is upland species and 25% is wetland species (3,000) sq ft (see Figure 1).



Photo 7. Basin 3, area of sandy soils with tussock sedges



Photo 8. Basin 3, area of hydric soil, surface water and cattails within flagged area W2-1-6.

Basin 3 provides four out of the eight important functions/statutory interest which include: flood control, storm damage prevention, prevention of pollution, and wildlife habitat.

As determined by the basin analysis each of the stormwater basins are functioning as intended and are naturally protecting flood control, storm damage prevention and prevention of pollution. These functions will continue when the stormwater basins are re-located under-ground.

Basins 2 and 3 also provides wildlife habitat which is a result of the vegetation, soils and hydrology offered to wildlife for overwintering, feeding, shelter, breeding and hydration opportunities. This function however is subject to maintenance and can be destroyed at any time. Maintenance of the basins include vegetation removal, sediment and soil removal and dewatering to keep the main functions of the stormwater basin (the protection of flood control, storm damage prevention, prevention of pollution) performing efficiently. Maintenance is required under the stormwater operation and maintenance plan and as a result, the on-site basin's wildlife habitat features can be destroyed regularly.

Conclusion

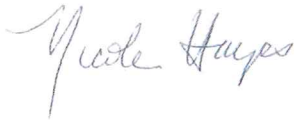
Basins 3 is proposed to be filled and Basin 2 modified for the future expansion of the existing parking/building area. In the end the new modified Basin 2 and new underground Basin 3 will continue to treat and protect the same amount of stormwater (if not greater) presently being treated on-site and as a result the functions of flood control, storm water damage and prevention of pollution will be protected.

Since the local bylaw takes jurisdiction over all areas that have hydric soil and wetland vegetation; the parts of these basins that have hydric soils and wetland vegetation would be jurisdictional (see Figure 1). These locally jurisdictional areas were flagged with series W1-11 in Basin 2 and W2 1-6 in Basin 3 (Basin 1 did not have areas of hydric soil). As determined by the basin analysis the stormwater basins are functioning as intended and are protecting flood control,

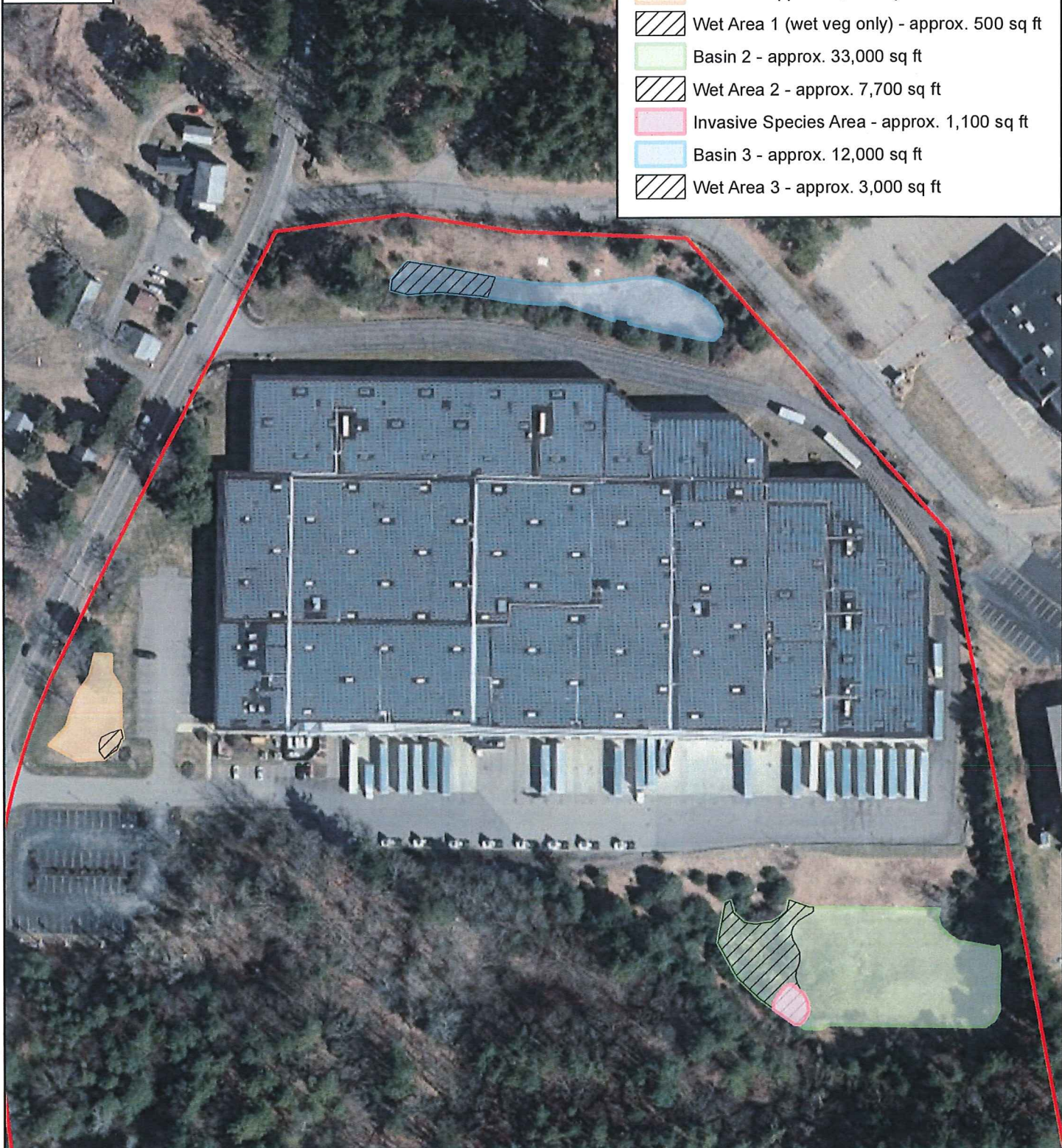
storm damage prevention and prevention of pollution. These important functions will continue to be protected even after the stormwater basins are filled/modified. The function of wildlife habitat within the stormwater basins is temporary and can and will be destroyed when regularly needed maintenance of the basins are performed and therefore this function should not be required to be re-created within the new proposed stormwater areas.

In conclusion, the modifications of the basins will continue to offer all the functions the basins are contributing (protecting flood control, storm damage prevention and prevention of pollution) and as a result the project should be allowed to be permitted.

Goddard Consulting, LLC



Nicole Hayes, PWS
Senior Wetland Scientist



Legend	
	Property Boundary
	Basin 1 - approx. 5,500 sq ft
	Wet Area 1 (wet veg only) - approx. 500 sq ft
	Basin 2 - approx. 33,000 sq ft
	Wet Area 2 - approx. 7,700 sq ft
	Invasive Species Area - approx. 1,100 sq ft
	Basin 3 - approx. 12,000 sq ft
	Wet Area 3 - approx. 3,000 sq ft

Date: 5/30/2023	GC Job Number: 101-80	Basin Determination Overview	0 75 150 Feet	
			1 in = 150 ft	Figure 1
124-126 Grove Street, Franklin MA 02038		Map: 295, Lot: 4		



March 2, 2023

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

Re: Non-Jurisdictional Stormwater Basins
126 Grove Street, Franklin, Massachusetts 02038

Dear Franklin Conservation Commission,

Goddard Consulting is pleased to submit this letter on behalf of the Applicant, Key Boston Inc, to summarize our findings on the non-jurisdictional status of the detention ponds at 126 Grove Street. We received the following documentation, which served as a basis for our review:

- WPA Form 5 - Order of Conditions, issued on 4/6/2000
- WPA Form 5 - Order of Conditions, issued on 9/22/2003

Introduction

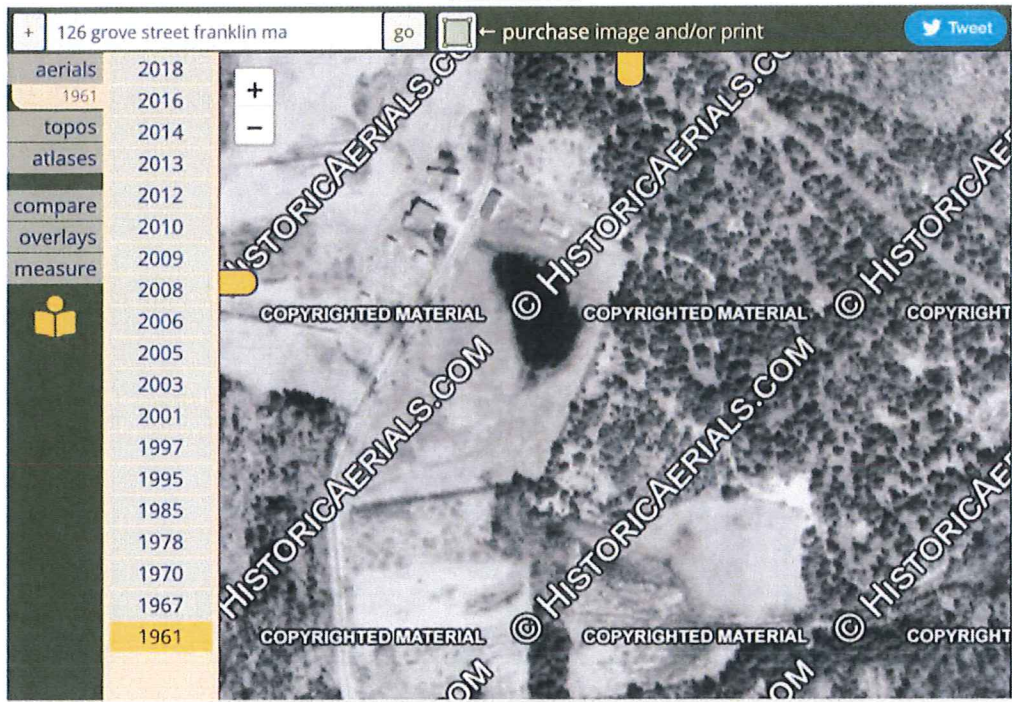
The property, 126 Grove Street, has two existing detention ponds: one on the north side of the existing building, and one on the south side. After extensive file review and research using MassMapper, historical aerials, and prior Order of Condition (OOC) documents, we have determined that the stormwater basins on site are non-jurisdictional under the WPA and the Town Bylaw. The following provides a brief overview of the aerial history and prior OOC documents related to the development changes on the locus site.

Historical Aerials Overview

The following summarizes the landscape / development changes on the locus site.

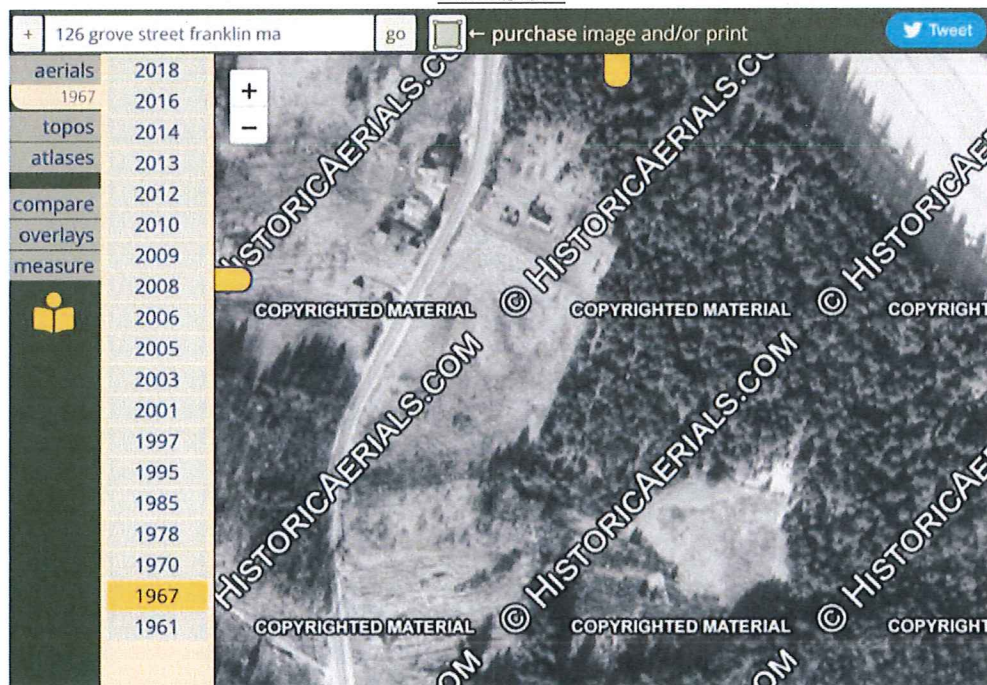
- 1961: An isolated wetland is present on site (see exhibit A).
- 1967: The wetland is no longer present (see exhibit B).
- 1967-1978: The wetland re-naturalizes (see exhibit C).
- 1978-1985: A building with an associated road was constructed in the same vicinity as the wetland. There looks to be a detention pond south of the building (see exhibit D).
- 1985-1995: A building addition with an associated road occurred. There looks to be a detention pond forming south of the building (see exhibit E).
- 1995-2001: The aerial imagery shows another building addition with associated road located north of the building. Note the northern and southern detention ponds are more prominent (see exhibit F and G).
- 2001-2003: Another addition was constructed on the northern portion of the building (see exhibit H).
- 2004-2005: Additional parking lot was constructed located southeast of the building. Both basins look functional (see exhibit I).

Exhibit A



Historic aerial imagery from 1961 is the earliest available imagery that shows what appears to be a natural, undisturbed wetland onsite (before any construction activity).

Exhibit B



Historic aerial imagery from 1967 shows what appears to be the earliest instance of disturbance on the locus site. Note that the absence of a dark spot indicating the wetland is no longer present.

Exhibit C



Historical aerial imagery from 1978 shows what appears to be the wetland re-naturalizing, indicated by the dark spot in the same location as in Exhibit A. Note the future location of the southern basin appears to be dry (circled in red).

Exhibit D



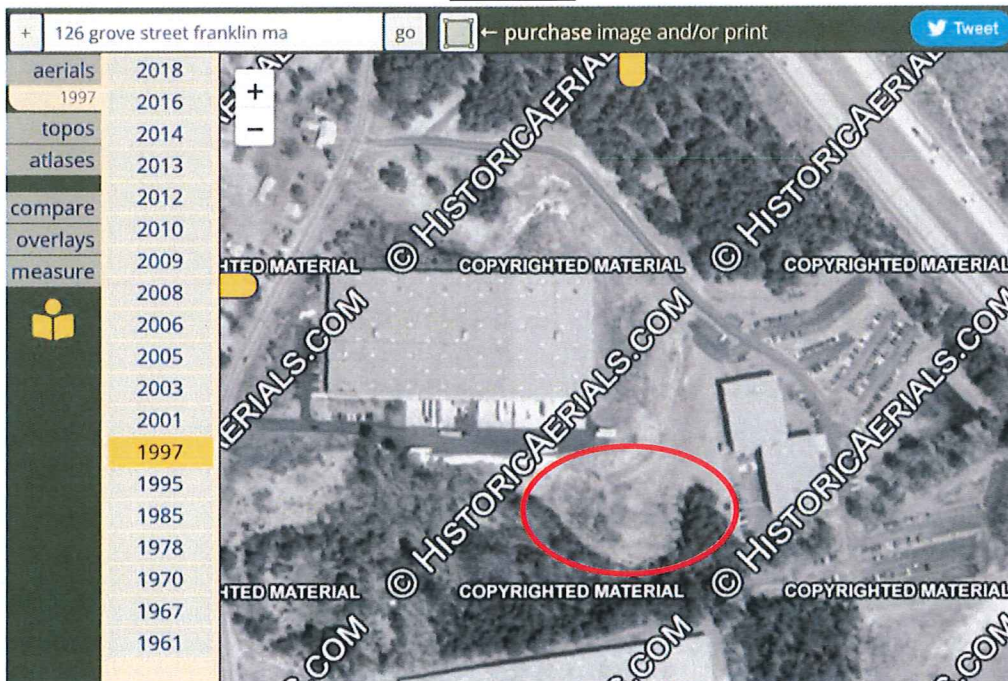
Historical aerial imagery from 1985 shows a building with associated road constructed sometime between 1978-1985 in the same proximity as the wetland. Note the southern area in the same location as the present-day detention basin is not located in a wetland.

Exhibit E



Historic aerial imagery shows a building addition and road addition. Note the southern area in the same location as the present-day detention basin is not located in a wetland.

Exhibit F



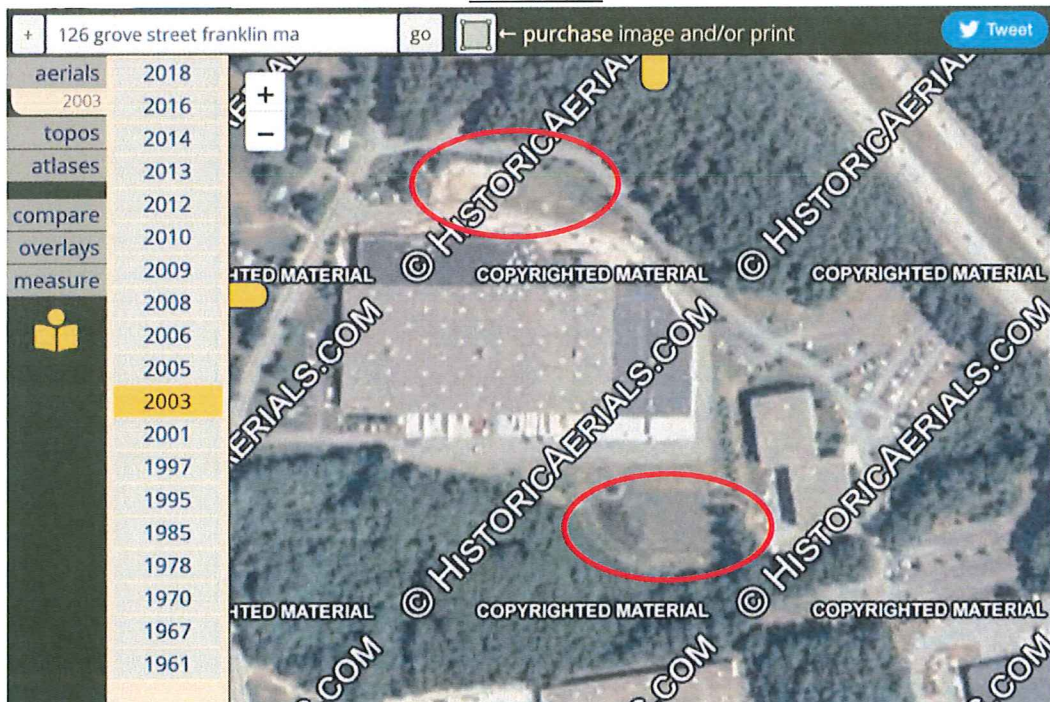
Historic aerial imagery from 1997. Note the southern area in the same location as the present-day detention basin is not located in a wetland.

Exhibit G



MassMapper aerial imagery from 2001 shows another addition to the building with another road addition. North and south detention basins are clearly present. This appears to be the earliest instance when both basins look to be functional.

Exhibit H



Historical aerial imagery from 2003 shows another addition was constructed on the northern portion of the building. North and south detention basins are present and look to be functional.

Exhibit I



MassMapper aerial imagery from 2005 showing additional parking lot space (southwest of the building). Notice both detention basins filled with water and functional.

Historic Aerial Imagery Summary

The area for the southern detention basin was created around the same time as the construction of the first building (between 1978-1985). The area was not located within a wetland. 2001 is the earliest instance when both the southern and northern detention basin appear to be functional. The northern detention basin was created sometime between 1997-2001. As shown above, both basins were created after the MA Wetland Protection Act and after the 1996 Stormwater Provision and, therefore, would have been permitted through a Notice of Intent.

Prior Orders of Conditions (OOCs)

Two prior Orders of Conditions have been issued for improvement features on the existing stormwater basins. The OOC issued in 2000 (DEP File #159-686) approved the expansion and modification of the two detention ponds on site to detain the increased flow rate caused by the additional impervious area. The south detention pond adjacent to the BVW on site was approved for improvements with the addition of water quality features (i.e. sediment traps). Both ponds were expanded and undercut to provide additional recharge to ground water. The OOC issued in 2003 (DEP File #159-812) approved modification of the existing northern detention pond to accommodate for the expansion of a parking lot. The modification of both detention basins included water quality improvements, flood control, and groundwater recharge enhancement.



Conclusion

In conclusion, the land disturbance began sometime between 1978-1985 with the construction of a small building and potential area for basin. The area that was cleared near the existing southern basin was not located within in a wetland. The Wetlands Protection Regulations were implemented in 1986. The southern detention basin was constructed around the same time as the building. The northern detention basin was created sometime between 1997-2001. The Orders of Conditions from 2000 and 2003 approved work on the existing northern and southern detention basins. For these reasons, Goddard Consulting believes that the detention basins on site are non-jurisdictional.

Sincerely,

Goddard Consulting, LLC
Zoe Krouner
Wetland Scientist



[Empty box for DEP File Number]

for DEP use only

13

WPA Form 5 - Order of Conditions

Franklin Town Code Chapter 181, Wetlands Protection Act

A **OFFICIAL COPY**
Applicant Information

OFFICIAL COPY

From:

Franklin Conservation Commission
Conservation Commission

The Notice of Intent for this project was filed on:

February 22, 2000
Date

For:

SE159-686
Project File Number

The public hearing was closed on:

March 23, 2000
Date

To:

Key Boston, Inc., D/B/A The Boston Group
Applicant Name
126 Grove Street, Box 247
Mailing Address
Franklin
City/Town
MA 02038
State Zip Code

Title and Date of final Plans and Other Documents:

Modification of Site Plan - February 14, 2000

The project site is located at:

126 Grove Street, Franklin, MA

City/Town 55 2 Parcel/Lot #
Assessors Map/Plat #

and the property is recorded at the Registry of Deeds for:

Norfolk 6353 200
County Book Page

Certificate (if registered land)

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

Barry T. Hannon

BARRY T. HANNON, REGISTER

049895

00 MAY 26 AM 9:14

B Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

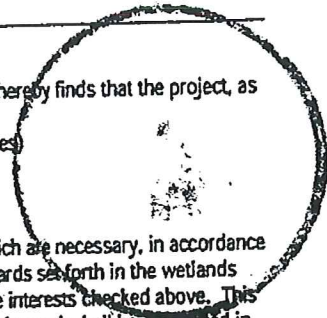
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this commission finds that the area in which work is proposed is significant to the following interests of the Wetlands Protection Act (check all that apply):

- Public Water Supply
- Private Water Supply
- Groundwater Supply
- Flood Control
- Land Containing Shellfish
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat

Furthermore, this Commission hereby finds that the project, as proposed, is:
(check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.





WPA Form 5 - Order of Conditions

Franklin Town Code Chapter 181, Wetlands Protection Act

B Findings (cont) COPY

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(b)(c).

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or

COPY
debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

7. This Order does not become final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of the work.

9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection" [or, "MA DEP"] "File Number

SE159-686

Project File Number

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the following attached plans and special conditions:

Final Approved Plans (attach additional plan references as needed):

Modification of Site Plan

Title
February 14, 2000

Dated
Louis L. Gueriere

Signed and Stamped by
Conservation

On file with



WPA Form 5 - Order of Conditions

Franklin Town Code Chapter 181, Wetlands Protection Act

B Findings (cont)

Findings as to municipal law, bylaw, or ordinance

13. Any changes to the plans identified in Condition # 12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

Furthermore, the

Franklin Conservation Commission

Conservation Commission

hereby finds (check one that applies):

14. The Agent or members of the Conservation Commission and Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

that the proposed work cannot be conditioned to meet the standards set forth in a municipal law, ordinance, or bylaw, specifically

Franklin Wetlands Protection Bylaw, Chap. 181

Name and citation of municipal law, bylaw, or ordinance

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall serve as the limit of work (unless another limit of work line has been noted in the plans of record) and be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

that the following additional conditions are necessary to comply with a municipal law, bylaw, or ordinance, specifically

Franklin Wetlands Protection Bylaw, Chap. 181

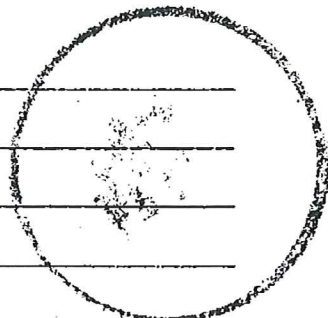
Name and citation of municipal law, bylaw, or ordinance

17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.

The Commission orders that all the work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

Special Conditions (Use additional paper if necessary)

SEE ATTACHMENT 1 FOR SPECIAL CONDITIONS





WPA Form 5 - Order of Conditions

Franklin Town ~~Code~~ Chapter 181, Wetlands Protection Act

B OFFICIAL COPY OFFICIAL COPY

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

April 6, 2000
Date

On this 10th

day of April
Month 2000
Year

This Order must be signed by a majority of the conservation commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate regional office of the Department of Environmental Protection.

before me personally appeared
ANDY TOLLAND

Signatures:

[Handwritten signatures of conservation commission members]

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten signature: Ruth E. Anderson]
Notary Public

My commission expires June 2, 2006

This Order is issued to the applicant as follows:

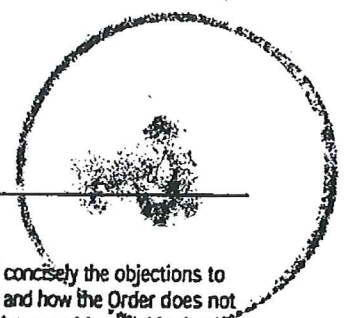
by hand delivery on _____
Date

by certified mail, return receipt requested, on _____
Date

C Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40 and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.





WPA Form 5 - Order of Conditions

Franklin Town Code Chapter 181, Wetlands Protection Act

D Recording Information

OFFICIAL COPY

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information shall be submitted to the

Franklin Conservation Commission

Conservation Commission

on the form below, which must be stamped by the Registry of Deeds.

Detach on dotted line and submit to the Conservation Commission.

To: _____
Conservation Commission

Please be advised that the Order of Conditions for the project at

Project Location _____ DEP File Number _____

has been recorded at the Registry of Deeds of

County _____

and has been noted in the chain of title of the affected property in

Book _____

Page _____

in accordance with the Order of Conditions issued on

Date _____

If recorded land, the instrument number which identifies this transaction is

Instrument Number _____

If registered land, the document number which identifies this transaction is

Document Number _____

Signature of Applicant _____



N O T

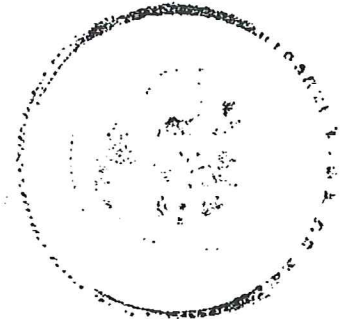
N O T

25. As acknowledged and agreed to by the Applicant during the portion of the public hearing held on March 23, 2000, this Order of Conditions is being issued in part on account of the Applicant's representation that the portion of the site shown as the area below the match line on sheet 1 of 9 on a plan entitled Site Information Plan, dated December 13, 1999, will remain as open space (the "Open Space Area"), except for (A) existing parking and driveway facilities and (B) the sanitary sewer and other underground utilities, and stormwater management facilities approved by the Conservation Commission pursuant to this Order. Therefore, because the creation of additional impervious surfaces in the Open Space Area may negatively impact the conservation values protected by the Wetlands Protection By-Laws, new or additional structures, improvements or alterations that result in the creation in the aggregate of more than 5,000 square feet of additional impervious surfaces shall be prohibited in the Open Space Area unless first approved in writing by the Conservation Commission, regardless of whether such activities are within 100 feet of then-existing wetlands resource areas. This condition has been irrevocably agreed to by the Applicant during the public hearing and shall not be construed as derogating from any requirement in Massachusetts Wetlands Protection Act of the Franklin Wetlands Protection By-Laws, including the requirement of obtaining a determination of non-applicability or order of conditions, whichever is appropriate, for alterations in the resource area).

WITNESSETH:

Deborah L. [Signature]

Franklin Town Clerk





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number

for DEP use only

WPA Form 5^T- Order of Conditions

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

A Applicant Information

C O P Y

From:
Franklin Conservation Commission
Conservation Commission

The Notice of Intent for this project was filed on:
May 30, 2003
Date

For:
SE159-812
Project File Number

The public hearing was closed on:
July 31, 2003
Date

To:
Key Boston, Inc. DBA The Boston Group
Applicant Name
126 Grove Street
Mailing Address
Franklin
City/Town
MA 02038
State Zip Code

Title and Date of final Plans and Other Documents:
2003 - Site Plan Modification - May 12, 2003
Rev. July 7, July 15 & July 23, 2003

The project site is located at:
126 Grove Street, Franklin
City/Town
055 002
Assessors Map/Plat # Parcel/Lot #

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
William P O'Donnell
WILLIAM P. O'DONNELL, REGISTER

and the property is recorded at the Registry of Deeds for:
Norfolk 6353 200
County Book Page
Certificate (if registered land)

B Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this commission finds that the area in which work is proposed is significant to the following interests of the Wetlands Protection Act (check all that apply):

- Public Water Supply
- Private Water Supply
- Groundwater Supply
- Flood Control
- Land Containing Shellfish
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat

Furthermore, this Commission hereby finds that the project, as proposed, is:
(check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

6



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection – Wetlands

WPA Form 5^{AN} - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. C 131A § 40

B Findings (Cont.)^{COPY}

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(b)(c).

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or

COPY

debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

7. This Order does not become final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection" [or, "MA DEP"] "File Number
 SE159-812
Project File Number
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the following attached plans and special conditions:
 - Final Approved Plans (attach additional plan references as needed) :
 - 2003 - Site Plan Modification
 - Title
May 12, 2003 Rev. July 7, July 15 & July 23, 2003
 - Dated
Walter P. Watson
 - Signed and Stamped by
Conservation
 - On file with



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5^T - Order of Conditions

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

B Findings (Cont.)

C O P Y

- 13. Any changes to the plans identified in Condition # 12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
- 14. The Agent or members of the Conservation Commission and Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
- 15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
- 16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall serve as the limit of work (unless another limit of work line has been noted in the plans of record) and be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.

Findings as to municipal law, bylaw, or ordinance

Furthermore, the

Franklin Conservation Commission

Conservation Commission

hereby finds (check one that applies):

that the proposed work cannot be conditioned to meet the standards set forth in a municipal law, ordinance, or bylaw, specifically

Franklin Wetlands Protection Bylaw, Chap. 181

Name and citation of municipal law, bylaw, or ordinance

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

that the following additional conditions are necessary to comply with a municipal law, bylaw, or ordinance, specifically

Franklin Wetlands Protection Bylaw, Chap. 181

Name and citation of municipal law, bylaw, or ordinance

The Commission orders that all the work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

Additional conditions relating to municipal law, bylaw, or ordinance:

Special Conditions (Use additional paper if necessary)

SEE ATTACHMENT 1 FOR SPECIAL CONDITIONS



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

B Findings (Cont.)

COPY

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

August 14, 2003

Date

On this 14th

day of August

Month
2003

Year

This Order must be signed by a majority of the conservation commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate regional office of the Department of Environmental Protection.

before me personally appeared

MARC COHEN

Craig Lane, ETC

Signatures:

[Handwritten signatures: Elizabeth J. Cassidy, Craig Lane, etc.]

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Elizabeth J. Cassidy

Elizabeth J. Cassidy

Notary Public

Notary Public
My Commission Expires
March 12, 2010

My commission expires

This Order is issued to the applicant as follows:

by hand delivery on

Date

by certified mail, return receipt requested, on

Date

C Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40 and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands

WPA Form 5^T - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. C 131, S 40

D Recording Information

C O P Y

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information shall be submitted to the

Franklin Conservation Commission

Conservation Commission

on the form below, which must be stamped by the Registry of Deeds.

Detach on dotted line and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the project at

Project Location

DEP File Number

has been recorded at the Registry of Deeds of

County

and has been noted in the chain of title of the affected property in

Book

Page

in accordance with the Order of Conditions issued on

Date

If recorded land, the instrument number which identifies this transaction is

Instrument Number

If registered land, the document number which identifies this transaction is

Document Number

Signature of Applicant

NOT
AN ATTACHMENT IN
OFFICIAL OFFICIAL
COPY KEY BOSTON, INC. Y
126 GROVE STREET

SE159-812

ADDITIONAL SPECIAL CONDITIONS TO ORDER OF
CONDITIONS

18. Erosion control barriers must be installed, inspected and approved by a Professional Engineer, submitted in writing, signed and stamped, before any work commences.
19. An extra 10% of siltation barriers or haybales must be stored on site in the event of an emergency or storm.
20. The applicant will provide an as built drawing with the written request for a Certificate of Compliance inspection.
21. The Commission must receive a written report in April and October from an engineer or wetland scientist with respect to a project's conformance to Orders of Conditions until such time as there is a Certificate of Compliance.