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August 16, 2023

Franklin Conservation Commission

335 East Central Street

Franklin, MA 02038

c/o Breeka LÍ Goodlander, Conservation Agent/Natural Resource Protection Manager
via email: bgoodlander@franklinma.gov

Re: 0 Prospect Street Notice of Intent (Wall Street Development)

Subject: Response to BETA Group Peer Review Letter – August 9, 2023

Dear Commission Members:

I received a copy of the August 9, 2023 BETA peer review letter related to the Prospect Street NOI. I provide below a response that I hope will move the process forward, but would like to note to the Commission that I find the letter highly disturbing, as outlined below.

The letter follows 5 weeks after an on-site 7/27/2023 meeting with Elyse Tripp from BETA, Breeka LÍ Goodlander, the Commission's agent, and myself.

The purpose of such site visits is to evaluate conditions in the field, and particularly to evaluate field delineations of resources areas. Because of the existence of the ORAD, the only delineation to be reviewed was the limits of degraded Riverfront Area ("RFA"). I explained my flagging rationale in general and offered to discuss any part of the delineation, if requested. As was appropriate, the BETA reviewer arrived with a soil auger and shovel to evaluate soils. I also came similarly equipped. As is customary, during the evaluation we all walked from flag to flag, to give BETA the opportunity to evaluate each delineation point. The site review was cordial and professional throughout. During the field review, BETA stopped several times to evaluate soil conditions. BETA set the pace of the review and was not rushed or pressured in any way. At no time did BETA ask any questions or provide any commentary or critique.

Based upon the lack of questions or comments from BETA, I left the site visit with the understanding that BETA had no disagreement with the delineation, because any disagreement should have been voiced during the site inspection, when both I and the Commission's Agent were present to hear and observe on the ground the basis for any such opinion. No such opinion was provided. Issuing a letter voicing major disagreement 5 weeks after a site meeting is neither appropriate nor helpful. The lack of specificity regarding BETA's opinion as to "appropriate" flag locations is even more frustrating. Even if I had not agreed with BETA's proposed revision

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to my delineation, it would have been helpful for BETA to flag such an opinion, so that at least the applicant could understand the implications.

I note further that the BETA letter describes the presence of “soil mounds” which inexplicably do not constitute in BETA’s opinion an “abandoned dumping ground” (an inclusionary criterion of “degraded RFA”).

The applicant was required to provide a \$2,600.00 peer review fee. If a “peer reviewer” is not qualified or capable of having a discussion about findings and opinions in the format where such determinations must be made, then that person does not deserve the designation as a “peer” of the individual whose work is being reviewed.

REVISED SUBMITTAL:

Notwithstanding the above, GLM Engineering has revised the project plan to incorporate BETA’s plan and construction comments. Plan revisions consist of:

- A1. No comment (file # note)
- A2. North arrow reference provided, See Plan.
- A3. Revised the access road and existing tree line. Added Survey Notes.
 - Note 1 Existing conditions survey by GLM
 - Note 2 NAVD88
 - Note 3 Wetlands Delineated by Ecotec
 - Note 4 All disturbed areas to be loamed and seeded
- A4. Revised Plan added buffers
- A5. Detail on plan is compost sock only.
- A6. Revised Plan Assessor Ref for abutters.
- A7. Benchmark shown on Pole #19
- W3. Revised site plan Temp Stockpile area shown.
- W4. Plan detail depicts compost sock.
- W5. Note provided and areas labeled lawn.

The revised plan (8/15/2023) includes a revision to the areas of proposed RFA restoration, to eliminate areas which BETA appears to opine do not qualify as “degraded.” Along the access drive, BETA concurs in large part with my delineation of degraded RFA. Therefore, designated degraded RFA mitigation on the plan is limited to areas where there is agreement. Based upon this revision, the RFA to be restored is 4,190-sf, which represents 2.8 times the size of the 1,490-sf area of non-degraded RFA proposed to be developed. The 1,490-sf area could be more than doubled and the project would remain in compliance with the RFA redevelopment provisions of 310 CMR 10.58(5).

With respect to other BETA comments, I note briefly:

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- a. BETA asserts that non-degraded portions of RFA should be evaluated separately under 310 CMR 10.58(4). This issue has been adjudicated, with the consistent conclusion that the entire project should be evaluated under the redevelopment provisions of 10.58(5);
- b. BETA states that additional information is required for the Commission to adequately evaluate the site and proposed work. The site is nearly flat, with sandy soils, and a conventional single family house project. The project is in only the outer portion of the BVW Buffer Zone, and exceeds the RFA redevelopment requirements by a wide margin. I believe that the Commission can easily understand and evaluate the project. If this is not the case, please advise. I attached photographs of the existing access drive for your convenience.

Sincerely,



Paul J. McManus, LSP, SPWS
President

Enclosures - photographs

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View to site interior along access drive - Pink flags represent "Degraded RFA" Delineation



View toward Prospect Street along access drive

