



June 02, 2022

Mr. Gregory Rondeau, Chairman  
Franklin Planning Board  
355 East Central Street  
Franklin, MA 02038

**Re: 839 Upper Union Street- Proposed Warehouse**

Dear Mr. Rondeau:

BETA Group, Inc. (BETA) has reviewed the revised documents for the project entitled: ***Proposed Industrial Development, Union Street Business Park II, 839 Upper Union Street*** in Franklin, MA. This letter is provided to present BETA's findings, comments and recommendations. BETA will continue the prior comments that remain relevant and/or are being answered in this submission.

## **BASIS OF REVIEW**

In conjunction with this revision, BETA received the following items:

- Plans (17 sheets) entitled: ***Proposed Site Plan Documents for TMC Holdings & Development 2, LLC*** dated 02/01/2022, revised 05/17/22 prepared by Bohler Engineering of Southborough, MA.
- ***Existing Wetlands Flow Analysis*** dated May 17, 2022
- ***Proposed Wetlands Flow Analysis*** dated May 17, 2022
- ***Water Quality Volume Calculations*** dated May 17, 2022
- ***Comment Response Letter to the Planning Board from Bohler***, dated May 17, 2022.
- ***Utility Easement Deed*** recorded in Norfolk County Registry of Deeds, Bk 29957, Pg 156
- ***CONTECH Engineered Solutions-CDS Guide***.

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

- ***Zoning Chapter 185 From the Code of the Town of Franklin***, current through January 1, 2015
- ***Zoning Map of the Town of Franklin, Massachusetts***, attested May 1, 2015
- ***Stormwater Management Chapter 153 From the Code of the Town of Franklin***, Adopted May 2, 2007
- ***Subdivision Regulations Chapter 300 From the Code of the Town of Franklin***, current through January 9, 2012

## **INTRODUCTION**

The proposed work is located within the approximately 3.60-acre parcel at 839 Upper Union Street, further identified as Franklin Assessor's Parcel #314-20-001 (the "Site"). The Site is located within the Industrial (I) zoning district and is on the opposite side of Upper Union Street from Interstate I-495. Several smaller Industrial-zoned lots are located along Upper Union Street adjacent to the I-495 highway layout. An easement associated with the New England Power Company (NEPC) abuts the rear of the Site. An existing 30-foot-wide utility easement exists along the rear of the Site, adjacent to the NEPCO easement.

The Natural Resources Conservation Service (NRCS) soil maps indicate the presence of the following soil types:

- Woodbridge Fine Sandy Loam with a Hydrologic Soil Group (HSG) rating of C/D (very low infiltration potential).

The Applicant proposes to construct a 42,750± sq. ft. warehouse within the center of the Site, oriented east to west. A perimeter roadway will be constructed around the warehouse with parking areas and garage door access along the north and south sides of the building. Access from Upper Union Street will be provided with a 30-foot-wide paved driveway that will connect with the perimeter roadway near the center of the Site. Vertical granite curbing will be installed at the entrance driveway along Upper Union Street to a point 15± feet onsite. The remainder of the paved surfaces will be encompassed by a 12-inch cape cod berm. Additional proposed features include fencing, lighting, signage, landscaping, transformers, and utilities (water, sewer, gas, electric, telephone, and cable).

The following revisions have been made to the drawings in response to the 3<sup>rd</sup> review and the Board's comments.

- The doors and the parking space arrangement along the face of the building has been modified as requested so that spaces are not shown in front of the passenger doors into the units.
- The paved areas are now proposed to have vertical concrete curbing.
- The screening trees for the parking spaces have been moved but remain outside 5' from the edge of pavement and a waiver has been requested.

Only those outstanding comments and matters deferred to the Board from the 3<sup>rd</sup> review will be carried forward. The ***Bohler response (5/24)*** to the comments from the 3<sup>rd</sup> review will be italicized and ***BETA4 response*** will be both bold and italicized.

## FINDINGS, COMMENTS AND RECOMMENDATIONS

### DRAWING REQUIREMENTS (§185-31)

Drawings must be prepared in accordance with the Zoning Bylaw (§185-31).

- DR1. Provide data for proposed buildings describing the on-site generation of noise (generators, mechanical cooling, compactors, etc.) and odors (§185-31.C.(3).(r))

*Bohler Response: It is anticipated that no significant noise-generating equipment will be used on-site. Each office within each tenant space will be equipped with a mini-split HVAC system with a cooling capacity of 15,000 btu. These units will be located on the roof above each office. The maximum sound pressure rate for each unit is 49 decibels. The proposed project also does not anticipate any significant odor-generating equipment.*

***BETA:*** No further comments. It must be noted that there is a reference to "Office Use" in the response, but none has been accounted for in the Zoning Summary.

***BETA3: BETA will defer this question to the Board.***

### TREE PLANTING (§185-30)

In accordance with this section, street trees must be planted every 30 feet in a row 30-50 feet back from the right-of-way. On the Landscape Plan (sheet C-701), the calculation for tree planting is based on a frontage distance of 455 feet. The frontage is 513.06 feet. Correct the calculation and show the additional trees required. In addition, BETA recommends that the list as proposed be forwarded to the Tree Warden for approval as required since several the proposed trees are ornamental varieties.

*Bohler Response: The proposed number of street trees has been revised per the updated frontage*

*Additionally, the applicant will forward the plan to the Tree Warden for review.*

**BETA: Tree numbers are correct. Waiting on approval of species by tree warden.**

**Bohler Response (5/17):** *Bohler has submitted the Landscape Plan to the Tree Warden and are awaiting his feedback. His response will be forwarded to BETA upon approval.*

**BETA3: No further comments. Waiting on species approval from tree warden**

**Bohler Response (5/24):** *Bohler is awaiting the Tree Warden's feedback.*

### **PARKING, LOADING AND DRIVEWAY REQUIREMENTS (§185-21) AND SCREENING (§185-35)**

The Project proposes to provide a total of 90 parking spaces including four (4) ADA spaces around the building in a linear fashion along two (2) sides. As shown, the building will be divided into 15 separate units, each with a personnel access doorway and an at grade access garage door. No loading docks are proposed based on the garage door access.

The dimensions of the parking spaces are shown as nine (9) feet by 19 feet with a 28-foot access aisle. Americans With Disabilities Act (ADA) regulations require a minimum of four (4) ADA-accessible spaces for lots ranging from 75 to 100 spaces. One (1) shall be van accessible with a 96-inch-wide access aisle and the remaining 3 parking spaces are to be served by a 60-inch-wide access aisle. The four (4) accessible spaces provided meet these requirements.

There are two (2) proposed pavement cross sections. A heavy-duty pavement cross section with a cement concrete base will be provided at the Site entrance. Vertical Granite curbing will be provided at the Site entrance, all proposed pavement areas onsite beyond the entrance will have a vertical concrete curb along the edge. Aisle widths will all be 28-feet-wide; however, it will be 30-feet-wide at the Site entrance. All landscaped areas will be along the outside edge of the parking areas or between the building and the edge of the perimeter roadway pavement along the east and west face of the building.

BETA provides the following comments relative to the parking, loading access and landscaping:

- P2. The access driveway into the site is not in accordance with the approved site plan from 2005. In that approval, the entire site was accessed from a single driveway in front of the building at 837 Upper Union Street. The connection from this driveway entrance into this site is in place and located at the southeast corner of the lot. The pavement projects onto this lot approximately 38 feet.

**Bohler Response:** *The proposed project involves a stand-alone lot with a separate business located upon it. Thus, a single access driveway serving the site is warranted.*

**BETA:** *BETA will defer this issue to the Board*

- P4. In accordance with §185-21.C.5., parking lots for 20 or more cars shall contain or be bordered (within 5 feet) by at least one tree per ten (10) spaces. The two (2) outside parking areas will require a minimum of two (2) trees within five (5) feet of the spaces. As depicted on the landscape plans, the trees provided do not meet this requirement. The quantity is not sufficient, and the distance exceeds five (5) feet from the spaces.

*Bohler Response: The area within 5' of the parking is either building face, a 3:1 slope, has a light pole in the island or is less than 3' of planting area between a retaining wall and the back of curb. The proposed trees were placed in areas that are fairly level and will provide optimum planting conditions. Trees are placed within 5' of parking where possible. A minimum of 2 trees have been shifted to be within 5' of parking.*

**BETA:** *The trees are not within 5' of the parking and BETA recommends that the waiver be requested*

**Bohler Response (5/17):** *The applicant respectfully requests a waiver from this requirement.*

**BETA3:** *BETA defers this issue to the Board.*

**Bohler Response (5/24):** *A written waiver request has been submitted to the Planning Board.*

**BETA4:** *BETA defers this issue to the Board.*

## **LIGHTING (§185-31.C(4)(E))**

Project Lighting Plans (C-705, C-706, and C-707) indicate that a total of 13 light poles on concrete bases will be installed onsite. No site lighting was indicated to be mounted on the face of the building. A photometric plan was provided.

The Illuminating Engineers Society of North America (IESNA) recommends the following for parking lots:

Level	Horizontal Illuminance (min)	Vertical Illuminance (min)	Uniformity Ratio (max/min)
Basic Maintained Illuminance	0.2	0.1	20/1
Enhanced Security Illuminance	0.5	0.25	15/1

- L1. There is some minor spillage off the lot on all 4 sides of the parcel from the light poles around the perimeter of the pavement areas. In accordance with §185-31.C.4.E, "No site feature or activity shall create glare or illumination beyond a site's property line ....." BETA recommends that the applicant either request the waiver or modify the light pole locations.

*Bohler Response: The Lighting Plan has been revised to eliminate light spillage to the maximum extent practicable. The applicant respectfully requests a waiver for the remaining minor light spillage.*

**BETA:** *BETA Will defer the issuance of the waiver to the Board*

**Bohler Response (5/17):** *Comment acknowledged*

## **STORMWATER MANAGEMENT**

As previously noted, the proposed stormwater management design has been modified in response to earlier comments. The roof area and a portion of the existing driveway pavement will now discharge into a proposed subsurface infiltration system along the north side of the building. All runoff from the remaining impervious areas on site will be collected in deep sump catch basins with hoods and directed to an 18-inch stub at the northwest corner of the Site. Flow from this stub will go to the detention basin at the 837 Upper Union Street

site. To maintain runoff volume to the wetlands at the westerly edge of the site, 2 area drains will be placed in the landscaped areas at the rear of the buildings and piped towards the wetland area.

Based upon the time that has passed since the development at 837 Upper Union in 2005, the stormwater improvements on site will maintain compliance with the stormwater standards. The existing stormwater facilities at 837 Upper Union will be used to satisfy the requirements of Standard 2 Peak Flow Rate Attenuation. This basin was designed in 2005 to attenuate peak flow rates from both sites. However, the basin was also designed in 2005 to provide treatment for the runoff as well as peak flow rate attenuation. The treatment capability of the basin has been reduced by the latest revisions to the standards. Thus, as noted in previous reviews, the runoff from the site at 837 Upper Union now no longer meets the standards. To bring this site into conformance with Standard 4 TSS Removal, the applicant is now proposing to install proprietary filter inserts at all the catch basins on the site at 837 Upper Union Street in order to meet this standard.

The Project will disturb greater than one (1) acre of land; accordingly, the Applicant must submit a Notice of Intent (NOI) under the National Pollutant Discharge Elimination System (NPDES) to the Environmental Protection Agency for coverage under the Construction General Permit (CGP). The Applicant must also provide a Stormwater Pollution Prevention Plan (SWPPP).

### STORMWATER STANDARDS SUMMARY

Based upon the revisions, the proposed site will meet the stormwater standards and the use of the existing detention basin at 837 Upper Union will not impact the water quality of the discharge from the basin. However, the following comments should be answered to demonstrate full compliance with the standards.

#### STANDARD 4-WATER QUALITY

1. In accordance with the standards, calculations shall be submitted by the manufacturer which document compliance with the TSS Removal rates assumed by the designer for the in-line water quality unit.  
**Bohler response (5/24):** *Bohler has coordinated with James Lyons, Stormwater Consultant for Contech Engineered Solutions LLC and has been provided with site specific information regarding the TSS removal rates for the proposed water quality unit. This information is included herein.*  
**BETA4:** *The manufacturer documents that the unit will provide 82.8% TSS removal and will meet the standards. No further comments.*
2. The TSS Removal rate for the Treatment train that flows from the catch basins through the Isolator Row includes the pretreatment requirement. In the past BETA has assumed that the Isolator row will meet the pretreatment requirements and combined with the infiltration structure will provide 80% TSS Removal. Adjust the table accordingly.  
**Bohler Response (5/24):** *The TSS removal calculations have been revised to show 80% TSS removal between the isolator row and underground infiltration system combined.*  
**BETA4:** *The calculations have been revised so that the isolator row will provide the pretreatment required for the infiltration system. No further comments*

#### STANDARD 8- LONG TERM OPERATIONS & MAINTENANCE.

1. The easement document provided demonstrates that the applicant does have the right to both "tie in and connect to and use the underground conduits, appurtenances and facilities now or hereafter located under the surface of the condo parcel for the purpose of allowing for the flow of stormwater from the LLC parcel into the Detention Basin". The same

document paragraph 3. **Maintenance** subparagraph (a) states “ (a) The trust shall be solely responsible for the maintenance, repair and replacement of the Detention Basin and the Drainage Conduits so as to keep the same in good operating condition, provided however..... that costs incurred..... shall be split evenly with the LLC”. The applicant should demonstrate to the Planning Board that the LLC has the right to maintain the basin and install and maintain the catch basin inserts or document that the Trust will accept this maintenance requirement.

**Bohler Response (5/24):** The Applicant’s counsel has sent a letter to the Board stating that per the easement document, the applicant has the ability to perform the proposed work on the abutting property.

**BETA4: BETA will defer to the opinion of counsel, no further comments.**

2. The O & M Plan for the site should be updated to reflect the recent revisions, including all manufacturers data associated with the FABCO catch basin inserts.

**Bohler Response (5/24):** The Stormwater Operation and Maintenance Plan has been revised to include the FABCO StormSack Operation and Maintenance Guide.

**BETA4: No further comments**

3. If necessary, the O & M plan for 837 Upper Union should be updated to include the inserts and update the requirements for the detention basin.

**Bohler Response (5/24):** The Stormwater Operation and Maintenance Plan has been revised to include the FABCO StormSack Operation and Maintenance Guide and will be maintained by the applicant. As part of this project, the applicant will be clearing the existing basin of all trash, debris and vegetation at DPW’s request. In the future, the applicant will coordinate periodical maintenance of the existing basin with the abutting property owner.

**BETA4: Attach a plan of the stormwater improvements to the O & M Plan including the features at 387 Upper Union Street.**

#### **STANDARD 10-ILLICIT DISCHARGE STATEMENT**

1. Provide a signed Illicit Discharge statement

**Bohler Response (5/24):** A signed Illicit Discharge Statement has been included in the updated Stormwater Operation and Maintenance Plan.

**BETA4: No further comments**

Mr. Gregory Rondeau, Chairman

June 02, 2022

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## **WETLANDS PROTECTION (§181)**

The Project proposes work within Areas Subject to Protection and Jurisdiction of the Franklin Conservation Commission, including BVW, the 25-foot Buffer Zone, the 50-foot Buffer Zone, and the 100-foot Buffer Zone. Therefore, the Applicant is required to submit an NOI to the Town of Franklin Conservation Commission and must obtain an Order of Conditions to complete the proposed work. Based upon the revisions in response to prior comments, the Commission issued an Order of Conditions at their last hearing.

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

Very truly yours,  
BETA Group, Inc.

A handwritten signature in blue ink that reads "Gary D. James". The signature is fluid and cursive, with the first name "Gary" and last name "James" clearly legible.

Gary D. James, P.E.  
Senior Project Manager

cc: Amy Love, Town Planner

Job No: 4830 - 83



# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907  
www.franklinma.gov

## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**DATE:** June 1, 2022  
**TO:** Franklin Planning Board  
**FROM:** Department of Planning and Community Development  
**RE:** Upper Union St  
Site Plan

The DPCD has reviewed the above referenced Site Plan application for the Monday, June 6, 2022 Planning Board meeting and offers the following commentary:

### **General:**

1. The site is located on Upper Union St in the Industrial Zoning District (Assessors Map 314 Lot 020-001).
2. The applicant is proposing to construct a 42,750 sq/ft multi-tenant industrial building with parking, drainage and landscaping.
3. Review letters have been received from DPW, Fire and BETA.
4. The Applicant received approval from the Conservation Commission at the May 26<sup>th</sup> Meeting.

### **Applicant has requested the following waivers:**

1. §185-21.C.5 - Requirement: Parking lots for 20 or more cars shall contain or be bordered within five feet by at least one tree per 10 parking spaces, trees to be two-inch caliper or larger, with not less than 40 square feet of unpaved soil area per tree. Soil plots shall be located so as to assure safe internal circulation.
2. §185-31.C.4.E - Requirement: No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lighting shall be designed such that the light source is shielded and the light is directed downward

### **Comments:**

1. The Applicant has provide 90 parking spaces were as 43 are required.
2. The Applicant is proposing Cape Code Berm throughout the site, except, as required, the entrance is Vertical Granite Curb. ***Applicant is providing concrete curbing.***
3. Planning Board may inquire what the hours of operation will be. ***Applicant to provide.***
4. Elevations and signage have been provided by the Applicant.
  5. The Planning Board requested certificate of ownership be submitted from the abutting property owner to allow to use the drainage system. ***Easement Deed provided.***



May 24, 2022

Franklin Planning Board  
355 East Central Street  
Franklin, MA 02038

Attn: Amy Love, Town Planner

**RE: Waiver Request Letter  
Site Plan Approval Application  
Proposed Industrial Development – Union Street Business Park II  
839 Upper Union Street, Franklin, MA 02038  
Map #314, Block #10, Lot #1**

Dear Ms. Love:

On behalf of TMC Holdings & Development 2, LLC, we are respectfully requesting waivers from the below Town of Franklin Zoning Regulations for the above project.

**1. §185-21.C.5**

Requirement: Parking lots for 20 or more cars shall contain or be bordered within five feet by at least one tree per 10 parking spaces, trees to be two-inch caliper or larger, with not less than 40 square feet of unpaved soil area per tree. Soil plots shall be located so as to assure safe internal circulation.

**2. §185-31.C.4.E**

Requirement: No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lighting shall be designed such that the light source is shielded and the light is directed downward.

Please do not hesitate to contact us at 508-480-9900 should you have any questions or require any additional information regarding this submission.

Sincerely,

**BOHLER**



Nick Dewhurst



Randy Miron



Amy Love <alove@franklinma.gov>

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## RE: 839 Upper Union Street

1 message

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**Nick Dewhurst** <ndewhurst@bohlereng.com>

Tue, May 24, 2022 at 12:03 PM

To: Amy Love <alove@franklinma.gov>, Gary James <GJames@beta-inc.com>

Cc: Randy Miron <rmiron@bohlereng.com>, Matthew Clark <mclark@gssgi.com>

Hi Amy and Gary, please follow the below link to download responses and associated documents per BETA's comments as well as updated Site Plans and a waiver request letter as requested during yesterday's meeting.

[Download all files](#)

Below is a summary of changes to the Site Plans made in response to comments received from the Board:

- Concrete curb has been proposed within the site in lieu of cape cod berm
- Additional plantings have been added along parking area
- Some building access doors have been relocated and the pavement striping in front of the building has been updated so that all access doors are now within hatched access aisles, rather than parking spaces.

Please let us know if you need any additional information. We trust that these Plans and materials address all outstanding concerns.

Thank you,

Nick

---

**From:** Amy Love <alove@franklinma.gov>

**Sent:** Wednesday, May 18, 2022 5:43 PM

**To:** Nick Dewhurst <ndewhurst@bohlereng.com>

**Cc:** Randy Miron <rmiron@bohlereng.com>; Matthew Clark <mclark@gssgi.com>

**Subject:** Re: 839 Upper Union Street

**EXTERNAL:** Use caution with attachments and links.

You will need Conservation's approval before the Planning Board makes a decision.

[Amy Love, Town Planner II](#)

[Town of Franklin](#)

355 East Central

Franklin, MA 02038

508-520-4907

On Wed, May 18, 2022 at 5:42 PM Nick Dewhurst <[ndewhurst@bohlereng.com](mailto:ndewhurst@bohlereng.com)> wrote:

Thank you Amy. Since the outstanding comments appear minor, is there a possibility that an approval could be issued Monday conditioned that we work with Gary on the remaining items?

Thanks,

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**From:** Amy Love <[alove@franklinma.gov](mailto:alove@franklinma.gov)>  
**Sent:** Wednesday, May 18, 2022 5:22 PM  
**To:** Nick Dewhurst <[ndewhurst@bohlereng.com](mailto:ndewhurst@bohlereng.com)>  
**Subject:** Fwd: 839 Upper Union Street

EXTERNAL: Use caution with attachments and links.

H Nick,

Here is BETA's comments. We can address the waivers Monday night.

I have closed the agenda and no new items will be accepted.

Thank you

[Amy Love, Town Planner II](#)

[Town of Franklin](#)

[355 East Central](#)

Franklin, MA 02038

508-520-4907

----- Forwarded message -----

From: **Gary James** <[GJames@beta-inc.com](mailto:GJames@beta-inc.com)>  
Date: Wed, May 18, 2022 at 4:45 PM  
Subject: [839 Upper Union Street](#)  
To: Amy Love <[alove@franklinma.gov](mailto:alove@franklinma.gov)>  
Cc: Michael Maglio <[mmaglio@franklinma.gov](mailto:mmaglio@franklinma.gov)>, Marta Nover <[MNover@beta-inc.com](mailto:MNover@beta-inc.com)>

Amy

Attached is the 3<sup>rd</sup> review. Overall, the one issue I see is does the easement document allow the applicant the ability to install & maintain the improvements on the site at [837 Upper Union?](#) I am not an attorney, but I think it does by default in a roundabout way. Otherwise, I think we are finally done with this. They just need to update the O & M Plan.

Note also that they will need at least 2 waivers, for parking lot trees and lighting.

Please let me know if we need anything else for Monday night

**Gary D. James, PE**

Senior Project Manager



**BETA Group, Inc.**

781.255.1982



 **Be GREEN, keep it on the SCREEN**

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May 24, 2022

Franklin Planning Board  
355 East Central Street  
Franklin, MA 02038

**Re: 839 Upper Union Street- Proposed Warehouse**

Dear Planning Board Members:

Bohler Engineering is in receipt of a comment letter from BETA Group, Inc., dated May 18, 2022. On behalf of Applicant TMC Holdings & Development Group, Bohler offers the following responses. For clarity, the original comments are in **italics** and BETA., responses **italics bold**, while our responses are directly below in **bold** type. Please note that previously addressed comments have been removed for clarity.

## **Drawing Requirements (185-31)**

### **Tree Planting**

*Comment*                      *In accordance with this section, street trees must be planted every 30 feet in a row 30-50 feet back from the right-of-way. On the Landscape Plan (sheet C-701), the calculation for tree planting is based on a frontage distance of 455 feet. The frontage is 513.06 feet. Correct the calculation and show the additional trees required. In addition, BETA recommends that the list as proposed be forwarded to the Tree Warden for approval as required since several the proposed trees are ornamental varieties.*

**Response (5/6):**              **The proposed number of street trees has been revised per the updated frontage. Additionally, the applicant will forward the plan to the Tree Warden for review.**

**BETA:**                        ***Tree numbers are correct. Waiting on approval of species by tree warden.***

**Response (5/17):**        **Bohler has submitted the Landscape Plan to the Tree Warden and are awaiting his feedback. His response will be forwarded to BETA upon approval.**

**BETA:**                        ***No further comments. Waiting on species approval from tree warden***

**Response (5/24):**        **Bohler is awaiting the Tree Warden's feedback.**

## Parking, Loading and Driveway Requirements and Screening

**Comment #P4.** *In accordance with §185-21. C.5., parking lots for 20 or more cars shall contain or be bordered (within 5 feet) by at least one tree per ten (10) spaces. The two (2) outside parking areas will require a minimum of two (2) trees within five (5) feet of the spaces. As depicted on the landscape plans, the trees provided do not meet this requirement. The quantity is not sufficient, and the distance exceeds five (5) feet from the spaces.*

**Response (5/6):** **The area within 5' of the parking is either building face, a 3:1 slope, has a light pole in the island or is less than 3' of planting area between a retaining wall and the back of curb. The proposed trees were placed in areas that are fairly level and will provide optimum planting conditions. Trees are placed within 5' of parking where possible. A minimum of 2 trees have been shifted to be within 5' of parking.**

**BETA:** *The trees are not within 5' of the parking and BETA recommends that the waiver be requested.*

**Response (5/17):** **The applicant respectfully requests a waiver from this requirement.**

**BETA:** *BETA defers this issue to the Board.*

**Response (5/24):** **A written waiver request has been submitted to the Planning Board.**

## Stormwater Standards Summary

### Standard 4-Water Quality

**Comment #1.** *In accordance with the standards, calculations shall be submitted by the manufacturer which document compliance with the TSS Removal rates assumed by the designer for the inline water quality unit.*

**Response:** **Bohler has coordinated with James Lyons, Stormwater Consultant for Contech Engineered Solutions LLC and has been provided with site specific information regarding the TSS removal rates for the proposed water quality unit. This information is included herein.**

**Comment #2.** *The TSS Removal rate for the Treatment train that flows from the catch basins through the Isolator Row includes the pretreatment requirement. In the past BETA has assumed that the Isolator row will meet the pretreatment requirements and combined with the infiltration structure will provide 80% TSS Removal. Adjust the table accordingly.*

**Response:** **The TSS removal calculations have been revised to show 80% TSS removal between the isolator row and underground infiltration system combined.**

## **Standard 8- Long Term Operations & Maintenance**

Comment #1      *The easement document provided demonstrates that the applicant does have the right to both “tie in and connect to and use the underground conduits, appurtenances and facilities now or hereafter located under the surface of the condo parcel for the purpose of allowing for the flow of stormwater from the LLC parcel into the Detention Basin”. The same document paragraph 3. Maintenance subparagraph (a) states “ (a) The trust shall be solely responsible for the maintenance, repair and replacement of the Detention Basin and the Drainage Conduits so as to keep the same in good operating condition, provided however..... that costs incurred..... shall be split evenly with the LLC”. The applicant should demonstrate to the Planning Board that the LLC has the right to maintain the basin and install and maintain the catch basin inserts or document that the Trust will accept this maintenance requirement.*

**Response:**      **The Applicant’s counsel has sent a letter to the Board stating that per the easement document, the applicant has the ability to perform the proposed work on the abutting property.**

Comment #2.      *The O & M Plan for the site should be updated to reflect the recent revisions, including all manufacturers data associated with the FABCO catch basin inserts.*

**Response:**      **The Stormwater Operation and Maintenance Plan has been revised to include the FABO StormSack Operation and Maintenance Guide.**

Comment #3.      *If necessary, the O & M plan for 837 Upper Union should be updated to include the inserts and update the requirements for the detention basin*

**Response:**      **The Stormwater Operation and Maintenance Plan has been revised to include the FABCO StormSack Operation and Maintenance Guide and will be maintained by the applicant. As part of this project, the applicant will be clearing the existing basin of all trash, debris and vegetation at DPW’s request. In the future, the applicant will coordinate periodical maintenance of the existing basin with the abutting property owner.**

## **Standard 10-Illicit Discharge Statement**

Comment #1.      *Provide a signed Illicit Discharge statement*

**Response:**      **A signed Illicit Discharge Statement has been included in the updated Stormwater Operation and Maintenance Plan.**





We trust the above as well as the attached information are sufficient for your review of the project. Should you have any questions or require additional information, please do not hesitate to contact me at (508) 480-9900. Thank you.

Sincerely,  
**Bohler**

A blue ink signature of Nick Dewhurst, written in a cursive style.

Nick Dewhurst

A blue ink signature of Randy Miron, written in a cursive style.

Randy Miron

Copy: Matt Clark, TMC Holdings & Development Group