IMPROVING COMMUNITIES TOGETHER

April 29, 2024

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

**Re: Miscoe Brook Culvert Replacement – South Street over Miscoe Brook**
**MassDEP File No. 159-1289**
**Notice of Intent Peer Review #2**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the replacement of the culvert carrying Miscoe Brook under South Street (the Project) along ***South Street between Ruby Way and McKinley Road*** in Franklin, Massachusetts (the "Site"). This letter is provided to present BETA's findings, comments, and recommendations.

## BASIS OF REVIEW

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

- Peer Review Responses entitled ***Miscoe Brook Culvert Replacement – South Street over Miscoe Brook;*** dated April 15, 2024; prepared by The Engineering Corp.
- Revised Plans (1 sheet) entitled ***Resource Area Impacts Plan***; dated February 1, 2024, revised April 15, 2024; prepared by The Engineering Corp. Inc.; unstamped.
- Revised Notice of Intent (NOI) Package entitled ***Proposed Culvert Replacement South Street Over Miscoe Brook***; prepared by The Engineering Corp. Inc.; dated February 5, 2024.
- Plans (1 sheet) entitled ***Existing Conditions Plan of Land in Franklin, MA***; prepared by Hancock Associates; dated April 10, 2024; signed and stamped by Jason A. Ellis PLS MA No. 49052.
- Plans (17 sheets) entitled ***Culvert Replacement Frank South Street Over Miscoe Brook***; prepared by Th Engineering Corp. Inc. dated April 12, 2024; unstamped.

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

- Site visit on March 18, 2024
- ***Massachusetts Wetlands Protection Act 310 CMR 10.00*** effective October 24, 2014
- ***Wetlands Protection Chapter 181 From the Code of the Town of Franklin,*** dated August 20, 1997
- ***Conservation Commission Bylaws Chapter 271 From the Code of the Town of Franklin,*** dated July 11, 2019
- ***Town of Franklin Conservation Commission Regulations,*** dated October 3, 2019
- ***Town of Franklin Best Development Practices Guidebook***, dated September 2016

## PEER REVIEW UPDATE—APRIL 29, 2024

The Applicant has provided revised materials and written comment responses pursuant to BETA's March 19, 2024 peer review letter. BETA's original comments from the March 19, 2024 peer review letter are

included in plain text. Comment responses attributed to The Engineering Corp., Inc. (TEC) are provided in *italics* and are prefaced with "*TEC:*". BETA's most recent responses are provided in **bold text** and are prefaced with "**BETA2**:".

BETA's responses in this letter identify that the Commission could find the Project to be in compliance with the Bylaw and the Act, subject to the recommended Special Conditions and Commission input on the Bylaw compliance matters noted herein.

## SITE AND PROJECT DESCRIPTION

The Site consists of the segment of South Street over Miscoe Brook in Franklin, Massachusetts. The Site is bounded to the north and south by Miscoe Brook and undeveloped forested areas, and to the east and west by South Street and residential homes. Existing improvements at the Site include a two (2)-lane bituminous concrete roadway, guardrails, and the culvert carrying Miscoe Brook under South Street. The stone culvert was extended at some point in the 20th century and is presently in poor condition.

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

- Inland Bank (to perennial stream);
- Bordering Vegetated Wetland (BVW);
- Land Under Water (LUW);
- Bordering Land Subject to Flooding (BLSF); and,
- Riverfront Area (RA).

The Site is not located within a Zone I, Zone II, or Interim Wellhead Protections Area, and there are no Surface Water Protection Areas (Zone A, B, or C), or Outstanding Resource Waters (ORWs) present. There are no Areas of Critical Environmental Concern (ACEC) present, and the most recent Natural Heritage and Endangered Species Program (NHESP) mapping does not depict any Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Potential Vernal Pools (PVPs) or Certified Vernal Pools (CVPs) located on or within 100 feet of the Site. According to MassGIS, Miscoe Brook is classified as a Coldwater Fishery.

According to the FEMA Flood Insurance Rate Map (FIRM) community panels number 25021C0316E dated July 17, 2012, the Site is located within a Zone A, 1% Flood Hazard with no Base Flood Elevation (BFE).

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Swansea Muck with a Hydrologic Soil Group (HSG) rating of B/D and Sudbury fine sandy loam, with a HSG rating of B.

The Applicant seeks approval for the removal and replacement of the existing culvert conveying Miscoe Brook under South Street. Proposed work includes the following activities (collectively referred to as the "Project"):

- Installation of erosion controls and a turbidity curtain;
- Closure of South Street;
- Diversion of Miscoe Brook though a bypass pipe;
- Removal of the existing stone culvert;

- Installation of new concrete headwalls, steel guardrails and resurfacing of portions of the roadway;
- Use of water controls including pumps and a stilling basin;
- Installation of the new open bottom box culvert;
- Removal of the bypass pipe and water control devices;
- Restoration of Resource Areas; and
- Removal of erosion controls and the turbidity curtain.

The Project will result in temporary and permanent impacts to Bank, LUW, BVW, BLSF, RA, and Buffer Zone. According to the Applicant, the Project is being filed as a Limited Project under 310 CMR 10.53(3)(i)[1].

## ADMINISTRATIVE AND PLAN COMMENTS

The plan set (as identified above) is missing information and requires additional information for clarity.

**Table 1. NOI Plan**

| NOI Plan Requirements | Yes | No |
|---|---|---|
| Scale of 40'=1" or larger | ✓ | |
| North Arrow (with reference) | **BETA2:** ✓ | |
| Topographic contours (2' intervals) | ✓ | |
| Existing Conditions Topography (with source and date of survey) | ✓ | |
| Proposed Topography | ✓ | |
| Existing and Proposed Vegetation | **BETA2:** ✓ | |
| Existing Structures and Improvements | ✓ | |
| Resource Areas and Buffer Zones labeled | ✓ | |
| Location of Erosion Controls | ✓ | |
| Details of Proposed Structures | ✓ | |
| Construction Sequence and Schedule | **BETA2:** ✓ | |
| Registered PLS Stamp (Existing Condition Plans Only) | **BETA2:** ✓ | |
| Assessors' Reference | ✓ | |
| Abutting Property Assessors' Reference | ✓ | |
| Survey Benchmark | ✓ | |
| Accurate Plan Scale | ✓ | |

### PLAN AND GENERAL COMMENTS

A1. MassDEP has issued a file number with the following technical comments:

a. It appears that this project includes dredging within an outstanding resource water and shall require a 401 Water Quality Certificate.

b. This project appears to result in a net loss of 30sf of BVW. As per 310 CMR 10.55(4)(c) the issuing authority may issue an Order of Conditions permitting work which results in the

[1]The maintenance, repair and improvement (but not substantial enlargement except when necessary to meet the Massachusetts Stream Crossing Standards) of structures, including dams and reservoirs and appurtenant works to such dams and reservoirs, buildings, piers, towers, headwalls, bridges, and culverts which existed on the effective date of 310 CMR 10.51 through 10.60 (April 1, 1983).

loss of a portion of Bordering Vegetated Wetland when; 1. said portion has a surface area less than 500 square feet; 2. said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; AND 3. in the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland. The Applicant must demonstrate that the loss is within a fingerlike projection, or the net loss will require a 401 Water Quality Certificate.

As noted in Comment W14, BETA concurs with MassDEP's comment regarding wetland replication. However, BETA is not aware of Miscoe Brook or its associated wetlands qualifying as Outstanding Resource Waters per the definition in 314 CMR 4.02[2]. Based on the provisions of 314 CMR 4.06(2)[3] and Miscoe Brook's absence from the tables in 314 CMR 4.06(6), the Resource Areas at the Site would only qualify as Class B, High Quality Waters.

*TEC: As noted, Miscoe Brook is not considered an Outstanding Resource Water as confirmed by MassDEP via email to TEC and Ms. Goodlander dated March 19, 2024. Plans have been revised to propose a 60 square feet BVW replacement of the 20 square feet of permanently lost BVW (3:1), therefore negating the need for an individual 401 Water Quality Certificate, as well as the waive request of the local bylaw 2:1 replacement requirement.*

**BETA2: No further comment. BVW replication is now provided.**

A2. The following elements are missing from the provided plans:

a. The north arrow reference should be provided on the plans per Bylaw Regulation Section 7.18.1.3.

b. Existing and proposed vegetation (i.e., tree lines) should be provided on the plans per Bylaw Regulation Section 7.18.1.5. and 7.18.1.6

c. A Construction Sequence and Schedule should be provided on the plans and within the NOI package per Bylaw Regulation 7.15.

d. A Professional Land Surveyor (PLS) stamp should be provided to certify the accuracy of the existing conditions data.

*TEC: The plans have been revised to indicate the north arrow datum reference of NAD 83. The plans have been revised to incorporate the proposed tree clearing limits/ proposed tree line. A construction sequence/ schedule has been added to the plans and the NOI package. A PLS stamped existing conditions plan has been included in the resubmittal documents.*

**BETA2: Comment resolved.**

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[2] Waters designated for protection in 314 CMR 4.06, which include Class A Public Water Supplies (314 CMR 4.06(1)(d)1.) and their tributaries, certain wetlands as specified in 314 CMR 4.06(2), certain surface waters designated in 314 CMR 4.06(6)(b), and other waters as determined by the Department based on their outstanding socio-economic, recreational, ecological and/or aesthetic values

[3] Wetlands bordering Class A Outstanding Resource Waters are designated Class A Outstanding Resource Waters. Vernal pools are designated Class B Outstanding Resource Waters. All wetlands bordering other Class B, SB or SA Outstanding Resource Waters are designated as Outstanding Resource Waters to the boundary of the defined area. All other wetlands are designated Class B, High Quality Waters for inland waters and Class SA, High Quality Waters for coastal and marine waters

A3. The proposed location of permanent BVW loss should be labeled on the Resource Area Impacts Plan.

*TEC: The Resource Area Impacts Plan has been revised to show the location of the permanent BVW lost area, as well as the proposed replacement areas.*

**BETA2: Comment addressed.**

## WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite and completed a regulatory review of the submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Act and the Bylaw. The Project is subject to the Massachusetts Stormwater Management Standards as a Redevelopment Project.

The NOI application includes narrative information describing the Project, and the proposed impacts within Resource Areas and Buffer Zone have generally been quantified, described, and depicted on the provided plans. Mitigation measures include the use of erosion controls, restoration of Resource Areas, and compliance with the Massachusetts Stormwater Standards and Stream Crossing Standards. BETA concurs with the delineations of Resource Areas at the Site based on the Site visit except where noted below.

The Project requires the submission of additional and revised information to comply with the Act and the Bylaw, including a wetland replication plan for the proposed permanent fill of BVW and additional information associated with the water control plan. In addition, further details should be provided on the proposed streambed restoration materials due to the anticipation of off-site borrow being required. Documentation of compliance with all provisions of the Bylaw (except for where a Variance is being requested) must also be provided. Prior to addressing these comments, it is recommended that the Applicant obtain signatures from all non-municipal property owners where work will occur. It is anticipated that work on land owned by the Massachusetts Department of Conservation and Recreation (DCR) with require a Construction Access Permit from DCR.

*TEC: The work which will occur on any non-municipal owned property will require easements for access and construction. All legal property access, entry and construction easements and/or state permits (DCR Access Permit, Chapter 91 Waterways License, etc.) will be obtained prior to the commencement of any construction activities.*

**BETA2: BETA recommends the Commission consider including a Special Condition requiring confirmation that all easements and permits have been acquired prior to construction.**

### RESOURCE AREA AND BOUNDARY COMMENTS

BETA conducted a Site visit on March 18, 2024, to assess existing conditions and review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw. Review of Resource Area delineations was limited to locations where the delineated boundary was within, or may be within, 100 feet of the limits of work.

W1. BETA concurs with the delineated BVW boundary including the WFA100 Series, WFA200 Series, WFB100 Series and WFB200 Series flagging based on the presence of hydrology (saturated to surface, water-stained leaves, and drainage patterns), hydric soils, and hydrophytic vegetation

including skunk cabbage (*Symplocarpus foetidus*), northern spicebush (*Lindera benzoin*), and elderberry (*Sambucus nigra*).

*TEC: No response necessary.*

**BETA2: No further comment required.**

W2. BETA also concurs with the delineated Bank/Mean Annual High Water (MAHW) boundaries including the MAHW100 Series, MAHW200 Series, and MAHW300 Series flagging based on bankfull indicators including an observable break in slope and change in vegetative community.

*TEC: No response necessary.*

**BETA2: No further comment required.**

W3. The MAHW/Bank boundaries associated with the MAHW400 Series flagging appears to be located upgradient of the actual location of Bank/MAHW. While the Bylaw defines the upper boundary of Bank as *the first observable break in slope or the mean annual flood level, whichever is higher*, the boundaries of both Bank and MAHW appear to follow a clear transition from a fluvial regime to a vegetated wetland located downgradient of the MAHW400 Series flagging. While water-stained leaves are present upgradient of the first observable break in slope, no other MAHW indicators (drift patterns, scour, etc.) were observed in this area.

BETA recommends that flagging that this location be revised, as portions of proposed LUW impacts would actually be considered BVW impacts.

*TEC: H.W. Moore Associates, who conducted the initial resource area delineation in September of 2022, returned to the site the week of 4/8/24 to revise the delineation based upon the comment provided. An additional flag, MAHW400A, was placed in between MAHW400 and MAHW401 to identify the proposed resource area impacts more accurately.*

**BETA2: Comment addressed.**

W4. The boundary of BLSF is depicted via overlay due to there being no published base flood elevation associated with the Zone A Flood Hazard, and the Applicant did not establish a 100-year flood elevation. It is recommended that the Commission include a finding in the Order of Conditions stating that the BLSF boundary is not approved under this filing.

*TEC: The BLSF boundary as shown on the resource are impact plan is based upon the 100-year elevated floodplain as determined by Bay Colony Group, Inc. via their hydraulic and hydrologic Study prepared for TEC dated December 2022 (elevation 263 upstream, elevation 260.3 downstream).*

**BETA2: BETA defers to the Commission on the approval of the BLSF boundary associated with the provided Hydraulic Study Report.**

W5. The Applicant states that the proposed 16-foot-wide culvert will provide a span of 1.23 times bankfull width; however, the StreamStats report indicates that the bankfull width is 16 feet. The Applicant should clarify if field measurements were taken to supersede the StreamStats bankfull width, or if the proposed span will not exceed bankfull width.

*TEC: The StreamStats analysis of the stream was not used to determine the bankfull width for the stream crossing. Field measurements and survey cross sections of mean annual high water (*13 sections conducted as required per the MassDOT LRFD Bridge Design Manual_ were used to*

*determine the average bankfull width of Miscoe Brook at the stream crossing. Bankfull width was determined to be approximately 13' wide.*

**BETA2: Comment addressed.**

## CONSTRUCTION COMMENTS

W6. Material stockpile and laydown areas should be labeled on the Project plans.

*TEC: Plans have been revised to show stockpile and laydown areas.*

**BETA2: Comment addressed.**

W7. Proposed erosion controls on the Plan Set include the use of compost filter tubes, silt boom fence and riprap. These controls are appropriate for this Project, however within the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan the use of silt fence is proposed. BETA defers to the Commission on whether they will permit the option of using silt fence, as the Commission traditionally requests alternative erosion controls.

*TEC: The Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan has been revised to remove all notation of silt fencing.*

**BETA2: Comment addressed.**

W8. The Resource Area Impacts Plan references a water control plan; however, this plan was not provided with the exception of a standard construction specification. It is recommended that the Applicant provide details and narratives supporting the proposed water control system, including methods of scour protection at the downstream end of the bypass pipe, provisions for monitoring turbidity at the dewatering discharge point, and design specifications for the pumps and stilling basin. In addition, discharge points for the dewatering of groundwater are shown within Resource Areas and should be set back to the maximum extent practicable.

*TEC: A proposed water control plan has been added to the revised plan set. The proposed plan indicates two phases of water control during construction, phase 1 which will temporarily redirect the stream through a bypass pipe/culvert for construction of the footings, installation of the culvert, and construction of the southerly wingwalls, and phase 2 which will utilize the installed culvert and restored streambed for the stream flow during the installation of the northerly wingwalls. It should be noted that the water control will need to be determined and provided by the contractor and approved by the engineering consultant and the town prior to implementation.*

**BETA2: The dewatering features have been added to the Resource Area Impact Plan; however, temporary impacts associated with the water control measures require quantification. In addition, no scour protection has been added at the discharge of the bypass pipe. BETA defers to the Conservation Commission on whether the reassessment of Resource Area impacts should be submitted prior to closing the public hearing or if they will accept this additional information as a condition of approval.**

## MITIGATION COMMENTS

W9. Provide a wetland replication plan, including proposed grades, soil amendments, and species to be planted.

*TEC: Wetland replication areas, details, and grading have been added to the resource area impact plan. Specifications for the replication have been added to the Special Provisions of the*

*Construction Bid Documents. As the replication areas are rather small in size, only a native wetland seed mix is proposed for plantings.*

**BETA2: Comment addressed – replication specifications were provided.**

W10. Provide specifications for both wetland replication and restoration to ensure that that the selected contractor is aware of the requirements of this work. This should include a proposed seed mixture with anticipated native species.

*TEC: Specifications for wetland restoration and replication have been added to the Special Provision of the Construction Bid Documents.*

**BETA2: Comment addressed; however, the area of temporary impact to BVW is larger than that which is quantified on the plans due to the proposed stream bypass and water controls requiring additional Resource Area impacts.**

W11. Based on the footprint of the existing stone culvert and the expansion of LUW resulting from the Project, it is anticipated that off-site borrow will be required for LUW restoration. The Applicant should provide the requirements for the proposed streambed material based on a qualitative assessment of the existing, natural streambed.

*TEC: Specifications for the off-site streambed material has been added to the Special Provisions of the Construction Bid Documents. The specification was developed utilizing streambed material samples taken as part of the H&H study as required by MassDOT for scour analysis.*

**BETA2: Comment addressed.**

W12. Slope stabilization with vegetation including perennial grasses and legumes has been proposed within the Erosion and Sedimentation Control Plan. BETA recommends using a native seed mix similar to the New England Erosion Control/Restoration Mix for slope stabilization within uplands.

*TEC: The Construction Period Pollution Prevention and Erosion and Sedimentation Control Plans and Special Provisions of the Construction Bid Documents have been revised to incorporate native conservation seed mix for slope stabilization.*

**BETA2: Comment addressed. The Applicant has included a species list for a native seed mix; however, this appears to have been superseded by more recent MassDOT seed specification. MassDOT Seed Mix Item 765.451 Part Shade Roadside Mix[4] could be substituted for the currently proposed mix.**

W13. Provide a procedure for the restoration of Banks within the culvert. This should include sequencing, a cross-section view, and necessary BMPs including coir logs and erosion control netting. The proposed culvert is three (3) feet high and will be inaccessible following installation.

*TEC: The specifications include a stream bank restoration procedure. The resource area impact plan has been revised to incorporate a culvert section and construction sequencing for the streambed restoration with the culvert.*

**BETA2: Comment addressed.**

[4] https://www.mass.gov/doc/massdot-native-upland-native-mixes/download

## WPA PERFORMANCE STANDARDS COMMENTS

According to the Applicant, the Project will result in the following impacts:

- 275 square feet of BVW impacts (245 square feet temporary, 30 square feet permanent);
- 120 linear feet of temporary Bank impacts;
- 3,000 square feet of BLSF impacts;
- 355 square feet of temporary LUW impacts, including 20 cubic yards of dredging; and
- 6,595 square feet of RA impacts.

Projects that meet the Stream Crossing Standards are presumed to meet all Performance Standards for Bank and LUW. Given the nature of the Project, it appears that the work will also comply with the BLSF Performance Standards. As a Limited Project, the work is only subject to the Performance Standards to the maximum extent practicable; however, the Limited Project provision cited by the Applicant is only applicable towards projects involving dams and reservoirs. It is recommended that the WPA Form 3 be revised to reference the Limited Project provision at 310 CMR 10.53(8).

*TEC: The WPA Form 3 has been revised to reference the correct Limited Project Provision.*

**BETA2: No further comment required.**

W14. The Applicant states that the 30 feet of permanent fill within BVW does not require replication due to its size being less than 500 square feet. However, this fill does not meet all aspects of this provision per 310 CMR 10.55(4)(c)[5]. Wetland replication that complies with the General Performance Standards stated in 310 CMR 10.55(4)(b)(1-7) must be provided. Due to the limited availability of right-of-way suitable for replication, the Applicant could consider siting the replication area within the Town-owned parcel to the southwest.

*TEC: The plans have been revised to propose 3:1 replacement of permanently lost BVW adjacent to existing BVW, proposed stream bank, and proposed culvert wingwalls, therefore negating the need for an individual 401 Water Quality Certification. Siting the replication area on the town-owned parcel to the southwest (6 Ruby Way) would require access from Ruby Way, likely more extensive vegetation removal to access and construct the relatively small replication area, and the replication are being located further from the lost area than what is now proposed, therefore this area was deemed less preferable.*

**BETA2: Comment addressed. The replication area as designed appears to meet the BVW Performance Standards. BETA defers to the Commission on the acceptance of the BVW replication area.**

[5] Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of a portion of Bordering Vegetated Wetland when;

1. Said portion has a surface area less then 500 square feet;
2. Said portion extends in a **distinct linear configuration ("finger-like") into adjacent uplands**; and
3. In the judgement of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland.

### BYLAW REGULATORY COMMENTS

W15. The Applicant has requested a waiver for work occurring within the 25' No Disturb Zone and the 50' No Structure Zone. BETA defers to the Commission on the issuance of this waiver.

*TEC: No response necessary.*

**BETA2: No further comment required.**

W16. All vegetation that is proposed to be removed that has a diameter greater than one (1)-inch at the base should be shown on the plans 7.18.1.5. Based on recent applications of this requirements, the Commission has allowed Applicants to only depict vegetation to be removed that is greater than three (3) inches in diameter. BETA defers to the Commission on this requirement.

*TEC: The clearing limit has been added to the plan set. The construction plans indicate locations of trees with diameter of 2" and greater to be removed. Based upon the existing conditions survey, it appears that (2) 2" deciduous, (1) 4" deciduous, (1) 6" deciduous, (1) 8" deciduous, and (1) 10" dead deciduous are proposed to be removed. The applicant would request a waiver to allow for the depiction of vegetation with diameter over 2" be shown rather than 1".*

**BETA2: BETA recommends adding the surveyed trees to the existing conditions plans. BETA defers to the Commission on the acceptance of the waiver for this Bylaw requirement (i.e., depicting trees >2 inches in diameter rather than trees >1 inch in diameter).**

W17. The requirement for wetland replication noted in Comment W12 must be designed to meet the 2:1 ratio of the Bylaw unless a waiver for this requirement is sought. The Applicant should also provide all other wetland replication plan requirements set forth by the Bylaw.

*TEC: The plans have been revised to propose 3:1 replacement of permanently lost BVW therefore negating the need for a waiver request.*

**BETA2: Comment addressed. BETA defers to the Commission on the acceptance of the provided replication information. As noted in the BETA2 response to Comment W14, this replication area appears to meet all BVW Performance Standards.**

## STORMWATER MANAGEMENT

Although the Project does not require the installation of any stormwater BMPs, the proposed work is subject to the Massachusetts Stormwater Management Regulations and Standards as a Redevelopment Project. The Applicant has provided a stamped and signed stormwater checklist and a summary of compliance with the Stormwater Standards has been provided.

BETA recommends that the Applicant revise the stormwater checklist and narrative to properly identify the presence of a Critical Area (Coldwater Fishery) at the Site. Individuals working on the construction of the Project should be aware of the presence of this resource, as sedimentation of the water column from construction-related discharges can have detrimental impacts on a stream's capacity to support fisheries.

*TEC: The Stormwater Management Report and Stormwater Checklist have been revised to indicate the presence of the cold-water fishery Critical Area.*

**BETA2: No further comment required.**

## REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Commission could find the Project to be in compliance with the Bylaw and the Act, subject to the recommended Special Conditions and Commission input on the Bylaw compliance matters noted herein.

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

Very truly yours,
BETA Group, Inc.

Anna Haznar
Staff Scientist

Jonathan Niro
Senior Project Scientist

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