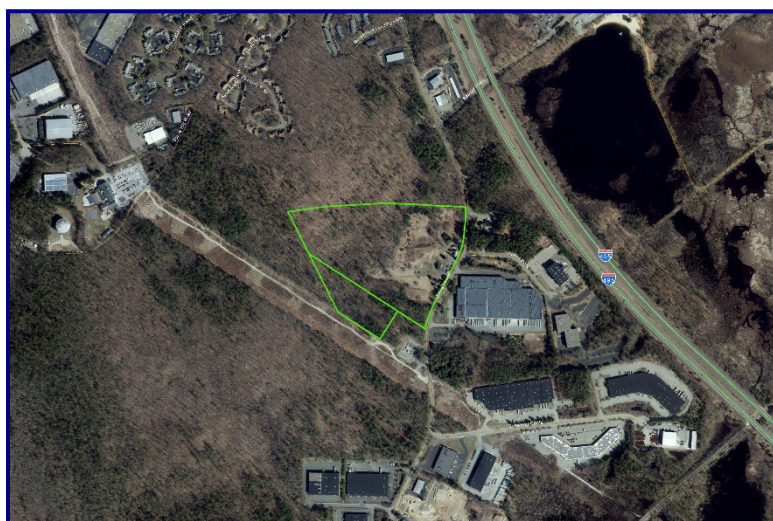


NOTICE OF INTENT

Grove Street Residences 121 Grove Street Franklin, Massachusetts



SUBMITTED TO:

Town of Franklin
Conservation Commission
355 East Central Street
Franklin, Massachusetts 02038

PREPARED FOR:

Fairfield Grove Street LLC
30 Braintree Hill Office Park
Suite 105
Braintree, Massachusetts 02184

PREPARED BY:

Lucas Environmental, LLC
500A Washington Street
Quincy, Massachusetts 02169

IN ASSOCIATION WITH:

RJO'Connell & Associates, Inc.
80 Montvale Avenue, Suite 201
Stoneham, Massachusetts 02180



500A Washington Street, Quincy, MA 02169

December 18, 2023

Town of Franklin
Conservation Commission
355 East Central Street
Franklin, Massachusetts 02038

Re: Notice of Intent
Grove Street Residences
121 Grove Street
Map 295, Lot 1 & Map 294, Lot 7
Franklin, Massachusetts 02038

Members of the Franklin Conservation Commission:

On behalf of the project proponent, Fairfield Grove Street LLC, and in association with RJO'Connell & Associates, Inc., LLC, Lucas Environmental, LLC is pleased to submit this Notice of Intent (NOI) application for the proposed Grove Street Residences. The project proponent proposes to construct a new mixed-income residential community consisting of 330 apartments and associated parking areas, driveways, utilities and stormwater management at 121 Grove Street (Map 295, Lot 1 & Map 294, Lot 7) in Franklin, Massachusetts.

The project is being developed pursuant to M.G.L. Ch. 40B, §20-23 and is currently under review by the Town of Frank Zoning Board of Appeals (ZBA) pending issuance of a Comprehensive Permit. Authorization to construct and operate the project pursuant to a Comprehensive Permit issued by the ZBA will include all local regulations and bylaws, including approval under the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and Regulations. Therefore, this NOI is submitted solely pursuant to the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.). As a courtesy, LE has summarized in the project narrative of this NOI those waivers from Chapter 181 that are being sought from the ZBA under a Comprehensive Permit.

Enclosed please find one (1) original and one (1) copy of the NOI submittal and full-size plans, and seven (7) copies of the reduced 11x17 plans. A link to an electronic copy of the pdf file of the application and supporting documentation will be provided concurrently with this submittal. We respectfully request that you place this matter on your agenda for the January 11, 2024 Public Hearing.

If you have any questions, please do not hesitate to contact me at 617.405.4140 or cml@lucasenviro.com. Thank you for your consideration in this matter.

Sincerely,
LUCAS ENVIRONMENTAL, LLC

Christopher M. Lucas, PWS, CWS, RPSS
Environmental Consultant/Wetland & Soil Scientist



500A Washington Street, Quincy, MA 02169

cc: Bryn Smith – Owner (e-copy)
Fairfield Grove Street LLC – Applicant (e-copy)
R.J. O’Connell & Associates, Inc. (electronic copy)
MassDEP – CERO



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SECTION I – FORMS



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Franklin

City/Town

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



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

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

| | | |
|------------------------------|-------------------------|--------------|
| <u>121 Grove Street</u> | <u>Franklin</u> | <u>02038</u> |
| a. Street Address | b. City/Town | c. Zip Code |
| Latitude and Longitude: | | |
| <u>42° 4' 36.5" N</u> | <u>71° 25' 21.55" W</u> | |
| d. Latitude | e. Longitude | |
| <u>Map 294 & 295</u> | <u>Lots 7 & 1</u> | |
| f. Assessors Map/Plat Number | g. Parcel /Lot Number | |

2. Applicant:

| | | |
|---|--------------------------|------------------|
| <u>Robert</u> | <u>Hewitt</u> | |
| a. First Name | b. Last Name | |
| <u>Fairfield Grove Street LLC</u> | | |
| c. Organization | | |
| <u>30 Braintree Hill Office Park, Suite 105</u> | | |
| d. Street Address | | |
| <u>Braintree</u> | <u>MA</u> | <u>02184</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>781.881.2303</u> | <u>rhewitt@ffres.com</u> | |
| h. Phone Number | i. Fax Number | j. Email Address |

3. Property owner (required if different from applicant): Check if more than one owner

| | | |
|--------------------------|--------------------------------|------------------|
| <u>Bryn</u> | <u>Smith</u> | |
| a. First Name | b. Last Name | |
| c. Organization | | |
| <u>106 Mendon Street</u> | | |
| d. Street Address | | |
| <u>Bellingham</u> | <u>MA</u> | <u>02019</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>508.523.3492</u> | <u>brun@thenicecompany.com</u> | |
| h. Phone Number | i. Fax Number | j. Email address |

4. Representative (if any):

| | | |
|---------------------------------|---------------------|----------------------------|
| <u>Christopher</u> | <u>Lucas</u> | |
| a. First Name | b. Last Name | |
| <u>Lucas Environmental, LLC</u> | | |
| c. Company | | |
| <u>500A Washington Street</u> | | |
| d. Street Address | | |
| <u>Quincy</u> | <u>MA</u> | <u>02169</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>617.405.4140</u> | <u>617.405.4465</u> | <u>cml@lucasenviro.com</u> |
| h. Phone Number | i. Fax Number | j. Email address |

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

| | | |
|-------------------|-------------------|-----------------------|
| <u>\$9,150.00</u> | <u>\$4,562.50</u> | <u>\$4,587.50</u> |
| a. Total Fee Paid | b. State Fee Paid | c. City/Town Fee Paid |



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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| |
|-----------------------------|
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| MassDEP File Number |
| Document Transaction Number |
| Franklin |
| City/Town |

A. General Information (continued)

6. General Project Description:

The proposed project involves the construction of a multi-building residential development. Portions of the proposed project will be located within Bordering Vegetated Wetlands, Inland Bank, and the associated 100-Foot Buffer Zone.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

310 CMR 10.53(3)(e) - construction and maintenance of a new roadway or driveway

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex

a. County

39702

c. Book

b. Certificate # (if registered land)

310

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

| Resource Area | Size of Proposed Alteration | Proposed Replacement (if any) |
|--|--|-------------------------------|
| a. <input checked="" type="checkbox"/> Bank | 320 1. linear feet | 500 2. linear feet |
| b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland | 580 1. square feet | 5,875 2. square feet |
| c. <input type="checkbox"/> Land Under Waterbodies and Waterways | _____ 1. square feet _____ 3. cubic yards dredged | _____ 2. square feet |

| Resource Area | Size of Proposed Alteration | Proposed Replacement (if any) |
|--|---|--|
| d. <input type="checkbox"/> Bordering Land Subject to Flooding | _____ 1. square feet _____ 3. cubic feet of flood storage lost | _____ 2. square feet _____ 4. cubic feet replaced |
| e. <input type="checkbox"/> Isolated Land Subject to Flooding | _____ 1. square feet _____ 2. cubic feet of flood storage lost | _____ 3. cubic feet replaced |
| f. <input type="checkbox"/> Riverfront Area | 1. Name of Waterway (if available) - specify coastal or inland _____ | |

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

| | | |
|----------------------|-------------------------------|--|
| _____ | _____ | _____ |
| a. total square feet | b. square feet within 100 ft. | c. square feet between 100 ft. and 200 ft. |

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

| <u>Resource Area</u> | <u>Size of Proposed Alteration</u> | <u>Proposed Replacement (if any)</u> |
|---|--|--------------------------------------|
| a. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | |
| b. <input type="checkbox"/> Land Under the Ocean | _____ | |
| | 1. square feet | |
| | _____ | |
| | 2. cubic yards dredged | |
| c. <input type="checkbox"/> Barrier Beach | Indicate size under Coastal Beaches and/or Coastal Dunes below | |
| d. <input type="checkbox"/> Coastal Beaches | _____ | _____ |
| | 1. square feet | 2. cubic yards beach nourishment |
| e. <input type="checkbox"/> Coastal Dunes | _____ | _____ |
| | 1. square feet | 2. cubic yards dune nourishment |

| | <u>Size of Proposed Alteration</u> | <u>Proposed Replacement (if any)</u> |
|---|---|--|
| f. <input type="checkbox"/> Coastal Banks | _____ | |
| | 1. linear feet | |
| g. <input type="checkbox"/> Rocky Intertidal Shores | _____ | |
| | 1. square feet | |
| h. <input type="checkbox"/> Salt Marshes | _____ | _____ |
| | 1. square feet | 2. sq ft restoration, rehab., creation |
| i. <input type="checkbox"/> Land Under Salt Ponds | _____ | |
| | 1. square feet | |
| | _____ | |
| | 2. cubic yards dredged | |
| j. <input type="checkbox"/> Land Containing Shellfish | _____ | |
| | 1. square feet | |
| k. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | |
| | _____ | |
| | 1. cubic yards dredged | |
| l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | _____ | |
| | 1. square feet | |

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

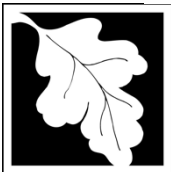
5. Project Involves Stream Crossings

1 - Road Crossing; 3 - Boardwalks

a. number of new stream crossings

1 - Road Crossing

b. number of replacement stream crossings



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

August 1, 2021
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

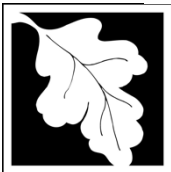
1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

| | |
|-----------------------------|--|
| Provided by MassDEP: | |
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| Document Transaction Number | |
| Franklin | |
| City/Town | |

C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

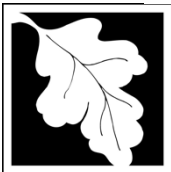
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
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Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC

- 5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
- 6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
- 7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 - 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - 2. A portion of the site constitutes redevelopment
 - 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 - 1. Single-family house
 - 2. Emergency road repair
 - 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). 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. 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.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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 Franklin

 City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Grove Street Residences, 121 Grove Street - Franklin, MA

 a. Plan Title
 RJO'Connell & Associates, Inc. _____ Brian P. Dundon, P.E.
 b. Prepared By _____ c. Signed and Stamped by
 December 18, 2023 _____ 1" = 40'
 d. Final Revision Date _____ e. Scale
 Stormwater Management Report _____ December 18, 2023
 f. Additional Plan or Document Title _____ g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

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 pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

702984 _____ December 13, 2023
 2. Municipal Check Number _____ 3. Check date
 702983 _____ December 13, 2023
 4. State Check Number _____ 5. Check date
 FRH Realty LLC _____
 6. Payor name on check: First Name _____ 7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

| |
|-----------------------------|
| Provided by MassDEP: |
| MassDEP File Number |
| Document Transaction Number |
| Franklin |
| City/Town |

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. 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 by Certificate of Mailing or 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.

Robert D. Hewitt

12/13/2023

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

Christopher M. Lucas

4. Date

December 18, 2023

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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

Provided by MassDEP:

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City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. 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 by Certificate of Mailing or 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.

1. Signature of Applicant

[Handwritten Signature]
3. Signature of Property Owner (if different)
Christopher M. Lucas
5. Signature of Representative (if any)

2. Date

12/15/23

4. Date

December 18, 2023

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.

Town of Franklin Conservation Commission

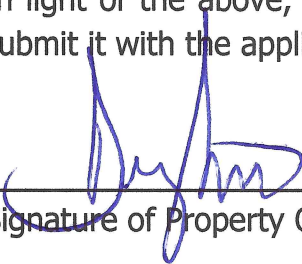
APPLICATION PROCESS SIGNATURE FORM

There are three different applications that can be submitted to undertake work in a jurisdictional area: a Notice of Intent (NOI), a Request for Determination (RDA) and a Minor Buffer Zone Activity (MBZA). All three applications have different criteria for submission and approval and the NOI and RDA are governed by both the state law and the local bylaw. The MBZA is issued under the local bylaw only.

When a potential applicant requests advice from the Conservation Agent on which application to file, the opinion of the Agent is based on the information given by the potential applicant and any other information available to the Agent, e.g. the town's GIS system. The Agent has no legal right to go onto private property at any time until after an application is filed or permission of the property owner is given.

It is important that all applicants understand that after an application is filed, additional information may come to light e.g. via a field inspection or a review of the application, that may impact the scope of the submitted application and the approval process. **Therefore, it is the ultimate responsibility of the applicant to decide which application to file.**

In light of the above, please sign below indicating an understanding of this policy and submit it with the application.



Signature of Property Owner

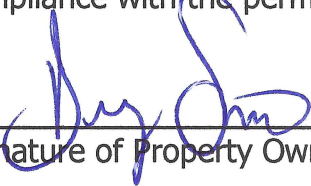
12/13/23

Date

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

12/13/23

Date



SECTION II – NARRATIVE



PROJECT NARRATIVE

1.0 INTRODUCTION

On behalf of Fairfield Grove Street LLC , and in association with RJO’Connell & Associates, Inc. (RJO), LLC, Lucas Environmental, LLC (LE) is pleased to submit this Notice of Intent (NOI) application for the proposed Grove Street Residences. The project proposes to construct a new, high quality residential community consisting of 330 apartments and associated parking areas, driveways, utilities and stormwater management at 121 & 0 Grove Street (Map 295, Lot 1 & Map 294, Lot 7) in Franklin, Massachusetts.

The project is being developed pursuant to M.G.L. Ch. 40B, §20-23 and is currently under review by the Town of Frank Zoning Board of Appeals (ZBA) pending issuance of a Comprehensive Permit. Authorization to construct and operate the project pursuant to a Comprehensive Permit issued by the ZBA will include all local regulations and bylaws, including approval under the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and Regulations. Therefore, this NOI is submitted solely pursuant to the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.). As a courtesy, LE has summarized in the project narrative of this NOI those waivers from Chapter 181 that are being sought from the ZBA under a Comprehensive Permit (see Appendix E).

This project narrative describes the existing conditions, wetland resource areas, proposed design, project impacts, regulatory compliance, and mitigation for work within jurisdictional areas on and near the site. The proposed project is depicted on the enclosed Permitting Plans titled “*Grove Street Residences, 121 Grove Street – Franklin, MA,*” prepared by RJO, dated December 18, 2023 (provided under separate cover).

2.0 EXISTING CONDITIONS

The Study Area is comprised of two parcels totaling approximately 31.44 acres of land at 121 Grove Street in Franklin, Massachusetts (See Figure 1 – USGS and Figure 2 – Aerial Map). The parcels are identified as follows:

- 121 Grove Street (Parcel ID 295-001-000-000 or Map 295, Lot 1) totaling approximately 26.26 acres of land. The parcel is partially developed and contains a three-family house, parking areas, sheds, fields, woodlands, and wetlands.
- 0 Grove Street (Parcel ID 294-007-000-000 or Map 294, Lot 7) is an undeveloped, approximate 4.96-acre parcel located south of the 121 Grove Street parcel.

The Study Area is bounded by electric transmission right-of-way (ROW) to the south, Grove Street to the east, and the Franklin State Forest to the west and north.

Typical tree species within forested upland areas of the site include red oak (*Quercus rubra*), white oak (*Quercus alba*), black cherry (*Prunus serotina*), white pine (*Pinus strobus*), and sassafras (*Sassafras albidum*). Common upland shrubs include witch hazel (*Hamamelis virginiana*), multiflora rose (*Rosa multiflora*), glossy buckthorn (*Frangula alnus*), and shrub forms of the overstory. Common herbaceous species in the upland include Canada mayflower (*Maianthemum canadense*), poison ivy (*Toxicodendron radicans*), teaberry (*Gaultheria procumbens*), bracken fern (*Pteridium aquilinum*), and seedlings of the overstory.

The remainder of the Study Area consists of lawn areas, mowed fields, meadows, and older apple and pear trees. Common vegetation within the fields includes graminoids, goldenrods (*Solidago sp.*), autumn olive (*Elaeagnus umbellata*), multiflora rose, Oriental bittersweet (*Celastrus orbiculatus*), and wild onion (*Allium canadense*).

According to the July 17, 2012 FEMA Flood Insurance Rate Map (FIRM) for Norfolk County, Massachusetts, Map Number 25021C0308E, the Study Area is located within Zone X, which is classified as *areas determined to be outside the 0.2% annual chance floodplain* (500-year floodplain). Therefore, Bordering Land Subject to Flooding (100-year floodplain) does not exist within the Study Area (See Figure 3).

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the Natural Heritage and Endangered Species Program (NHESP) indicates that no portion of the site is located within Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. No Certified or Potential Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations (310 CMR 10.00 et seq.) or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) occur within the Study Area (See Figure 4 – NHESP Map).

The Study Area is not located within an Area of Critical Environmental Concern (ACEC), Outstanding Resource Water (ORW), or Watershed Protection Area. The northeast corner of the Study Area is located within an approved MassDEP Zone II Wellhead Protection Area, which is considered a Critical Area under Section 310 CMR 10.04 of the WPA and the Massachusetts Stormwater Management Standards.

3.0 ENVIRONMENTAL RESOURCE AREAS

Professional Wetland Scientists (PWS) and Registered Professional Soil Scientists (RPSS) from Lucas Environmental, LLC (LE) conducted site investigations at the property located at 121 Grove Street in Franklin, Massachusetts on April 12th, 20th, and 21st, 2022. Wetland resource areas were reviewed under an Abbreviated Notice of Resource Area Delineation (ANRAD) application submitted in December 2022. The ANRAD underwent peer review, and an Order of Resource Area Delineation was subsequently issued on April 6, 2023. See Appendix A – Order of Resource Area Delineation.

The ORAD confirms the following:

- Two large Bordering Vegetated Wetlands (BVW) demarcated as WFA, WFB, and WFC;
- Inland Bank to three Intermittent Streams (BF1, 2 & 3);
- A non-WPA regulated Isolated Vegetated Wetland (IVW; WFD); and

- No Riverfront Area or Bordering/Isolated Land Subject to Flooding exist on the site.

3.1 Inland Bank – 310 CMR 10.54

Section 310 CMR 10.54 of the WPA defines a Bank as *the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level.* The Inland Bank associated with the three confirmed and unnamed intermittent streams are detailed in the ANRAD application on file.

In addition, the Franklin Conservation Commission required delineation of an additional six intermittent streams on the property not originally reviewed in the ANRAD. Those are summarized in Table 3-1 on the following page.

Section 310 CMR 10.04 of the WPA defines “Stream” as the following:

A body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient, and which flows within, into or out of an Area Subject to Protection under M.G.L. c. 131, § 40.

LE delineated these areas based upon existing site conditions as required by the Conservation Commission for this NOI filing; however, unlike BF1, BF2, and BF3, which have defined channels and were flagged by LE as intermittent streams, five of these six areas in question should not be classified as streams as there are no definitive channels present. Due to the rolling topography of the land, a hydraulic gradient is present and water will flow downhill through these areas; however, as a defined channel is lacking. As such, LE would not consider BF4, BF5, BF6, BF7, and BF8 as jurisdictional streams under the WPA.

3.2 Bordering Vegetated Wetlands – 310 CMR 10.55

Section 310 CMR 10.55 of the WPA defines BVW as *freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988) or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.* The BVW are detailed in the ANRAD application on file.

Wetland resource areas delineated within the Study Area are summarized in Table 3-1 on the following page.

**TABLE 3-1
RESOURCE AREAS SUMMARY**

| Wetland | Flag Numbers | Designation | Notes |
|----------------|---------------------|--------------------|---|
| WFA | WFA-1 to 146 | BVW | ORAD Approved. |
| WFB | WFB-1 to 92 | BVW | ORAD Approved. |
| WFC | WFC-1 to 11 | BVW | ORAD Approved. This boundary was modified and determined to connect to Wetland A. |
| WFD | WFD-1 to 9 | IVW | ORAD Approved. Non-jurisdictional under the WPA. |
| BF1 | BF1-1 to 41 | Inland Bank | ORAD Approved. Inland Bank to Intermittent Stream |
| BF2 | BF2-1 to 218 | Inland Bank | ORAD Approved. Inland Bank to Intermittent Stream |
| BF3 | BF3-1 to 13 | Inland Bank | ORAD Approved. Inland Bank to Intermittent Stream |
| BF4 | BF4-1 to 38 | Inland Bank | Not reviewed under ORAD. No defined channels except between BF4-3 to BF4-5. Series of braided flows down the slope. |
| BF5 | BF5-1 to 20 | Inland Bank | Not reviewed under ORAD. Groundwater seep with no defined channels or evidence of scour. |
| BF6 | BF6-1 to 6 | Inland Bank | Not reviewed under ORAD. Groundwater seep with no defined channels or evidence of scour. No flow observed and area generally covered in leaves. |
| BF7 | BF7-1 to 20 | Inland Bank | Not reviewed under ORAD. Groundwater seep with no defined channels or evidence of scour. No flow observed and area generally covered in leaves. |
| BF8 | BF8-1 to 17 | Inland Bank | Not reviewed under ORAD. No channels, water flow, standing water, or scour observed. |
| BF9 | BF9-1 to 20 | Inland Bank | Not reviewed under ORAD. Groundwater seep through the field with no evidence of a defined channel between BF-9 to BF-16. The remainder of the stream has a defined channel and is jurisdictional under the WPA. |

4.0 PROPOSED WORK

The proposed project consists of a residential apartment style development within five detached apartment buildings including a centralized clubhouse, swimming pool, parking bays, dog park with associated bituminous paved parking and access drives, landscaping, lighting, utilities and stormwater infrastructure. The project includes five elevated buildings of four- and five-stories of similar size with a total of 330 units (25% of units restricted to serve households below 80% of the median area income). Each building contains a mix of one-, two-, and three-bedroom apartments. There are two formal entrances at grade to each building providing direct access from all parking areas. The gross density (units/acre) of the project will be 10.6 units per acre. A total of 574 parking spaces will be provided for the 330 apartments, with a ratio of parking spaces to housing units of 1.70/1. The project will be served by municipal water and sewer.

The buildings are arranged around the wetlands and the contours of the site. The buildings are separated by green space, with parking at their perimeters to allow access from both sides for entry into the buildings. A clubhouse building located on the right of the boulevard style entrance to the site contains the leasing center, fitness center, recreation room and work from home lounge. Outside amenity areas include seating, grilling and eating area. The project includes ample green space, which offers opportunities for outdoor activities for all tenants.

4.1 Stormwater Management

The proposed development results in a net increase in impervious areas. The project proposes drainage systems to provide treatment of stormwater runoff as well as best management practices (BMPs) to promote infiltration to the groundwater. The stormwater design incorporates surface infiltration basins, surface detention basins, subsurface infiltration facilities, subsurface detention basins, water quality units and deep sump catch basins. Design strategies for the proposed stormwater drainage system follows methods from the Massachusetts Stormwater Handbook as well as Franklin's Stormwater Management Bylaw to the maximum extent feasible.

The proposed stormwater management system will treat stormwater runoff, reduce peak flow rates of runoff, and provide appropriate water quality measures. Runoff control, water quality improvement, and groundwater recharge will be accomplished by implementing the following drainage improvements:

- Installation and maintenance of the catch basins with deep sumps and hooded outlets to reduce the discharge of sediment and pollutants.
- Installation of Contech CDS (or equal) water quality unit to screen, separate, and trap debris, sediment, oil, and grease from stormwater runoff.
- Installation of subsurface infiltration system to provide the required recharge of groundwater from impervious surfaces.
- Installation of surface infiltration basins to provide storage and exfiltration of the required recharge volume, mitigate stormwater peak flows, and treat the required water quality volume.
- Riprap splash pads at storm drain outlets to provide energy dissipation, and reduce flow velocity and scour potential.

- An Operation and Maintenance (O&M) Plan that describes the various components of the stormwater management system and identifies the inspection/maintenance tasks and schedules to follow which will ensure the proper, long-term performance of the system.
- Implementation of a Long Term Pollution Prevention Plan (LTPPP) to ensure proper spill prevention and management materials area available on-site and staff are properly trained to prevent additional pollutant loading and illicit discharges to the stormwater management system.
- A Stormwater Pollution Prevention Plan (SWPPP) to control erosion, sedimentation and other pollutant sources, as well as prevent erosion and sediment from moving off-site during construction and land disturbance activities will be provided prior to construction and maintained on site.

To mitigate the potential effects of construction, erosion and sedimentation control measures will be installed before and maintained during construction. These best management practices (BMPs) include compost sock, silt fence, catch basin compost sock inlet protection, catch basin filter bags, erosion control blankets (slope protection), temporary drainage swales, rock check dams, and a stabilized construction entrances.

The proposed stormwater management measures described above will have no adverse impacts to resource areas or adjacent properties. The stormwater management system for the proposed development includes measures for collecting, controlling, and treating stormwater runoff from the site. The proposed measures comply with the Stormwater Management Standards of the MassDEP Stormwater Policy and represent an improvement over the existing conditions. The drainage improvements proposed herein will reduce stormwater runoff peak flow rates leaving the site. See the Stormwater Management Report, prepared by RJOC, for additional details on the stormwater management system (provided under separate cover).

4.2 Soil Data & Testing

A total of sixty-one (61) test pits have been performed on the site. In May of 2022, Northeast Geotechnical, Inc. performed nineteen (19) on-site soil tests and in October of 2023, RJOC performed forty-two (42) additional soil test pits. The on-site soil testing performed on the soils indicated that the parent soils present belong to a Hydrologic Soil Group A (sand and loamy sand) in the locations of most of the test pits. Areas of shallow bedrock (16-52 inches) and high groundwater (28-44 inches) were found throughout the site, with pockets of deeper groundwater elevations ranging from 56-126+ inches observed in areas of the site. Soil testing information has been provided in Appendix C of the Stormwater Management Report.

5.0 WETLANDS & WATERWAYS IMPACT ASSESSMENT

This section describes and quantifies temporary and permanent primary and secondary impacts to the wetlands associated with the proposed project. The site layout has been designed to avoid wetlands and watercourses to the extent practicable, and further minimize where avoidance is not feasible. Measures such as retaining walls have been implemented to avoid and minimize wetland impacts. Where impacts are unavoidable, mitigation has been provided. Table 5-1 summarizes the location, type of activity, and impacts to the resource areas necessary to construct the project. Table 5-2 summarizes the Buffer Zone impacts. The Wetland & Buffer Zone Impact Exhibit (Sheet BZ-EX) included in Section III – Figures provides a visual summary of the impact areas.

Project wide wetland impacts are associated with construction of the main access road to the interior upland areas of the site at two resource area crossing locations. The first crossing is located to the north for access to Buildings #4 and #5 and includes a wetland/intermittent stream crossing. The second crossing is located to the south for access to Building #1 and consists solely of an intermittent stream crossing. Minor wetland impacts are associated with the proposed Clubhouse pool, as well wetland/stream crossings for two boardwalks for pedestrian access through the site.

The Applicant requests the project be reviewed under the Limited Project provisions of the Wetlands Protection Act under 310 CMR 10.53(3)(e) for the access roadway crossings and 310 CMR 10.53(3)(j) for the proposed boardwalks. This NOI demonstrates compliance with the performance standards for impacts to BVW through construction of a wetland replication area, and Inland Bank by complying with the Stream Crossing Standards. Table 5-1 provides a summary of resource area impacts. Table 5-2 on the following page provides a summary of the Buffer Zone Impacts.

| TABLE 5-1 RESOURCE AREA IMPACTS – WPA* | | | | |
|---|-----------------------|--------------------------------|--------------------------------|----------------------------------|
| Impact Area | Area of Impact | BVW Alteration | | Stream Alteration** |
| | | Temporary (square feet) | Permanent (square feet) | Inland Bank (linear feet) |
| Northern Access Roadway Crossing | BVW/Bank | 65 | 450 | 145 |
| Southern Access Roadway Crossing | Bank | 0 | 0 | 135 |
| Clubhouse Pool | BVW | 85 | 100 | 0 |
| Northern Boardwalk | BVW/Bank | 300 | 20 | 25 |
| Southern Boardwalk | BVW/Bank | 135 | 10 | 15 |
| Total | | 585 | 580 | 320 |
| Proposed Mitigation | | 585 | 5,875 | 500 |

* Impact Calculations provided by RJOC. Temporary impacts listed are necessary to complete the proposed work.

** Alterations to Inland Bank are listed in the Table; however, there will be no loss of Bank associated with these resource areas at the impact areas. Each impact area is associated with the installation of a three-sided, open-bottom box culvert or boardwalk span.

***Note: The construction of Building #4 will permanently impact 2,015 square feet of a non-regulated IVW. Impacts are not included.

Despite considerable efforts to avoid and minimize direct wetland impacts, work is required in wetland resource areas. Mitigation measures for unavoidable wetland impacts include the creation of one large wetland replication area. Temporary impacts will be restored in place. Additionally, the Applicant is proposed to restore currently disturbed wetland areas that are currently being managed and mowed.

| TABLE 5-2 BUFFER ZONE IMPACTS* | | | |
|---|------------------------------------|------------------------------------|---|
| Impact Area | Temporary (square feet) | Permanent (square feet) | |
| | | Crossings and IVW | Buildings & Infrastructure |
| 25-Foot Buffer Zone** | 41,575 | 12,115 | 9,790 |
| 100-Foot Buffer Zone | 113,150 | 340,350 | |

* Impact Calculations provided by RJOC. Temporary impacts listed are necessary to complete the proposed work.

** The Applicant is requesting a waiver to the 25-Foot Buffer Zone local requirements.

5.1 Functions & Values Assessment

Section 310 CMR 10.01 of the WPA identifies the functions and values that are to be regulated in order to contribute to the certain interests where proposed activities may Areas Subject to Protection under M.G.L. c. 131, § 40. The following contains an assessment of these functions and values.

1. Protection of Public and Private Water Supply

Based upon a review of available information, the two closest reported domestic wells identified by RJOC adjacent to the site are as follows:

- Domestic Well ID# 253400 (in front of 1 Kernwood Circle, along Grove Street) which is approximately 1,000 feet south of the locus property; and
- Domestic Well ID# 235203 (adjacent to Cubesmart Self-Storage, along Route 495) which is approximately 3,000 feet north of the locus property.

The nearest Public Water Supply wells are approximately 1,400 feet east of the site and Route 495.

Based upon review of available information, the project will not adversely affect the on-site resource areas in regard to the interests for the protection of public and private water supplies.

2. Protection of Ground Water Supply

As noted in Section 4.2 above, soil testing was completed for the site. Areas of shallow bedrock (16-52 inches) and high groundwater (28-44 inches) were found throughout the site, with pockets of deeper groundwater elevations ranging from 56-126+ inches observed in areas of the site. The project design has accounted for the groundwater elevations. As such, it is not anticipated that the project will adversely affect the on-site resource areas in regard to the interests of the protection of ground water supply.

3. Flood Control

As noted above, the site is not located within the 100-year floodplain. As such, the project will not adversely affect the on-site resource areas in regard to the interests of flood control.

4. Storm Damage Prevention

The project fully complies with the Massachusetts Stormwater Management Standards as noted above and detailed in the Stormwater Management Report. As such, the project will not adversely affect the on-site resource areas in regard to the interests of storm damage prevention.

5. Prevention of Pollution

The project fully complies with the Massachusetts Stormwater Management Standards as noted above and detailed in the Stormwater Management Report. As such, the project will not adversely affect the on-site resource areas in regard to the interests of prevention of pollution.

6. Protection of Land Containing Shellfish

Not applicable. The resource areas do not support shellfish.

7. Protection of Fisheries

Not applicable. The resource areas do not support fisheries.

8. Protection of Wildlife Habitat

The project meets the requirements for the performance standards for BVW and Inland Bank. The project also complies with the requirements for a Wildlife Habitat Evaluation for the northern roadway access crossing and the two boardwalks, as discussed in the following section. As such, the project will not adversely affect the on-site resource areas in regard to the interests of wildlife habitat.

6.0 REGULATORY COMPLIANCE

This section details the project's compliance with the performance standards for each resource area under the Wetlands Protection Act. The project will not impact Land Under Water Bodies and Waterways (LUWW), BLSF, or Riverfront Area, therefore it complies with the WPA for those resource areas and no further discussion is warranted.

The Applicant requests the project be reviewed under the Limited Project provisions of the Wetlands Protection Act under 310 CMR 10.53(3)(e) for the access roadway crossings and 310 CMR 10.53(3)(j) for the proposed boardwalks. The project will demonstrate compliance with the performance standards for proposed work/impacts within Inland Bank under 310 CMR 10.54 of the WPA and for impacts to BVW under 310 CMR 10.55 of the WPA through construction of a wetland replication area.

6.1 Limited Project – 310 CMR 10.53(3)

The regulations under Section 310 CMR 10.53(3) of the WPA allow the issuing authority to permit a project that does not meet all of the performance standards for each resource area if such project involves an activity that qualifies as a Limited Project.

The project qualifies as a Limited Project under Section 310 CMR 10.53(3)(e) of the WPA for the two access roadway crossings, and under Section 310 CMR 10.53(3)(j) for the two boardwalks.

Section 310 CMR 10.53(3)(e)

Section 310 CMR 10.53(3)(e) of the WPA states that the “construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board, where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable. Such roadway or driveway shall be constructed in a manner which does not restrict the flow of water. Reasonable alternative means of access may include any previously or currently available alternatives such as realignment or reconfiguration of the project to conform to 310 CMR 10.54 through 10.58 or to otherwise minimize adverse impacts on resource areas. The issuing authority may require the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can obtain, an ownership interest. The applicant shall design the roadway or driveway according to the minimum length and width acceptable to the Planning Board, and shall present reasonable alternative means of access to the Board. The applicant shall provide replication of bordering vegetated wetlands and compensatory flood storage to the extent practicable. In the Certificate of Compliance, the issuing authority may continue a condition imposed in the Order of Conditions to prohibit further activities under 310 CMR 10.53(3)(e).”

Pursuant to these regulations, the project complies with the definition above as follows:

1. The proposed roadway is designed with the minimum length and width allowed by the Town to provide safe and efficient vehicular and pedestrian access to the site. The minimum width includes the curbing, sidewalk, guardrails, fences, and retaining walls required to construct the two crossings. Zoning requires a minimum width of 12 feet for a driveway.; however, this is not sufficient for this type of development. The most compatible requirement in Zoning is under the Residential VII District where a minimum of 24 feet is required for roadways in a residential development. Additionally, 24 feet for a two-way road is industry standard. The Applicant has included a five-foot wide sidewalk on one side of the road at each crossing for pedestrian safety and access. This five-foot width is the minimum required by the Architectural Access Board Regulations to allow passing space. Guardrails and fences are required between the sidewalk and wall on one side of the access roadway and between the back of the curb and retaining wall on the other side. This requires an additional six feet. The retaining wall blocks are 2.3 feet deep. This is shown on the cross section details at the crossings in the Plans.
2. The Applicant has proposed to access additional upland areas via the proposed new access roadways. The Alternatives Analysis provided in Section 7.0 clearly demonstrates that no other access to the upland areas is viable.

3. Impacts to BVW have been mitigated through the construction of one wetland replication area as detailed in the Mitigation Section 8.0.
4. The proposed access roadways have been designed so that the flow of water will not be impaired. Each roadway will incorporate open-bottom box culverts to maintain stream flow.

MassDEP has issued a guidance policy document “*Wetlands Policy 88-2: Access Roadways*” to provide interpretation of 310 CMR 10.53(3)(e). Based upon this MassDEP Policy, the Conservation Commission must determine 1) if the project satisfies the general requirements under the provision, 2) whether it is appropriate to grant an exception, and 3) what conditions should be imposed if approved. A discussion follows:

1. The project satisfies the general requirements of a Limited Project roadway crossing if there are no reasonable alternative means of access from a public way to upland areas. The Applicant has clearly met the burden of proof for this requirement.
2. The Commission should consider wetland impacts and the significance of said impacts to the interests of the WPA. The project complies with the performance standards for work within BVW and Inland Bank and proposes more than the required mitigation for proposed impacts. Additionally, the project complies with the MA Stream Crossing Standards. As such, an approval is warranted for this project.
3. The Commission should impose conditions to protect the interests of the WPA. The Applicant is amenable to Special Conditions of approval.

Section 310 CMR 10.53(3)(j)

Under the WPA, the project qualifies as a Limited Project as defined at 10.53(3)(j) for “*the construction and maintenance of catwalks, footbridges, wharves, docks, piers, boathouses, boat shelters, duck blinds, skeet and trap shooting decks and observation decks; provided, however, that such structures are constructed on pilings or posts so as to permit the reasonably unobstructed flowage of water and adequate light to maintain vegetation.*”

The proposed boardwalks are designed to be constructed on concrete footings and will be elevated an average of 3.5 feet off the ground through the wetlands.

6.2 Massachusetts Stream Crossing Compliance

The proposed wetland/stream crossings meet the general requirements (and optimum to the extent practicable) of the Massachusetts River and Stream Crossing Standards¹. Consistent with the Stream Crossing Standards, the proposed crossings provide:

- Sufficient depth of material within the culvert to achieve stability of the culvert bed material comparable to that of the upstream and downstream channel.

¹ River and Stream Continuity Partnership. Massachusetts River and Stream Crossing Standards. Revised March 1, 2011.

- Sufficient depth of material to permit shaping of material to achieve natural water depths at low-flow conditions.
- Sufficient embedment to account for long-term vertical channel adjustment anticipated for the adjacent streambed.

Each roadway crossing consists of an open-bottom box culvert. The boardwalk stream crossings consist of a span between footings at an average of 3.5 feet above grade through the wetlands. Stream depth and velocities in the crossing structure during low-flow conditions will remain unchanged. Critical design elements of the proposed stream crossing structure involve establishing the proper embedment depth and crossing spans.

Table 6-1 on the following pages provides a summary of the projects compliance with the Stream Crossing Standards for the General requirements and Optimum where feasible. The Details sheet with the Site Plans shows the plan and profiles for each roadway crossing.

6.3 Inland Bank – 310 CMR 10.54

As noted in Table 5-1, approximately 145 linear feet of the northern stream (BF2) will be altered to construct the stream crossing for the access roadway to the north, and approximately 135 linear feet of the southern stream (BF1) will be altered to construct the stream crossing for the access roadway to the south. Additionally, approximately 25 linear feet of two streams will be altered for the construction of the northern boardwalk and approximately 15 linear feet of the stream will be altered for the construction of the southern boardwalk. Section 310 CMR 10.54(a)(6) of the WPA addresses stream crossings as it pertains to the performance standards for Inland Bank, as follows:

- 6. Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.54(4)(a) provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of the bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width...Notwithstanding the requirements 310 CMR 10.54(4)(a)5., the impact on bank caused by the installation of a stream crossing is exempt from the requirement to perform a habitat evaluation in accordance with the procedures contained in 310 CMR 10.60.*

The Applicant is also proposing to daylight approximately 180 linear feet of the culverted stream west of the proposed northern stream crossing. The proposed stream crossings consist of open-bottom box culverts designed to meet the Massachusetts Stream Crossing Standards; therefore, the proposed crossings comply with the performance standard for Inland Bank.

**TABLE 6-1
SUMMARY OF STREAM CROSSING STANDARD COMPLIANCE**

| Parameter | General Standard | Provided for Access Roadways | Provided for Boardwalks |
|----------------------|---|--|---|
| Spans | Bridges, 3-sided box culverts, open-bottom culverts, or arches | 3-sided open-bottom box culvert (General) | Bridge span (Optimum) |
| Embedment | Culverts should be embedded a minimum of 2 feet and at least 25% for round pipes. | N/A – 3-sided box culvert will have an open-bottom and span the streambed and banks. | N/A – Boardwalks will have an open-bottom and span the streambed and banks. |
| Crossing Span | General and Optimum Standard: Minimum: 1.2 x bankfull width | <p>Road Crossing #1: Required: 9.6 feet (1.2 x 8.0 feet) Proposed: 10 Feet</p> <p>Road Crossing #2: Required: 8.4 feet (1.2 x 7.0feet) Proposed: 10 Feet</p> | <p>Boardwalk Crossing #1 North: Required: 7.5 feet (1.2 x 5.0 feet) Proposed: Minimum 7.5 Feet</p> <p>Boardwalk Crossing #1 South: Required: 10.2 feet (1.2 x 8.5 feet) Proposed: Minimum 10.2 Feet</p> <p>Boardwalk Crossing #2: Required: 8.4 feet (1.2 x 7.0 feet) Proposed: Minimum 8.4 Feet</p> <p>The footings will be installed to meet the minimum requirements above.</p> |

**TABLE 6-1
SUMMARY OF STREAM CROSSING STANDARD COMPLIANCE**

| Parameter | General Standard | Provided for Access Roadways | Provided for Boardwalks |
|------------------------------------|---|---|---|
| Openness Ratio & Height | <p>Openness Ration (OR) = cross sectional area divided by length of culvert</p> <p>> 0.82 feet (0.25 meters)</p> | <p>Road Crossing #1: 4.3 feet (h) x 10 feet (w) = 43 square feet OR = 43 sq. ft./ 51.5 feet (l) = 0.835 ft (0.254 m)</p> <p>Road Crossing #2: 4 feet (h) x 10 feet (w) = 40 square feet OR = 40 sq. ft./ 45.9 feet (l) = 0.871 ft (0.266 m)</p> | <p>Boardwalk Crossing #1 North: 3.5 feet (h) x 5.0 feet (w) = 17.5 sq. feet OR = 17.5 sq. ft./ 5.0 feet (l) = 3.5 ft (1.07 m)</p> <p>Boardwalk Crossing #1 North: 3.5 feet (h) x 8.5 feet (w) = 29.75 sq. ft. OR = 29.75 sq. ft./ 5 feet (l) = 5.95 ft (1.81 m)</p> <p>Boardwalk Crossing #2: 3.5 feet (h) x 7 feet (w) = 24.5 sq. feet OR = 24.5 sq. ft./ 5 feet (l) = 4.9 ft (1.49 m)</p> |
| Substrate | <p>General and Optimum Standard: Match pre-construction substrate</p> | <p>The existing stream bed material will be removed and placed in the new crossings.</p> | <p>The existing stream bed will temporarily impacted to cross the stream and install the decking.</p> |

**TABLE 6-1
SUMMARY OF STREAM CROSSING STANDARD COMPLIANCE**

| Parameter | General Standard | Provided for Access Roadways | Provided for Boardwalks |
|-----------------------------------|--|--|---|
| Water Depth & Velocity | General and Optimum Standard: Match water depth & velocity in natural stream | Stream bed will be designed to match existing depth & velocity characteristics. Following installation of the box culverts, the streambed will be visually inspected to ensure there were no impacts to the upstream and downstream conditions (i.e., hydraulic gradient, substrate, and topography). | The stream beds will not be altered and will match pre-existing conditions. |
| Banks | Optimum Standard: Match horizontal profile of stream and banks on both sides of stream. Constructed so as not to hinder use by riverine wildlife. Reduce hindrance to riverine wildlife. | The horizontal profile of the existing channel and banks will be designed to match existing characteristics. The Bank will be inspected by a qualified wetland professional to ensure that bank morphology, topography, and soil structure have not been impacted up or down gradient of the crossing. The box culverts will continue to allow wildlife movement. | The stream beds will not be altered and will match pre-existing conditions. The boardwalks will continue to allow wildlife movement. |

*Boardwalk bankfull width calculated using the largest width of the crossing location.

6.4 Bordering Vegetated Wetlands – 310 CMR 10.55

The project complies with the WPA performance standards for the resource area BVW. Section 310 CMR 10.55(4) of the WPA describes the performance standards for BVW. The performance standard is listed in italics and the compliance statement is listed in standard format. This section is specific to the permanent wetland loss of 580 square feet.

- (a) *Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area.*

The proposed project will permanently alter BVW. Impacts to wetlands are mitigated in accordance with Section 310 CMR 10.55(4)(b) as demonstrated below.

- (b) *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 up to 5,000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost.*

This standard is met. A detailed description of the wetland replication area and other mitigation components are included with a site-specific Mitigation Plan (See Section 8.0).

1. *The surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area").*

This standard is met. The project results in the loss of approximately 580 square feet of BVW. These impacts will be mitigated by replication of approximately 5,875 square feet of wetlands, which also includes replication for the local IVW loss of 2,015 square feet. This provides a 10.1:1 ratio of mitigation to impact for resource areas subject to jurisdiction under the WPA and 2.3:1 of mitigation to impact for resource areas subject to local jurisdiction. Additionally, the Applicant has proposed restoration of the existing wetland areas that are currently actively and legally mowed and maintained.

2. *The ground water and surface elevation of the replacement area shall be approximately equal to the lost area.*

This standard is met. The replication area has been designed such that the ground water and surface elevation of the replication area will be proposed in the vicinity of the impact area; however, the elevations will vary to accommodate the impacts along a hillside seep, as shown on the Site Plans.

3. *The overall horizontal configuration of the replacement area with respect to bank shall be similar to the lost area.*

This standard is met. The replication area is located in the same horizontal configuration to the wetland.

4. *The replacement area shall have an unrestricted hydraulic connection to the same water body or reach of waterway associated with the lost area.*

This standard is met. As shown on the Site Plans, the replication area has been designed to provide an unrestricted hydraulic connection to the same wetland system as the impacted areas.

5. *The replacement area shall be located within the same general area of the water body or waterway as the lost area.*

This standard is met. The wetland replication area has been designed in the same general watershed, as shown on the Site Plans.

6. *At least 75 percent of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods.*

This standard will be met. The surface hydrology and plantings in the wetland replication area have been designed to allow at least 75 percent of the replication area to be vegetated by indigenous plant species within two growing seasons. Prior to the establishment of 75-percent vegetative cover, erosion and sedimentation controls will be implemented to stabilize any exposed soils.

7. *The replacement area shall be provided in a manner consistent with all other General Performance Standards for each resource area [BVW; Inland Bank]....*

This standard is met. The replication area has been designed to comply with the performance standards.

- (c) *Notwithstanding the provisions of 310 CMR 10.55(4), the issuing authority may issue an Order of Conditions permitting work which results in the loss of a portion of Bordering Vegetated Wetlands when;*

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

This standard is not applicable. The impact areas do not meet the special conditions listed under this standard (e.g., linear configuration, less than 500 square feet, etc.).

- (d) *Notwithstanding the provisions of 310 CMR 10.55(4)(a),(b) and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species...*

Not applicable – The site is not located within specified habitat of rare species.

- (e) *Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern...*

Not applicable – the site is not located within an ACEC.

6.5 Wildlife Habitat Evaluation

A Simplified Wildlife Habitat Evaluation (WHE) has been prepared by LE in accordance with requirements of the Massachusetts Wetlands Protection Act (M.G.L Chapter 131 Section 40) and its implementing Regulations (310 CMR 10.00 and 310 CMR 10.60). Wildlife Habitat Evaluations were conducted for the proposed northern roadway crossing over a portion of the BVW, the Clubhouse Pool, and for the two proposed boardwalks through the BVW. As noted above, a WHE is not required for Inland Bank where the stream crossings comply with the Massachusetts Stream Crossing Standards.

Section 310 CMR 10.60 of the WPA does not establish wildlife habitat thresholds for BVW. Per Section III.D. of the Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands², Appendix A: Simplified WHE is required for each BVW impact area where impacts are less than 5,000 square feet, as noted below.

D. Resource Areas without Thresholds

Important wildlife habitat functions may be protected for alterations of any size in Bordering Vegetated Wetlands and Riverfront Area or in Isolated Land Subject to Flooding if it is vernal pool habitat.

1. BORDERING VEGETATED WETLANDS (BVW):

For most projects, existing performance standards for BVW allow only small alterations (under 5,000 sq. ft.). In most cases, these resource areas must be replicated in a manner that will function similar to the area that will be lost. Replication of the wildlife habitat function can be achieved, for example, by replanting the same native species and by providing the same soils, hydrology, and associated important habitat features as the impacted wetland. Applicants must document that there will be no adverse effect to wildlife habitat in BVW.

ALTERATIONS BELOW 5000 S.F.

Applicants must complete Appendix A when impacts to BVW less than 5000 s.f. are proposed so that important wildlife habitat features in the altered wetland may be identified and avoided if possible, and replication can be designed that will function as important wildlife habitat, similar to the lost area. For any size BVW impacts that are in mapped Habitat of Potential Regional or Statewide Importance or certified or documented vernal pool habitat, applicants shall submit Appendix B containing the Wildlife Specialist's Certification that the project has been designed so that there is no adverse effect on wildlife habitat.

² Massachusetts Department of Environmental Protection. Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands. March 2006.

The MassDEP Guidance adopted an approach for assessing wildlife habitat impacts associated with work in wetland resource areas that utilizes maps developed at the University of Massachusetts Amherst using the Conservation Assessment and Prioritization System (CAPS). The maps depict “Habitat of Potential Regional or Statewide Importance” that may trigger more intensive levels of review. These maps, also known as “Important Habitat” maps, are available as high-resolution PDFs for each town and city.

Areas within the polygons that are also within WPA jurisdiction represent “Habitat of Potential Regional or Statewide Importance.” The available maps are the most current versions and were updated in July 2021. The MassDEP Important Habitat Map for Franklin indicates an area of Important Habitat off-site and along the western portion of the site; however, **no wetland impacts are proposed within this mapped Important Habitat area.**

The Simplified Habitat Evaluation Forms are included in Appendix D.

It is LE’s opinion, based on our professional education, training, and familiarity with the project site, that the proposed work or its natural and consequential impacts and effects will not have an adverse effect on any important wildlife habitat functions listed in 310 CMR 10.60(2) of the WPA.

7.0 ALTERNATIVES ANALYSIS

The alternatives has been provided to demonstrate that the Applicant has evaluated options to avoid and minimize impacts to wetland resource areas per Section 310 CMR 10.55(4)(b). The alternatives presented include the 1) No-Build Alternative, 2) Northern Crossing Alternatives, 3) Southern Crossing Alternatives, 4) Clubhouse Pool, 5) Boardwalks, and 6) the Preferred Alternatives.

7.1 No-Build Alternative

The No-Build Alternative would not allow for access to the northern or southern portions of the site. Building 1, 4, 5 consisting of 215 units would not be constructed. The consequences of the No-Build Alternative lead to the inability to develop substantial upland areas, contradictory to the purpose of the MassDEP Policy (Wetlands Policy 88-2: Access Roadways) for Limited Projects. Furthermore, it ignores the local and regional need for the development of mixed-income housing.

7.2 Northern Crossing Alternatives

Alternative crossing locations to the northern upland areas of the site were considered. Wetland A bisects the site from the western property boundary to the northeastern property line along Grove Street. Intermittent streams flow internally through this wetland system. The land bordering the on-site upland consists of the Franklin State Forest owned by the Commonwealth of Massachusetts. As such, access through this land is not feasible and wetland impacts are unavoidable.

The wetlands were then evaluated to determine the best crossing location to minimize impacts to the resource areas. Wetland A to the west and to the east near Grove Street are broad and more challenging to cross with the intermittent streams present. The existing disturbed area adjacent to the culvert was identified as the best location to avoid wetland impacts.

The Applicant considered crossing over the existing culvert; however, it would have involved greater wetland impacts to align the roadway, therefore, the proposed location was selected.

7.3 Southern Crossing Alternatives

Alternative crossing locations to the southern upland areas of the site were considered. Wetland B bisects the site from the southwestern property boundary to the southeastern property line along Grove Street. Intermittent streams flow internally through this wetland system. The land bordering the on-site upland consists of the overhead wire right-of-way (ROW) owned by the New England Power Company and Grove Street. As such, access through the ROW is not feasible.

The Applicant then examined options to access this area directly off Grove Street. A graphic prepared by RJOC, showing what a driveway would look like based on the current site layout is included in Section III – Figures.

The alternative was determined to be non-viable for the following:

1. The development program requires a cohesive pedestrian and vehicular roadway network to allow safe and convenient access for residents. Access that requires a driver to exit the site, drive along Grove Street, and then re-enter the site via a second driveway is not practical nor safe.
2. The driveway would have a slope of between 10% and 11% which is much steeper than the industry standard of 5% and also exceeds the Franklin Subdivision Regulations of 8% for minor roads. Franklin Zoning By-Law allows 15% slope for driveways. However, as this driveway is serving 74 units with 140 parking spaces it would be similar to a Minor Road.
3. Pedestrian access at this alternative driveway would require several ramps with railings to get from Grove Street to the building.
4. The driveway is too steep for an accessible route per the Architectural Access Board Regulations.

The wetlands were then evaluated to determine the best crossing location to minimize impacts to the resource areas. The northern portion of the existing BVW/stream has been legally and lawfully maintained as lawn. The selected location avoids BVW impacts and limits the crossing to the stream only, as the narrowest location of the resource areas.

7.4 Clubhouse Pool

The Applicant originally proposed the Clubhouse at the location of Wetland C, which is highly disturbed and predominantly actively maintained and mowed. The clubhouse and pool need to be centrally located and adjacent to each other, with a size and geometry to make them practical. As such, they were redesigned to avoid this wetland to the extent feasible. Relocation of the pool further to the west or north would result in greater impacts to the BVW in currently forested areas. As such, relocation of these areas to the west and north was avoided. The proposed wetland impacts in the area of Wetland C are limited to the BVW that is currently mowed and maintained as part of the field and will be replicated.

7.5 Boardwalks

The location of the two boardwalks was selected to provide interconnectivity for pedestrian access between buildings, including the Clubhouse and mail room, and to connect to the existing trails to the Franklin State Forest. Due to the location of the existing trails and the proposed buildings, alternative locations of the boardwalks would result in similar impacts. The Applicant examined alternative designs to minimize the impacts. One alternative proposed a six-foot wood boardwalk with concrete footings and limited height over the wetland. This alternative was revised to reduce the width to five feet and increase the minimum height to an average of 3.5 feet through the wetlands to minimize resource area impacts.

7.6 Preferred Alternatives

The Preferred Alternative proposes two roadway crossings consisting of a northern wetland/stream crossing with daylighting of an existing culvert, and a second stream crossing to the south. The project team has identified these options as the Preferred Alternatives because of the minimal impacts to the BVW, Inland Bank, and Buffer Zones when compared to the other alternatives. This alternative provides the optimal crossing locations for access to upland areas of the site, while minimizing resource area impacts. The previous sections provide greater detail on the proposed crossings.

8.0 MITIGATION

The proposed wetland mitigation is designed to meet the requirements under the WPA. Impacts to wetland resources will be mitigated by the creation of one large wetland **replication** area, as described below and depicted on the Site Plans. Additionally, the Applicant is proposing **restoration** of the existing wetlands that are currently being actively and legally maintained and mowed as agricultural fields. Restoration of the disturbed 25-Foot Buffer Zone and the 100-Foot Buffer Zone is also proposed.

8.1 Wetland Replication Area

The project results in the permanent loss (fill) of approximately 580 square feet of BVW. These impacts will be mitigated by replicating 5,875 square feet for the permanent wetland loss, which also includes mitigation for the local IVW impacts.

The intent of the proposed mitigation plan is to create a functional wetland replication that maintains wildlife habitat values, as well as other wetland values associated with the impact areas. The replication area will be established adjacent to the existing wetland at a similar elevation, creating a surficial hydrologic connection to the existing wetlands. Field investigation of the proposed areas and adjacent wetlands was undertaken prior to the design and included considerations of hydrology and existing vegetative cover. Further analysis of subsurface soil conditions will be collected from test pit information prior to construction.

The restoration and replication areas have been designed with respect to the MassDEP Inland Wetland Replication Guidelines.

The mitigation design includes specifications for grading, soils, hydrology, and plant materials as described herein. The wetland replication area has been designed to replace the existing vegetation cover types, functions and values, and to provide improvement. The restored wetland will be graded to create a hydrologic gradient that supports a range of cover types, providing a diversity of vegetation structure and composition. After the grading is complete, the wetland replication area will be planted with wetland trees and shrubs and seeded with a wetland seed mix. In addition to the wetland species that will be planted and seeded, it is anticipated that a broad diversity of indigenous wetland species will become established once appropriate wetland hydrology is created.

As required by state and federal wetland mitigation guidance and the WPA performance standards for wetlands, a Professional Wetland Scientist (PWS) will supervise the construction and plant installation of the wetland replication area. The wetland replication area will be monitored following completion of work.

8.2 Replication Area Construction Sequence

This section describes the sequence of construction activities and provides information regarding grading, planting, and seeding. It also contains erosion and sedimentation control measures that will be utilized throughout construction activities. The Conservation Commission will be notified prior to the commencement of work, to schedule inspection of the work, to discuss depth of soil removal, and re-grading of excess soil within upland areas. The PWS will document conditions relative to vegetation composition and structure, topography, and soils both before and after restoration.

Erosion and Sediment Controls

Prior to the commencement of the replication area construction, erosion and sedimentation controls (i.e., compost filter sock/silt fence) will be installed as shown on the Site Plans. The erosion controls will be inspected during construction to maintain their effectiveness in retaining sediments.

Clearing, Grading, and Soils

In order for the wetland mitigation area to become successful the final grades need to be set approximately 6 to 12 inches above groundwater elevations. Minor adjustments in final grade may be made in the field by the supervising PWS. If substantial changes in the replication area plan are necessary, the Applicant will seek approval from the Conservation Commission prior to implementing any revisions.

The replication area will be cleared and grubbed, and will be excavated to a depth of 18 inches below the final design elevations. Soils excavated from the wetland impact areas are often stockpiled and reused in a proposed replication area if feasible and lacking in invasive species, otherwise a prepared topsoil will be required. The supervising PWS will inspect the sub-grade of the replication area to ensure that the proper hydrology has been established. Minor modifications to this grading plan may be made in the field by the qualified PWS in response to subsurface hydrologic conditions.

The goal for soils at the wetland replication area is to create soil profiles that approximate as closely as possible the soil profiles at the nearest undisturbed existing wetland. This means that a surface horizon is created that approximates the A or O-horizon at the undisturbed wetland site and that at a minimum, contains 6-12 inches of A or O material.

Beneath the A or O there should be a B-horizon (subsoil) that approximates the depth and texture of the B-horizon at the undisturbed wetland (or a suitable composition of the C-horizon). The on-site PWS will examine the depth of the B-horizon to ensure it is adequate. If inadequate, suitable B-horizon soil material will be added to obtain a minimum depth of six (6) inches prior to placing the topsoil. The replication area will then be backfilled with a prepared topsoil to a minimum depth of twelve (12) inches. The prepared topsoil is to consist of a 1:1 mixture (or equal volumes) of organic and mineral materials, that contains at least 12-percent organic carbon content by weight.

Where abutting an existing wetland, the replication area will be graded to the same elevation as the adjacent wetland to maintain a hydrologic connection. After soils have been placed and tilled, the replication area will be planted with the native shrubs and trees listed in the following section and the seed mix will be applied. Any fine grading will be conducted, and erosion controls will be left in place until vegetation is established.

Shrub and Tree Planting

The shrubs and trees used for re-vegetation of the replication site will be obtained from a reputable wetland plant nursery. Shrubs will measure approximately at least 24 inches in height (one-gallon containers), and tree saplings will have a minimum caliper size of one-inch with root balls secured with burlap. Rootstock will be grouped within the replication site to approximate natural communities and provide food and/or cover for wildlife.

Plantings should be placed by hand under the supervision of a qualified PWS. The plantings shall be relocated to locations with suitable hydrology and soils and where appropriate structural context with other plantings can be maintained. Table 8-1 on the following page represents the composition and abundance of plant species to be planted within the replication area.

Seeding

A New England Wetland Seed Mix (or equivalent) will be used for the replication area. The New England Wetland Seed Mix, contains a selection of native seeds which are suitable for most wetland replication sites that are not permanently inundated. These species are best suited to moist disturbed ground as found in most wet meadows, scrub shrub, or forested wetland replication areas. The seeds will not germinate under inundated conditions. If planted during the fall months, the seed mix will germinate the following spring.

During the first season of growth, several species will produce seeds, while other species will produce seeds after the second growing season. Not all species will grow in all wetland situations. This mix is composed of the wetland species most likely to grow in created/restored wetlands and should produce more than 75% ground cover in two full growing seasons. The mix should be applied on clean bare soil via hydro-seeding, mechanical spreader, or spread by hand (on smaller sites). The areas where the mix is applied should be lightly raked or rolled to ensure proper soil-seed contact. The best results are obtained when seeding is applied during the spring, whereas late spring and summer seeding will benefit with a light mulching of clean weed-free straw to conserve moisture.

If conditions are drier than usual, watering may be required. Late fall and winter dormant seeding require an increase in the seeding rate. Fertilization is not recommended and the preparation of a clean, weed free soil surface is necessary for optimal results.

Table 8-2 contains a list of species in the New England Wetland Seed Mix proposed to be used (or equivalent) in the replication area. Approximately three pounds (depending on time of year) of the New England Wetland Seed Mix will be required within the replication area (one pound per 2,500 square feet).

| TABLE 8-1 REPLICATION AREA PLANTING SCHEDULE | | | | |
|---|------------------------------|--------|------------------|---------------|
| Common Name | Scientific Name | Status | Minimum Size | Quantity |
| Trees = 26 | | | | |
| Red Maple | <i>Acer rubrum</i> | FAC | 1-2" caliper | 7 |
| Yellow Birch | <i>Betula alleghaniensis</i> | FAC | 1-2" caliper | 7 |
| Gray Birch | <i>Betula populifolia</i> | FAC | 1-2" caliper | 6 |
| Pussy Willow | <i>Salix discolor</i> | FACW | 1-2" caliper | 6 |
| Shrubs = 40 | | | | |
| Speckled Alder | <i>Alnus rugosa</i> | FACW+ | 24" minimum | 8 |
| Northern Arrow-wood | <i>Viburnum recognitum</i> | FAC | 24" minimum | 8 |
| Northern Spicebush | <i>Lindera benzoin</i> | FACW | 24" minimum | 8 |
| Highbush Blueberry | <i>Vaccinium corymbosum</i> | FACW | 24" minimum | 8 |
| Common Winterberry | <i>Ilex verticillata</i> | FACW | 24" minimum | 8 |
| Ground Cover | | | | |
| New England Wetland Seed Mix (or equivalent) | | Varies | 1 lb./2,500 s.f. | 3 lbs. |

Note: Trees and shrubs shall be spaced throughout replication area to simulate natural growth patterns.

**TABLE 8-2
NEW ENGLAND WETLAND SEED MIXTURE**

| Species | Latin Name | Indicator Status |
|------------------------------|-------------------------------|-------------------------|
| Swamp Milkweed | <i>Asclepias incarnata</i> | OBL |
| Starved/Calico Aster | <i>Aster lateriflorus</i> | FACW |
| Beggar Ticks | <i>Bidens frondosa</i> | FACW |
| Fringed/Nodding Sedge | <i>Carex crinita</i> | OBL |
| Hop Sedge | <i>Carex lupulina</i> | OBL |
| Lurid/Shallow Sedge | <i>Carex lurida</i> | OBL |
| Blunt Broom Sedge | <i>Carex scoparia</i> | FACW |
| Fox Sedge | <i>Carex vulpinoidea</i> | OBL |
| Spotted Joe Pye Weed | <i>Eutrochium maculatum</i> | OBL |
| American Mannagrass | <i>Glyceria grandis</i> | OBL |
| Blue Flag | <i>Iris versicolor</i> | OBL |
| Fowl Bluegrass | <i>Poa palustris</i> | FACW |
| Soft Rush | <i>Juncus effusus</i> | FACW |
| Square Stemmed Monkey Flower | <i>Mimulus ringens</i> | OBL |
| Green Bulrush | <i>Scirpus atrovirens</i> | OBL |
| New York Ironweed | <i>Veronia noveboracensis</i> | FACW |

Planned Hydrology

The proposed location of the replication area is adjacent to Wetland A. The BVW borders on an intermittent stream and is located along a slope. Hydrology within the BVW is provided by groundwater present in the slope groundwater drainage. Hydrology within the replication area will be driven by the shallow depth of groundwater, as well as precipitation.

Irrigation

If necessary, the replication area will be irrigated with an approved water source if natural hydrological cycles do not provide sufficient water to initially sustain the newly planted vegetation. Irrigation practices will only be used in drought situations or if other unforeseen situations warrant the need for irrigation practices. After planting and seeding, the replication area shall be mulched with straw. The mulch shall provide sufficient cover for moisture retention, seed protection, and soil stabilization. The mulch will be free of weeds, reeds, twigs, chaff, debris, and excessive amounts of seed and grain.

8.3 Wetland Restoration

There are several areas of the site where the existing wetlands are being actively and legally maintained as agricultural and mowed fields. These areas are identified on the Existing Wetland Disturbance Exhibit (Sheet EX-DIST) included in Section III – Figures. Approximately 12,485 square feet of these wetland areas will be restored. Restoration will include seeding per the specifications in the previous section.

8.4 Buffer Zone Restoration

Temporarily impacted areas of the 25-Foot Buffer Zone and the 100-Foot Buffer Zone will be restored following completion of construction. These areas are identified on the Wetland & Buffer Zone Impact Exhibit (Sheet BZ-EX) included in Section III – Figures. Work generally includes grading and clearing for construction of the roadways, retaining walls, parking areas, and other infrastructure. Approximately 41,575 square feet of the 25-Foot Buffer Zone will be restored upon completion of work. Approximately 113,150 square feet of the 100-Foot Buffer Zone will be restored upon completion of work.

The New England Showy Wildflower Mix provides a permanent cover of grasses, wildflowers, and legumes for both good erosion control and wildlife habitat value. The mix is designed to be a no maintenance seeding, and is appropriate for cut and fill slopes, detention basin side slopes, and disturbed areas adjacent to commercial and residential projects.

The mix should be applied on clean bare soil via hydro-seeding or mechanical spreader. The areas where the mix is applied should be lightly raked or rolled to ensure proper soil-seed contact. The best results are obtained when seeding is applied during the spring, whereas late spring and summer seeding will benefit with a light mulching of clean weed-free straw to conserve moisture.

If conditions are drier than usual, watering may be required. Late fall and winter dormant seeding require an increase in the seeding rate. Fertilization is not recommended and the preparation of a clean, weed free soil surface is necessary for optimal results.

Table 8-3 on the following page contains a list of species in the New England Showy Wildflower Seed Mix seed mix proposed to be used (or equivalent) in the restoration area.

8.5 Stream Restoration

The Applicant is proposing to daylight approximately 180 linear feet of the culverted stream west of the proposed northern stream crossing, encompassing an area of approximately 910 square feet within the proposed wetland replication area. The Site Plans include the details for the proposed daylighting of the stream.

**TABLE 8-3
SHOWY WILDFLOWER SEED MIX**

| Species | Latin Name | Indicator Status |
|------------------------|---------------------------------|-------------------------|
| Little Bluestem | <i>Schizachyrium scoparium</i> | FACU |
| Partridge Pea | <i>Chamaecrista fasciculata</i> | FACU |
| Indian Grass | <i>Sorghastrum nutans</i> | UPL |
| Creeping Red Fescue | <i>Festuca rubra</i> | FACU |
| Canada Wild Rye | <i>Elymus canadensis</i> | FACU+ |
| Riverbank Wild Rye | <i>Elymus riparius</i> | FACW |
| Ox Eye Sunflower | <i>Heliopsis helianthoides</i> | UPL |
| Lance Leaved Coreopsis | <i>Coreopsis lanceolata</i> | FACU |
| Black Eyed Susan | <i>Rudbeckia hirta</i> | FACU- |
| Marsh Blazing Star | <i>Liatris spicata</i> | FAC+ |
| Common Milkweed | <i>Asclepias syriaca</i> | FACU- |
| New York Ironweed | <i>Vernonia noveboracensis</i> | FACW+ |
| New England Aster | <i>Aster novae-angiliae</i> | FACW- |
| Purple Joe Pye Weed | <i>Eupatorium purpureum</i> | FAC |
| Butterfly Milkweed | <i>Asclepias tuberosa</i> | NI |
| Early Goldenrod | <i>Solidago juncea</i> | NI |
| Boneset | <i>Eupatorium perfoliatum</i> | FACW |

8.6 Monitoring

Monitoring of the restoration/replication areas will be performed by a qualified PWS to ensure successful plant establishment for a minimum two years in accordance with all applicable permit conditions. The first inspection will take place after the first growing season or 180 growing season days after planting. Two inspections will occur each year, one in the late spring and another in the early fall. A yearly monitoring report will be prepared and submitted to the appropriate regulatory agencies and will describe the work completed and vegetation within the restored site as well as any action to be taken to repair, restore, or replant the area if needed.

After the inspections, the contractor will replace all plants that have not become established and re-seed areas that have not reached the desired 75% percent cover of native vegetation. Once all areas have been stabilized with vegetation and monitoring is complete, the erosion control and siltation barriers shall be removed. If conditions develop that impede the success of the restoration/replication efforts, corrective action shall be taken. If the required corrective measures are minor in nature, including additional erosion controls, removal of undesirable invasive plants, or minor re grading/re-seeding, then the work shall be performed as required.

9.0 SUMMARY

The project proposes to construct a new, high quality residential community consisting of 330 apartments and associated parking areas, driveways, utilities and stormwater management at 121 & 0 Grove Street (Map 295, Lot 1 & Map 294, Lot 7) in Franklin, Massachusetts. The proposed project consists of a residential apartment style development within five detached apartment buildings including a centralized clubhouse, swimming pool, parking bays, dog park with associated bituminous paved parking and access drives, landscaping, lighting, utilities and stormwater infrastructure.

Project wide wetland impacts are associated with construction of the main access road to the interior upland areas of the site at two resource area crossing locations. The first crossing is located to the north for access to Buildings #4 and #5 and includes a wetland/stream crossing. The second crossing is located to the south for access to Building #1 and consists solely of a stream crossing. Minor wetland impacts are associated with the proposed Clubhouse pool, as well wetland/stream crossing for two boardwalks for pedestrian access through the site. The project will include intermittent stream crossings that meets the MassDEP Stream Crossing Standards and a wetland replication area is proposed as mitigation for permanent BVW alterations.

The Applicant is seeking approval for this project under the Town of Franklin Wetlands Protection Bylaw (Chapter 181) from the ZBA in lieu of the Conservation Commission and as such, has requested waivers from the provisions of the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and Regulations.

It is LE's opinion, based on our professional education, training, and familiarity with the project site, that the proposed work will not have any permanent adverse effect on any interests identified in the Wetlands Protection Act and are designed to minimize adverse effects on the local ecosystem.

The basis for our opinion is as follows:

- The project meets the performance standards for Inland Bank and BVW of the Wetlands Protection Act under 310 CMR 10.54 and 10.55.
- The project meets the Limited Project provisions of the Wetlands Protection Act under 310 CMR 10.53(3)(e) for the access roadway crossings, and 310 CMR 10.53(3)(j) for the proposed boardwalks.
- The project proposes permanent alteration of approximately 580 square feet of BVW with 5,875 square feet of **replication** at a ratio of 10.1:1 of mitigation to impact for resource areas subject to jurisdiction under the WPA.
- The Applicant is voluntarily providing the 5,875 square feet of wetland replication to include impacts for the IVW at a ratio of and 2.3:1 of **replication** to impact.
- BVW and Buffer Zone **restoration** are proposed in addition to the required wetland replication.

- The proposed stream crossing has been designed in compliance with the Massachusetts River and Stream Crossing Standards.
- The Applicant has examined alternate access to the upland areas of the site to demonstrate that no other practicable alternatives with less environmental impacts are feasible for development of the proposed facility.
- Erosion controls are proposed for the project to protect resource areas during construction.
- The project complies with the MassDEP Stormwater Management Standards.

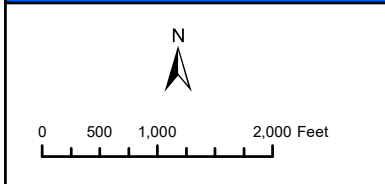
The proposed design provides for a mixed-income residential community, while being sensitive to adjacent regulated resource areas to the extent feasible. Accordingly, the Applicant respectfully requests that the Conservation Commission consider a finding that the proposed design is adequately protective of the interests identified in the Wetlands Protection Act and issue an Order of Conditions approving the project as described in this Notice of Intent and as shown on the attached Site Plans.



SECTION III – FIGURES



Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs, USGS 7.5' Topographic Quadrangle



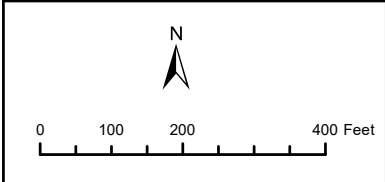
USGS Map
 Notice of Intent
 121 Grove Street
 Franklin, MA

FIGURE 1

LUCAS
 ENVIRONMENTAL, LLC



Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2021)

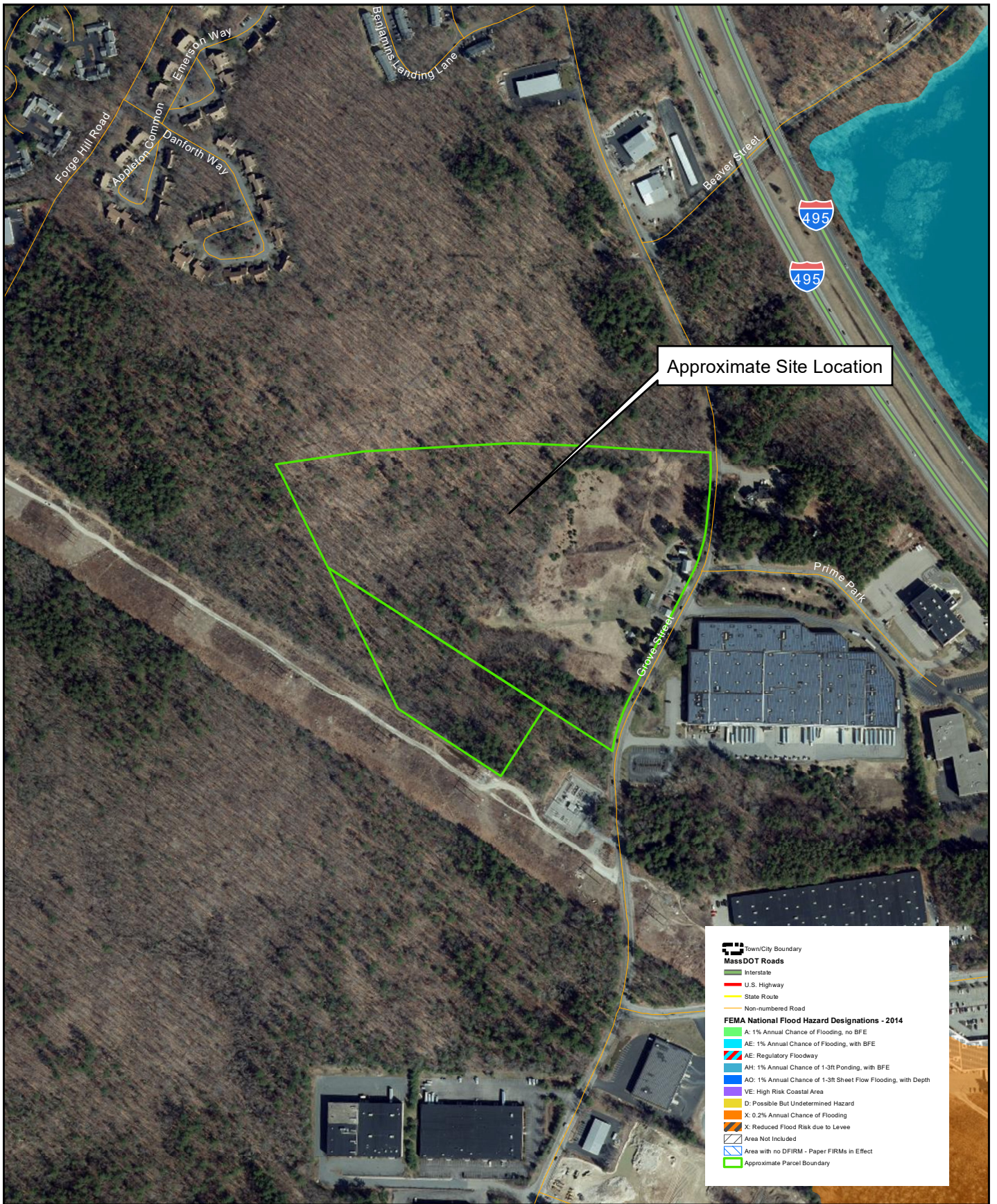


Aerial Map
Notice of Intent
121 Grove Street
Franklin, MA

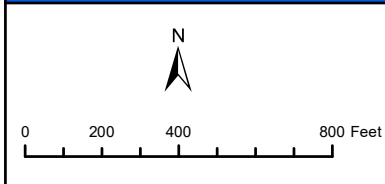
FIGURE 2



LUCAS
 ENVIRONMENTAL, LLC



Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2021)



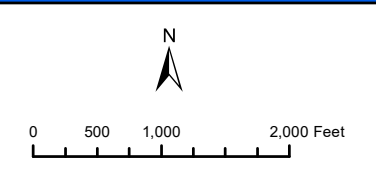
FEMA Map
Notice of Intent
121 Grove Street
Franklin, MA

FIGURE 3



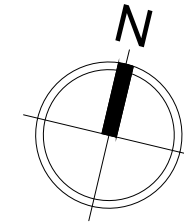


Source: Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs; USGS Color Ortho Imagery - 15cm (2021)



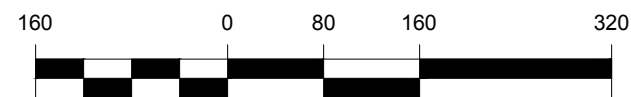
NHESP Map
Notice of Intent
121 Grove Street
Franklin, MA

FIGURE 4



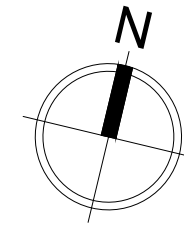
| WETLAND & BUFFER ZONE IMPACT CHART | | |
|------------------------------------|----------------|-------------------------|
| RESOURCE | HATCH COLORING | AREA IMPACTED |
| BORDERING VEGETATED WETLAND | | 580 S.F. (PERMANENT) |
| BORDERING VEGETATED WETLAND | | 585 S.F. (TEMPORARY) |
| ISOLATED VEGETATED WETLAND | | 2,015 S.F. (PERMANENT) |
| INTERMITTENT STREAM BANK | | 235 L.F. (PERMANENT) |
| INTERMITTENT STREAM BANK | | 85 L.F. (TEMPORARY) |
| 25' NO TOUCH BUFFER ZONE | | 21,905 S.F. (PERMANENT) |
| 25' WETLAND BUFFER ZONE | | 41,575 S.F. (TEMPORARY) |
| 100' WETLAND BUFFER ZONE | | 453,500 S.F. |

TOTAL BVW & IVW WETLAND IMPACTS = 2,595 S.F.

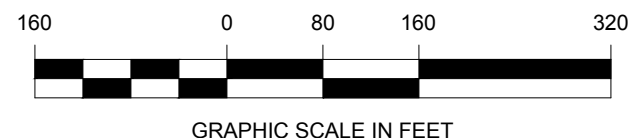


GRAPHIC SCALE IN FEET

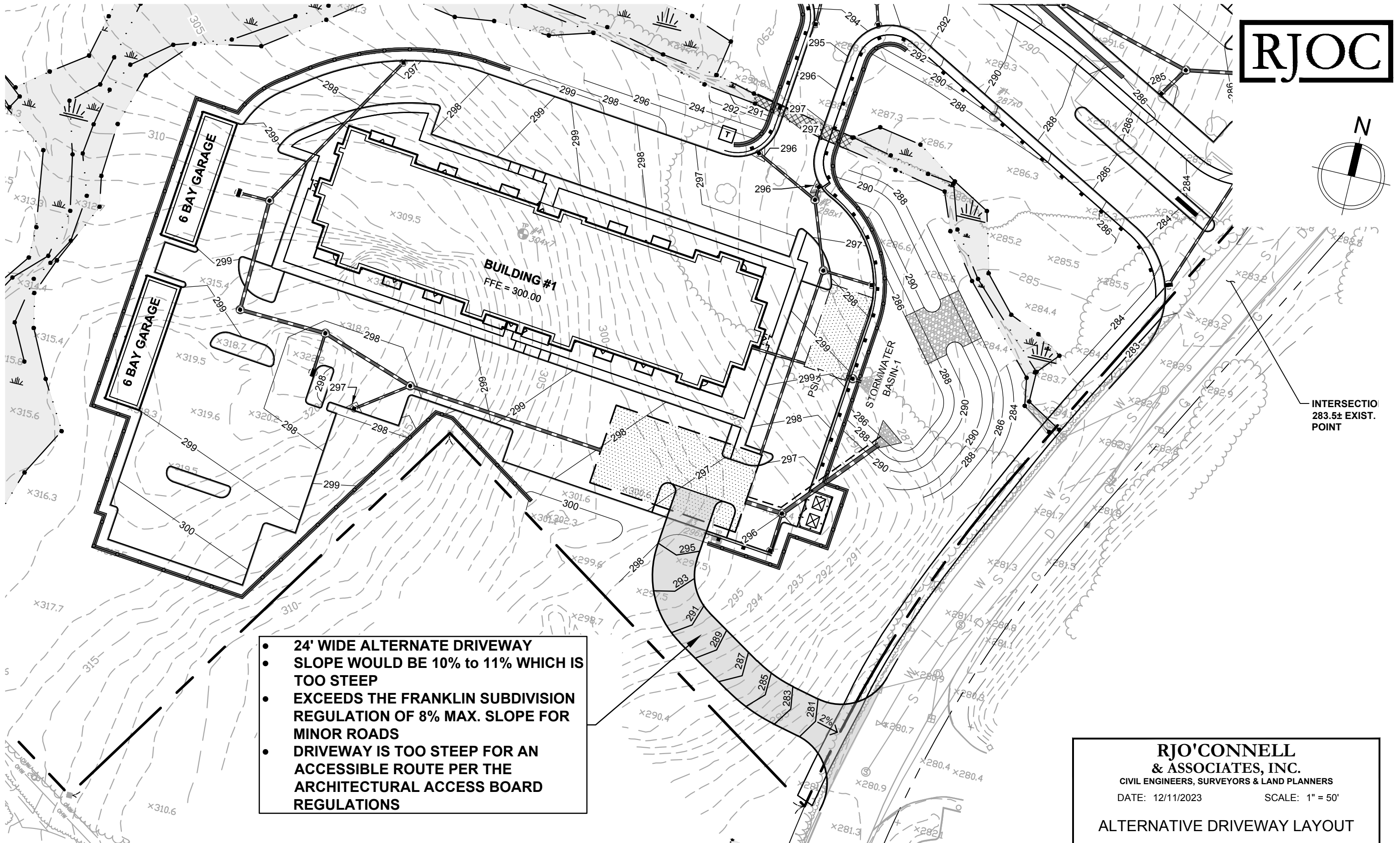
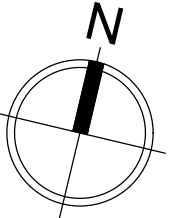
RJO'CONNELL & ASSOCIATES, INC.
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
 DATE: 12/18/2023 SCALE: 1"=160'
 GROVE STREET RESIDENCES
WETLAND & BUFFER ZONE IMPACT EXHIBIT
 121 GROVE STREET
 FRANKLIN, MA



| EXISTING WETLAND DISTURBANCE IMPACT CHART | | |
|---|--|---------------|
| RESOURCE | HATCH COLORING | AREA IMPACTED |
| EXISTING WETLAND DISTURBANCE | | 12,485 S.F. |



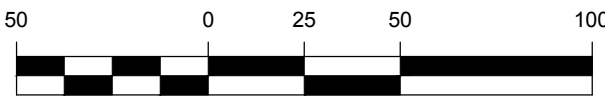
RJO'CONNELL & ASSOCIATES, INC.
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
 DATE: 12/18/2023 SCALE: 1"=160'
 GROVE STREET RESIDENCES
EXISTING WETLAND DISTURBANCE EXHIBIT
 121 GROVE STREET
 FRANKLIN, MA



- 24' WIDE ALTERNATE DRIVEWAY
- SLOPE WOULD BE 10% TO 11% WHICH IS TOO STEEP
- EXCEEDS THE FRANKLIN SUBDIVISION REGULATION OF 8% MAX. SLOPE FOR MINOR ROADS
- DRIVEWAY IS TOO STEEP FOR AN ACCESSIBLE ROUTE PER THE ARCHITECTURAL ACCESS BOARD REGULATIONS

RJO'CONNELL & ASSOCIATES, INC.
CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
DATE: 12/11/2023 SCALE: 1" = 50'
ALTERNATIVE DRIVEWAY LAYOUT
GROVE STREET RESIDENCES
FRANKLIN, MA

Drawing name: G:\MIA\Franklin\Fairfield Residential\121 Grove Street\Exhibits\22016_EXH-1 Alternative Access Study.dwg
Dec 11, 2023 - 19:36pm



GRAPHIC SCALE IN FEET



SECTION IV – APPENDICES



APPENDIX A

ORDER OF RESOURCE AREA DELINATION

Town of Franklin



Conservation Commission

May 9, 2023

Lucas Environmental, LLC
Attn: Christopher Lucas
500A Washington Street
Quincy, MA 02169

RE: Order of Resource Area Delineation, 121 Grove Street, CE159-1261

Dear Mr. Lucas,

Please find enclosed the Order of Resource Area Delineation for 121 Grove Street, recently confirmed through the Franklin Conservation Commission. Per state statute, the Order of Resource Area Delineation must be recorded in the Registry of Deeds and evidence of this recording must be given to the Conservation Department. Please also take note of the included finding of facts.

If you have any questions, please feel free to contact me 508-520-4847 or via email at bgoodlander@franklinma.gov.

Sincerely,

Breeka Li Goodlander, CWS, PWS, CERPIT
Conservation Agent/Natural Resource Protection Manager



Town of Franklin



Conservation Commission

**121 Grove Street, Map 295, Lot 1 & Map 294, Lot 7
Franklin, Massachusetts
Order of Resource Area Delineation
Massachusetts Wetlands Protection Act & Regulations
Town of Franklin Wetlands Protection Bylaw & Regulations
DEP File #159-1261**

List of Submittals for the Record:

- "ANRAD Plan" 121 Grove Street, Franklin, MA prepared for Fairfield Residential Company, LLC (5 Burlington Woods, Suite 203, Burlington, MA 01803) prepared by Lucas Environmental, LLC (500A Washington Street, Quincy, MA 02169) in association with SHIPE Consulting (RJO Connell & Associates, Inc.) stamped by Robert E. Constantine, II No. 49611, revision date April 3, 2023 with a scale of 1" = 60'
- Peer review letters from BETA Group, Inc. dated January 6, 2023 and April 5, 2023
- Final narrative letter from Christopher Lucas of LEC Environmental, LLC dated April 4, 2023

Findings:

- 1) Intermittent Streams and associated inland Banks and Land Under Water north of flag BF2-74; east of BF2-2; east of flag WFA-69 and south of flag BF1-104; east of flag WFA-65; south of flag WFA-109; and east of flag WFB-64 were observed in the field by the Franklin Conservation Commission and are not included on the plan dated April 3, 2023. Therefore, their boundaries could not be confirmed as part of the ANRAD process. These Resource Areas will be identified and/or approximated on any future permitting plans.
- 2) Offsite Resource Areas limited to the New England Power Company parcel, identified as Map 294, Lot 6, to the south of the subject property are not included on the plan dated April 3, 2023. Therefore, their boundaries could not be confirmed as part of the ANRAD process. These Resource Areas will be identified and/or approximated on any future permitting plans.

Wetland Resource Areas:

Resource Areas under M.G.L. 131, S 40, 310 CMR 10.00 and covered under the Franklin Wetlands Protection Bylaw Chapter 181 and associated Regulations. **This ORAD approves the delineation of the Resource Areas series flag as drafted on revised plan dated April 3, 2023, incorporating revisions reflecting BETA Group, Inc. peer review comments including:**

Accurate Delineation:

- 1) Wetland Flag Series B to property line
- 2) Wetland Flag Series D
- 3) Inland Bank Flag Series 1 connecting to property line
- 4) Inland Bank Flag Series 2 connecting to property line
- 5) Inland Bank Flag Series 3 connecting to Wetland B Flag Series

This ORAD does not approve any other Wetland Resource Areas.

Modified Delineation:

- 1) This ORAD does not approve the Wetland Flag Series C as shown and labeled on the plans dated January 19, 2023. This ORAD establishes that the Commission finds that the Wetland C Flag Series, delineated as an Isolated Vegetated Wetland (IVW) on the plans dated January 19, 2023, connects to the Wetland A Flag Series, thereby designating Wetland C as BVW. Specifically Wetland Flag A30 connects to Wetland Flag C5 and Wetland Flag A31 connects to Wetland Flag C6. Accordingly, the Wetland identified by Wetland Flag Series C is considered part of the Wetland identified by Wetland Flag Series A. Although Wetland Flag Series C was determined by the Franklin Conservation Commission to be a BVW, the wetland boundary (with the exception of Flags C5 and C6 and the associated connection to the Wetland A Flag Series) was determined to be accurate.
- 2) In consideration of the finding above, Wetland Flags A30 and A31 are not confirmed as accurate by this ORAD.

For Registry of Deeds Use Only



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area
Delineation

Provided by MassDEP:

CE159-1261

MassDEP File Number

1474797

eDEP Transaction Number

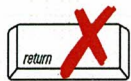
Franklin

City/Town

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

A. General Information

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



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

From: Franklin
 1. Conservation Commission

2. This Issuance is for (check one):

a. Order of Resource Area Delineation

b. Amended Order of Resource Area Delineation

3. Applicant:

Robert Hewitt
 a. First Name b. Last Name

Fairfield Residential Company LLC
 c. Organization

5 Burlington Woods, Suite 203
 d. Mailing Address

Burlington MA 01803
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Bryn Smith
 a. First Name b. Last Name

106 Mendon Street
 c. Organization d. Mailing Address

Bellingham MA 02019
 e. City/Town f. State g. Zip Code

5. Project Location:

121 Grove Street Franklin 02038
 a. Street Address b. City/Town c. Zip Code

294;295 7;1
 d. Assessors Map/Plat Number e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds): 42d07m688s -71d42m290s
 f. Latitude g. Longitude

6. Dates: 11/18/2022 04/06/2023 04/06/2023
 a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area Delineation

Provided by MassDEP:
 CE159-1261
 MassDEP File Number
 1474797
 eDEP Transaction Number
 Franklin
 City/Town

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

A. General Information (cont.)

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

| | |
|--|------------|
| Existing Conditions Site Plan, 121 Grove Street, Franklin, Massachusetts | 04/03/2023 |
| a. Title | b. Date |
| | |
| c. Title | d. Date |

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. _____

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:

a. The Wetland C Flag Series, delineated as IVW, has been found to connect to the Wetland A Flag Series, thereby designating Wetland C as BWW. Specifically, Wetland Flag A30 connects to Wetland Flag C5 and Wetland Flag A31 connects to Wetland Flag C6.

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands
2. Other resource area(s), specifically:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 4B – Order of Resource Area Delineation

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

| |
|-------------------------|
| Provided by MassDEP: |
| CE159-1261 |
| MassDEP File Number |
| 1474797 |
| eDEP Transaction Number |
| Franklin |
| City/Town |

B. Order of Delineation (cont.)

- 3. The boundaries were determined to be inaccurate because:

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

D. 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed 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.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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 or ordinance, 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 4B – Order of Resource Area Delineation

Provided by MassDEP:
CE159-1261
MassDEP File Number
1474797
eDEP Transaction Number
Franklin
City/Town



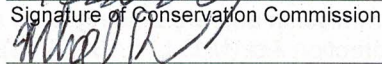
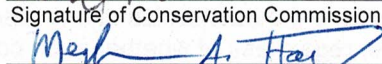

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

E. Signatures

04/06/2023
Date of Issuance
5
1. Number of Signers

Please indicate the number of members who will sign this form.

Signatures

| | |
|---|-----------------|
|  | Jeffrey Milne |
| Signature of Conservation Commission Member | Printed Name |
|  | Richard Johnson |
| Signature of Conservation Commission Member | Printed Name |
|  | Michael Rein |
| Signature of Conservation Commission Member | Printed Name |
|  | Meghann Hagen |
| Signature of Conservation Commission Member | Printed Name |
|  | Mark LePage |
| Signature of Conservation Commission Member | Printed Name |
| Signature of Conservation Commission Member | Printed Name |
| Signature of Conservation Commission Member | Printed Name |
| Signature of Conservation Commission Member | Printed Name |

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on _____ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. By hand delivery on

a. Date

3. By certified mail, return receipt requested on

5/11/2023

a. Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 4B – Order of Resource Area Delineation

MassDEP File Number

eDEP Transaction Number

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

City/Town

Recording Information

Prior to commencement of work, this Order of Resource Area Delineation 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 Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

For: _____
Property Owner

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

Book

Page

In accordance with the Order of Resource Area Delineation issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

DEP File Number:

Provided by DEP

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

A. Request Information

1. Location of Project

a. Street Address b. City/Town, Zip c. Check number d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name Mailing Address City/Town State Zip Code Phone Number Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name Mailing Address City/Town State Zip Code Phone Number Fax Number (if applicable)

4. DEP File Number:

B. Instructions

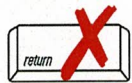
1. When the Departmental action request is for (check one):

- Superseding Order of Conditions - Fee: \$120.00 (single family house projects) or \$245 (all other projects)
Superseding Determination of Applicability - Fee: \$120
Superseding Order of Resource Area Delineation - Fee: \$120

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

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





Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee

Transmittal Form

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

DEP File Number:

Provided by DEP

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. 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.

ABUTTER INFORMATION

Town of Franklin Conservation Commission

NOTIFICATION TO ABUTTERS

Under the Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following proposed project:

Fairfield Grove Street LLC has filed a Notice of Intent with the Franklin Conservation Commission for **the Grove Street Residences proposed mixed-income residential development project located at 121 Grove Street (Map 295, Lot 1 & Map 294, Lot 7) in Franklin, Massachusetts, on December 19, 2023**, under the Wetlands Protection Act (M.G.L c.131 §40).

Copies of the Notice of Intent may be examined during regular office hours from the **Applicant's representative: Lucas Environmental, LLC, by contacting Christopher M. Lucas at 617.405.4140 or cml@lucasenviro.com. An administrative fee may be applied for providing hard copies of the NOI and plans.**

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, January 11, 2024 at 7:00 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.

NOTE: To preserve your appeal rights you must submit comments/concerns in writing. Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.



Town of Franklin, MA

11/25/2023

127498

Abutter's List Request Form

Status: Active

Submitted On: 11/13/2023

Primary Location

0 GROVE ST
FRANKLIN, MA 02038

Owner

SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

Applicant

Thomas Liddy
617-405-4053
tel@lucasenviro.com
500A Washington Street
Quincy, MA 02021

Abutter's List Request Form

Which Board/Commission is requiring this list?*

Conservation Commission

What is the purpose for the request?*

Notice of Intent

How would you like to receive this abutters list?*

Emailed

What email address should we use to send you the abutters list?*

tel@lucasenviro.com

General Parcel Information

Assessor's Parcel ID*

294-007-000-000

Property Street Address*

0 ~~Bent~~ St
Grove

~~294-007-000-000~~
295-001-000-000

121 Grove St



121 GROVE ST [295-001] & O GROVE ST [294-007]

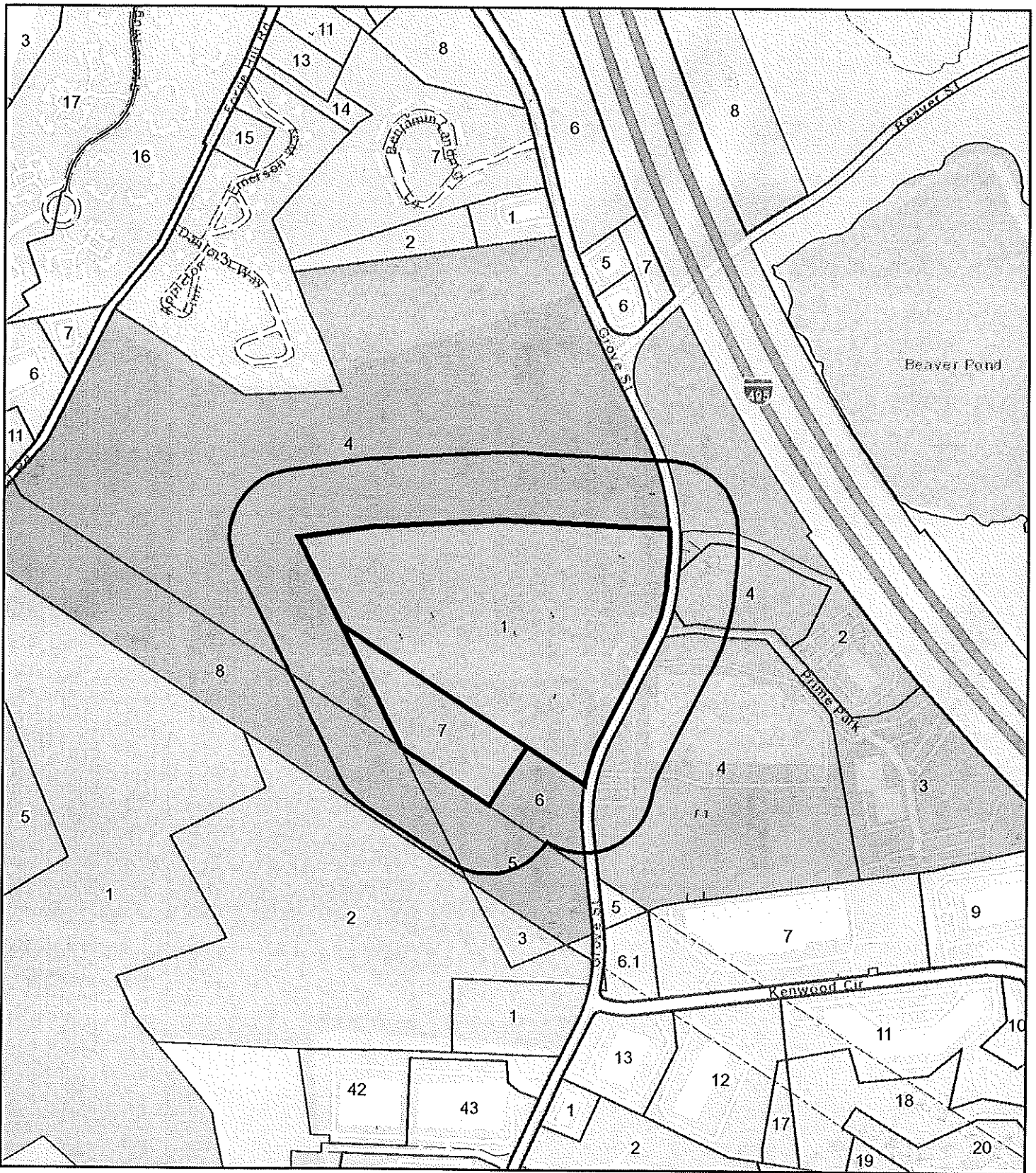
Franklin, MA



November 25, 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
November 25, 2023

Subject Properties:

Parcel Number: 294-007-000
CAMA Number: 294-007-000-000
Property Address: GROVE ST

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

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

Abutters:

Parcel Number: 288-003-000
CAMA Number: 288-003-000-000
Property Address: 100 GROVE ST

Mailing Address: FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

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

Mailing Address: AMEGO
33 PERRY AVE
ATTLEBORO, MA 02703

Parcel Number: 289-004-000
CAMA Number: 289-004-000-000
Property Address: GROVE ST

Mailing Address: COMMONWEALTH OF
MASSACHUSETTS DIVISION OF STATE
PARKS AND RE
251 CAUSEWAY ST, STE 600
BOSTON, MA 02114

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: 294-007-000
CAMA Number: 294-007-000-000
Property Address: GROVE ST

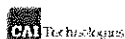
Mailing Address: SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

Parcel Number: 294-008-000
CAMA Number: 294-008-000-000
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: 295-001-000
CAMA Number: 295-001-000-000
Property Address: 121 GROVE ST

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



www.cai-tech.com

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

11/25/2023

Page 1 of 2



300 foot Abutters List Report

Franklin, MA
November 25, 2023

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

Kevin M. Doyle, 11-25-23



www.cai-tech.com

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

11/25/2023

Page 2 of 2

AMEGO
33 PERRY AVE
ATTLEBORO, MA 02703

AMEGO INC
33 PERRY AVE
ATTLEBORO, MA 02703

COMMONWEALTH OF
MASSACHUS
DIVISION OF STATE PARKS A
251 CAUSEWAY ST, STE 600
BOSTON, MA 02114

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

FRANKLIN TOWN OF
355 EAST CENTRAL STREET
FRANKLIN, MA 02038

HUGHES STEPHEN V JR
NEW ENGLAND POWER CO PROP
40 SYLVAN RD
WALTHAM, MA 02451-2286

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

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

SMITH BRYN
106 MENDON ST
BELLINGHAM, MA 02019

FILING FEE INFORMATION



CALCULATED FILING FEE STATEMENT

The proposed project involves the construction of five (5) residential buildings, one (1) club house building, two (2) limited project wetland crossings, and two (2) limited project boardwalks. Note that only four of the five residential buildings are proposed in the 100-Foot Buffer Zone to state jurisdictional wetland resource areas. Proposed activities are included under Category 2(e), Category 3(b), and Category 4(a) under the WPA Wetlands Filing Fee Calculation Worksheet.

Category 2(e): *Any activities reviewable under 310 CMR 10.53(3)(d) and (f) through (l), except for those subject to 310 CMR 10.03(7)(c)4.b. Where more than one activity is proposed within an identical footprint (e.g., construction of a sewer within the footprint of a new roadway), only one fee shall be payable. The fee is \$500.00 per activity under the WPA.*

Category 3(b): *Construction of each building for any commercial, industrial, institutional, or apartment/condominium/townhouse-type development, any part of which is in a buffer zone or resource area. Any activities associated with the construction of said building, including associated site preparation, and construction of retention/detention basins, septic systems, parking lots, utilities, point source discharges, package sewage treatment plants, and roadways and driveways other than those roadways and driveways reviewable under 310 CMR 10.53(3)(e), shall not be subject to additional fees if all said activities are reviewed under a single Notice of Intent. The fee is \$1,050.00 per activity under the WPA.*

Category 4(a): *Construction of each crossing for a limited project access roadway or driveway reviewable under 310 CRM 10.53(3)(e) associated with a commercial, industrial, or institutional development or with any residential construction...* The fee is \$1,450.00 per activity under the WPA.

Wetlands Protection Act Fees:

Category 2(e) = \$500.00 x (2) = \$1,000.00

Category 3(b) = \$1,050.00 x (5) = \$5,250.00

Category 4(a) = \$1,450.00 x (2) = \$2,900.00

Total = \$9,150.00

State Share of WPA Filing Fee: $(\$9,150.00/2) - \$12.50 = \$4,562.50$

Town Share of WPA Filing Fee: $(\$9,150.00/2) + \$12.50 = \$4,587.50$

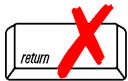
Check Payable to: Commonwealth of Massachusetts for \$4,562.50

Check Payable to: Town of Franklin for \$4,587.50



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI 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:

| | |
|-------------------|---------------|
| 121 Grove Street | Franklin |
| a. Street Address | b. City/Town |
| 702983 | \$4,062.50 |
| c. Check number | d. Fee amount |

2. Applicant Mailing Address:

| | | |
|--|-------------------|------------------|
| Robert | Hewitt | |
| a. First Name | b. Last Name | |
| Fairfield Grove Street LLC | | |
| c. Organization | | |
| 30 Braintree Hill Office Park, Suite 105 | | |
| d. Mailing Address | | |
| Braintree | MA | 02184 |
| e. City/Town | f. State | g. Zip Code |
| 781.881.2303 | rhewitt@ffres.com | |
| h. Phone Number | i. Fax Number | j. Email Address |

3. Property Owner (if different):

| | | |
|--------------------|-------------------------|------------------|
| Bryn | Smith | |
| a. First Name | b. Last Name | |
| c. Organization | | |
| 106 Mendon Street | | |
| d. Mailing Address | | |
| Bellingham | MA | |
| e. City/Town | f. State | g. Zip Code |
| 508.523.3496 | bryn@thenicecompnay.com | |
| h. Phone Number | i. Fax Number | j. Email Address |

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

FRH Realty LLC

Commonwealth of Massachusetts

| DATE | INVOICE NO | DESCRIPTION | INVOICE AMOUNT | DEDUCTION | BALANCE | | |
|------------|---------------|-------------------|----------------|-----------|---------|-----|---------|
| 12-13-23 | 12123.121323B | Cons Comm NOI Fee | 4562.50 | .00 | 4562.50 | | |
| CHECK DATE | 12-13-23 | CHECK NUMBER | 702983 | TOTAL > | 4562.50 | .00 | 4562.50 |

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

FRH Realty LLC

Corporate Account CO# ffp0881
5355 Mira Sorrento Place, Suite 100
San Diego, CA 92121
(858)457-2123


Wells Fargo Bank, N.A.
CA

| | | |
|-------------------|-----------|-------------|
| DATE | CHECK NO. | AMOUNT |
| December 13, 2023 | 702983 | *\$4,562.50 |

Pay:*****Four thousand five hundred sixty-two dollars and 50 cents

VOID AFTER 90 DAYS

PAY TO THE ORDER OF
Commonwealth of Massachusetts
Dept of Environmental Protection
PO Box 3982
Boston, MA 02241-3982



Sarah J. Wiseman

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

FRH Realty LLC

Town of Franklin Massachusetts

| DATE | INVOICE NO | DESCRIPTION | INVOICE AMOUNT | DEDUCTION | BALANCE | | |
|------------|---------------|-------------------|----------------|-----------|---------|-----|---------|
| 12-13-23 | 12123.121323A | Cons Comm NOI Fee | 4587.50 | .00 | 4587.50 | | |
| CHECK DATE | 12-13-23 | CHECK NUMBER | 702984 | TOTAL > | 4587.50 | .00 | 4587.50 |

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

FRH Realty LLC

Corporate Account CO# ffp0881
5355 Mira Sorrento Place, Suite 100
San Diego, CA 92121
(858)457-2123

Wells Fargo Bank, N.A.
CA


11-24
1210

DATE CHECK NO. AMOUNT
December 13, 2023 702984 *\$4,587.50

Pay:*****Four thousand five hundred eighty-seven dollars and 50 cents

VOID AFTER 90 DAYS

PAY TO THE ORDER OF
Town of Franklin Massachusetts
355 East Central St
Franklin, MA 02038



Sarah J. Wiseman

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW



APPENDIX D

WILDLIFE HABITAT EVALUATION FORMS



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Project Information

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

Grove Street Residences, 121 Grove Street, Franklin, MA: Northern Access Roadway Crossing

Project Location (from NOI)

Christopher M. Lucas

Name of Person Completing Form

December 15, 2023

Date



Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- Trees with large cavities (≥ 18 " tree diameter at cavity entrance)
- Existing beaver, mink or otter dens
- Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- Land containing freshwater mussel beds
- Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- Turtle nesting areas
- Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- Stream bed riffle zones (e.g. in eastern MA)
- Springs
- Gravel stream bottoms (trout and salmon nesting substrate)
- Plunge pools (deep holes) in rivers or streams
- Medium to large, flat rock substrates in streams



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

When any one of the following activities is proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (refer to Appendix B).

- Activities located in mapped “Habitat of Potential Regional or Statewide Importance”
- Activities affecting certified or documented vernal pool habitat, including habitat within 100’ of a certified or documented vernal pool when within a resource area
- Activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds
- Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- Activities affecting the sole connector between habitats >50 acres in size
- Installation of structures that prevent animal movement
- Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- Dredging (greater than 5,000 sf)



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Project Information

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

Grove Street Residences, 121 Grove Street, Franklin, MA: Northern Boardwalk

Project Location (from NOI)

Thomas E. Liddy

Name of Person Completing Form

December 15, 2023

Date



Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- Trees with large cavities (≥ 18 " tree diameter at cavity entrance)
- Existing beaver, mink or otter dens
- Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- Land containing freshwater mussel beds
- Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- Turtle nesting areas
- Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- Stream bed riffle zones (e.g. in eastern MA)
- Springs
- Gravel stream bottoms (trout and salmon nesting substrate)
- Plunge pools (deep holes) in rivers or streams
- Medium to large, flat rock substrates in streams



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

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- Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- Activities affecting the sole connector between habitats >50 acres in size
- Installation of structures that prevent animal movement
- Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- Dredging (greater than 5,000 sf)



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Project Information

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

Grove Street Residences, 121 Grove Street, Franklin, MA: Southern Boardwalk

Project Location (from NOI)

Thomas E. Liddy

Name of Person Completing Form

December 15, 2023

Date



Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
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- Trees with large cavities (≥ 18 " tree diameter at cavity entrance)
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- Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- Land containing freshwater mussel beds
- Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- Turtle nesting areas
- Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- Stream bed riffle zones (e.g. in eastern MA)
- Springs
- Gravel stream bottoms (trout and salmon nesting substrate)
- Plunge pools (deep holes) in rivers or streams
- Medium to large, flat rock substrates in streams



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

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- Activities affecting the sole connector between habitats >50 acres in size
- Installation of structures that prevent animal movement
- Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- Dredging (greater than 5,000 sf)



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Project Information

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

Grove Street Residences, 121 Grove Street, Franklin, MA: Clubhouse Pool

Project Location (from NOI)

Christopher M. Lucas

Name of Person Completing Form

December 15, 2023

Date



Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- Trees with large cavities (≥ 18 " tree diameter at cavity entrance)
- Existing beaver, mink or otter dens
- Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- Land containing freshwater mussel beds
- Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- Turtle nesting areas
- Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- Stream bed riffle zones (e.g. in eastern MA)
- Springs
- Gravel stream bottoms (trout and salmon nesting substrate)
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- Medium to large, flat rock substrates in streams



Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

When any one of the following activities is proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (refer to Appendix B).

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- Activities affecting certified or documented vernal pool habitat, including habitat within 100’ of a certified or documented vernal pool when within a resource area
- Activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds
- Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- Activities affecting the sole connector between habitats >50 acres in size
- Installation of structures that prevent animal movement
- Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- Dredging (greater than 5,000 sf)



APPENDIX E

WETLANDS BYLAWS & REGULATIONS WAIVER REQUEST

TOWN OF FRANKLIN
WETLAND BYLAWS & REGULATIONS WAIVER REQUESTS

| Bylaw/Regulation Section | Description | Waiver Request (Pursuant to issuance of Comprehensive Permit under MGL c.40B by ZBA) |
|---|--|---|
| Franklin Chapter 181 Wetlands Protection Bylaw | | |
| Section 181-1 Purpose. | Additional functions, characteristics, standards, and procedures listed under the Bylaw. | General waiver from application of additional standards and procedures of local Bylaw to the Project; Project subject solely to the requirements of the Massachusetts Wetlands Protection Act and Regulations (MGL c. 131, s. 40 and 310 CMR 10.00) thereunder. |
| Section 181-2 Jurisdiction. | Permit under more expansive jurisdiction under the local Bylaw required from Conservation Commission. | Waiver from local Bylaw jurisdiction; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 181-3 Presumption of Significance. | May require a strip of continuous, undisturbed vegetative cover within 100 feet or 200 feet of resource areas. | Waiver from local Bylaw if buffer strip were to be required. |
| Section 181-4 Definitions. | Definitions of terms under the Bylaw. | Waiver from additional or more onerous local Bylaw definitions; Project subject solely to definitions established by the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 181-5.A.(1) Applications for permits; | No activities shall commence without receiving and complying with a permit issued pursuant to the local Bylaw. | Waiver from local Bylaw permit requirements; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations Filing Fees. |
| Section 181-5.C. Filing Fee. | Local filing fee requirements. | Waiver from local Bylaw filing fee requirements; Project to be subject solely to filing fee requirements for a Comprehensive Permit and those required by Massachusetts Wetlands Protection Act and Regulations thereunder. |

TOWN OF FRANKLIN
WETLAND BYLAWS & REGULATIONS WAIVER REQUESTS

| Bylaw/Regulation Section | Description | Waiver Request (Pursuant to issuance of Comprehensive Permit under MGL c.40B by ZBA) |
|---|--|---|
| Section 181-8. Permits & Conditions. | Local permit and conditions requirements under the Bylaw. | Waiver from authority of local Bylaw permit and conditions requirements; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 181-12 Burden of Proof. | Local requirements to show no adverse effect on local functions and characteristics subject to the Bylaw. | Waiver from authority and local Bylaw requirements; Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Franklin Chapter 271 – Conservation Commission Bylaws | | |
| Section 271-6.C(3) Chairman: Powers and Duties | Administering the Town Wetland Protection Bylaw, Chapter 181. | Waiver from local Bylaw requirements. The Project to be subject solely to the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 271-9.D. Vote Requirements | A motion to conduct separate hearings under the Town Wetland Protection Bylaw, Chapter 181, shall require a vote | Waiver from local Bylaw requirements. Voting requirements relating to the Project to be subject solely to the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 271-9. H, I, J, K, L & M. Vote Requirements | Motions under or per the Town Wetland Protection Bylaw, Chapter 181. | Waiver from local Bylaw requirements. Voting requirements relating to the Project to be subject solely to the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 271-13. Definition of key terms in Town Wetland Protection Bylaw | Definitions of terms under the Bylaw. | Waiver from local Bylaw definitions and requirements, to the extent these vary from those applicable to the Project per the Massachusetts Wetlands Protection Act and Regulations thereunder. |

TOWN OF FRANKLIN
WETLAND BYLAWS & REGULATIONS WAIVER REQUESTS

| Bylaw/Regulation Section | Description | Waiver Request (Pursuant to issuance of Comprehensive Permit under MGL c.40B by ZBA) |
|---|---|--|
| Town of Franklin Conservation Commission Regulations | | |
| Town of Franklin Conservation Commission Regulations | Compliance with Franklin Conservation Commission Regulations | Waiver from compliance with Franklin Conservation Commission Regulations. Project to be subject solely to Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 1. Definition of Key Terms | Definitions of terms under the Franklin Conservation Commission Regulations. | Waiver from local Franklin Conservation Commission Regulations definitions, to the extent these vary from those applicable to the Project per the Massachusetts Wetlands Protection Act and Regulations thereunder |
| Section 2. Performance Standards | Performance Standards under the Franklin Conservation Commission Regulations | Waiver from compliance with the Performance Standards; Project to be subject solely to the performance standards set forth in the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 4.1. Buffer Zone Preamble | Franklin considers 100 feet from a defined/delineated resource area as the buffer zone and consequently an additional protected resource. | Waiver of the local buffer zone requirements; Project to be subject solely to the resource areas established in the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 4.2.1 0 to 25 Foot Buffer Zone Resource Area. | No work/disturbance including grading activities is allowed within the 0-25 foot buffer zone resource area. | Waiver to allow work associated with the Project within 0-25 foot buffer zone resource area. |

TOWN OF FRANKLIN
WETLAND BYLAWS & REGULATIONS WAIVER REQUESTS

| Bylaw/Regulation Section | Description | Waiver Request (Pursuant to issuance of Comprehensive Permit under MGL c.40B by ZBA) |
|--|---|--|
| Section 4.3.1 25 to 50 Foot Buffer Zone Resource Area. | No structures including but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that for all intents and purposes would significantly increase runoff within 25-50 foot buffer zone resource area are allowed. Alteration in the 25-50 foot buffer zone resource area is limited to grading, tree clearing. | Waiver to allow concrete, stone, pavement, and other impervious surfaces such as foundations, slabs, buildings and the like, stormwater management system components, lawns, gardens, and other low impact uses associated with the Project within the 25-50 foot buffer zone resource area, in addition to tree clearing and grading. |
| Section 4.4.1 50 to 100 Foot Buffer Zone Resource Area. | The Commission may require additional mitigation offsets when the slope within the 50-100 foot buffer zone resource area is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource areas is proposed to be impervious surface. | Waiver from requirement for additional mitigation offsets under this section to allow for the Project. |
| Section 7.4.4 Local Filing Fee | Local Filing Fee worksheet and check | Waiver from this requirement; Project to be subject solely to filing fee requirements for a Comprehensive Permit and those required by Massachusetts Wetlands Protection Act and Regulations thereunder. |

TOWN OF FRANKLIN
WETLAND BYLAWS & REGULATIONS WAIVER REQUESTS

| Bylaw/Regulation Section | Description | Waiver Request (Pursuant to issuance of Comprehensive Permit under MGL c.40B by ZBA) |
|--|--|--|
| Section 7.9 Project Narrative | The Commission requires a Narrative to describe the project in and its impacts on the local requirements. | Waiver from this requirement. Project impacts are described in the Comprehensive Permit application and in the NOI as required by Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 7.10.1 Functions & Characteristics Statement | The Commission requires a statement that describes whether the project will have an adverse effect on several functions and characteristics. | Wavier from this requirement for the local functions and characteristics (i.e., erosion and sedimentation, water quality, water pollution control, agriculture, and recreation). Project impacts are described in the Comprehensive Permit application and in the NOI as required by Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 7.11.2 Mitigation Plan | The Commission requires a narrative describing measures to avoid the local Buffer Zone Resource Area. | Waiver from this requirement. Project impacts and measures at avoidance are described in the Comprehensive Permit application and in the NOI as required by Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 7.13.1 Alternatives Analysis | Alternatives analysis for structures proposed within 50 foot buffer zone | Waiver from this requirement; Project to be subject solely to requirements of the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 7.14 Replication Plan and Protocol | Local wetland replication requirements. | Waiver from these requirements; Project to be subject solely to the requirements of the Massachusetts Wetlands Protection Act and Regulations thereunder. |
| Section 7.18.1.5 Information to be shown on the plans | Existing vegetation, including turf lawn areas, cultivated herbaceous and woody plant areas, uncultivated field, scrub and woodland areas and woody plants larger than 1" diameter at the base proposed to be removed. | Waiver from these requirements. The limits of wooded and open field areas are shown on the plans included with the Comprehensive Permit filing and NOI. |