

September 14, 2022

To: Town of Franklin - Conservation Commission
Attn. Breeka Li Goodlander
355 East central St
Franklin, MA 02038

Re: RDA, 0 Lincoln St (Parcel ID# 219-178-002-000), Franklin, MA

SUBMISSION

On behalf of Bruce D. Wheeler of Oliver Crossing Realty Trust, we are pleased to submit a **request for determination of applicability (RDA)** for a parcel off of 0 Lincoln St (Parcel ID#: 219-178-002-000). The resource areas on the property have been determined by an ORAD issued on 5/17/2022. The resource areas include bordering vegetated wetland, isolated vegetated wetland, and an intermittent stream located on the property. The RDA is for conducting soil testing for roadway and stormwater basins area. Two of the stormwater basin soil test pits and 3 road way test pits will be located inside of the 100-ft buffer zone. The work will require a temporary crossing a dry intermittent stream and BVW using steel plate and matting. No trees or vegetation in resource area will be removed. See plan for details.

Supporting documents are in the accompanying forms, reports and site plans. This RDA is filed under the Franklin Wetlands Protection By-law and Massachusetts Wetlands Protection Act.

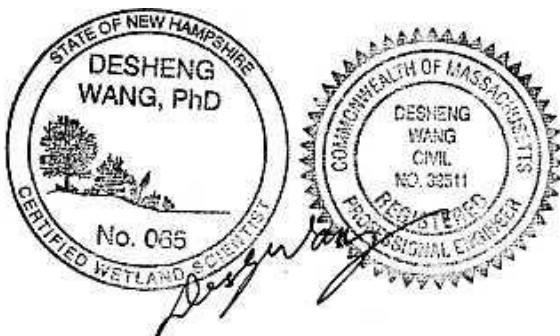
1. WPA Form 1 – RDA
2. Local Filing Fee Worksheet
3. Copy of Fee Checks
4. Exhibit A – Owners List
5. Exhibit B – Owners Authorization
6. Property Access Signature Form
7. Application Process Signature Form
8. USGS Quad Map
9. Soil Testing Plan by Guerriere & Halnon, Inc. Dated September 6, 2022
10. Order or Resource Area Delineation, Franklin Heights Parcel B, CE159-1249

Feel free to contact us if you have any questions.

Sincerely

Creative Land & Water Engineering, LLC

By



Desheng Wang, Ph.D., P.E.
Civil/Environmental Engineer
Certified Wetland Scientist
Certified Soil Evaluator

Francis Alves, E.I.T.
Civil/Environmental Engineer

CC: MassDEP Central Regional Office – 8 New Bond Street, Worcester, MA 01606
Bruce Wheeler – Oliver Crossing Realty Trust, 148 Park Street, North Reading, MA, 01864



WPA Form 1- Request for Determination of Applicability

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.



1. Applicant:

Bruce D. Wheeler bwheeler@habitechinc.com
Name E-Mail Address

148 Park Street
Mailing Address

North Reading MA 01864
City/Town State Zip Code

(978) 664-6900
Phone Number

Fax Number (if applicable)

2. Representative (if any):

Creative Land & Water Engineering, LLC
Firm

Desheng Wang deshengw@yahoo.com
Contact Name E-Mail Address

P.O. Box 584
Mailing Address

Southborough MA 01772
City/Town State Zip Code

(508) 281-1694
Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Franklin Conservation Commission make the following determination(s). Check any that apply:

a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.

b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.

c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.

d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Franklin
Name of Municipality

e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

As per 310 CMR 10.02 (2)(b)(2)(g), "Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling and surveying and percolation tests for septic systems provided that resource areas are not crossed for site access.)", are not subject to regulation under M.G.L. c. 131, § 40.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Josephine Farina (Trustee) – See additional owners attached

Name

P.O. Box 600269

Mailing Address

Newton

City/Town

MA

State

02460

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

9/12/2022

Date

Signature of Representative (if any)

9/12/2022

Date

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

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

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

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

\$0.50/foot/resource area: = _____

5. **OTHER PERMITS/SERVICES**

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

6. **FILING FEE CALCULATION**

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

Local Filing Fee Calculated Above \$ _____

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

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

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

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

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

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

Exhibit A
Applicant and Owners

Applicant:

Bruce D. Wheeler
Oliver Crossing Realty Trust,
Assignee of Habitech Acquisition and Permitting Trust
148 Park Street
North Reading MA, 01864

Owner information:

Josephine A. Farina and Catherine L. Medaglia, Trustees of the Harmony Nominee Realty Trust
PO Box 600269
120 Adams Street
Newton, MA 02460

John A. Farina
Anthony J. Medaglia, Jr.
Stephen M. Collins
Bryon R. Collins
David C. Collins
Sean C. Collins

C/o Kathryn G. Collins, Esq.
Hornung & Scimone PC
5 Commonwealth Road, 4th Floor
Natick, MA 01760

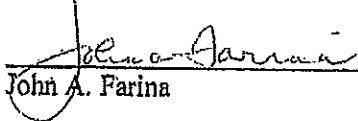
EXHIBIT B
AUTHORIZATION

The undersigned, being the owner of Franklin Heights - 000 Trooper Paul Barry Way, Franklin, Massachusetts - located off Lincoln Street, Franklin, Massachusetts and consisting of approximately 20.3 acres of land more or less noted as lot No. 219-178-002-000 with the Town of Franklin Board of Assessors hereby authorize D. Bruce Wheeler, Trustee of the Habitech Acquisition and Permitting Trust or its assigns, the right to make and file applications on our behalf, to any and all governmental and quasi-governmental entities for licenses, permits and approvals relating to the Premises.

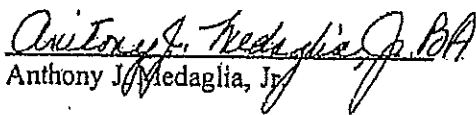
Executed this 17th day of May, 2021.

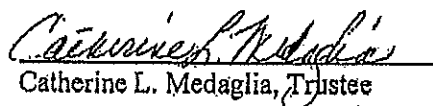
Confirmed valid with the applicant on 9/12/2022

SELLER


John A. Farina

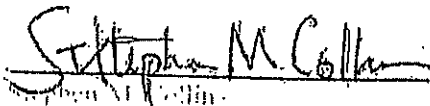
Harmony Nominee Realty Trust


Anthony J. Medaglia, Jr.


Catherine L. Medaglia, Trustee

Harmony Nominee Realty Trust


Josephine A. Farina, Trustee


Stephen M. Collins


Sean C. Collins


Bryon R. Collins


David C. Collins

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.

see authorization letter

Signature of Property Owner

Date

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.

See authorization letter

Signature of Property Owner

Date

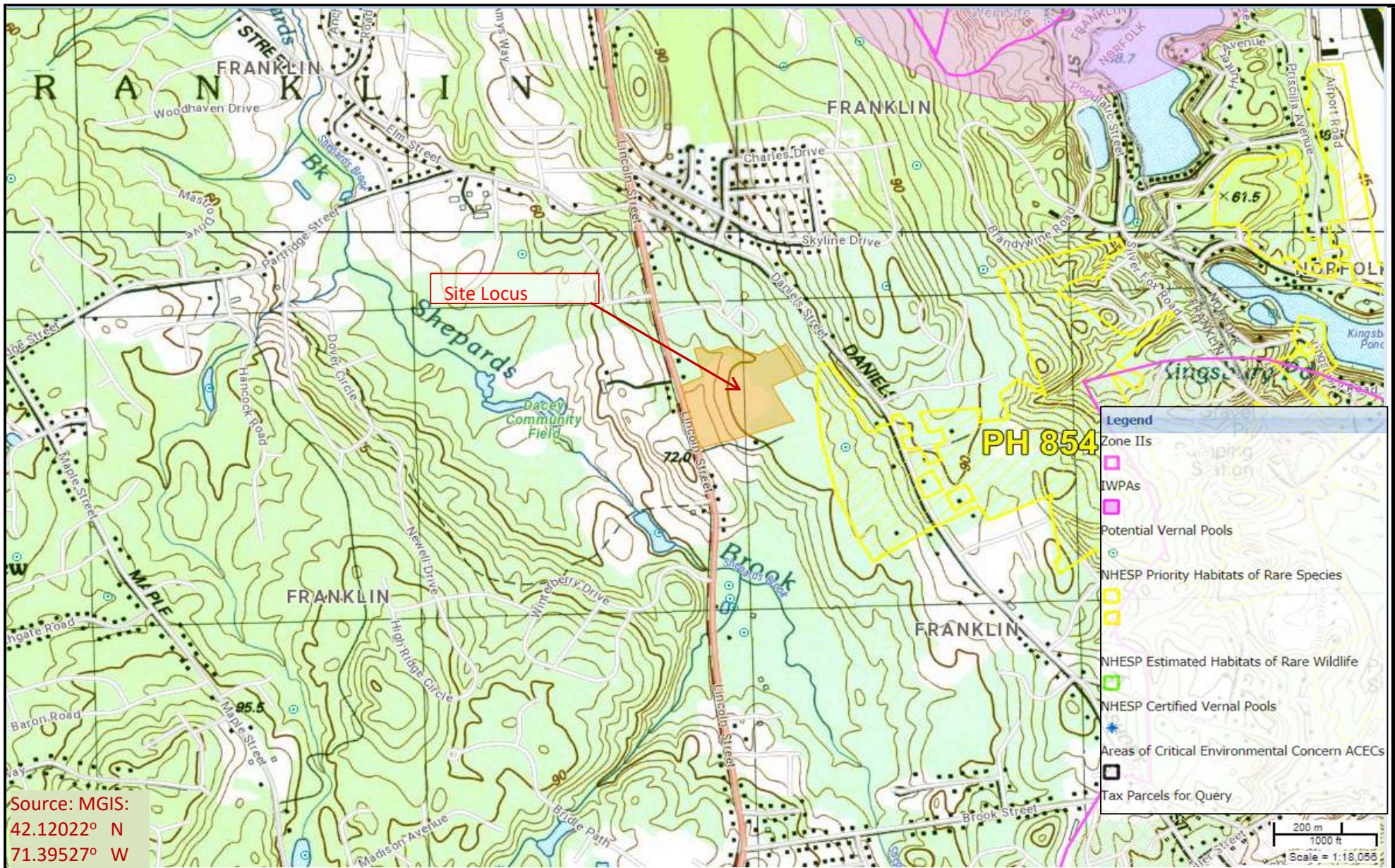


Figure 1. USGS Site Locus Map

Project:
 Franklin Heights
 Trooper Paul Bary Way
 Franklin, MA

By: .
 Creative Land & Water Engineering, LLC
 P.O. Box 584
 Southborough, MA 01772
 508-281-1694 www.claweng.com

