



January 4, 2023

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

Re: 74 South Street
MassDEP File No. 159-1259
Notice of Intent Peer Review

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed documents and plans for the project entitled: **74 South Street** located at in Franklin, Massachusetts. This letter is provided to present BETA's findings, comments, and recommendations.

BASIS OF REVIEW

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

- Notice of Intent entitled **Notice of Intent 74 South Street Franklin, Massachusetts**; prepared by McArthur Environmental Consulting, LLC.; dated October 2022.
- Plan (1 Sheet) entitled **Certified Plot Plan**; prepared by Continental Land Survey, LLC; dated October 18, 2022; stamped and signed by Christopher C. Charlton, MA P.L.S No. 48649.
- Plan (1 Sheet) entitled **Site Layout**; prepared by n3 Architecture; dated October 21, 2022.

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

- Site visit on December 30, 2022
- **Massachusetts Wetlands Protection Act 310 CMR 10.00** effective October 24, 2014
- **Wetlands Protection Chapter 181 From the Code of the Town of Franklin**, dated August 20, 1997
- **Conservation Commission Bylaws Chapter 271 From the Code of the Town of Franklin**, dated July 11, 2019
- **Town of Franklin Conservation Commission Regulations**, dated October 3, 2019
- **Town of Franklin Best Development Practices Guidebook**, dated September 2016

SITE AND PROJECT DESCRIPTION

The Site includes one (1) parcel located at 74 South Street in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcel 341-010-000-000. The Site is bounded to the north by protected open space consisting of undeveloped woodlands and wetlands, and to the east, west, and south by residential properties. At the rear of the property is an easement to the United States of America in association with the protected Article 97 land. The Site is developed with an existing single-family home and associated amenities including an attached garage, paved driveway, septic system, in-ground pool, attached deck, landscaped and hardscaped areas, and a shed.

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

The Site is not located within any Wellhead Protections Areas (Zone I, Zone II, & Interim) or Surface Water Protection Areas (Zone A, B, or C). There are also no Outstanding Resource Waters (ORWs) or Areas of Critical Environmental Concern (ACEC) present, and the most recent Natural Heritage and Endangered Species Program (NHESP) mapping does not depict any Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife at the Site. There are no NHESP-mapped Certified or Potential Vernal Pools located within 100 feet of the Site; however, a Potential Vernal Pool is mapped northeast of the Site within 200 feet of the lot line.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Merrimac Fine Sand Loam with a Hydrologic Soil Group (HSG) rating of A, and Canton Fine Sandy Loam with a HSG rating of B. According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C316E, dated effective July 17, 2012, the northern property line is partially within a Flood Zone A with no published Base Flood Elevation (BFE).

An Enforcement Order was issued by the Franklin Conservation Commission on October 11, 2022 for unauthorized vegetation clearing within the 25-to-100-foot buffer zone to the BVW at the Site. The Applicant seeks after the fact approval for work completed subject to the Enforcement Order, in addition to newly proposed Site improvements. Proposed work includes the following activities (collectively referred to as “the Project”):

- Removal and disposal of debris stockpiles associated with previous vegetative clearing within the buffer zone;
- Construction of a 3,240 square foot (sf) barn inclusive of an 840 sf RV storage area partially within the 100-foot buffer zone;
- Installation of a cistern to capture stormwater runoff from the barn;
- Extension of the existing paved driveway of which portions that are located within the 100-foot buffer zone will be gravel; and
- Removal of 5 trees within the 100-foot buffer zone.

Additional work is proposed at the Site, such as the installation of a 360 sf patio and extension of the paved driveway that is located outside of the 100-foot buffer zone. This work is outside of jurisdiction under the Act and the Bylaw and therefore, it is not included within this review.

The Project will result in temporary and permanent impacts within the buffer zone to BVW Subject to Protection under the Act and the Bylaw.

ADMINISTRATIVE AND PLAN COMMENTS

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

Table 1. NOI Plan

NOI Plan Requirements	Yes	No
Scale of 40’=1” or larger	✓	
North Arrow (with reference)	✓	

Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)		✓(See Comment A2)
Proposed Topography		✓ (See Comment A3)
Existing and Proposed Vegetation	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule		✓(See Comment A4)
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference		✓ (See Comment A5)
Survey Benchmark		✓ (See Comment A6)
Accurate Plan Scale	✓	

PLAN AND GENERAL COMMENTS

- A1. A file number has been issued by the Massachusetts Department of Environmental Protection (MassDEP) with no technical comments.
- A2. Include the date(s) and method(s) of the topographic survey in the plan notes.
- A3. Include proposed topographic contours associated with the construction of the barn, driveway, and patio.
- A4. Provide a Construction Schedule and Sequence in the plan notes (Bylaw Section 7.18.1.14.).
- A5. Include assessors' references of the abutting properties.
- A6. Include the survey benchmark.

WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA has conducted an onsite and regulatory review of the submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Act and the Bylaw. The Project is proposed within buffer zone only and as such is not subject to specific Performance Standards under the Act. Although exempt from the MassDEP Stormwater Standards as a single-family home project, a cistern is proposed within uplands west of the barn to capture roof runoff for reuse.

The NOI application includes sufficient narrative information describing the Project, and the proposed impacts within the buffer zone areas have been quantified and generally described. Mitigation measures include use of erosion controls and installation of Stormwater Best Management Practices (BMP's) to manage stormwater runoff from the barn. Although sufficient information has been provided to describe the effects of the work on the interests of the Act, additional information is necessary to demonstrate compliance with the Bylaw.

The Project plans and narrative require administrative revisions including information regarding the topographic survey, proposed Site conditions, and a Construction Sequence and Schedule.

EXISTING CONDITIONS COMMENTS

BETA conducted a Site visit on December 30, 2022 to assess existing conditions, however, as requested, the Resource Area delineation was not reviewed for accuracy under the Act or Bylaw. It is assumed the resource area boundary will be reviewed and confirmed by others. Straw wattles and silt fence were observed to have been installed downgradient of the limit of cleared brush in compliance with the Enforcement Order. Additionally, removal of only the brush and woody debris from the prior completed work in the buffer zone was ongoing.

CONSTRUCTION COMMENTS

- W1. Add a note on the plans indicating how the site will be restored if heavy machinery is required to assist with the existing debris removal or proposed tree removal within the buffer zone.
- W2. Indicate the location of laydown or stockpile areas on the Project plan for use during construction of the barn. These areas should be cited outside of the buffer zone to BVW.
- W3. Provide confirmation that the “optional extension” of the driveway as labeled on the Project plan would consist of gravel as described in the project narrative. The Plan should be updated to indicate this.
- W4. Approximately 1,200 cubic yards of fill will be required for construction of the proposed barn. The Applicant should depict the proposed topography on the plans and the plan should note method of long-term stabilization (i.e. The “Conservation Seed Mix”). In addition, the Applicant should indicate the type of fill proposed and confirm that only clean fill will be used.
- W5. A detail for the cistern and plan showing how water will flow to the cistern should be included on the plans.

MITIGATION COMMENTS

- W6. A method of interim soil stabilization, such as straw mulch, should be provided to cover exposed soils within cleared areas of the buffer zone until permanent stabilization with seed mix can be completed. The Applicant should also provide a schedule for permanent stabilization.
- W7. The Plan should depict the location of the existing erosion control barriers.
- W8. The project narrative indicates use of a conservation seed mix to stabilize cleared areas within 100 feet of the BVW. Specifications of the proposed conservation seed mix should be provided.
- W9. Indicate the anticipated use of the cleared buffer zone area within the 50-100 foot buffer zone, specifically whether this area will be maintained as a lawn or naturalized using the seed mix discussed in W8.

WPA PERFORMANCE STANDARDS COMMENTS

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, 3,138 square feet of alteration to the buffer zone to BVW is proposed. Erosion controls have already been installed to protect downgradient resource areas per the Enforcement Order.

BYLAW REGULATORY COMMENTS

- W10. The following materials must be submitted per the submission requirements of the Bylaw Regulations:

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- a. A Vernal Pool Statement (Section 7.7)
- b. A Construction Sequence and Schedule (Section 7.15); and
- c. A Functions and Characteristics Statement (Section 7.10)

W11. The Erosion and Sedimentation Control Plan provided within the narrative should also be included on the Project plans as required under Section 7.12.1.

REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant has provided the Conservation Commission with sufficient information to describe the Site, the work, and the effect of the work on the interests identified in the Act; however, additional information is required to demonstrate compliance of the Project with the Bylaw. If we can be of any further assistance regarding this matter, please contact us at our office.

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Very truly yours,

BETA Group, Inc.



Elyse Tripp
Staff Scientist



Laura Krause
Project Manager

cc: Amy Love, Town Planner

Bryan Taberner, AICP, Director of Planning & Community Development

Matt Crowley, P.E., BETA

Robert Drake, P.E., BETA