



CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS

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March 26, 2024

Mr. Bruce J. Hunchard, Chair
Franklin Zoning Board of Appeals
Franklin Town Hall
335 East Central Street
Franklin, MA 02038

Regarding: 121 Grove Street
Comprehensive Permit Application
Revised List of Requested Exemptions

Dear Mr. Hunchard:

On behalf of Fairfield Grove Street LLC, RJ O'Connell & Associates (RJOC) is submitting the enclosed revised list of requested waivers.

Based on response to comments and design development, we have revised the List of Requested Exemptions (aka the waivers) for the proposed program.

Franklin Zoning Bylaw Franklin Code Chapter 185

- The waivers requested from the zoning code include the proposed use, number of buildings, dimensions, signage and similar, all as having been discussed and no changes are warranted.

Chapter 131 Public Way Access Permits, Chapter 155 Streets and Sidewalks Excavation in Public Way, Chapter 179 Water and Water Extension, Chapter 263 Water

- We had requested a waiver from these regulations but we believe waivers are no longer required.

Franklin Stormwater Management Bylaw Chapter 153

- We initially requested a waiver from this regulation, however we believe that only a few specific waivers are required. The remaining waivers pertain to payment of review fees (we have paid for peer review fees under both the Con Comm review and the ZBA review), posting a surety and the methodology for determining depth to groundwater.
- We will submit for the applicable soil erosion and sediment control plan and stormwater plan.
- We will pay the annual Stormwater Utility Fee which we understand is applicable to all land owners in town.

Franklin Subdivision of Land Stormwater Management Regulations Chapter 300-11

- We initially requested a waiver from this regulation, however we believe that only a few specific waivers are required. The remaining waivers pertain to the types and depths of storm drain infrastructure.

Wetlands Protection Bylaw Franklin Chapter 181

Franklin Chapter 271 – Conservation Commission Bylaws

Town of Franklin Conservation Commission Regulations

- The local wetland regulations include processes and restrictions that are in addition to the state Wetland Protection Act (WPA). We will comply with all provisions of the WPA and where possible, we have complied with the local regulations, however some waivers are requested. The primary waivers requested are summarized as follows:
 - The local regulations define the resource areas as inclusive of areas whether or not they border surface waters. This has the effect of making the one Isolated Vegetated Wetland (IVW) jurisdictional under the local regulations whereas it is not under the WPA. Under the WPA, filling this area is allowed with no mitigation. We have voluntarily provided wetland replication of the IVW at a more than 2:1 ratio (which equates to an approximate 12:1 (twelve to one) ratio under the WPA)
 - Under the WPA, upland areas adjacent to Bordering Vegetated Wetland (BVW) is not a resource area but rather a buffer zone to the resource area. Under the local regulations, the 100-foot buffer zone is also a resource area and so subsequently there are restrictions for the 0-25, 25-50 and 50-100 foot buffer zones. The proposed program necessitates some work in portions of these zones and these waivers are requested.

The revised waiver list is attached and includes a detailed discussion on each.

Please feel free call me if you have any questions at 781-279-0180 x101 or email brian.mccarthy@rjoconnell.com.

Sincerely,

RJO'CONNELL & ASSOCIATES



Brian J. McCarthy
Vice President

Att: List of Requested Exemptions, revised 3/26/2024

cc: Joe Peznola – Hancock Associates
Mark Bobrowski – Blatman, Bobrowski, Haverty & Silverstein, LLC
Robb Hewitt - Fairfield Residential Company, LLC
Richard R. Cornetta Jr. - Cornetta, Ficco & Simmler, P.C.