



## Charles River Watershed Association

By Email and Mail

February 15, 2006

Secretary Stephen R. Pritchard  
Executive Office of Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Attn: Anne Canaday, MEPA Unit

**Re: *Environmental Notification Form, Franklin Heights Estates, Franklin, MA,  
EOEA No.13713***

Dear Secretary Pritchard:

The Charles River Watershed Association (CRWA) submits the following comments on the Environmental Notification Form (ENF) for the above-referenced project. We are submitting our comments via email as well as by mail because CRWA recently moved, our phone lines are not operational, and consequently neither is our fax line.

Although the proposed project falls just below the thresholds for a mandatory EIR, MEPA jurisdiction in this situation is broad because the proponent may be seeking approval from the Housing Board of Appeals if the Comprehensive Permit is appealed.<sup>1</sup> For the reasons discussed below, an environmental impact report should be required for this project; however, depending on the information submitted, MEPA may determine that single EIR will suffice.

The proponent should clarify the total amount of impervious surface. In an August, 2005 letter from Franklin to the Department of Housing and Community Development (DHCD), the maximum coverage by structures is described as 16%, or 5.87 acres and the impervious cover for pavement as 21%, which would result in more than 10 acres of imperviousness, rather than the 8.28 acres listed in the ENF. The EIR should clarify the number of parking spaces for each townhouse unit and the basis for the number of spaces per unit: according to the ENF, there will be two parking spaces per unit plus a garage; however, in the Town's letter to DHCD, it states that there will be one parking space plus a one-car garage per unit.

### Water and Wastewater

The Town of Franklin is one of the fastest growing towns in the I-495 region. Its exponential growth has resulted in the proliferation of impervious surfaces and increased water

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<sup>1</sup> In the December 16, 2005 Certificate on the EENF for Cedar Ridge Estates (MEPA # 13666), for example, the Secretary affirmed that in such projects, "MEPA jurisdiction is broad and extends to all aspects of the project that may have significant environmental impacts."

demand. Franklin is experiencing a water supply shortage, particularly during the summer months when mandatory water bans are routine.

Potable water will be provided by municipal water supply. The EIR should discuss the ability of the municipal supply to meet this demand. Franklin's water withdrawal permit is undergoing five-year review this spring and will be significantly revised pursuant to the Department of Environmental Protection's new Water Management Act Policy (April 2004) and Guidance (January 2005). According to DEP's information request to Franklin in the review process, Franklin's individual sources exceeded their authorized maximum daily withdrawal volumes in 2002 and 2003. Moreover, water use is integral to wastewater issues since reduction in water use will reduce the volume of wastewater. The DEIR should discuss conservation measures that will be employed to keep the project's residential water use below 65 gallons per capita per day in keeping with DEP's Policy and the town's revised water withdrawal permit. The proponent should commit to installation of low water use dishwashers and washing machines throughout the project.

The proponent has committed to using native and drought tolerant plantings. Turf requiring irrigation should be avoided. With the wetlands ringing the project, pesticides, herbicides or fungicides should be avoided. If not entirely eliminated, the amount of turf should be stated in the EIR. The proponent should also commit to harvesting rooftop runoff for its irrigation needs.

Wastewater will be exported to the Charles River Pollution Control District (CRPCD), eliminating the possibility of treated wastewater recharge to the aquifer.

### Stormwater Management

According to the ENF, surface water will be discharged to wetlands. The small scale of the site plans and absence of any detailed narrative in the ENF makes it impossible to tell where stormwater management structures will be located, or the location (or locations?) of the wetland discharge. The ENF merely lists common stormwater management structures. According to the Notice of Intent attached to the ENF, due to high groundwater and slow permeability, stormwater infiltration rates were not included. Infiltration rates should be included in the EIR. The feasibility of recharge should be analyzed. While the upper Charles basin is classified as medium stressed in the Water Resources Commission's *Stressed Basins* report, CRWA believes it should more properly be classified as highly stressed. Therefore, the project should make every effort to infiltrate stormwater as opposed to discharging it to surface waters.

The DEIR should also present drainage patterns and calculations, pre and post construction runoff rates flows and a detailed description of the proposed BMPs, including a discussion of the alternatives considered along with their impacts. Compliance with DEP's Stormwater Management Policy performance standards should also be discussed. The DEIR should include a site plan that shows where these stormwater structures will be located.<sup>2</sup> The stormwater management plan submitted with the NOI is cursory and inadequate. Since the internal roads will be privately owned, the association will ultimately be responsible for ongoing

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<sup>2</sup> A report by Judith Schmitz, the proponent's consultant, attached to the ENF states that water from roofs and roads will be recharged through roof drains and within the sumps of detention basins.

operation and maintenance of structural and other BMPs. The DEIR should include a detailed stormwater management plan with operation and maintenance for BMPs that includes internal roadway sweeping,<sup>3</sup> catch basin cleaning and a snow removal plan. The stormwater management plan should be incorporated into the order of conditions and recorded in the registry of deeds. We note that many structural stormwater BMPs fail in the first three years because of failure to adequately maintain them.

There is real opportunity to use low impact development (LID) techniques in this project. Proper site design in combination with many landscaping and infiltration techniques can cumulatively improve stormwater management cost-effectively. A suite of tools should be evaluated in the EIR including: preservation of the site's natural features to the greatest extent possible; planting native vegetation in buffer strips and rain gardens (small planted depressions that can trap and filter runoff); using vegetated areas to slow runoff; and using alternative street design, narrower roads and omission of curbs to reduce impervious surfaces. Common LID practices to be considered are use of rain gardens and bioretention; rooftop gardens; sidewalk storage; vegetated swales, buffers, and strips; tree preservation; roof leader disconnection; rain barrels and cisterns; permeable pavers and pollution prevention and good housekeeping.

### Wetlands

The project is ringed with wetlands and will require disturbance of 69,690 s.f. within the first 50 feet of buffer zone. An additional 133,960 s.f. will be disturbed in the 50-100 foot portion of the buffer zone. The EIR should analyze alternatives that will avoid entirely, or minimize, impacts to the inner buffer zone. Five wetland crossings are planned for roadways and a section 401 water quality certification is necessary. About 4680 s.f. of bordering vegetated wetlands and bank (60 ft) will be filled. According to the ENF, wetland resource replication will be about 1:1. An explanation as to why a replication of less than 2:1 is proposed should be included in the EIR as well as a detailed wetlands' replication plan. In one of the crossings, two small new wetlands on opposite sides of the road are planned. The EIR should discuss the connection, if any, between these two replicated wetland areas.

The proponent should address the significance of wetland resources on the site, including water supply, flood control, flows to intermittent and perennial streams, storm damage prevention and habitat protection. The EIR should also contain a drainage analysis and discuss impacts to wetlands caused by changes in stormwater runoff patterns. A wetland water quality monitoring plan should be required in the Order of Conditions as well as establishment of baseline conditions

### Mitigation Measures:

The DEIR should contain a discussion of mitigation measures for the project and the timetable for implementation of these measures.

Lastly, the proponent should explain and expand on the statement in the ENF that the applicant "further focuses on the open space and recreational resources of the Town. The applicant promotes the enhancement of open space and recreational lands by providing services

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<sup>3</sup> The plan attached to the NOI is contradictory. It states that parking areas will be swept annually and at another point, semi-annually. The only reference to roadway sweeping in the section on "maintenance after construction" is under "Parking Lot: the owner shall keep the roadway swept with a mechanical sweeper or hand swept twice a year."

to the Lincoln Street fields and the protection and preservation of water resources and watersheds in the community” should be explained in the EIR.

Please do not hesitate to contact me if you have any questions. My email is [mvandeusen@crwa.org](mailto:mvandeusen@crwa.org).

Very truly yours,

Margaret Van Deusen  
Deputy Director

cc: Franklin Conservation Commission  
Franklin Zoning Board of Appeals