

November 12, 2020

*Via Email*

Anne Canaday  
MEPA Office  
Executive Office of Energy and Environmental Affairs  
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**Re: Notice of Project Change, Central Square, Franklin, MA, EEA No. 15313**

Dear Anne:

Charles River Watershed Association (“CRWA”) submits the following comments on the Notice of Project Change (“NPC”) for the Central Square project in Franklin. The project is located near Uncas Brook, a tributary to the Charles River, is in Franklin’s Water Resource District, and is located within zone II of Franklin’s public water supply well #7.

This project originally involved development of two adjacent parcels, Lots 9 and 10. The entire MEPA review and approval process was based on development of those two parcels. According to the NPC, Lot 10 is no longer included in the project; the project is now limited exclusively to Lot 9. As a result, the total site acreage, total acres of land altered, and total acres of impervious area is significantly less than originally proposed, which makes sense given that impacts to Lot 10 are no longer included in these totals. However, of the 6.5 acres remaining within the project area, 5.47 acres will still be altered, of which 4.41 acres will be impervious surface. The project also now includes 104 units of residential housing, whereas it did not include any residential housing when initially reviewed and approved under MEPA.

While we acknowledge the significant reduction in overall impacts due to the elimination of one of the parcels, because the prior project involved one integrated project on two separate lots, what is being proposed now is essentially a new project. The NPC contains little information that would allow for meaningful review and assessment of the revised project’s environmental impacts, relying instead on a general assertion that there will be fewer environmental impacts than previously proposed. MEPA requires more, and the proponent should be required to supplement its NPC filing.

#### Stormwater

The only information about stormwater management measures proposed for the revised project comes from the Drainage Analysis submitted with the NPC. More information is needed to determine what measures are proposed for the remaining project area and whether they are adequate, specifically with respect to phosphorus reduction. Although the NPC briefly mentions

TSS removal, it never mentions phosphorus reduction or how the project will comply with the Upper/Middle Charles River Nutrient Total Maximum Daily Load (“TMDL”), despite the Secretary’s previous directive to describe in detail how the project will be designed to meet the TMDL. DEIR Certificate at 19. Under the TMDL, significant reductions in phosphorus loading are required in order to meet water quality standards—there is no “room” for any additional phosphorus loading to the Charles River. Specifically, the TMDL found that the total annual phosphorus load to the Upper/Middle Charles River was 29,872 kg/year while the TMDL load (amount in a healthy river) is 14,968 kg/yr, meaning a 50% total reduction in annual phosphorus load is needed in order to meet water quality standards in the Upper/Middle Charles River. Accordingly, the TMDL specifically states that “[n]ew development will need to minimize or offset phosphorus loads.”

The NPC also does not acknowledge Franklin’s obligations under the MS4 permit, nor does it provide calculations of the existing and proposed phosphorus loading from the site under Appendix F of the MS4 permit. Under the revised MS4 permit, which we expect to be finalized any day, Franklin is required to reduce its phosphorus load by 44%—which is a reduction of approximately 1,007 kg/yr below its current load of approximately 2,312 kg/yr for a total allowable load of approximately 1,305 kg/yr. If this project increases Franklin’s baseline load, the reduction required to meet the allowable load will be even higher. The proposed project land use is likely to contribute a significant nutrient load and must be fully mitigated.

Despite these phosphorus reduction requirements, the proponent does not appear to be considering incorporation of low impact development and green infrastructure measures such as porous pavement, water quality swales, box tree filters in parking areas, or rain gardens. It also does not appear that the proponent has “identif[ied] and evaluate[d] all feasible methods to reduce impervious surfaces, including increased building massing, parking ratios, banking of parking, and narrow roadway widths,” as required by the DEIR Certificate. DEIR Certificate at 19; *see also* ENF certificate at 15.

Proper stormwater management is also critical because this site is located within Franklin’s Water Resource District, the purpose of which is “to protect, preserve and maintain the existing and potential ground- and surface water resources providing water supply” for the town. With respect to drainage, Franklin’s zoning bylaws require on-site recharge of all stormwater runoff from impervious surfaces unless approved by the Conservation Commission and determined by the Building Inspector to be infeasible because of site conditions or undesirable because of uncontrollable risk to water quality. Recharge is required to be accomplished by surface infiltration through vegetative surfaces. It is not clear from the NPC documents how the project will comply with these requirements that protect Franklin’s water supply.

Finally, as we noted in previous comments, the Stormwater Management Operations and Maintenance Manual included in the FEIR was rudimentary and was going to be further refined, according to the proponent. It did not include parking lot and roadway sweeping—critical for reducing phosphorus loading and other stormwater pollutants. The proponent had agreed to monthly vacuum sweeping of roadways and parking areas after construction in its Response to Comments—this should be a binding mitigation commitment and included in the O&M Manual.

## Alternatives Analysis

Because this proposed project is now significantly different from what was considered throughout the entire MEPA process, the alternatives analysis previously conducted is largely no longer applicable. A new alternatives analysis should be conducted based on the current site attributes and constraints and current proposed uses, which now include residential uses. Alternative configurations of the project should be considered that would increase height, density, and grouping of buildings to minimize impervious surfaces and increase open space. Low impact development and green infrastructure measures to address stormwater, maximize recharge, and reduce phosphorus loading should also be incorporated into a revised alternatives analysis.

Thank you for considering these comments, and please do not hesitate to reach out with any questions.

Sincerely,



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