

February 22, 2024

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

**Re: 160 Maple Street – Maplegate Solar South  
MassDEP File No. Not Yet Issued  
Notice of Intent Peer Review**

Dear Ms. Goodlander,

Bohler Engineering is in receipt of a comment letter from BETA Group, Inc., dated January 5, 2024. On behalf of Applicant Maple Street Solar LLC, Bohler offers the following responses. For clarity, the original comments are in *italics*, while our responses are directly below in **bold** type. Note that as discussed at our initial meeting with the Commission, we are seeking a Variance for 854 SF of wetland disturbance in order to construct the proposed access road and open culvert crossing. To mitigate the disturbed wetlands we are proposing 1,833 SF of wetland replication to the Northern section of the same wetland massing. We are also seeking approval for new disturbance within the 25' no disturbance zone of 635 SF, and to maintain 8,995 SF of existing disturbed area within the 25' no disturb zone. We are proposing to offset this impact by providing 49,205 SF of buffer restoration in the 25' no disturbance zone areas that were previously disturbed by the golf course use and will be now be outside the limit of the proposed solar development. Restoration plantings and seed mixes have been noted on the Landscape Plans for these areas.

Enclosed please find the following documents that correspond to the responses provided below:

- Two (2) signed and sealed copies of the *Proposed Site Plan Documents* for Maple Street Solar LLC prepared by our office dated 7/20/2023, last revised February 21, 2024;
- Seven (7) 11"x17" copies of the *Proposed Site Plan Documents* for Maple Street Solar LLC prepared by our office dated 7/20/2023, last revised February 21, 2024;
- Two (2) 48"x36" signed and sealed copies of the *ALTA/NSPS Land Title Survey prepared by Feldman Geospatial dated February 16, 2024*;
- Seven (7) 11"x17" copies of the *ALTA/NSPS Land Title Survey prepared by Feldman Geospatial dated February 16, 2024*;
- Seven (7) 11"x17" copies of the *Tree Removal Exhibit* for Maple Street Solar LLC prepared by our office dated 2/21/2024;
- Seven (7) copies of the Response Letter, prepared by our office dated February 21, 2024;

**General Comments**

*Comment #1 MassDEP has not issued a file number as of this writing.*

**Response :** **Comment acknowledged. This was filed on 11/16/23. It is being tracked on the Energy and Environmental Affairs website but no NOI number issued to date.**

*Comment #2 A north arrow reference should be provided on the plans per Bylaw Regulations Section 7.18.1.13.*

**Response :** **The plans have been reviewed and revised accordingly to include a north arrow.**

*Comment #3 Existing conditions plans are referenced on the cover sheet of the plan set but were not provided. An existing conditions plan stamped by a Professional Land Surveyor registered in the State of Massachusetts should be submitted.*

**Response :** **A copy of the signed and sealed ALTA/NSPS Land Title Survey dated 2/16/2024 has been included with this submittal bound separately of the site plan documents.**

*Comment #4 Provide a note stating who performed the wetland delineation and when it occurred.*

**Response :** **A note has been added to the ALTA Survey stating the wetland delineation was performed by LEC Environmental during February and March of 2022 with portions of the wetlands revised and delineated February 2024.**

*Comment #5 Provide a note indicating the date(s) and method(s) of the record survey. The datums used and a representative benchmark should be provided.*

**Response:** **Please see the ALTA Survey included with this submission.**

*Comment #6 Existing woody plants to be removed within Buffer Zone that are larger than 1 inch in diameter should be depicted on the plans per Bylaw Regulations Section 7.18.1.5. The Tree Removal Exhibit provides areas of tree clearing (totaling 10.59 acres); however, individual trees are not depicted. BETA defers to the Conservation Commission on whether this exhibit meets the intent of this Bylaw requirement.*

**Response:** **The Tree Removal Exhibit has been revised to include estimates for the number of trees above 3" caliper and above intended to be removed as part of the proposed site alterations. Calculations were performed by field counting trees in sampled wooded areas to find the average tree count per 1,000sf. Two categories were used in determining the ratios, densely wooded (4 trees per 1,000 sf) and light underbrush, less densely wooded (1.5 trees per 1,000sf).**

## **Resource Area and Boundary Comments**

*Comment #1 BETA concurs with the TB Series Bank boundary as delineated by the Applicant at the location of the proposed crossing; however, the Bank boundaries should be extended to the north of the extent of proposed work.*

**Response:** **As discussed at the prior commission meeting, the defined TB begins just north of the existing cart crossing. The wetlands to the North are channeled at that crossing and that is where the defined stream bank begins.**

*Comment #2 BETA concurs with the Applicant's delineation of ISLF associated with the K, I, and H Series flagging.*

**Response:** **Comment acknowledged.**

**Comment #3:** *BETA concurs with the Applicant's delineation of the extent of the Vernal Pool within the L Series BVW and the H Series ISLF; however, similar impoundments (i.e., the K and I ILSF) with sufficient standing water to sustain Vernal Pool species breeding habitat were observed. The Applicant should provide documentation of their Vernal Pool assessment performed during the breeding season to confirm that additional Vernal Pools are not present at the Site.*

**Response:** **LEC conducted vernal pool surveys in the I and K series wetlands on 3/23/22 and 3/31/22. On both dates, 3 spotted salamander egg masses were observed in the I series (and no wood frog egg masses), and no spotted salamander or wood frog egg masses were observed in the K-series. Since a minimum of five egg masses from "obligate" species are required for certification under the NHESP Guidelines, LEC concluded that neither the I nor K series contain vernal pool habitat.**

**Comment #4:** *BETA generally agrees with the Applicant's delineation of BVW at the Site, subject to the following comments:*

- a. *Due to their distance from the proposed work, flags WF 375 to WF 425 were not reviewed in the field; however, BETA confirmed that no additional Resource Areas are present upgradient of these flags within 100 feet of the proposed work. In addition, BETA noted additional Resource Areas present at the Site (e.g., intermittent streams within BVWs) that were not delineated by the Applicant. It is recommended that the Commission note the presence of these Resource Areas and that their boundaries are not approved in the Order of Conditions.*
- b. *The Applicant has identified several areas upgradient of the flagged BVWs on the plans where "Wetland Restoration Plantings within 25', 50', and 100' Buffers" are proposed. BETA generally observed hydric soil indicators within these areas including, but not limited to, sandy soils with depleted matrices and the Redox Dark Surface (F6) indicator. The extents of these hydric soil indicators were observed to approximately correlate with the limits of proposed restoration at the following locations:*

- *Southeast of WF LLL6 through LLL9;*
- *West of WF 554 through 560;*
- *East of WF 446 through 455; and*
- *East of WF 470 through 473, including within the wetland replication area.*

*In accordance with MassDEP and U.S. Army Corps of Engineers (USACE) wetland delineation guidance, documentation of hydric soils can be sufficient to establish a wetland boundary within previously disturbed areas where vegetation cannot be used as a reliable indicator. BETA recommends that the flagging be revised in these areas to encompass the hydric soil indicators referenced above and that Buffer Zones be revised accordingly.*

**Response:** **LEC conducted a supplemental field evaluation and relocated approximately 19 flags that increased the delineated wetland boundary. These flags were picked up by Feldman Geospatial and depicted on the updated ALTA/NSPS survey. The Bohler Site Plan Documents have been revised to depict these updated boundaries and their affiliated buffers. The proposed site improvements including perimeter fencing, access roads and solar panels/equipment have been removed from within the 25' wetland buffer. Note that additional wetland buffer restoration area has been noted on the plans within these areas as most of the area in concern is currently being impacted by the golf course use.**

## **Construction Comments**

**Comment #5:** *Material storage and laydown areas should be depicted on the Project plans and located outside of jurisdictional areas to the extent feasible.*

**Response:** Notes have been added to the plans restricting material storage and laydown areas within the 100' wetland buffer limits.

*Comment #6: Proposed erosion controls include use of silt fence and straw bales. Silt fence and straw bales are not permitted erosion control measures in the Town of Franklin (Pg. 13 of Town of Franklin Best Development Practices Guidebook). The Applicant should coordinate with the Conservation Commission to determine the appropriate erosion control measures for the Site. Twelve (12)-inch diameter compost filter tubes may be an appropriate option commensurate with the scope of the Project.*

**Response:** The Erosion and Sediment Control plans and details have been revised to depict an erosion control barrier consisting of twelve (12)-inch diameter compost wattle/filter sock.

*Comment #7: The Project as currently depicted will disturb more than (1) one acre of land which will require preparation of a Stormwater Pollution Prevention Plan (SWPPP) and filing of a Notice of Intent with the EPA.*

**Response:** Comment acknowledged. A SWPPP will be submitted following the site plan approval.

*Comment #8: Erosion controls should be installed around the jack and bore receiving pit associated with the installation of the subsurface electrical utility line near the Franklin/Bellingham municipal boundary.*

**Response:** Agreed. The plans have been revised to depict installation of erosion controls around proposed the jack and bore pit.

*Comment #9: The Applicant should confirm if the use of slurry is anticipated with the above-referenced jack and bore work. BETA recommends that the Applicant be required to follow best management practices under the direction of a Geotechnical Engineer to ensure that drillings spoils and slurry do not result in discharges to the adjacent Resource Areas. The commission could consider including this as a Special Condition.*

**Response:** Slurry is not anticipated to be utilized during the jack and bore installation method. The jack and bore depth will be set to provide a minimum of 4' clearance from the bottom of the stream/wetland crossing to the top of the casing.

*Comment #10: The Applicant should provide a surface and ground water control plan for the installation of the box culvert crossing. It is recommended that a site-specific erosion, sediment, and water control plan and construction sequence be developed for this crossing, including flow bypass (if necessary). Based on the location of the limits of work in this area, it appears that temporary/permanent impacts to Bank and Land Under Water (LUW) have not been quantified, and that BVW impacts do not appear to be accurate (i.e., BVW impacts are shown within the stream). The Applicant should reevaluate/quantify all temporary and permanent impacts and revise the hatching on Sheet C-206*

**Response:** Due to the formation of the bank at the location of the crossing, the area to the North is part of the designated wetland area. The stream is then defined toward the South. The cross sections for the stream crossing have been depicted on the Detail Sheets.

*Comment #11: The red shading on the grading plans that indicate where extended array stand posts are required should be removed from areas where arrays are not proposed.*

**Response:** The Grading plans have been revised to depict the red shading areas where extended array stand posts are required.

## Mitigation Comments

*Comment #12 The documentation provided for the proposed wetland replication does not meet the requirements of Bylaw Regulations Section 7.14.1. The Applicant should submit the following:*

- a. *A replication plan that includes cross sections of the altered area and replication area; and*
- b. *A protocol and schedule for wetland replication work*

*BEAT recommends that a wetland-tolerant seed mix be included on the wetland replication plans. The New England Conservation/Wildlife Seed Mix proposed under the array panels is not appropriate for use in the replication area. BETA also recommends that the Applicant determine whether reuse of soils from the wetland impact area is feasible within the replication area. If not, it is recommended that the Applicant specify that backfill must consist of at least 50% organic material by volume on the plans.*

**Response:** Landscape Plans have been added to the set that depict the specification for wetland replication as well as the buffer restoration plantings and seed mixes.

*Comment 13 The Applicant should clarify the callouts on the plan that identify "Wetland Restoration Plantings within 25', 50', and 100' Buffers". It is unclear whether the intention is to revert these areas to naturalized BVW or to establish them as a vegetated upland Buffer Zone. These areas appear to be historically disturbed BVW (Comment W.4.b.) rather than Buffer Zone and should be restored accordingly. A typical restoration detail and sequencing (including grading, soil amendments, and use of a wetland-tolerant seed mixture) should be provided. The Applicant should also develop a species list, including quantities, for proposed plantings within these areas.*

**Response:** Landscape plans have been added to the civil plan set which includes a planting schedule, planting locations, and landscaping details for the proposed restoration work on site.

*Comment #14 The Applicant should prepare an invasive species control plan for review and approval by the Commission. This plan should specifically identify potential measures to be taken if invasive species become established within the wetland replication area and/or wetland restoration areas, as well as preventative measures that will be used to avoid introduction of new invasive species to the Site.*

**Response:** Bohler has updated the Demolition plans to include notes on the removal of invasive species within the proposed limit of work and a 10' buffer area outside that limit.

*Comment #15 The Applicant should clarify whether the cart path south of the LLL Series BVW is proposed to remain. BETA recommends that the Applicant consider extending the adjacent restoration activities to include the removal and restoration of this cart path and reestablish a contiguous wetland between the LLL and B Series BVWs. This area appears to be historically altered, and a 4-inch plastic pipe conveying hydrology between the wetlands is present at flag LLL11.*

**Response:** The Demolition plans have been revised to depict the removal and restoration of all cart paths within the proposed limit-of-work except for cart path areas within a flagged BVW. The existing 4-inch plastic pipe is intended to remain.

*Comment #16 Additional details should be provided for the proposed establishment of a wildflower/meadow habitat under the panels. It is recommended that consideration be given to the following:*

- a. Stabilization with the native seed mixture should be phased in order to provide stabilization in areas prior to the Project being completed.*
- b. In order to ensure successful establishment of the seed mix, provisions should be included to either remove areas of turf grass or provide sufficient coverage of compost/topsoil.*
- c. It is recommended that mowing of the wildflower/meadow areas be limited to once per year, approximately between October 31st and November 31st.*

**Response:** These notes have been added to the Landscape Plans. Note that the meadow grass that will be utilized throughout the site and under the solar fields is mowed twice a year.

### **WPA Performance Standards Comments**

*Comment #17 It is recommended that the Applicant provide the additional wetland replication area information noted above. In addition, as noted in Comment W.4.b., the wetland replication area appears to be located within historically disturbed BVW and should be relocated to an upland area along the same overall wetland complex. Wetland restoration in lieu of replication does not comply with the BVW Performance Standards.*

**Response:** The proposed wetland replication area has been moved upland in accordance with the recently revised BVW line.

*Comment #18 BETA concurs with the Applicant's assessment that the proposed stream crossing will meet the Performance Standards for Bank and exceeds the Massachusetts Stream Crossing Standards requirements. However, a summary of compliance with the LUW Performance Standards (if temporary impacts are required for water control and dewatering) should be provided.*

**Response:** We are not anticipating temporary disturbance or re-routing of the stream. We are proposing a large open bottom culvert that will be able to span the existing defined stream channel. The work will occur on the high side of the banks on either side but will not impact the current flow through the channel.

### **Bylaw Regulatory Comments**

*Comment #19 The Construction Schedule and Sequence provided on Sheet C-607 of the Project plans appears to be for a development involving buildings. A Project-specific Construction Schedule and Sequence should be provided per Section 7.15 of the Bylaw Regulations. It is recommended that mitigation work be conducted early in the Project schedule.*

**Response:** The plans have been revised to comply with Section 7.15 of the Bylaw Regulations.

*Comment #20 As noted in Bylaw Regulations Section 7.14.2, the Applicant should provide a Function & Values Assessment for the proposed fill of BVW and the associated wetland replication area..*

**Response:** The proposed project will alter 854 square feet (SF) of BVW, which will be replicated at a greater than 2:1 ratio (1,833 SF). The BVW being altered consists of a vegetated wet meadow habitat type, with dominant plant species including skunk cabbage, jewelweed, cattail, cinnamon fern and elderberry. The area to be altered



is located immediately adjacent to an existing disturbed area consisting of a golf cart bridge and maintained golf course fairway and rough. Accordingly, the impacted wetland has little wildlife habitat value, and its Bylaw functions and values are limited to Flood Control, Erosion and Sedimentation, Storm Damage Prevention and Water Quality.

The replication area is located within an existing maintained golf course fairway, which consists of non-native grass that is continuously mowed and managed with pesticides. Functions and Values within the replication area are limited to Flood Control. The proposed replication area will convert this disturbed area to a shrub swamp wetland type, with native shrubs including sweet pepperbush, silky dogwood, red twig dogwood, winterberry, spicebush and highbush blueberry. The replication area will contain a much greater plant diversity than the impacted wet meadow habitat, and will provide all of the relevant functions and values that the impacted area of BVW presently provides, plus an additional function and value of Wildlife Habitat.

*Comment #21 A Variance request as required under Section 5 of the Bylaw Regulations should be submitted for work within Resource Areas and the 25-foot No Disturb Zone.*

**Response:** As noted in the opening of this letter, we are requesting a variance for 854 SF of wetland disturbance and 635 SF of new 25' no disturb zone. There is also 8,995 SF of existing 25' no disturbance zone impact that we are intending to disturb as well. These impact are all related to the required access road and stream crossing culvert construction.

*Comment #22 An Alternatives Analysis is required under the Bylaw for both the Variance request and the filling of wetlands up to 5,000 square feet. The alternative layout provided in the submission is not sufficient to meet this requirement. It is recommended that the Applicant provide an Alternatives Analysis that assesses an iteration of the Project with no wetland fill. In addition, alternatives for the jack and bore installation of an electrical conduit under the wetlands along Maple Street should be provided. Although the majority of this utility work will occur within Bellingham, the receiving pit would be located within the 25-foot No Disturb Zone in Franklin.*

**Response:** The alternative analysis provided does depict the disturbance within the 25' no disturb buffer as there are many existing disturbances on site today that have structures in place within the same area. Without maintaining at least one crossing/disturbance point would cut off approximately 1:3 of the site from development. If required we can provide a plan depicting this limitation, however it would not be realistic alternative as the output would make the project unfeasible and not able to produce the required output for Eversource. Note that the receiving pit on the Franklin side of the property has been relocated and is depicted within the 100'-50' wetland buffer.

*Comment #23 Portions of the array panels are proposed within the 25-50-foot Buffer Zone. BETA defers to the Commission regarding classification of the array panels as structures/impervious areas per Section 4.3.1 of the Bylaw Regulations and the requirement of an associated Variance request.*

*Should the Commission find that the array panels are structures/impervious areas, the Applicant should provide documentation that the areas noted as "disturbed" per the Bylaw within the 25-50-foot Buffer Zone were permitted under a previous Order of Conditions.*

**Response:** In prior similar solar applications, solar arrays within the 25'-50' were not considered impervious coverage.

*Comment #24 The Applicant notes that less than 30% of the 50 to 100-foot Buffer Zone will be impervious under proposed conditions per Section 4.4 of the Bylaw Regulations. The Applicant should provide a calculation for the total proposed impervious area at the Site. BETA defers to the Commission on whether the solar panels would be considered impervious under the Bylaw.*

**Response:** **Proposed impervious coverage calculation for the site is depicted on the Overall Site Plan. The only proposed impervious coverage is for the culvert crossing and the area of the equipment pads. The Solar canopies are not included in the impervious coverage calculation.**

We trust the above as well as the attached information are sufficient for your continued review of the project. Should you have any questions or require additional information, please do not hesitate to contact me at (508) 480-9900.

Sincerely,

**Bohler**



Greg DiBona

cc. Amy Love – Franklin Town Planner