

July 20, 2023

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

**Re: Proposed Solar Array, Parcel 1,
160 Maple Street, Bellingham,
Norfolk County, MA**



Dear Ms. Goodlander,

Bohler Engineering is in receipt of a comment letter from BETA Group, Inc., dated June 27, 2023. On behalf of Applicant Nextgrid Mescalbean 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 since our meeting with the Conservation Commission last week 7/13, we are seeking a Variance to fill 307+/- SF of isolated vegetative wetlands that are located adjacent to the putting green and tee box for hole #1. The wetlands are located in the middle of the proposed solar array and would create a significant encumbrance to work around, potentially resulting in a loss of around a quarter acre of potential solar development. In place of the isolated wetlands we are proposing a compensation area of approximately 740+/- SF within the larger wetland area located to the East. These new areas have been added to the updated Site Plan Documents. A check for the requested Variance associated with filling the 307 SF wetlands have been enclosed.

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

- One (1) signed and sealed copies of the *Proposed Site Plan Documents* for Nextgrid Mescalbean, LLC prepared by our office dated 5/10/2022, last revised July 19, 2023;
- Five (5) 11"x17" copies of the *Proposed Site Plan Documents* for Nextgrid Mescalbean, LLC prepared by our office dated 5/10/2022, last revised July 19, 2023;
- Six (6) 11"x17" copies of the *Alternative Site Layout Exhibit* for Nextgrid Mescalbean, LLC prepared by our office dated 7/05/2023;
- Six (6) copies of the Response Letter, prepared by our office dated July 20, 2023;
- One check in the amount of \$153.50 made payable to the Town of Franklin Conservation Commission affiliated with the Variance request;

General Comments

Comment #1 A MassDEP NOI File number has been issued with no technical comments.

Response : Comment acknowledged.

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Comment #2 The existing conditions plan sheets should be revised to depict and label all Act and Bylaw Buffer Zones.

Response : Bohler is actively coordinating with the surveyor to get the Existing Conditions plans revised. The current surveys affixed with the Civil plans depict the updated wetland limits and isolated wetlands. Once the Survey is updated to reflect the applicable buffers, copies will be provided for your records.

Comment #3 A constructed overflow/spillway was observed between flag WF-167 and WF-3F and should be depicted on the plans.

Response : The existing overflow/spillway has been shown and called out in the plans.

Comment #4 The Existing Conditions plans should be stamped by a Professional Land Survey (PLS) registered in the state of Massachusetts.

Response : A stamped Existing Conditions plan has been provided and is included in the proposed site plan documents.

Comment #5 The notes on the Existing Conditions plans should be incorporated into the General Notes on the construction drawings, and also include the date(s) and method(s) of survey.

Response: The notes on the Existing Conditions plans have been added to the proposed site plan documents. Refer to sheet C-102.

General Resource Area Comments

Comment #6 During the Site visits noted above, BETA reviewed the Resource Area delineations and offers the following comments on discrepancies observed in the field that may affect that extent of jurisdiction within the limits of work:

- i. An unflagged wetland was located between wetland series flags WF-6E and WF-7E and WF-N5 and WF-N2,*
- ii. An unflagged wetland with a pipe and a catch basin was observed south of the existing clubhouse;*
- iii. Hydric soils were observed upgradient of flags WF-179 through WF-180; WF-167 through WF-169; WF-206 through WF-209; WF-213 through WF-216; WF-278 through WF-280; WF-298 through WF-300; and WF-304 through WF-308;*
- iv. An intermittent stream within the wetland identified with flags labeled WF-271 through WF-308 interior stream was not flagged or confirmed as intermittent/perennial; and*
- v. An additional ponded area was observed near the existing garage along the existing solar field, vegetated with hydrophytic species. The Applicant should review this area to determine whether it meets the definition of a protected Resource Area.*

Response: LEC conducted a supplemental wetland evaluation and delineation on July 5, 2023, as displayed on the revised site plan documents and described below.

- i. LEC Added 6.1E thru 6.4E (connect to 6E and N5); added N4.1 (connect to 7E and N4).*
- ii. LEC flagged this isolated wetland with wetland flags P1-P8.*
- iii. LEC Added 179B (connect to 179 and 180R), 180R; Added 167R, 168R, 169R; Added 205B (connect to 205 and 206R), 206R, 207R, 208R; Added 213R, 214R, 215R, 216R; Added 278R, 279R, 280R, 281R; Added 298R, 299R, 300R; and Added 304R, 305R, 306R, 307R.*

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- iv. *The stream in this area does not appear on the current USGS map nor is it shown as a stream on Streamstats, therefore we conclude that it is an intermittent stream. The interior Bank was not flagged; and*
- v. *A man-made basin (approximately 408 square feet in extent and lined with railroad ties) was observed to the west of the garage area. LEC confirmed with golf course staff that this was man-made, and its sole purpose is to collect wash water from golf course maintenance vehicles when washed by hose. LEC does not consider this basin area to be a jurisdictional resource area. Photos of this area were presented to the Commission and BETA during the public hearing on 7/13/23 (Photos are attached).*

Comment #7 Hay bales are not a permitted form of erosion control in the Town of Franklin and should be removed from the plans and replaced with permissible controls (e.g., sheet C-604).

Response: Hay bales are no longer called out in the site plans. All instances where haybales were previously called out have been updated to call for compost sock.

Comment #8: The Project will result in clearing within jurisdictional Buffer Zones. These areas should be quantified for the Conservation Commission's review. Further, the Applicant should identify if any additional clearing along the Site is required to reduce shading on the proposed panels; if so, this must be qualified and quantified

Response: All buffer impacts have been quantified and displayed on the demolition plans. Additionally, a supplemental tree clearing exhibit has been prepared to display the extent of clearing that will occur within the buffers. All necessary tree clearing, including that for shade reduction has been shown in the demolition plans and will not occur outside the proposed limit of work.

Comment #9: The purpose of the shading/hatching on the Grading Plans is stated to identify areas where regrading is required to maintain no greater than a 15% slope within the limits of work. According to this shading, there will be direct Resource Area impacts (e.g., the M Series wetland) that have not been quantified by the Applicant. The Applicant should either quantify Resource Area impacts or revise the plans. It is recommended that all shading outside the limits of work also be removed for clarity.

Response: All red shaded areas outside the limit of work have been removed from the plans. Additionally, the red shaded areas have been changed to display the areas in which extended stand posts are required. As a result, there will not be any additional regrading required and impacts to the said resource areas will be minimized.

Comment #10: The plans should be revised to depict all activities ancillary to the construction of the Project including the locations of stockpiling and concrete washout. These activities should be located outside of Buffer Zone.

Response: The plans have been modified to display the proposed locations of temporary stockpiling and concrete washout. Please refer to the erosion and sediment control sheets for more information.

Mitigation Comments

Comment #11 The Applicant states that the project will result in the reduction of on-site impervious surface by approximately 3 acres. The applicant should provide additional details regarding whether these reductions will take place within jurisdictional Buffer Zones.

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Response: These reductions will take place broadly over the entire site. The existing cart paths located within the limit of work are proposed to be removed and replaced with loam and seed. These areas include the cart paths located in the jurisdictional buffer areas. Please refer to the demolition plans for more information regarding the specific location of the proposed removal of the existing cart paths.

Comment #12 Significant clearing will also be conducted outside of Areas Subject to Jurisdiction under the Act and the Bylaw. However, because the Site is classified as Chapter 61B land, BETA suggests that the Applicant consider working with the Town to preserve vegetated areas where possible. The Project will result in the destruction of a dense populations of pink lady's slipper, a species that could be either preserved or relocated as part of the Project.

Response: Bohler acknowledges the concern for the population of the pink lady's slipper. Due to this, tree and vegetation removal will only consist of that necessary for the installation of the solar panels, associated driveways, equipment, and conduits. Additionally, once the site construction has been completed and the construction disturbance has resided. There will be opportunity for the pink lady's slipper to reestablish their population within the limit of work.

Comment #13 The Applicant proposes to surround the Project with a chain link fence that includes a six (6)-inch reveal for wildlife passage. BETA concurs with this design choice.

Response: Bohler has updated the chain link fence detail to incorporate a (6)-inch reveal for wildlife passage.

Comment #14 Specifications for the proposed seed mixture should be provided for the Conservation Commission's review. This seed mixture should consist of species native to Massachusetts and provide diversity to support wildlife and pollinators. In addition, the Applicant should provide details on the establishment of this vegetation including any proposed aeration/decompaction of soils, soil amendments, and extents of seeding.

Response: Specifications for the proposed seed mixes have been added to the details (C-902).

Comment #15 Provide provisions for mowing in the Operation and Maintenance Plan. It is recommended that any mowing, if required, be conducted no more than once per year between October 1st and November 15th.

Response: Provisions for mowing have been added to the operations and maintenance plans.

Comment #16 It is recommended that the Applicant restores disturbed portions of wetlands at the Site, including those identified in Comment W1.iii. and any areas subject to ongoing vegetative maintenance (i.e., the M- and N-Series wetlands).

Response: Existing vegetation adjacent to the driveway appears well established and provides a natural buffer to the wetlands. It is our belief that impacts proposed to these areas would not be beneficial to the wetlands or their associated buffers and that these areas should remain.

Bylaw Regulatory Comments

Comment #17 The Applicant notes that structures (solar panels) can be permitted within the Bylaw 50-foot Buffer Zone due to the presence of previously disturbed areas per Section 4.3.1 of the Bylaw Regulations. The Applicant should furnish proof of the recorded Certificate of Compliance for the construction of the golf course that occurred in the 1990's and



demonstrate that all disturbed areas are either per the original proposed plan or have since been permitted with the Conservation Commission.

Response: Bohler currently does not have the Certificate of Compliance on record. Bohler is actively seeking to receive said Certificate and will demonstrate that all disturbed areas are either per the original proposed plan or have since been permitted with the Conservation Commission.

Comment #18 Notwithstanding Comment W12, the Applicant is required to provide an Alternatives Analysis for structures within the 50-foot Buffer Zone per Section 7.13 of the Bylaw Regulations.

Response: Please refer to the exhibit entitled "Alternative Site Layout Exhibit", prepared by Bohler Engineering, dated 07/05/2023 for more information. This alteration would have a significant impact on the net yield of the project and may impact the viability of this development.

Comment #19 The Applicant should provide calculations pursuant to Section 4.4.1 of the Bylaw Regulations demonstrating that less than 30% of the 50-100-foot Buffer Zone is proposed to be impervious. It is BETA's understanding that MassDEP generally does not consider solar arrays to be impervious when there are pervious surfaces under/between the panels; however, BETA defers to the Conservation Commission on this interpretation of their Bylaw.

Response: Due to the nature of our proposed development, there is a minimal amount of proposed impervious coverage to take place within the buffers. The final condition of the site will result in far less than 30% impervious coverage within the buffers.

Comment #20 As required by the Bylaw Regulations, the Applicant must provide a Vernal Pool Statement (Section 7.7) and a Functions and Characteristics Statement (Section 7.10).

Response: In the NOI narrative, Section 2.2, LEC stated that there are no certified or potential vernal pools mapped within the site. Figures 1 and 2 in Appendix B of the NOI show that there are no CVP or PVP mapped within abutting parcels of the site either. LEC performed a vernal pool survey in Spring of 2022, and documented two vernal pools within the project site, and these are indicated on the plans.

The proposed project will not result in any significant individual or cumulative adverse effect to the functions and characteristics of resource areas protected by the Franklin Wetlands Protection Bylaw, as described below:

Public Water Supplies – Public water supply is available along the frontage of Maple Street. There are existing fire hydrants on site that are associated with the current golf course use. The site is bordered to the east by Zone II water resource district associated with Mine Brook.

Private Water Supplies – Locations of private wells were not identified adjacent to the subject site.

Flood Control – No work is proposed within the 100-year flood plain. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Erosion and Sedimentation – A detailed erosion control plan for both the construction and post construction conditions at the property is provided on the



plans. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Storm Damage Prevention – As described in the Drainage Report, the project will result in a reduction in peak rates and volumes of runoff when compared to pre-development conditions for the 2-, 10-, 25- and 100-year storm frequencies. If any storms more severe than a 100-year event take place, the natural forested buffer to the east of the project will serve as a natural filter to minimize impacts on Mine Brook and its associated wetlands. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Water Quality - A sedimentation and erosion control program will be implemented to protect the adjacent Wetland Resource Areas from sedimentation during the proposed construction activities. Due to the proposed use of the site as a solar field, the number of vehicles accessing the site and providing maintenance will be significantly reduced compared to current conditions. The Project will eliminate the need for fertilizers and pesticides that would otherwise be used to support golf course vegetation. Therefore, the Project will improve water quality generated from the site by significantly reducing vehicular use and the spreading of fertilizers and pesticides, and will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Water Pollution Control - A sedimentation and erosion control program will be implemented to protect the adjacent Wetland Resource Areas from sedimentation during the proposed construction activities. The proposed stormwater system will only convey allowable non-stormwater discharges and will not contain any illicit discharges from prohibited sources. An Illicit Discharge Statement is included in the Drainage Report. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Fisheries – The work is located outside of Riverfront Area, therefore is greater than 200 feet from Mine Brook, a likely fishery. The drainage report details how the water quality of stormwater discharged to the nearby ponds and river will be improved versus the existing condition, due to reduction in impervious area by 3 acres, elimination of fertilizer and pesticide use on turf, and reduction in vehicle traffic. The improved water quality will improve potential habitat for nearby fisheries. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Shellfish – This function and characteristic is not applicable to the project.

Wildlife Habitat – The project will take place in existing developed/disturbed and/or fragmented upland habitat. Both during and post construction, no important wetland habitats will be altered, nor will migratory access to vernal pool habitat be impaired by the project. Erosion control barriers will be installed around the limit of work and will remain in place until the site is stabilized to protect the downgradient wetland resource areas during construction. The arrays will be enclosed by a 7-foot high chain-link fence with a six-inch gap at the bottom to accommodate wildlife passage. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Rare Species Habitat (including rare plant species) – The project site is not mapped by the MA Natural Heritage & Endangered Species Program for rare species. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Agriculture – This function and characteristic is not applicable to the project.

Aquaculture – This function and characteristic is not applicable to the project.

Recreation – The project is presently located within a private property, that provides recreation to the public in the form of golf. Upon construction, the golf course will no longer be in operation. There are no public walking trails or other public recreation opportunities that will be eliminated by the project. The project will provide for 74,500 square feet of future public amenity space in Lot 2, which may provide recreational opportunities for the public. Therefore, the project will not result in any significant individual or cumulative adverse effect to this function and characteristic.

Comment #21 The Applicant has provided a construction sequence on the plans as required by Section 7.15 of the Bylaw Regulations. However, some of these activities do not appear relevant to the Project (i.e., seeding of proposed lawn areas) and relevant activities, such as the establishment of native vegetation, under the solar panels are absent. Revise the construction sequencing plan accordingly.

Response: Comment acknowledged. The construction sequence has been updated to reflect strictly the activities applicable to this project.

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