



August 9, 2023

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

**Re: Proposed Solar Farm  
160 Maple Street  
MassDEP File No. 159-1268  
Notice of Intent Peer Review**

Dear Ms. Goodlander:

BETA Group, Inc. (BETA) has reviewed revised documents and plans for the project entitled: **Proposed Solar Array – Parcel 1**, located in Franklin, Massachusetts (the “Site”). This letter is provided to present BETA’s findings, comments, and recommendations.

## **BASIS OF REVIEW**

The following documents were received by BETA and will form the basis of the review:

- Notice of Intent entitled **Notice of Intent Application Proposed Solar Array—Parcel 1**; prepared by LEC Environmental Consultants Inc.; dated April 13, 2023.
- Drainage report entitled **Drainage Report for NextGrid Mescalbean, LLC, “Proposed Solar Array—Parcel 1”**; prepared by Bohler Engineering; dated April 13, 2023; stamped and signed by John Kucich, MA P.E. No. 41530.
- Plan set (40 sheets) entitled **Proposed Site Plan Documents**; Prepared by Bohler Engineering, Inc.; dated April 13, 2023; revised July 19, 2023; stamped and signed by John Kuich, MA P.E. No. 41530.
- Comment response letter entitled **Franklin Conservation Commission Cover Letter – 7.20.23**; prepared by Bohler Engineering, Inc.; dated July 20, 2023; signed by Greg DiBona.
- Plan set (8 sheets) entitled **Existing Conditions Plan**; prepared by Feldman Geospatial; dated July 13, 2023; signed and stamped by Timothy Agurkis, MA P.L.S. No. 52782.
- Plan set (1 sheet) entitled **Alternative Site Layout Exhibit**; prepared by Bohler Engineering, Inc.; dated July 5, 2023.
- Plan set (1 sheet) entitled **Overall Site Layout Exhibit**; prepared by Bohler Engineering, Inc.; dated May 4, 2023.
- Plan set (1 sheet) entitled **North Project-Tree Removal in Buffer Exhibit**; prepared by Bohler Engineering, Inc.; dated May 15, 2023.
- Plan set (1 sheet) entitled **Aerial Exhibit**; prepared by Bohler Engineering, Inc.; dated May 4, 2023.
- Plan set (1 sheet) entitled **Tree Removal Exhibit**; prepared by Bohler Engineering, Inc.; dated May 4, 2023.

Review by BETA included the above items along with the following, as applicable:

- Site visits on June 9 and 13, 2023
- **Massachusetts Wetlands Protection Act 310 CMR 10.00** effective October 24, 2014
- **Wetlands Protection Chapter 181 From the Code of the Town of Franklin**, dated August 20, 1997
- **Conservation Commission Bylaws Chapter 271 From the Code of the Town of Franklin**, dated July 11, 2019
- **Town of Franklin Conservation Commission Regulations**, dated October 3, 2019
- **Town of Franklin Best Development Practices Guidebook**, dated September 2016

## PEER REVIEW UPDATE – AUGUST 9, 2023

The Applicant has provided supplemental / revised documents and written responses to BETA's June 23, 2023 peer review letter. BETA's original comments from the June 23, 2023 letter are included in plain text. Comment responses attributed to the Bohler Engineering, Inc. (BE) letter are provided in *italics* and prefaced with "BE:", and BETA's most recent responses are provided in **bold** and prefaced with "BETA2:".

At this time, the Applicant has not submitted adequate information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw.

## SITE AND PROJECT DESCRIPTION

The Site includes a total of five (5) parcels located at 160 Maple Street, 0 Maplegate, and 0 Mine Brook in Franklin, Massachusetts, further identified by the Franklin Assessor's Office as Assessor's Parcels 237-036-000-000, 237-027-000-000, 239-009-000-000, 239-010-000-000, and 239-012-000-000. The Site is bounded by undeveloped forest and forested wetlands to the north and east, industrial parcels to the west, and by Interstate 495 to the south. The Site encompasses a portion of an active golf course known as the Maplegate Country Club; existing improvements at the Site that support this land use include managed fairways, sand bunkers, ponded areas, site drainage, both bituminous and aggregate cart paths, footbridges, and forested areas. Within a forested "strip" at the central portion of the Site, BETA observed dense populations of what appeared to be pink lady's slipper (*Cypripedium acaule*).

Resource Areas Subject to Protection and Jurisdiction under the Massachusetts Wetlands Protection Act (M.G.L. ch.131 s.40) and its implementing regulations at 310 CMR 10.00 (collectively "the Act"), as well as the Town of Franklin Wetlands Protection Bylaw (Chapter 181) and its associated regulations (collectively "the Bylaw") present at the Site include:

- Bordering Vegetated Wetlands;
- Isolated Land Subject to Flooding;
- 0-25' Buffer Zone;
- 25-50' Buffer Zone; and
- 50-100' Buffer Zone.

Specifically, there is a total of 184,601 sf of alteration proposed, 16,189 sf of which will be in the 0-25' Buffer Zone, 28,328 sf in the 25-50' Buffer Zone, and 140,084 sf in the 50-100' Buffer Zone.

Portions of the Site are located within a Zone II Wellhead Protection Area and within proximity to a Zone I Wellhead Protection Area. There are no Surface Water Protection Areas (Zone A, B, or C) or any Areas of Critical Environmental Concern (ACEC) present. There are no Natural Heritage and Endangered Species (NHESP) Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species at the Site. In addition, there

are no NHESP-mapped Certified or Potential Vernal Pools located on or within proximity to the Site; however, the Applicant has identified Vernal Pool habitat during their due diligence work. It is BETA's understanding that the Site is subject to the provisions of the Chapter 61B tax program as open space and recreational land use.

Natural Resource Conservation Service (NRCS) soil maps of the Site indicate the presence of Scarborough Birdsall with a Hydrologic Soil Group (HSG) rating of A/D, Freetown muck with a HSG rating of B/D, and Montauk fine sandy loam with a HSG of C. According to the FEMA Flood Insurance Rate Map (FIRM) community panel number 25021C0302E, dated July 17, 2012, areas east of the Site are located within a Zone AE Flood Hazard with a BFE of 183.3 feet (NAVD88).

The Applicant's submission seeks approval for construction of a 15,000 KW solar field and associated Site improvements within Buffer Zone. Proposed work includes the following activities (collectively referred to as the "Project"):

- Construction of a 15,000 KW solar array;
- Construction of associated gravel access drives;
- Installation of necessary electric utilities; and,
- The construction of a stormwater basin.

The Project will result in temporary and permanent impacts within the buffer zone to Bordering Vegetated Wetlands (BVW), Isolated Vegetated Wetlands (IVW), and Bank Subject to Protection under the Act and the Bylaw.

**BETA2: As presented in the revised plans and documents, the Applicant also proposes to fill an approximately 304-square foot IVW and provide approximately 740 square feet of wetland replication. The remainder of the proposed work will be carried out as described above.**

## ADMINISTRATIVE AND PLAN COMMENTS

The plan set (as identified above) is missing information and requires additional information for clarity.

**Table 1. NOI Plan**

NOI Plan Requirements	Yes	No
Scale of 40'=1" or larger	✓	
North Arrow (with reference)	✓	
Topographic contours (2' intervals)	✓	
Existing Conditions Topography (with source and date of survey)	✓	
Proposed Topography	✓	
Existing and Proposed Vegetation	✓	
Existing Structures and Improvements	✓	
Resource Areas and Buffer Zones labeled	✓ (See comment A2)	
Location of Erosion Controls	✓	
Details of Proposed Structures	✓	
Construction Sequence and Schedule	✓	
Registered PLS Stamp (Existing Condition Plans Only)	✓	
Assessors' Reference	✓	
Abutting Property Assessors' Reference	✓	

Survey Benchmark	✓	
Accurate Plan Scale	✓	

## PLAN AND GENERAL COMMENTS

A1. A MassDEP NOI File number has been issued with no technical comments.

*BE: Comment Acknowledged.*

**BETA2: No further comment required.**

A2. The existing conditions plan sheets should be revised to depict and label all Act and Bylaw Buffer Zones.

*BE: 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 you records.*

**BETA2: As noted by the Applicant, Jurisdictional Areas have been labeled on the proposed work plan set. The Conservation Commission could consider requiring the submission of a revised existing conditions plan that depicts all jurisdictional areas as a condition of approval.**

A3. A constructed overflow/spillway was observed between flag WF-167 and WF-3F and should be depicted on the plans.

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

**BETA2: Comment resolved.**

A4. The Existing Conditions plans should be stamped by a Professional Land Survey (PLS) registered in the state of Massachusetts.

*BE: A stamped existing conditions plan has been provided and is included in the proposed site plans documents.*

**BETA2: Comment resolved.**

A5. 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.

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

**BETA2: The Applicant has provided additional details regarding the methods of the survey but has not included the date(s) of the survey. The Conservation Commission could consider requiring the submission of a revised existing conditions plan with revised survey notes as a condition of approval.**

## WETLAND RESOURCE AREAS AND REGULATORY REVIEW

BETA conducted an onsite and completed a regulatory review of the submitted documents and plans, focusing on compliance with Resource Area definitions and Performance Standards set forth in the Act and the Bylaw. The Project is subject to the MassDEP Stormwater Standards and a review of compliance with these Standards has been completed as part of the Site Plan Review process with the Planning Board.

During BETA's Site visits, several wetland delineation discrepancies were observed in the field, generally consisting of the observation of hydric soils upgradient of wetland boundaries within areas with disturbed vegetation. These discrepancies will require clarification to ensure an accurate depiction of protected and jurisdictional areas at the Site. The NOI application and associated plans will require revisions to demonstrate compliance with the Act and the Bylaw through providing a Functions and Characteristics Statement and Vernal Pool Statement, providing an Alternatives Analysis for structures within the 50-foot Buffer Zone, clarifying the limits of work and extents of grading, and providing additional details on mitigation/Site restoration.

The Project proposes structures (panels) within portions of the 50-foot Buffer Zone that are noted by the Applicant as legally altered. BETA observed vegetative maintenance occurring within Resource Areas such as the M- and N-Series BVWs at the Site. It is recommended that the Applicant provide historic permitting and operation and maintenance documents associated with the construction of the golf course in the 1990's and confirm that ongoing activities are per the approved plans and documents.

At this time, the Applicant is required to provide the Conservation Commission with additional information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw.

**BETA2: The Applicant has submitted additional information that reflects a reassessment of wetland boundaries, modifications to construction details, refinements to mitigation approaches, and further documentation of the Project's compliance with the Bylaw. Where appropriate, BETA has deferred to the Conservation Commission on the adequacy of the Applicant's documentation of compliance with the Bylaw.**

The revised submission includes the proposed filling of an approximately 304-square foot IVW. The Applicant proposes to mitigate this impact with the construction of an approximately 740-square feet wetland replication area to be located along the edge of a disturbed wetland per discussions held during the July 13, 2023 public hearing. However, the Applicant has not provided a planting plan or any of the other wetland replication plan details required by the Bylaw Regulations. BETA has also recommended that the Applicant provide the Conservation Commission with an updated Operation and Maintenance plan that includes provisions to cease maintenance of jurisdictional Resource Areas at the Site.

At this time, the Applicant is required to provide the Conservation Commission with additional information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw. It is recommended that the Applicant fully address any outstanding comments noted herein, subject to the Conservation Commission's flexibility in including Special Conditions.

## **RESOURCE AREA AND BOUNDARY COMMENTS**

BETA conducted Site visits on June 9 and 13, 2023 to assess existing conditions and review Resource Area delineations, focusing on the definitions and methodologies referenced under the Act and the Bylaw. BETA's review of the wetland delineations at the Site consisted of a flag-by-flag review of all Resource Areas that project jurisdiction onto the limits of work, and a more cursory review of Resource Areas well outside of the limits of work. Although the majority of flags associated with the latter were missing in the field, BETA generally confirmed the "offsite" Resource Area boundaries as appearing accurate per the plans.

Table 2 lists the MassGIS Environmental Data Layers mapped within or near the Site.

**Table 2– GIS-Mapped Areas**

<b>Mapped Resource On or Within Proximity to the Survey Area</b>	<b>Yes</b>	<b>No</b>
Area of Critical Environmental Concern		✓
NHESP Certified Vernal Pool		✓
NHESP Potential Vernal Pool		✓
NHESP Estimated Habitat of Rare Wildlife		✓
NHESP Priority Habitat of Rare Species		✓
Outstanding Resource Waters		✓
FEMA Floodplain	✓	
Surface Water Protection Area (Zone A, B, or C)		✓
Interim Wellhead Protection Area		✓
Zone I Wellhead Protection Area		✓
Zone II Wellhead Protection Area	✓	

The Applicant has identified a total of 13 Resource Area in the submitted materials, as summarized in Tables 3 and 4 below:

**Table 3—Bordering Vegetated Wetlands**

<b>Flag Series</b>	<b>Act</b>	<b>Bylaw</b>
<i>1 through 64</i>	✓	✓
<i>65 through 187</i>	✓	✓
<i>187 through 202*</i>	✓	✓
<i>202 through 374</i>	✓	✓
<i>375 through 567</i>	✓	✓
<i>E1 through E15</i>	✓	✓
<i>E16 through E47</i>	✓	✓
<i>G1 through G55</i>	✓	✓
<i>J1 through J28</i>	✓	✓
<i>M1 through M15</i>	✓	✓
<i>N1 through N7</i>	✓	✓

\*Wetland Series 187 through 202 is identified as a “BVW/Vernal Pool”

**Table 4—Isolated Land Subject to Flooding**

<b>Flag Series</b>	<b>Act</b>	<b>Bylaw</b>
<i>F1 through F9</i>	✓	✓
<i>H1 through H24*</i>	✓	✓

\*Isolated Land Subject to Flooding Series H1 through H24 is identified as a “ILSF/Vernal Pool”

**BETA2: Table 5—Isolated Vegetated Wetlands**

Flag Series	Act	Bylaw
<i>P1 through P8</i>		✓

**GENERAL RESOURCE AREA COMMENTS**

W1. 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.

Generally, areas where hydric soils were observed upgradient of wetland flags in the field were within areas of disturbed vegetation; therefore, hydric soils indicators were used to determine the extent of the wetland boundaries. It is recommended that the Applicant revise the delineations as noted above and provide the Conservation Commission with updated plans.

*BE: LEC conducted a supplemental 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.*
- 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).*

**BETA2:** Although a supplemental onsite wetlands assessment was not performed by BETA, these revisions to the delineations appear to adequately address the comments based on BETA's knowledge of the Site and the location of the revised flagging on the plans in relation to the surrounding topography.

The StreamStats report referenced by the Applicant was not submitted to the Conservation Commission; however, BETA accessed the StreamStats program and confirmed that the stream is not mapped nor is it depicted on the most recent USGS topographic map. BETA defers to the Conservation Commission on whether this intermittent stream, which is internal to the delineated BVW, should be delineated in the field.

Following the discussion held during the July 13, 2023 public hearing on the man-made basin near the existing garage and a review of the photographs submitted by the Applicant, BETA concurs that this constructed washout station would not qualify as a Resource Area under the Act. BETA defers to the Conservation Commission on whether this may be interpreted as a Freshwater Wetland under the Bylaw. It is understood that this area was constructed with rail ties for the purpose of washing golf carts.

Comments resolved.

## CONSTRUCTION COMMENTS

- W2. 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).

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

**BETA2: Comment resolved.**

- W3. 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.

*BE: 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.*

**BETA2: The Applicant has provided a more detailed breakdown of work with Buffer Zones, including a quantification of areas requiring clearing to construct the Project versus areas where work will occur within existing disturbed areas. The Tree Removal Exhibit depicts all Jurisdictional Areas that will be subject to clearing, none of which is proposed outside of the limits of work. Comment resolved.**

- W4. 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.



*BE: 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.*

**BETA2: Comment resolved.**

- W5. 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.

*BE: 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.*

**BETA2: The stockpile area has been depicted; however, a detail has been provided for the concrete washout area with no proposed location referenced. The Conservation Commission could consider requiring the locations of both the stockpile area and the concrete washout station to be staked in the field, as final locations will likely be determined by the contractor.**

## MITIGATION COMMENTS

- W6. 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.

*BE: 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 specific location of the proposed removal of the existing cart paths.*

**BETA2: The Buffer Zone Disturbance Chart provided in the revised plan set more clearly depicts areas of impervious surfaces removal. Comment resolved.**

- W7. 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.

*BE: 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 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.*

**BETA2: BETA defers to the Town of Franklin on any construction-period coordination that may be pursued with the Applicant to better protect pink lady's slipper populations at the Site.**

- W8. 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.

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

**BETA2: Comment resolved.**

- W9. 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.

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

**BETA2: Comment resolved.**

- W10. 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 1<sup>st</sup> and November 15<sup>th</sup>.

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

**BETA2: BETA was not provided with an updated copy of the Operation and Maintenance Plan as part of the NOI revisions. It is recommended that this document be submitted to the Conservation Commission for their records.**

- W11. 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).

*BE: 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.*

**BETA2: BETA's comment was made in regard to *disturbed portions of wetlands* at the Site rather than their associated Buffer Zones. The Applicant could include provisions in their Operation and Maintenance plan that prohibits any vegetative management in these areas to promote the reestablishment of hydrophytic vegetation. Comment remains.**

## **WPA PERFORMANCE STANDARDS COMMENTS**

The Project does not propose any work within Resource Areas Subject to Protection under the Act; however, the Project does propose work within Buffer Zones afforded protection under the Bylaw.

## **BYLAW REGULATORY COMMENTS**

**BETA2: During the July 13, 2023 public hearing, the Applicant noted that the IVW near the existing clubhouse identified in the field by BETA was delineated and will be filled by the Project. Approximately 740 square feet of wetland replication is proposed to mitigate approximately 307 square feet of IVW fill in accordance with the 2:1 replication requirements of the Bylaw. A wetland replication plan and protocol must be provided in accordance with Section 7.14.1 of the Bylaw Regulations.**

- W12. 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.

*BE: 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.*

**BETA2: Comment remains. BETA defers to the Conservation Commission on whether this matter should be resolved prior to the issuance of an Order of Conditions in order to confirm the Project's compliance with the Bylaw 50-foot Buffer Zone requirements.**

- W13. 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.

*BE: 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.*

**BETA2: BETA defers to the Conservation Commission on whether a more complete Alternatives Analysis that documents the differences in Buffer Zone / Resource Area impacts is required to comply with the Bylaw.**

- W14. 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.

*BE: 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.*

**BETA2: BETA concurs that the Project is likely to comply with this Bylaw provision given existing conditions and the nature of the work. BETA defers to the Conservation Commission on whether these calculations are required.**

- W15. 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).

*BE: 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 and 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 the 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 Protections 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 a 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 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 the 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 the 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 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 this project.*

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

*Recreation—The project is presently located within 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 this this function and characteristic.*

**BETA2: Comment resolved.**

- W16. 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.

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

**BETA2: Comment resolved.**

## STORMWATER MANAGEMENT

Proposed stormwater management associated with the Project is generally limited to the construction of a stormwater basin along the Site entrance. A review and supplemental review of the Project's compliance with the Massachusetts Stormwater Management Standards and the applicable local Regulations were issued to the Planning Board on May 25 and June 21, 2023. Currently, the Project does not comply with the Massachusetts Stormwater Management Regulations per the July 11, 2023 BETA letter to the Planning Board.

## REVIEW SUMMARY

Based on our review of the NOI submittal and Project plans, the Applicant is required to provide the Conservation Commission with additional information to describe the Site, the work, and the effect of the work on the interests identified in the Act and the Bylaw. The Project also does not presently comply with the Massachusetts Stormwater Management Regulations.

Ms. Breeka Lí Goodlander, Agent

August 9, 2023

Page 14 of 14

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,

BETA Group, Inc.



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