



November 11, 2021

Wales Conservation Commission
Attn: Norma Thompson, Chair
Town Office Building
3 Hollow Road, P.O. Box 834
Wales, MA 01081

Re: Notice of Intent Review Letter #3
Proposed Solar Project
40 Sizer Drive
Wales, Massachusetts
MassDEP File No. WE 314-0160

Dear Conservation Commission Members:

As requested, Lucas Environmental, LLC (LE) and Civil Design Group, LLC (CDG) have reviewed the responses to our Review Letter #2 submitted by Wood Massachusetts, Inc. (Wood), dated November 1, 2021, as well as revised site plans for the property located at 40 Sizer Drive in Wales, Massachusetts. The format of the original review letter has been retained, with Wood's responses directly below in italics, followed by LE's and CDG's responses (underlined).

1.0 DOCUMENTS REVIEWED

The following revised documents and plans were reviewed in addition to the documents previously reviewed:

- Responses to Comments, Notice of Intent Review Letter #2, Lucas Environmental, LLC and Civil Design Group, LLC, Sunpin Energy Services Proposed Solar Project, 40 Sizer Drive, Wales MA. Map and Parcel 100 2830 0040. MassDEP File No. WE 314-0160. Prepared by Wood, dated November 1, 2021.
- Site Plans entitled "Sunpin Energy Services, LLC 4.493 MW DC Ground-Mount Solar PV Development, 40 Sizer Drive, Wales, Massachusetts", prepared by Wood and dated April 29, 2021, last revised November 10, 2021.

2.0 COMMENTS AND REQUESTS FOR ADDITIONAL INFORMATION

This review pertains to requirements under the Massachusetts Wetlands Protection Act and its implementing regulations, and does not pertain to Zoning or Planning Board requirements. After reviewing the wetland delineation and the documents listed above, LE offers the following comments. Any previous comment that indicated "no further response necessary" has been excluded from this letter.

Wetland Delineation Review

1. LE Response 1A. Comment addressed regarding the accuracy of the flag locations. However, flag SB-B-5 is not shown on the revised site plans and should be added.

Wood Response 1A. *Wood added flag SB-B-5 to the revised site plans.*

LE Response 1A. Comment addressed, no further response necessary.

LE Response 1B. Flag AA-62A is not shown on the revised site plans and should be added.

Wood Response 1B. *Wood added flag AA-62A to the revised site plans.*

LE Response 1B. Comment addressed, no further response necessary.

LE Response 1C. Flag AA-64R is not shown on the revised site plans and should be added.

Wood Response 1C. *Wood added flag AA-64R to the revised site plans.*

LE Response 1C. Comment addressed, no further response necessary.

2. LE Response 2. LE agrees that the observations by Mr. Herzog are not sufficient to meet NHESP vernal pool certification criteria. However, during the previous Conservation Commission hearing, Mr. Bower of the Commission stated that he had heard a full chorus of wood frogs at PVP-2. If the chorus was “constant, continuous & overlapping” that would be considered sufficient biological criteria for certification under the NHESP guidelines.

Although PVP-2 is located greater than 100 feet from the perimeter fence, tree clearing is proposed within approximately 60 feet of the PVP, which could potentially impact upland habitat within the 100-Foot Buffer Zone utilized by vernal pool species.

Wood Response 2. *As a proactive measure to be protective of the vernal pool envelope around PVP-2 within the 100-foot wetland buffer zone, Wood revised the site plans to eliminate tree clearing from the 100-foot buffer around PVP-2.*

LE Response 2. Comment addressed, no further response necessary.

NOI Document Review

4. LE Response 4A. LE recognizes that no direct resource area impacts are now proposed for the project and therefore no wetland replication is required.

LE recommends that the Applicant verify/clarify the dimensions of the proposed box culvert, as it is indicated on Sheet C-107 as 18 feet in width (and described above as 16 by 24 feet), and that the dimensions be included in a note on the Site Plan. The size of the culvert used to calculate the openness ratio should also be noted, and the ratio calculation revised if necessary.

Although the proposed box culvert as described meets the openness ratio for the stream crossings general standard, the height of the culvert, particularly at the upstream end (1.6 feet) is minimal and well less than the “optimal” standard height of six feet. LE recommends that the Commission discuss with the Applicant the possibility of a higher crossing to allow better wildlife passage.

Wood Response 4A. *Wood confirms that the proposed culvert dimensions are 18 by 24 feet. The box culvert has redesigned to provide an inlet height of three feet, as shown on Sheet C-107.*

LE Response 4A. With regard to the dimensions of the box culvert, the comment has been addressed, no further response necessary.

With regard to the height of the culvert, LE acknowledges that the Applicant has increased the minimum height to four feet. LE had discussed with Steve Herzog the possibility of increasing the minimum height to four feet, which would improve the ability for wildlife passage. The revised culvert significantly exceeds the general Stream Crossing Standard for openness ratio. Although it does not meet the optimum height standard of six feet, it does exceed the optimum standard for openness ratio (i.e., is significantly greater than 1.64 feet). LE believes that the proposed openness ratio and minimum four-foot height is appropriate for this location. Therefore, this comment has been fully addressed with the proposed culvert height revision to four feet.

5. LE Response 5A. LE recommends the Applicant prepare a proposed monitoring program for the Commission’s review. The monitoring program should include a protocol for management of invasive vegetation if/as needed since cutting the canopy may initially facilitate growth of invasive plants.

Wood Response 5A. *Wood proposes the following monitoring plan for the Commission’s review, and asks the Commission to include this monitoring as a Condition of approval.*

The applicant will monitor the areas of the site proposed for tree clearing or topping/cutting within the wetland buffer zone for two years following construction. Note that the entire site will be monitored until stable under the anticipated Stormwater Pollution Prevention Plan (SWPPP) that will be required for project coverage under the U.S. Environmental Protection Agency’s National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP). In addition to monitoring under the SWPPP, the applicant will monitor the areas of 100-foot wetland buffer zone proposed for topping on the east side of the southern array, as well as the other cut buffer zone areas. Monitoring will be performed four times during the growing season for two years following construction. The purpose of the monitoring will be to inspect soils and vegetation for stability, regrowth of low woody vegetation, and incursion of invasive species. If soils and vegetation are found to be unstable, the applicant will take appropriate remedial measures, including but not limited to, placement of erosion control blankets, placement of mulch, and reseeded. If invasive species are found, the applicant will take remedial measures potentially to include hand-pulling or hand-cutting of plants. If additional measures are warranted, the applicant will report to the Commission and discuss such possible measures.

LE Response 5A. Comment addressed, no further response necessary.

3.0 STORMWATER REVIEW

CDG is pleased to provide the following review of the project design plans, stormwater calculation/report, SWPPP, stream crossing design, and BMP selection for the subject project. CDG offers the following comments. Any previous comment that indicated “no further response necessary” has been excluded from this letter.

10. CDG Response 10. CDG understands that the existing conditions used as the basis for the NOI documents, including the property lines, topography, and wetland lines, were inherited electronically from Andrews Survey & Engineering, Inc. (ASE), which is the engineering/surveying firm originally associated with the project. CDG recommends that as a condition of approval, the Conservation Commission require the applicant to provide a stamped survey plan documenting the source and accuracy of the existing conditions for the Commission’s files. The condition should also require the survey to be included as part of the construction plans.

Wood Response 10. Wood has provided a stamped survey plan sheet as part of the plan set, identified as Existing Conditions Plan, Sheet V-101, and documenting the source and accuracy of the existing conditions on Sheet G-001 of the plan set under the note “Existing Conditions”. This survey plan will also be included as part of the construction plan set.

CDG Response 10. Comment addressed, no further response necessary.

11. CDG Response 11. CDG notes that due to site constraints, it is not practicable to provide a sediment trap for the Phase 3 area. CDG recommends that as a condition of approval, the Conservation Commission require the applicant include on the construction plans temporary erosion and sedimentation control measures on the Phase 3 slopes and/or enhance the perimeter erosion control barrier associated with the Phase 3 area.

Wood Response 10 (i.e., 11). Wood agrees that the construction plans will indicate any temporary erosion and sediment control measures needed in the Phase 3 area.

CDG Response 11. Comment addressed, no further response necessary.

LE and CDG have based this assessment on review of the submitted documents, thorough field reconnaissance, and discussions with the Applicant’s consultant.



CIVIL DESIGN GROUP, LLC

Notice of Intent Review Letter #3

If you have any questions, please do not hesitate to contact Joe Orzel at 617.405.4118 or jho@lucasenvironmental.net, or Matthew Leidner at 978.794.5400 or matt.leidner@cdengineering.com.

Thank you for your consideration in this matter.

Sincerely,

LUCAS ENVIRONMENTAL, LLC

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