

Sunpin Solar, 40 Sizer Drive, Wales MA

Order of Conditions

Findings of Fact:

The project as proposed consists of a 2.8-megawatt ground-mount solar array to be built on 13.8 acres of the 100.3-acre parcel at 40 Sizer Drive in Wales, MA (map and parcel 100 2830 0040). The NOI for the project is Massachusetts Department of Environmental Protection (MassDEP) File No. WE 314-0160 with 3 revisions.

The following plans have been submitted and approved by the Conservation Commission.

- Sunpin 40 Sizer Drive Wales SWPPP dtd 09-2021
- Sunpin 40 Sizer Drive Wales OM & TTPP dtd 03-2021
- Sunpin 40 Sizer Drive Wales Stormwater Report dtd 01-21-2022
- Sunpin 40 Sizer Drive Wales IFP Project Plans dtd 01-21-2022

The Findings of Fact are incorporated as a special condition and given equal status as the other special conditions of this Order.

Special Conditions

1. Any damage caused as a direct result of this project shall be the responsibility of the applicant to repair, replace, or otherwise compensate the injured party
2. With respect to all conditions, the Conservation Commission designates the Conservation Agent, or other authorized consultant to the Commission, as its agent with full powers to act on its behalf in administering and enforcing this order.
3. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.
4. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Wetland Protection Act Act, 310 CMR 10.00.
5. If any change is made in the above-described plan(s) which may or will alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 (and the Town Wetland Bylaw and Wetland Bylaw Regulations), the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the

change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

6. The applicant shall provide surety, either through escrow account or bond, in the amount of \$15,000, prior to the start of construction, to cover the cost of remediating any degradation or unpermitted alterations to streams or BVW areas in the event of failure of the erosion controls on-site. This surety or account will be managed by the Town Treasurer.
7. The applicants will 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.
8. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

Special Conditions for Additional Information

9. Prior to any work commencing on site, the applicant shall submit for the Commission's approval a detailed written sequencing plan for the project construction including implementation of erosion and sedimentation controls, with supporting plans and details as appropriate.
10. Prior to the start of any activity on the site, the applicant shall request a pre-construction meeting with the Conservation Commission and/or its representative, the project supervisor, the contractor responsible for the work and the Environmental Monitor to review the conditions of this order and ensure that they are understood.
11. Prior to the commencement of any activity on the site, the limit of work shall be clearly identified with erosion control, construction fencing, stakes or flags, and shall be confirmed by the commission or its agent. Such markers shall be checked and replaced as necessary and shall be maintained until all construction is complete. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil, or construction activity is to occur beyond this line at any time.
12. Before work can commence, the town must transfer to the control of the applicants the approximately 400 feet of Sizer Drive located at the entrance to the parcel.

During Construction

13. If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review and approval by the Commission, the applicant may request in writing a Certificate of Compliance as described above.
14. Notification to the WCC shall be required when site work ceases for any length of time greater than 14 days.
15. The applicants shall submit by email a progress report on the 1st day of each month indicating what work has been done in buffer zones and what work is anticipated to be done over the next reporting period. The reports shall also address the current condition of erosion and sediment controls; describe any erosion and sedimentation control and repair and/or replacement; and describe any erosion or sedimentation issues and mitigation measures implemented. The frequency of these reports may be modified by the commission based on work and conditions on the site.
16. The burial of stumps and any other type of construction refuse or waste material on the site is prohibited.

Erosion Control

17. The applicant shall designate an erosion control monitor with a minimum of 5 years experience or is certified in Erosion Control, to oversee the placement of supplemental erosion controls in an event of an emergency, and to conduct regular inspection, maintenance or replacement of erosion and sedimentation control devices. The Erosion Control (Environmental) Monitor must be accessible to the Commission and its agent by phone any time including evenings and weekends. This person shall be given authority by the applicant to stop construction for erosion control purposes.
18. Should any erosion or sedimentation control measures fail; immediate attention will be given by the Applicant or his representative to correcting the failure and to rectify any adverse impact from the failure, for example, by the removal of any silt or debris that any have bypassed the control measure. The WCC must be notified within 24 hours of the failure.

19. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair or replace silt fences, hay bales, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.
20. An adequate amount of crushed stone or additional measures as needed shall be placed at the construction entrance to prevent vehicles from tracking sediment off the site and onto the roadway.
21. If dirt or mud is being tracked from the site despite the measures specified in Special Condition #20, applicants will require construction vehicles exiting the site to first have the dirt washed off.
22. Subsequent to seeding, disturbed areas will be covered with a salt hay mulch, erosion control blanket, or netting, or other suitable material in order to provide an adequate protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching.
23. Once begun, grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.
24. Applicants shall maintain appropriate dust control measures during active construction.
25. The area of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time and repaired, reinforced or replaced as necessary.
26. All stockpiles of soils existing for more than one day shall be surrounded by a row of entrenched silt fence and shall be covered.
27. All stumps are to be left in place unless they are within the defined fenced-in area for the solar arrays or their removal is necessary for construction of the access roads or accessory buildings.
28. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas and 200 feet from rivers, unless specified in this Order.
29. Land underneath and surrounding the arrays may be cut, stumped and smoothed out, but soil elevation profiles must not be changed. Any existing slopes must be maintained unless changes are required for stormwater structures or road construction.

30. No tree cutting may be done within the buffer zone located to the southeast of the stream crossing, except as shown on the attached map. (See Attachment 1)
31. No tree topping may be conducted on any sloped areas greater than 10% within the buffer zone
32. All trees to be selectively removed within the buffer zone shall be appropriately marked above and below the cut line to identify the tree to be removed and the remaining stump. Stumps shall not be excavated from the buffer zone. Methodology for tree removal shall be clearly understood by the party responsible for such marking. The Conservation Agent or representative shall be notified at least two days prior to such work and shall inspect all markings to confirm compliance with the methodology for selection. The Conservation Commission or its agents shall reserve the right to contest selected trees if they do not appear to meet the criteria. Trees to be removed shall only be felled into the work area, minimizing the damage to the remaining buffer area. No heavy equipment shall be allowed within the landscaped buffers except to reach-in as necessary to cut and/or remove trees.
33. Only the minimum necessary vegetation removal may be done on the stream bank for the proposed crossing and any disturbed bank areas must be immediately stabilized.
34. All erosion controls must be inspected weekly and after any large storm (Rain 0.25" or greater within a 24 hour period or as required by the NPDES CGP).
35. All fill, excavated material, construction and building materials shall be stockpiled outside of the buffer zone and BVW areas, and adequate erosion and sediment controls shall be applied.
36. Post construction, all areas immediately surrounding and underneath arrays must be maintained as turf or native grasses and not gravel. Work roads can be left as gravel.
37. During the construction phase, any disturbed areas that show visible erosion must be immediately stabilized with matting, mesh or other appropriate BMPs.

Other Conditions

38. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Massachusetts Wetlands Protection Act or the Town's Bylaw.

39. No disturbance or alteration allowed within 100 feet of the area identified as Vernal Pool PVP-2 and between Wetland Markers AC-2 to AC-7 on the project plans.
40. During construction, applicants must analyze stream water in at least 3 locations every 2 weeks, including where the stream exits the property, for the following indicators:
 - Water Temperature
 - PH levels
 - Sediment levels (turbidity)

Baseline readings of the above listed properties must be taken before the start of construction. During the construction phase the water should be sampled for the above properties and the results submitted to the commission.

41. If any project setback lines are changed by the Planning Board or Zoning Board of Appeals, the altered plans must be resubmitted to the WCC for additional deliberation and amendment of the existing Order of Conditions.
42. No use of herbicides in the buffer zone or BVW areas without written approval of the commission.
43. No blasting on the site without written approval of the commission.
44. No staging of chemicals, fuels or hazardous materials within the buffer zone or BVW areas.
45. Applicants shall plow the main access road within 24 hours of a snowstorm of 3” or greater to ensure continued access by town officials and emergency services to the site.
46. The Operations and Maintenance plan submitted by the applicants as part of the NOI proceeding shall be followed in all respects unless an exception is approved by the commission in writing.
47. 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.

48. 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.
49. Applicants must continue to monitor the stream conditions, post-construction, for a period of 6 months. Applicants must analyze stream water in at least 3 locations every 4 weeks, including where the stream exits the property, for the following indicators:
- Water Temperature
 - PH levels
 - Sediment levels (turbidity)

During this 6 month post-construction period, the water should be sampled for the above properties and the results submitted to the commission.

Attachment 1 – Allowed tree cutting/topping regions in the Southeast quadrant of the project area, as per Special Condition #30.

