



REQUEST FOR AMENDED ORDER OF CONDITIONS

WENDELL SOLAR PV

**0/69 Lockes Village Road
Wendell, Massachusetts**

Applicant:

Wendell Solar, LLC
101 Summer Street 2nd Floor
Boston, MA 02110

**Submitted in Compliance with the Massachusetts
Wetlands Protection Act and the Town of Wendell
General Wetlands Protection Bylaw**

July 22, 2025

JYB/mks/mac/343401NI001



Prepared by
Beals and Thomas, Inc.
144 Turnpike Road
Southborough, MA 01772

In association with:
Nexamp, Inc.
101 Summer Street 2nd Floor
Boston, MA 02110



July 22, 2025

Ward Smith, Chair
c/o Mary Thomas, Conservation Agent
Wendell Conservation Commission
9 Morse Village Road
Wendell, Massachusetts 01379

Via: Federal Express and Email to concom@wendellmass.us

Reference: Request for Amended Order of Conditions
Wendell Solar PV
0/69 Lockes Village Road
Wendell, Massachusetts
B+T Project No. 3434.01

Dear Commissioners:

On behalf of the Applicant, Wendell Solar, LLC, Beals and Thomas, Inc. respectfully submits this Request for Amended Order of Conditions for work within the buffer zone to Bordering Vegetated Wetland (BVW) and Isolated Vegetated Wetland (IVW). This amendment relates to a previously-approved ground-mounted solar array (the Project) located at 0/69 Lockes Village Road in Wendell, Massachusetts (the Property). The proposed changes to the Project since it was previously approved, specifically include the addition of a permanent stormwater management system, a small portion of which will occur within the 100-foot buffer zone, and a battery energy storage system (BESS) in the adjacent upland outside the 100-foot buffer zone.

This filing is submitted in accordance with the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40 and associated Regulations at 310 CMR 10.00 (collectively referred to as the Act), the Town of Wendell General Wetlands Protection Bylaw (the Bylaw), and the Town of Wendell General Wetlands Protection Bylaw Regulations (the Regulations)

As required, enclosed is one copy plus the original of the submission package. The following information is included for your review:

Section 1.0: Forms;
Section 2.0: Project Narrative;
Section 3.0: Abutter Information;
Section 4.0: Wetland Boundary Documentation;
Section 5.0: Stormwater Management Information; and
Section 6.0: Plans.

Corporate Office

144 Turnpike Road
Southborough, MA 01772

bealsandthomas.com T 508.366.0560 F 508.366.4391

Regional Office

32 Court Street
Plymouth, MA 02360

Ward Smith, Chair
c/o Mary Thomas, Conservation Agent
Wendell Conservation Commission
July 22, 2025
Page 2

As required, a copy of this filing has been provided to the Western Regional Office of the Massachusetts Department of Environmental Protection (MassDEP). Pursuant to requirements of the Act and Bylaw, abutters within 300 feet of the Property have been notified via certified mail concurrent with the date of this submission that this NOI has been filed with the Wendell Conservation Commission. Enclosed is a check payable to the Town of Wendell in the amount of \$537.50 for the appropriate filing fee as required by the Act. A separate check in the amount of \$512.50 has been forwarded to the MassDEP Lock Box to cover the state portion of the filing fee. The Applicant understands that they are responsible for drafting and placing the legal advertisement in The Greenfield Recorder prior to the hearing.

Should you have any questions regarding this matter or require additional information, please contact us at (508) 366-0560. We thank you for your consideration of this Request for Amended Order of Conditions and look forward to meeting with the Commission at the next available public hearing.

Sincerely,

BEALS AND THOMAS, INC.

A handwritten signature in blue ink, appearing to read "Eric J. Las", with a stylized flourish at the end.

Eric J. Las, PE, LEED AP
Vice President

Enclosures

cc: MassDEP WERO (1 copy via Email)
Wendell Solar, LLC (1 copy via Email)

TABLE OF CONTENTS

1.0	FORMS	1-1
2.0	PROJECT NARRATIVE	2-1
2.1	INTRODUCTION.....	2-1
2.2	EXISTING CONDITIONS.....	2-1
2.2.1	<i>Wetland Resource Areas Summary</i>	<i>2-2</i>
2.3	PROPOSED CONDITIONS.....	2-3
2.3.1	<i>Work within Jurisdictional Areas.....</i>	<i>2-4</i>
2.4	INTERESTS OF THE ACT AND BYLAW.....	2-4
2.4.1	<i>Protection of Public and Private Water Supply and Ground Water Supply and Quality....</i>	<i>2-4</i>
2.4.2	<i>Aquifer Recharge and Discharge.....</i>	<i>2-4</i>
2.4.3	<i>Surface Water and Surface Water Quality.....</i>	<i>2-4</i>
2.4.4	<i>Flood Control, Storm Damage Prevention, Storm Drainage and Runoff.....</i>	<i>2-4</i>
2.4.5	<i>Prevention of Pollution and Erosion and Sediment Control.....</i>	<i>2-4</i>
2.4.6	<i>Protection of Fisheries, Shellfisheries, Wildlife Habitat and Rare Species</i>	<i>2-5</i>
2.4.7	<i>Recreation</i>	<i>2-5</i>
2.4.8	<i>Agriculture and Aquaculture.....</i>	<i>2-5</i>
2.5	SUMMARY.....	2-5
3.0	ABUTTER INFORMATION.....	3-1
4.0	WETLAND BOUNDARY DOCUMENTATION.....	4-1
5.0	STORMWATER MANAGEMENT INFORMATION	5-1
6.0	PLANS.....	6-1

Section 1.0

Forms

Notice of Intent (WPA Form 3)

Wetland Fee Transmittal Form

Wendell General Wetlands Protection Bylaw Permit Application Form



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

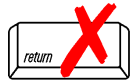
MassDEP File Number

Document Transaction Number

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

a. Street Address

b. City/Town

c. Zip Code

Latitude and Longitude:

d. Latitude

e. Longitude

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

a. Total Fee Paid

b. State Fee Paid

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☐ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____

b. square feet of Salt Marsh _____

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☐ No

If yes, include proof of mailing or hand delivery of NOI to:

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. ☐ Is this an aquaculture project? d. ☐ Yes ☐ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
a. ☐ Yes ☐ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
a. ☐ Yes ☐ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
a. ☐ Yes ☐ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. ☐ A portion of the site constitutes redevelopment
3. ☐ Proprietary BMPs are included in the Stormwater Management System.
b. ☐ No. Check why the project is exempt:
1. ☐ Single-family house
2. ☐ Emergency road repair
3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☐ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☐ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. ☐ List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☐ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Wendell

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

3. Signature of Property Owner (if different)

5. Signature of Representative (if any)

2. Date

4. Date

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

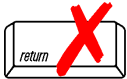
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

a. Street Address

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee: _____
a. Total Fee from Step 5

State share of filing Fee: _____
b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: _____
c. 1/2 Total Fee **plus** \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

**WENDELL GENERAL WETLANDS PROTECTION BYLAW
PERMIT APPLICATION FORM**

Applicant: Wendell Solar, LLC

Address: 101 Summer Street, 2nd Floor

Boston, MA 02110

Phone No.:

Date: July 22, 2025

Location of
Project:

0/69 Lockes Village Road (Map 408, Lot 37)

Brief Description of Project (in space provided):

Request for an Amended OOC for the addition of stormwater management infrastructure within the 100 foot

buffer zone to BVW as well as a battery energy storage system associated with the previously-approved

solar array. (DEP File No. 325-0044)

Please attach Form 1, Form 3 or Form 4 of the Wetlands Act. Application will not be complete without this form.

Be sure to include the appropriate fee (\$5.00 for a single family dwelling) payable to the Town of Wendell.

Section 2.0
Project Narrative

2.0 PROJECT NARRATIVE

2.1 Introduction

The Project consists of an approximately 3.6-MW ground-mounted solar array to be located on 11.6± acres of the 65± acre parcel located at 0 Lockes Village Road in Wendell, Massachusetts (the Property). This Project was previously approved via an Order of Conditions (OOC) issued on September 4, 2018 (MassDEP File No 325-0044). Extensions to this OOC were granted by the Wendell Conservation Commission on April 13, 2021, and again on September 10, 2024. The expiration date as written on the latest extension is September 4, 2027.

Per the provisions of Section 3 of COVID-19 Order No. 42, the permit was automatically extended by the length of the COVID-19 State of Emergency, i.e., a period of 462 days. This extension became effective on June 15, 2021, the end of the State of Emergency. Furthermore, the Mass Leads Act, signed into law on November 20, 2024, automatically extended approvals in effect between January 1, 2023, and January 1, 2025, by a period of two years. Accordingly, the expiration date of the OOC is anticipated to be December 9, 2030.

Project changes detailed herein include the addition of a permanent stormwater management system designed in accordance with state regulations, which will lie partially within the 100-foot buffer zone to BVW and IVW, as well as a 2.0 MW AC battery energy storage system (BESS) in the adjacent upland. Although the BESS lies outside Conservation Commission jurisdiction, it is included herein for information purposes and the Administrative Record. An Amended Order of Conditions is requested for those design changes located within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW) and Isolated Vegetated Wetlands (IVW).

The Project is proposed to maintain the same purpose of the previously approved Project, that will create a renewable source of energy while providing tax benefits to the Town.

2.2 Existing Conditions

The Property consists of approximately 65 acres off the east side of Lockes Village Road between the intersections of Lockes Hill Road and Cooleysville Road. It can be further identified by the Wendell Assessor as Map 408 Lot 37, owned by Jacob A. Doody. The Property is largely wooded on the north side and contains a human-made pond and wetland resources areas on the northeast, east, and south sides of the Property. The Property is bounded to the Wendell State Forest to the east and residential lots to the north and south. Access to the Property is currently maintained via a compact gravel access road off the east side of Lockes Village Road connecting to a variety of cart paths onsite. A small shipping container and forestry equipment is stored onsite by the landowner. The majority of the western portion of the Property has been selectively logged by the landowner over the years and has been allowed to naturally revegetate.

The 2023 aerial imagery below depicts the general configuration of the Property.



According to the MA Natural Heritage and Endangered Species Program's (NHESP) Priority Habitat Atlas (15th Edition, published 2021), the Property does not lie within Priority Habitat of Rare Species or Estimated Habitats of Rare Wildlife and there are no certified or potential vernal pools mapped within the locus. Additionally, the Property is not mapped as an Area of Critical Environmental Concern (ACEC).

Refer to Section 2.0: Pre-Development Conditions of the Stormwater Management Report included in Section 5.0 of this Request for detailed topographic and soils information.

2.2.1 Wetland Resource Areas Summary

Jurisdictional resource areas constraining the Project Site were confirmed through issuance of the OOC (MassDEP File No 325-0044) from the Wendell Conservation Commission. This OOC confirmed the presence of BVW, Bank, IVW and the 100-foot buffer zones to these resource areas on the Property. As discussed in Section 2.1, this OOC remains valid. A copy of the OOC is included in Section 4.0 herein.

Pursuant to Section 2.0 the Wendell Conservation Commission also maintains jurisdiction over IVW and land within 100-feet of an IVW. Additionally, pursuant to Section 3.0 of the Bylaw, the portion of the buffer zone extending 50-feet from the resource area is designated as a 'Conservation Zone'. The Bylaw states that no work, structures, disturbance or alterations are not allowed within this regulatory setback.

2.3 Proposed Conditions

The Project includes construction, installation, and operation of a (locally regulated extra-large) ground mounted solar with coupled BESS on approximately 11.6 acres of the Property. Previously-approved components of the Project include tree clearing and grubbing, the construction of a compact gravel access road, installation of electrical equipment and associated concrete equipment pads, ground-mounted solar panels, and a perimeter security fence. The area under the array will be re-vegetated with a natural seed mix, providing a meadow habitat for pollinators and a variety of other species, which will be accessible by the inclusion of a 6-inch wildlife gap under the perimeter fencing.

Design changes associated with this Request for Amended OOC include upgrades from the previously-approved temporary sediment traps to a permanent stormwater management system. Refer to Section 3.0: Post-Development Conditions of the Stormwater Management Report included in Section 5.0 of this Request for information on existing and proposed hydrology and compliance with the MassDEP Stormwater Management Policy.

The Applicant also proposes the addition of a BESS in the interior uplands of the Property. The Solar Massachusetts Renewable Target (SMART) Program regulations at 225 CMR 20.00 require the inclusion of a BESS. This requirement is necessary for the state to meet its goal of net-zero greenhouse gas emissions outlined in the Massachusetts Clean Energy and Climate Plan for 2050. Electrical equipment associated with the BESS including inverters are proposed to be sited on concrete equipment pads located to the south and west of the eastern panel areas, outside of the Commission's jurisdiction.

The Applicant is not proposing tree clearing or other activities closer to resource areas than the approved design. The proposed limit of work and area of disturbance remains unchanged from the previously-approved Project. The total permitted project impacts within the 50- to 100-foot wetland buffer zone detailed in the current OOC shall be maintained. The Project has been designed to avoid direct impacts to jurisdictional wetland resource areas and the 50-foot Conservation Zone.

2.3.1 Work within Jurisdictional Areas

Activities within the 100-foot buffer zone to BVW and IVW include tree clearing and grading, construction of perimeter security fencing, sedimentation and erosion control measures, and installation of a stormwater management system. These activities are necessary to achieve Project goals and are not anticipated to impact the buffer zones' ability to protect resource areas.

2.4 Interests of the Act and Bylaw

The following is a discussion of the relationship of the project to the interests of the Act as defined by 310 CMR 10.01(2) and the Bylaw.

2.4.1 Protection of Public and Private Water Supply and Ground Water Supply and Quality

The Project site is not located within a Zone I, Zone II or Interim Wellhead Protection Area (IWPA). Therefore, the public and private water supply and groundwater supply protection interests of the Act and Bylaw will be upheld.

2.4.2 Aquifer Recharge and Discharge

The Property is not located within or in proximity to an aquifer. Therefore the aquifer recharge and discharge interests of the Bylaw will be maintained.

2.4.3 Surface Water and Surface Water Quality

The Project is not located within a Zone A or Zone B Surface Water Protection Area. The Property is located within a Zone C associated with the Quabbin Reservoir. However, the Project proposes erosion and sediment control measures around the limit of work as well as a stormwater management system to mitigate potential impacts to the Zone C. Therefore, the surface water and surface water quality interests of the Bylaw will be upheld.

2.4.4 Flood Control, Storm Damage Prevention, Storm Drainage and Runoff

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the Property, the Project is not located within the 100- or 500- year flood zone. Erosion and sedimentation control measures will be implemented as needed. Stormwater catch basins are proposed to the east of the arrays as depicted on the enclosed plans. Therefore, the flood control, storm damage prevention, storm drainage and runoff interests of the Act and Bylaw will be maintained.

2.4.5 Prevention of Pollution and Erosion and Sediment Control

Erosion and sediment control measures will be installed around the approved limit of disturbance as indicated in the enclosed site plans. These controls will be subject to frequent inspections in accordance with municipal, state, and federal requirements. Therefore, the pollution and erosion and sediment control interests of the Act and Bylaw will be upheld.

2.4.6 Protection of Fisheries, Shellfisheries, Wildlife Habitat and Rare Species

The Property does not lie within Priority Habitat of Rare Species or Estimated Habitats of Rare Wildlife and there are no certified or potential vernal pools mapped within the locus. Additionally, the Property does not contain coldwater fisheries or shellfish suitability areas. Therefore, the fisheries, shellfisheries, wildlife habitat and rare species interests of the Act and Bylaw will be protected.

2.4.7 Recreation

The Property is privately owned and does not currently contain public recreation opportunities. Therefore, the recreation interests of the bylaw will be maintained.

2.4.8 Agriculture and Aquaculture

The Property is not currently used for agricultural or aquaculture purposes. Therefore, the agriculture and aquaculture interests of the bylaw will be maintained.

2.5 Summary

The Applicant is seeking an Amended Order of Conditions due to minor design changes from the previously-approved Project as detailed herein. Work is proposed within the outer 50-feet of the 100-foot buffer zone to BVW and IVW. However, these activities will not result in additional impacts to the buffer zone than were previously authorized. Additionally, work is not proposed within jurisdictional resource areas.

Section 3.0

Abutter Information

300' Certified List of Abutters

Affidavit of Service

Notification to Abutters

site_addr	addr_num	full_str	city	zip	owner1	own_addr	own_city	own_state	own_zip
70 LOCKES VILLAGE RD	70	LOCKES VILLAGE RD	WENDELL	01379	AINSWORTH, GAIL L.	70 LOCKE`S VILLAGE RD	WENDELL	MA	01379
93 LOCKES VILLAGE RD	93	LOCKES VILLAGE RD	WENDELL	01379	ANDREWS KRISTEN	93 LOCKES VILLAGE RD	WENDELL	MA	01379-9723
74 LOCKES VILLAGE RD	74	LOCKES VILLAGE RD	WENDELL	01379	CAREY BRENDA R	PO BOX 52	SHUTESBURY	MA	01072
0 LOCKES VILLAGE RD	0	LOCKES VILLAGE RD	WENDELL	01379	CAREY BRENDA R	PO BOX 52	SHUTESBURY	MA	01072
97 LOCKES VILLAGE RD	97	LOCKES VILLAGE RD	WENDELL	01379	GAIGNARD GENEVIEVE	59 BACON STREET	ORANGE	MA	01364
123 LOCKES VILLAGE RD	123	LOCKES VILLAGE RD	WENDELL	01379	GODFREY, WAYNE M.	PO BOX 76	WENDELL	MA	01379
90 LOCKES VILLAGE RD	90	LOCKES VILLAGE RD	WENDELL	01379	HICKMAN, LINDA A.	P O BOX 842	WENDELL	MA	01379
95 LOCKES VILLAGE RD	95	LOCKES VILLAGE RD	WENDELL	01379	KUZMESKUS DONALD	95 LOCKES VILLAGE RD	WENDELL	MA	01379
95 LOCKES VILLAGE RD	95	LOCKES VILLAGE RD	WENDELL	01379	KUZMESKUS DONALD	95 LOCKES VILLAGE RD	WENDELL	MA	01379
82 LOCKES VILLAGE RD	82	LOCKES VILLAGE RD	WENDELL	01379	LEONARD, WAYNE D.	82 LOCKS VILLAGE RD	WENDELL	MA	01379
121 LOCKES VILLAGE RD	121	LOCKES VILLAGE RD	WENDELL	01379	MYNES, JESS R.	121 LOCKE`S VILLAGE RD	WENDELL	MA	01379
69 LOCKES VILLAGE RD	69	LOCKES VILLAGE RD	WENDELL	01379	RICHARDSON THOMAS	69 LOCKES VILLAGE RD	WENDELL	MA	01379
71 LOCKES VILLAGE RD	71	LOCKES VILLAGE RD	WENDELL	01379	SCHWARTZ, BEN	71 LOCKES VILLAGE RD	WENDELL	MA	01379
109 LOCKES VILLAGE RD	109	LOCKES VILLAGE RD	WENDELL	01379	SMITH, NANCY	109 LOCKES VILLAGE RD	WENDELL	MA	01379-0824
0 LOCKES VILLAGE RD	0	LOCKES VILLAGE RD	WENDELL	01379	SMITH, NANCY	109 LOCKES VILLAGE RD	WENDELL	MA	01379-0824
84 LOCKES VILLAGE RD	84	LOCKES VILLAGE RD	WENDELL	01379	SOKOLOSKI, ROBERT	84 LOCKES VILLAGE RD	WENDELL	MA	01379
119 LOCKES VILLAGE RD	119	LOCKES VILLAGE RD	WENDELL	01379	TEXIERA, CHRISTINE L.	119 LOCKE`S VILLAGE RD	WENDELL	MA	01379
0 LOCKES VILLAGE RD	0	LOCKES VILLAGE RD	WENDELL	01379	DOODY, JACOB A	PO BOX 132	WENDELL	MA	01379

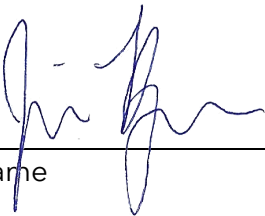
AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act and the Wendell General Wet Bylaw

I, Jacqueline Boyer, hereby certify under the pains and penalties of perjury that on July 22, 2025, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the MassDEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by Wendell Solar, LLC with the Wendell Conservation Commission on July 22, 2025 for property located at 0/69 Lockes Village Road.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.



Name

July 22, 2025

Date

Notification to Abutters

By Certified Mail (return receipt requested)

This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and the Wendell General Wetland Protection Bylaw.

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, 310 CMR 10.05(4)(a) of the Wetlands Regulations, and Wendell General Wetland Protection Bylaw you are hereby notified of the following.

- A. A **Request for Amended Order of Conditions** was filed with the **Wendell Conservation Commission** on **July 22, 2025** seeking permission to remove, fill, dredge, or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and Wendell General Wetland Protection Bylaw. The following is a description of the proposed activity:
- Amendments to a previously-approved ground-mounted solar array, including stormwater management system within the 100-foot buffer zone to BVW and IVW**
- B. The name of the applicant is **Wendell Solar, LLC**
- C. The address of the land where the activity is proposed is **0/69 Lockes Village Road**
- D. Copies of the Application may be examined at the office of the **Wendell Conservation Commission (Select Board Office)** located at **9 Morse Village Road, Wendell, MA 01379**. The regular business hours of the Commission are between **9:00am and 3:00pm, Monday through Thursday**. The Commission may be reached at: **(978) 544-3395**.
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant ☐, or the **applicant's representative** ☒, by calling this telephone number **(508) 366-0560** between the hours of **8:00 AM and 5:00 PM** on the following days of the week: **Monday - Friday**.
- F. A public hearing will be held on **August 5, 2025 at 6:00 pm**. Further information regarding the public hearing may be obtained from the Wendell Conservation Commission. Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the **Greenfield Recorder**

Note: Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

Note: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. **To contact MassDEP, call: Western Region: 413-784-1100**

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.

EJL/NPS/343401

Section 4.0

Wetland Boundary Documentation

Order of Conditions (MassDEP File No 325-0044), dated September 4, 2018

Order of Conditions Extension, dated April 13, 2021

Order of Conditions Extension, dated September 10, 2024

Franklin County Registry of Deeds

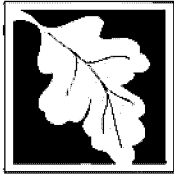
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 9480
Document Type	: ORD
Recorded Date	: September 13, 2018
Recorded Time	: 03:17:25 PM
Recorded Book and Page	: 07253 / 328
Number of Pages(including cover sheet)	: 20
Receipt Number	: 152161
Recording Fee	: \$75.00

Franklin County Registry of Deeds
Scott A. Cote, Register
Courthouse
43 Hope Street
P.O. Box 1495
Greenfield, MA 01302-1495
413-772-0239
www.Masslandrecords.com



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

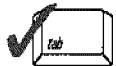
Wendell

City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

Important:
 When filling
 out forms on
 the
 computer,
 use only the
 tab key to
 move your
 cursor - do
 not use the
 return key.

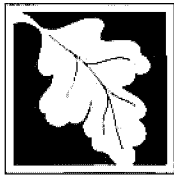


1. From: Town of Wendell
Conservation Commission
2. This issuance is for
 (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:

<u>JULIE</u>	<u>BEAUCHEMIN</u>
a. First Name	b. Last Name
<u>WENDELL SOLAR, LLC</u>	
c. Organization	
<u>4 LIBERTY SQUARE, 3RD FLOOR</u>	
d. Mailing Address	
<u>BOSTON</u>	<u>MA</u>
e. City/Town	f. State
	<u>02109</u>
	g. Zip Code
4. Property Owner (if different from applicant):

<u>JACOB</u>	<u>DOODY</u>
a. First Name	b. Last Name
<u>PO BOX 132</u>	
c. Organization	
d. Mailing Address	
<u>WENDELL</u>	<u>MA</u>
e. City/Town	f. State
	<u>01379</u>
	g. Zip Code
5. Project Location:

<u>0 LOCKES VILLAGE ROAD</u>	<u>WENDELL</u>
a. Street Address	b. City/Town
<u>408</u>	<u>37</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number
Latitude and Longitude, if known:	
<u>42.53800Nd</u>	<u>72.40108Wd</u>
<u>s</u>	<u>s</u>
<u>m</u>	<u>m</u>



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
FRANKLIN
 a. County 6246 b. Certificate Number (if registered land) 18
 c. Book 6246 d. Page 18
7. Dates: 5/9/18 8/14/18 9/4/18
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Special Permit/Site Plan Review, Wendell Solar, LLC (11 sheet plan set), Revision C
 a. Plan Title SVE Associates Anthony Wonseski, Jr.
 b. Prepared By July 10, 2018 c. Signed and Stamped by 1" = 100'
 d. Final Revision Date Storm Water Management Plan Wendell Solar 0 Lockes Village e. Scale July 10, 2018
Road Wendell, MA g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

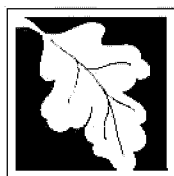
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat
 g. ☐ Groundwater Supply h. ☒ Storm Damage Prevention i. ☐ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

City/Town

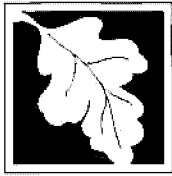
B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 50
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

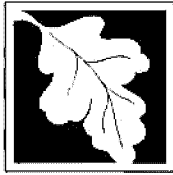
Wendell

City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

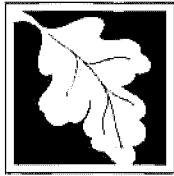
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

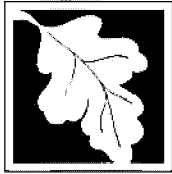
Wendell

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number WE 325-0044 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

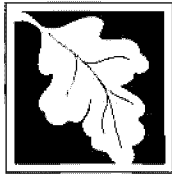
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

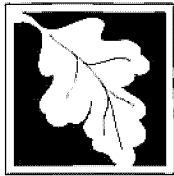
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

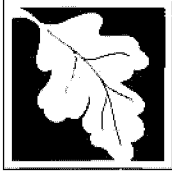
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The WENDELL hereby finds (check one that applies):

Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

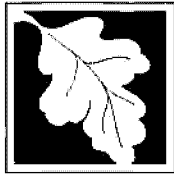
TOWN OF WENDELL, MASSACHUSETTS GENERAL WETLANDS
PROTECTION BYLAW

March 16,
2017

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

SEE ATTACHED CONDITIONS



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

9/4/18

1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures

[Handwritten signatures]

☒ by hand delivery on

9/4/2018

Date

☐ by certified mail, return receipt requested, on

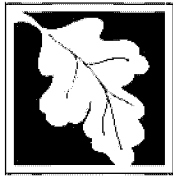
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

WE 325-0044

MassDEP File #

eDEP Transaction #

Wendell

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Wendell Solar LLC (WE 325-0044)

Special Conditions

Total Permitted Project Impacts within the 50-100 foot Wetland Buffer/ Resource Area (as per plan set of record)

- Tree Clearing: +/- 8,312 square feet or 0.19 acres
- Security Fence Installation: +/- 532 linear feet
- Perimeter Erosion Control: +/- 671 linear feet
- Temporary Sediment Traps: +/- 1,593 square feet
- Solar Panels: +/- 184 square feet

General Conditions Under the Town of Wendell Massachusetts General Wetlands Protection Bylaw

1. The work authorized hereunder shall be completed within three years from the date of this Order unless the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
2. A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one year period, provided that a request for renewal is received in writing by the Commission prior to expiration.
3. For good cause the Commission may revoke or modify a permit issued under this Bylaw after public notice and public hearing and notice to the holder of the permit.
4. This Order is not final until all appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Commission have been completed.
5. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is

Wendell Solar LLC (WE 325-0044) Special Conditions

located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission using the OOC form, "Section G. Recording Information". This form must be stamped by the Registry of Deeds, prior to the commencement of work.

6. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
7. The Agent or members of the Conservation Commission shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission for that evaluation.
8. Prior to the start of work, and if the project involves work adjacent to a Bordering or Isolated Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

Findings and Special Conditions Under Town of Wendell Massachusetts General Wetlands Protection Bylaw

Findings:

- This Order applies to and involves parcels of land located at 0 Lockes Village Road, within the Town of Wendell, Franklin County, Massachusetts, and additionally referred to as Assessor's Map 408, Parcel 37; (hereinafter "the Site").
- The project involves alteration of 8,312 square feet of outer buffer zone (50-100 ft.) which is considered a resource area under the Wendell Wetlands Bylaw.
- The Commission finds that the property contains bank, freshwater wetlands, and isolated wetlands, which are protected Resource Areas under Section 2: Jurisdiction of the Wendell General Wetlands Protection Bylaw;
- The Commission finds that the project, as proposed in the Notice of Intent and supplemental information, will adversely impact the wetland values (Section 1: Purpose) provided by freshwater wetlands and the Resource Areas within 100 feet of any freshwater wetland, isolated wetland, vernal pools, marsh, wet meadow, bog or swamp if **not** properly conditioned per this Order of Conditions;

Wendell Solar LLC (WE 325-0044) Special Conditions

- The Commission has only reviewed the portions of the property within 100 feet of proposed work shown on the approved plan. Therefore, other Resource Areas **may** be present on the property outside of this area of review;
- The Commission has determined that areas within 100 feet of a freshwater wetland, isolated wetland, marsh, wet meadow, bog or swamp are located within the subject parcel. The Commission approves the boundaries of areas within 100 feet of a freshwater wetland, isolated wetland, marsh, wet meadow, bog or swamp depicted on the final plans titled "Special Permit/Site Plan Review, Wendell Solar, LLC (11 sheet plan set), Revision C", dated July 10, 2018.
- The Commission has determined that Isolated Wetlands are located within the subject parcel. The Commission approves the boundary of the Isolated Wetland depicted on the final plans titled "Special Permit/Site Plan Review, Wendell Solar, LLC (11 sheet plan set), Revision C", dated July 10, 2018. The Commission approves the boundaries of the freshwater wetlands (Bordering Vegetated Wetlands) depicted on the final plans titled "Special Permit/Site Plan Review, Wendell Solar, LLC (11 sheet plan set), Revision C", dated July 10, 2018.

Special Conditions:Administrative and Procedural Requirements

9. **These Special Conditions do not supersede or negate the requirements of the General Conditions above. All successors and assigns in interest or control of the property subject to this Order of Conditions (hereinafter Order) and any contractor or other person performing work conditioned by this Order shall adhere to ALL applicable procedural and technical conditions in this Order.**
10. This Order specifically prohibits any activity, as defined at 310 CMR 10.04, other than that specifically authorized by this Order within any freshwater wetland, isolated wetland, vernal pool, marsh, wet meadow, bog or swamp; within 100 feet of any freshwater wetland, isolated wetland, vernal pool, marsh, wet meadow, bog or swamp; or within 100 feet of any lake, river, pond or stream (whether surface or subsurface); as delineated on the plan(s) of record and demarcated on the parcel in question, or as found at the "project locus", as defined by 310 CMR 10.04. Any proposed activity above and beyond that described in the Notice of Intent and supplemental information within jurisdictional Resource Areas must be preceded by a negative Determination of Applicability or an Order of Conditions from the Wendell Conservation Commission, unless said activity is an exempt activity. Failure to abide by this Special Condition will result in potential enforcement action on the part of the Commission, and possibly other regulatory agencies.
11. This Order prohibits any work within Isolated Wetlands.
12. This Order prohibits any work within Vernal Pools.
13. This Order prohibits any work within Resource Areas within 100 feet of any freshwater wetland, isolated wetland, vernal pool, marsh, wet meadow, bog or swamp or other Resource Areas except those activities specifically depicted on the site plans of record

and approved under this Order as depicted on the plans of record. This requirement is ongoing and does not end upon the completion of this project or the issuance of a Certificate of Compliance, and will be a continuing and perpetual condition of any Certificate of Compliance.

14. The contractor(s) employed to execute earth-moving, vegetation removal, demolition, and/or motorized vehicle operation activities on the property subject to this Order must be provided a copy of this Order prior to the commencement of any such activities. Said contractor(s) may be held responsible with the permittee and property owner for violations by the contractor, and may be subject to penalties authorized by law and/or regulation for those violations.
15. The permittee shall arrange to procure and submit via hand to the Wendell Town Offices at least (3) copies of the plan(s) of record (as referenced above and modified herein) at least (3) business days prior to the initiation of activities at the Site within the areas subject to the Commission's jurisdiction. The plans of record shall comport to standards for plans of record already provided to the permittee. Each of these plans shall be stamped and signed by a Registered Professional Engineer. Upon review and acceptance of these plans(s) of record, the Commission will affix an "approved" stamp upon each sheet, which will then be signed by appropriate Commission staff. A copy shall be retained by the Commission as a permanent record, and a copy will be returned via hand delivery to the permittee and the general contractor (or equivalent). Thereafter, all work conducted per this Order shall fully and completely comply with these plan(s) of record.
16. While submitting the three copies of the plans of record required at Condition #25 of this Order, and prior to the initiation of any activities otherwise permitted by this Order, the permittee shall arrange for a "Pre-construction meeting". It shall be the responsibility of the permittee to insure that their representative(s) (if any), as well as the general contractor, all appointed compliance monitors and environmental consultants required within this Order (if any), and all other pertinent firms or persons, are in attendance. The permittee shall also insure that all plans of record, contract and other pertinent documents are made available. No activities otherwise permitted by this Order may proceed until this "Pre-construction Meeting" has been held. Arrangements for this meeting will be made at least two (2) weeks prior to any activity, or less if at least one member of the Commission or its agent are able to attend on shorter notice.
17. No clearing of trees, or disturbance of soils shall occur prior to the Pre-Construction meeting, except that minimal disturbance absolutely necessary in order to place erosion or sedimentation control devices where required.
18. Prior to the Pre-Construction meeting, at minimum, erosion controls shall be installed to demarcate the limit of work as depicted on the approved Site plans. The Commission and/or its agent shall inspect the location and installation of erosion controls.
19. With 24 hour notification to the land owner, members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate and

Wendell Solar LLC (WE 325-0044) Special Conditions

ensure compliance with the Conditions and performance standards stated in this Order, the WPA, and 310 CMR 10.00 as well as MassDEP policies. The Commission may acquire any information, measurements, photographs, observations and/or materials or may require the submittal of any data or information deemed necessary for that evaluation.

20. Any damage caused as a direct result of this project to any Resource Areas shall be the responsibility of the applicant to repair or restore. Sedimentation of any Resource Area shall be considered fill of that Resource Area.
21. Should the plan(s) of record approved in this Order (or any sheet, detail, schematic, or collar note therein) prove not to accurately reflect site conditions, standard construction, methodologies, or practical construction considerations sufficient enough to cause contractors not to be able to build according to said plan(s), the Commission maintains the right to require an immediate cessation of work, in whole or in part. Should the Commission, at its sole discretion, require such cessation, it shall do so in writing to the permittee, and such notice shall require adequate interim erosion and sedimentation controls and the submittal of proposed plan revisions that address the inadequacies, and result in the same or reduced alterations to Resource Areas (as defined under the Wendell General Wetlands Protection Bylaw and Regulations) as approved in the plans of record. Activities shall not recommence until written approval to proceed has been issued by the Commission.
22. Refueling, servicing and repair of motorized construction vehicles shall take place outside of all "Resource Areas" (as defined under the Wendell General Wetlands Protection Bylaw and Regulations). Equipment operators shall be prepared to immediately respond to accidental releases of fuel, motor oil, and other liquids through containment. There shall be located on-site absorbent materials for use in containing accidental spills. If any release of fuel, motor oil, lubricating oil, etc. occurs, the permittee and other responsible parties identified at Special Condition #19 and #24 of this Order, in addition to all obligations under GL c. 21E (Massachusetts Oil and Hazardous Material Release Prevention and Response Act) and the Massachusetts Contingency Plan (MCP), shall immediately notify the Wendell Conservation Commission. Any response action or cleanup shall be conducted pursuant to GL c. 21E and the MCP.
23. Upon completion of the project, the permittee shall submit with their request for a Certificate of Compliance, an affidavit prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts, stating that the Site has been developed in accordance with the requirements of this Order and the referenced plan of record.

Site Stabilization Requirements

24. Prior to commencement of any work on the Site, adequate erosion and sedimentation control measures shall be implemented, including any necessary controls not specifically referenced in the plans of record, and they shall be maintained in effect through the

entire project, and until the Site has become stabilized with an adequate vegetative or landscaping cover. Such controls may include, but are not limited to use of mulch, geotextiles, dozer tracking, tackifiers, sediment diversion berms composed of wood chips and/or stump grindings, and sediment traps. Structural failure of the erosion and sedimentation controls required by this Order would constitute a violation of this Order, and could result in enforcement action taken by the Commission, and possibly other regulatory agencies.

25. Prior to the commencement of any earth-moving activity, a double-staked weed-free straw wattle barrier (end to end) shall be placed along the limit of activity between all disturbed areas and jurisdictional Resource Areas, in the positions shown on the plans of record, but in accordance with the specific parameters of the Special Condition. Each wattle shall be properly bound with at least 2 lengths of twine or wire, and shall be entrenched to an excavated depth of at least 4 inches, but no greater than 6 inches. Excavated spoils from entrenching shall be deposited on the up-gradient side of the barrier. Wattles shall be tightly butted against each other. A geotextile siltation fence shall be placed on the down-gradient side of the straw wattle barrier, and shall be entrenched in a like manner such that the base of the fabric lies below grade extending at least 6 inches away from the fence. This fence shall be located no further than 12 inches from the down-gradient side of the straw wattle barrier. These erosion and sedimentation controls shall be constructed and installed per this Special Condition, and shall be maintained in proper functioning condition until all disturbed areas have been vitalized, or until the Commission has determined that the control measures are no longer necessary. The geotextile siltation fence shall constitute a limit of work line, save specifically where this Order specifies some other limit of work line, no work shall be permitted on the down-gradient side of this line under this Order.
26. A stockpile of erosion controls shall be maintained on site to ensure that repairs and maintenance can be readily performed.
27. All final grades of unconsolidated material within 100 feet of any freshwater wetland, isolated wetland, vernal pool, marsh, wet meadow, bog or swamp or within 100 feet of any lake, river, pond or stream (whether surface or subsurface); shall be stabilized with a New England Conservation/Wildlife Seed Mix (and/or a low growing pollinator mix approved by the Commission for use within the interior fenced areas of arrays) within 3 business days of completion of the project. Within 30 calendar days of final grading or within 30 calendar days after the commencement of the following growing season if the project is completed after October 31st, all disturbed areas shall be permanently stabilized with a New England Conservation/Wildlife Seed Mix (and/or a low growing pollinator mix approved by the Commission for use within the interior fenced areas of arrays) to assure long-term stabilization of disturbed areas. Maintenance of these areas in a manner that assures permanent stabilization and precludes any soil erosion shall be the responsibility of owner of record of the property subject to this Order.
28. To minimize impacts to ground nesting wildlife species, mowing within the fenced solar array and along the outside of the perimeter fence will not take place from April 1 to

Franklin County Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 2861
Document Type	: EXT
Recorded Date	: April 07, 2025
Recorded Time	: 01:14:52 PM
Recorded Book and Page	: 08459 / 277
Number of Pages(including cover sheet)	: 4
Receipt Number	: 206795
Recording Fee	: \$105.00

Franklin County Registry of Deeds
Scott A. Cote, Register
Courthouse
43 Hope Street
P.O. Box 1495
Greenfield, MA 01302-1495
413-772-0239
www.Masslandrecords.com



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

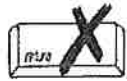
DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions**WE-325-0044**
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



1. Applicant:

Wendell Solar, LLC. (C/O Julie Beauchemin - Nexamp, Inc.)

Name

101 Summer Street, 2nd Floor

Mailing Address

Boston

City/Town

MA
State02110
Zip Code

2. Property Owner (if different):

Jacob Doody

Name

P.O. Box 132

Mailing Address

Wendell

City/Town

MA
State01379
Zip Code**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

September 4, 2018
Date

Issued by:

Wendell

Conservation Commission

for work at:

Locks Village Road
Street Address

408

Assessor's Map/Plat Number

37

Parcel/Lot Number

recorded at the Registry of Deeds for:

Franklin
County7253
Book328
Page

Certificate (if registered land)

is hereby extended until:

Sept. 4, 2024
Date

N/A

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

WE-329-0044
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Authorization (cont.)

04/13/2021
Issue Date (mm/dd/yyyy)

Signatures:

Mary E. Thomas
Signature

Ward W. Smith
Signature

Timothy Sheehan
Signature

Signature

Signature

Signature

Signature

Signature

Mary E. Thomas, Vice Chair
Printed Name

Ward W. Smith, chair
Printed Name

Timothy Sheehan
Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

WE-325-0044
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Wendell

Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

0 Lockes Village Road Wendell MA

WE-325-0044

Project Location

DEP File Number

has been recorded at the Registry of Deeds of:

Franklin

County

for:

Jacob Doody

Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

5/7/2025

08459

277

Date

Book

Page


If recorded land the instrument number which identifies this transaction is:

2861

Instrument Number

If registered land, the document number which identifies this transaction is:

Document Number


Signature of Applicant Chris Clark, SVP

Wendell Solar LLC (WE 325-0044) Special Conditions

August 1 without the written permission of the Commission. Any mowing permitted during this time period will cut vegetation no lower than 14 inches.

29. Stockpiles of soils, aggregate, or any other unconsolidated construction materials permitted by this Order shall be covered with tarpaulins when not being worked with. Stockpiles in place for greater than 24 hours shall be ringed with an entrenched straw bale barrier and covered with properly secured tarpaulins at the close of each workday. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls shall be inspected daily, and maintained or reinforced if necessary. Stockpiles of soils, aggregate, or any other unconsolidated construction materials shall be located at least 50-FT outside of the boundary of any freshwater wetland, isolated wetland, vernal pool, marsh, wet meadow, bog or swamp and shall be at least 50-FT from any lake, river, pond or stream (whether surface or subsurface).
30. Removal of trees within 100 feet of any freshwater wetland, isolated wetland, vernal pool, marsh, wet meadow, bog or swamp or within 100 feet of any lake, river, pond or stream (whether surface or subsurface) at the Project Site shall only occur during dry or frozen conditions between October 1 of any given year and March 1 of the following year, unless the permittee requests a different time-of-year window in writing, and the Commission approves said request in writing.
31. All fencing constructed around the solar array shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Use of Herbicides for Invasive Plant Species Control

32. Herbicide use is prohibited within the interior perimeter fence of the solar arrays. The spray application of herbicides within Resource Areas under the Wendell General Wetland Protection Bylaw and its Regulations is prohibited under this Order. Cut and paint application of herbicides or manual removal for invasive plant species control within Resource Areas outside of the perimeter fence of the solar arrays is approved. The Commission shall be notified at least 48 hours prior to herbicide use. Herbicides shall be applied by a licensed applicator.

Franklin County Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 2730
Document Type	: EXT
Recorded Date	: April 03, 2025
Recorded Time	: 11:36:14 AM.
Recorded Book and Page	: 08458 / 113
Number of Pages(including cover sheet)	: 4
Receipt Number	: 206719
Recording Fee	: \$105.00

Franklin County Registry of Deeds
Scott A. Cote, Register
Courthouse
43 Hope Street
P.O. Box 1495
Greenfield, MA 01302-1495
413-772-0239
www.Masslandrecords.com



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

WE 325-0044

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. General Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



1. Applicant:

Wendell Solar, LLC (C/O Julie Beauchemin - Nexamp, Inc.)

Name

101 Summer Street, 2nd Floor

Mailing Address

Boston

City/Town

MA
State02110
Zip Code

2. Property Owner (if different):

Jacob Doody

Name

P.O. Box 132

Mailing Address

Wendell

City/Town

MA
State01379
Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

September 4, 2018

Date

Issued by:

Wendell

Conservation Commission

for work at:

Locks Village Road
Street Address

408

Assessor's Map/Plat Number

37

Parcel/Lot Number

recorded at the Registry of Deeds for:

Franklin

County

7253

Book

328

Page

n/a

Certificate (if registered land)

is hereby extended until:

September 4, 2027

Date

04/13/2021

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

WE 325-0044

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

B. Authorization (cont.)

September 10, 2024

Issue Date (mm/dd/yyyy)

Signatures:

Signature

Ward W. Smith, Chair

Printed Name

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Rowan Gay

Printed Name

Trevor Kearns

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

WE 325-0044

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Wendell
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

Locks Village Road
Project Location

WE 325-0044
DEP File Number

has been recorded at the Registry of Deeds of:

Franklin

County

for:

Jacob Doody
Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

4/3/2025

08458

113

Date

Book

Page

If recorded land the instrument number which identifies this transaction is:

2730
Instrument Number

If registered land, the document number which identifies this transaction is:

Document Number

Chris Clark, SUP
Signature of Applicant

Section 5.0
Stormwater Management Information

UNDER SEPARATE COVER
Stormwater Management Report

Section 6.0 Plans

Locus Map

Aerial Map

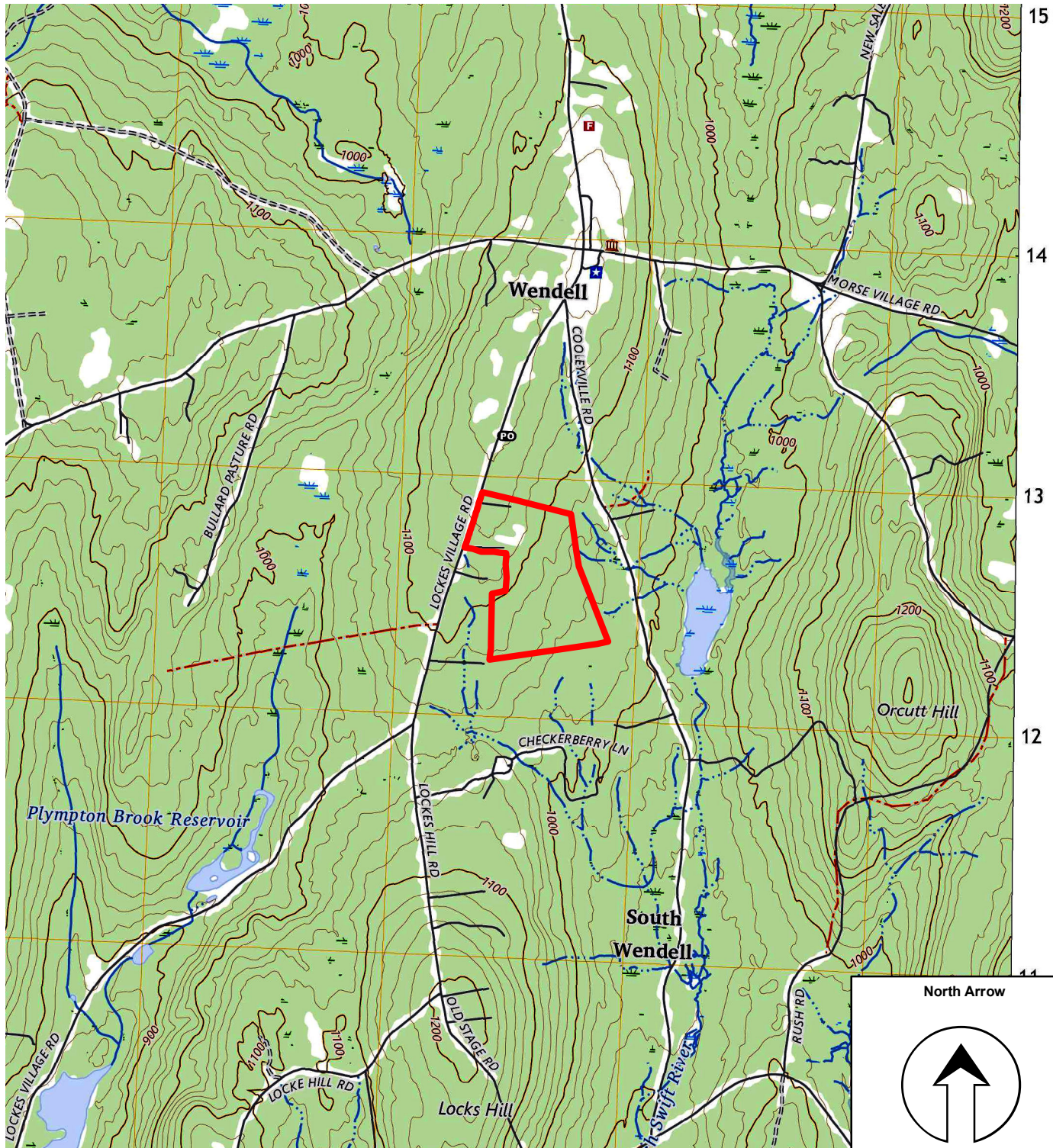
UNDER SEPARATE COVER

Entitled "Wendell Solar, LLC 0/69 Lockes Village Road
Assessor's Map 408 Lot 37 Wendell, Massachusetts, (Franklin County)"

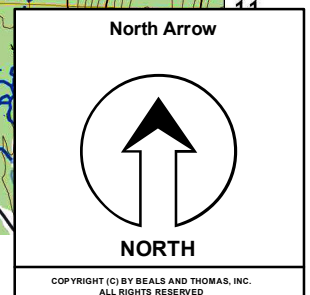
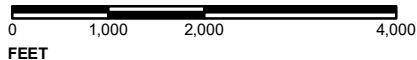
Prepared by Beals and Thomas, Inc.

In 9 Sheets

Dated July 22, 2025



Digital USGS Map of Millers Falls, MA, dated 2024, provided by the United States Geological Survey (USGS) topoView.



PROJECT:

Wendell Solar PV

Wendell, Massachusetts

PREPARED FOR:

Wendell Solar 1, LLC
c/o Nexamp Inc.
101 Summer Street, 2nd Floor
Boston, Massachusetts

Locus Map

Figure 1

Scale: 1" = 2,000'

Date: May 14 2025

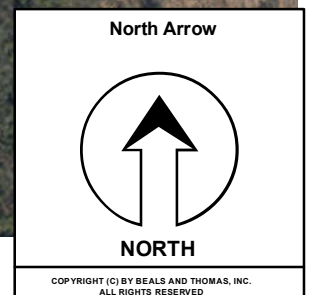
Source File 343401P003A.mxd

B+T Project No.3434.01



Digital orthophotograph, dated 2023, provided by the Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services.

0 175 350 700
FEET



PROJECT:

Wendell Solar PV
Wendell, Massachusetts

PREPARED FOR:

Wendell Solar 1, LLC
c/o Nexamp Inc.
101 Summer Street, 2nd Floor
Boston, Massachusetts

Aerial Map

Figure 2

Scale: 1" = 350'

Date: May 14, 2025

Source File 343401P004A.mxd

B+T Project No. 3434.01