

TOWN OF WINCHENDON



RECEIVED

OCT 11 2018
10:50am
WINCHENDON TOWN CLERK

NOTICE OF MEETING

Pursuant to the provisions of Chapter 30A, Sections 18-25 of the General Laws, as amended, notice is hereby given that a meeting of the following board, committee, or commission will be held on the date and time specified below. Said meeting will be open to the public and press.

BOARD/COMMITTEE: Planning Board

DATE: October 16, 2018

TIME: 6:30 p.m.

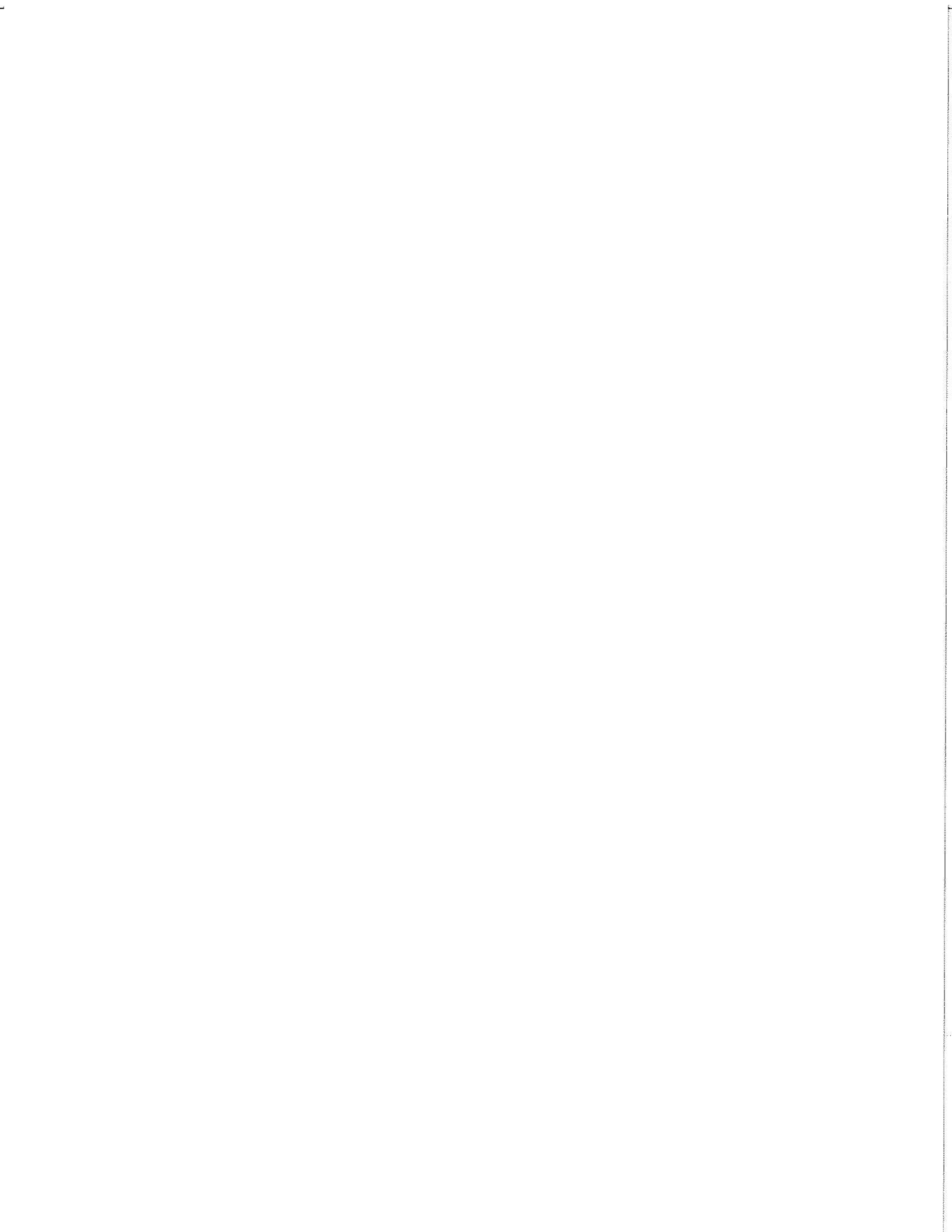
LOCATION: Town Hall – 2nd Floor Auditorium
109 Front Street Winchendon MA 01475

Agenda

1. Call to Order
Pledge of Allegiance
2. Announcements
3. Public Comment
4. Approval of Minutes 12/5/2017, 7/17/18, 8/21/18
5. New Business:
 - **6:30 PM Continued Public Hearing:** 135 Gardner Road – Formal Site Plan Review for Solar Array
 - **Planning Board Re-Organization**
6. Old Business:
7. Committee/Meeting Updates:
 - Community & Economic Development Steering Committee (CEDSC)
 - Master Plan Committee
 - Montachusett Regional Planning Commission (MRPC)
 - Montachusett Joint Transportation Committee (MJTC)
8. Correspondence
9. Other Business
10. Adjourn

Notice- The above topics do not prohibit additional last-minute or unforeseen matters.

The meeting room is handicapped accessible. With advance notice the Planning Board can arrange reasonable accommodation for persons with other disabilities. To request assistance; contact the Department of Planning & Development at 978-297-3308.



TOWN OF WINCHENDON



Planning Board

Telephone (978) 297-5410

Approved / /

Planning Board Meeting Minutes December 5, 2017 2nd Floor Town Hall Auditorium

Present: Chairman Guy Corbosiero, Vice Chair Cailte Kelley,
Arthur Amenta, and Burton E. Gould Jr.
Chantell M. Fleck, Planning Agent

Materials: Packet on recreational Marijuana, zoning maps

1. Call to Order: 6:36 p.m.

Pledge of Allegiance

- 2. Announcements:** Winchendon Historical Society hosting their semi-annual house tour Saturday December 9, 2017 11am-3pm tickets can be purchased the day of the house tour at the Winchendon History and Cultural Center.
- 3. Public Forum:** On recreational Marijuana, the town of Winchendon will have one license. Planning Agent Chantell M. Fleck discusses recreational Marijuana legislation Chapter 334 acts of 2016 regarding regulation and taxation Marijuana act to ensure safe access to Marijuana. Legislation municipalities may regulate the time place and manner of the establishment and operations and by laws that impose reasonable safe laws provided they are not unreasonably impractical. By laws may also restrict license cultivation and practicing and manufacturing of marijuana that is a public nuisance establish restrictions on public signs related to marijuana establishments. Time line for

establishing a time line is very short, potentially beginning to accept applications by April 2018, licenses as soon as June 2018.

Ms. Fleck then gives background on the towns history of the ongoing Marijuana legislation. Three questions to be addressed tonight are as follows, 1) The appropriate locations for certain marijuana establishments in town, including retail, growing, cultivation and distribution. 2) Do you want to limit the amount of establishments which currently go with the amount of liquor licenses in the town. 3) What is the appropriate buffer from such establishments from schools, existing buffer being 500ft. Discussion ensues with public. Question from public commentator, is there an option to have none of this, Chairman explains there is an option that will require a ballet vote and has to go to town meeting. Following discussion planning board agent Chantell Fleck addresses questions listed above with public. On question 1, appropriate locations for certain marijuana establishments in town breaking it down into retail, growing and cultivation, distribution.

Public question on laws regarding retail and cultivation. Planning board is waiting on state regulations to identify what is to be done regarding all in the future. Chairman explains state regulations regarding schools. Public commenter would like to see any establishments as far away from schools, YMCA, and playgrounds as possible. Overall public comment would like to see it on the outskirts of town. Discussion ensues with public about problems regarding having it in town. Chairman redirects public discussion back to where it should be located. Final agreement from public is to locate it on the outskirts of town and not near Lake Dennison. Suggestion of location on or around rt. 140. Question 2, growing and cultivation. Chantell Fleck gives background information to the public about the cultivation laws regarding marijuana. Marijuana cultivation will not receive an agricultural exception with the state of Massachusetts, falling on the town to decide where cultivation should be allowed within the town. Public discussion ensues, suggestions of old industrial buildings, vacant properties already in existence on the outskirts of town.

Public question on spot zoning, questioning the legality issue of buildings that fit under certain zoning laws. Chantell Fleck suggests being able to deal with an issue of concern with an overlay, Vice Chairman Cailte Kelley explains to the public for a better understanding of an overlay distict, and zoning. Public views zoning map of commercial locations. Vice Chairman explains to the public that the importance of this meeting is to come up with

rules and regulations in which will fit the best interest of the town as the license to grow and sell marijuana has been voted in favor of already in the Town of Winchendon.

Chantell Fleck redirects to questions regarding distribution, the public comments that the rules and regulations made by the state is not presently clear. Mr. Gould suggests the public read the rules and regulations which are available online. Public suggestion of only one retail establishment being allowed in the town. Another public commenter wishes to just follow the guidelines presented by the state when they are available. Vice Chairman clarifies again there is a minimum requirement. Public commenter recommends the minimum requirement. Vice Chairman explains it is 20% of the liquor licenses in town meaning there is at least one. Another Public commenter suggests following the law rather than coming up with too many restrictions. Final decision on question 2, the public would like to find an industrial area, C1 (on rt. 140) and C2 towards Fitzwilliam were areas agreed upon by the public.

Question 3 open for discussion regarding buffers between marijuana distribution, retail and cultivation areas. Chantell Fleck explains currently the only buffer is 500ft from the school. Board presents question to the public, 1) is that a sufficient amount 2) do you want to include additional places to have a buffer for this sort of establishment. Public suggestion to make it a mile around schools as well as the YMCA and Lake Dennison Area. Public in attendance agree it should be 1,000 feet to a mile from schools, however not the YMCA or Lake Dennison Area. There was no final buffer agreed upon at this time. Public question on the way it is sold in the town as far as raw substance or edibles and the possibility to regulating that. Public comment would like to follow the buffer zones as presented by the state which is 500ft from schools.

- 4. Approval of Minutes: Minutes of 11/7/2017 Planning Board were approved (4-0)**
- 5. New Business: None**
- 6. Meeting Adjourned at 7:42 pm**

Respectfully submitted;

Sarah Burks, Planning Board Recording Secretary

Guy Corbosiero, Chairman

Robert O'Keefe, Alternant

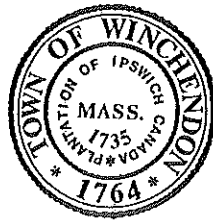
Scott Robillard

Arthur Amenta

Burton Gould Jr.

(Vacant)

TOWN OF WINCHENDON



Planning Board

Telephone (978)-297-5419

Approved: / /

Planning Board Minutes
July 17, 2018
Special Meeting/Public Hearing
Town Hall 4th Floor Conference Room

Present: Chairman Guy Corbosiero, Arthur Amenta, Burton Gould Jr., and Scott Robillard
Chantell Fleck, Director of Planning & Development
Brianna Roberts, Recording Secretary
Les Goodrich, Paul Grasewicz, Kristin Dellechiaie, Kathleen Vandyke, and one
Un-named public attendee.

Materials: Agenda, July 17, 2018
Correspondence RE: Site Plan Review Application 5,580,00 kW (DC) Ground
Mounted PV Facility 135 Gardner Road (APN 12-49) Winchendon, Massachusetts
Correspondence RE: 135 Gardner Road Winchendon MA
Correspondence RE: Millers Run Gravel Road
Roadway Modification Plan- Bayberry Circle
Correspondence RE: Millers Run Gravel Roadway Plan
Correspondence RE: Extension request for Lincoln Ave. Solar 1, LLC; Lincoln
Ave Solar 2, LLC; and Winchendon Ash St. Solar 1, LLC
Planning Board, Public Hearing Sign-in Sheet

Call to Order: 6:30 PM
Pledge of Allegiance

Announcements:
Chairman Corbosiero introduced new planning board member, Scott Robillard.
County Kelley has resigned from the planning board.
The planning board members welcome new recording secretary, Brianna Roberts.
No announcements.

Public Comment: No public comments.

Approval of Minutes: No minutes to approve.

New Business: Mr. Corbosiero read the Notice of Public Hearing into the record.

Call to order- 6:33 PM- Continued Public Hearing: 135 Gardner Road- Formal Site Plan Review for Solar Array

Mr. Corbosiero asked the public if there is anyone here in regards to 135 Gardner Rd.

- None present.

Document in packet states request for an extension to the Site Plan Approval process. Borrego Solar Company is still working with the Winchendon Conservation Commission on wetland concerns. All studies have been completed and one hearing was missed due to quorum issues. Company looks forward to presenting this project to the Planning Board at a public hearing date yet to be determined by the Planning Board.

6:36 PM- Chairman Guy Corbosiero requested a motion to continue the hearing to August 21st 2018. Burton Gould Jr. motioned, Arthur Amenta seconded. The board voted unanimously in favor of the motion.

Corbosiero (Y) Amenta (Y) Gould (Y) Robillard (Y) 4-0

6:38 PM- Mr. Corbosiero requested a motion to extend their time period for whatever timeframe the person who makes the motion chooses. Mr. Amenta motioned the extension of 90 days. Mr. Robillard seconded. The board voted unanimously in favor of the motion.

Corbosiero (Y) Amenta (Y) Gould (Y) Robillard (Y) 4-0

Call to order- 6:40 PM- Millers Run Subdivision Modification Request

Mr. Corbosiero makes an announcement that there is a letter/email from Kathy Vandyke giving the particulars. Mr. Corbosiero reviews committee/meeting updates.

Community & Economic Development Steering Committee (CEDSC)- Nothing in packet.
Master Plan Committee- Nothing in packet.

Montachusett Regional Planning Commission (MRPC)- They met and had the usual agenda, no new updates.

Montachusett Joint Transportation Committee (MJTC)- Tracy Murphy, not present & no notes in packet.

Mr. Corbosiero asks Chantell if there are any documents or updates on the 4 committees. Chantell states that the only announcement she has is that Tracy is starting to have her work on the Master Plan. She is hoping in the next few weeks to be able to look at a few chapters. Tracy will be attending a MJTC meeting soon- unsure of the exact date. Mr. Corbosiero hopes there will be a report for the next meeting.

Public Hearing Notice: Pursuant to MGL Chapter 41 Section 81-T

Mr. Corbosiero read the public hearing notice.

Call to Order- 6:44 PM

Mr. Corbosiero asked the public who will be speaking about the applicant- Paul Grasewicz came forward and introduced himself. Mr. Grasewicz stated that Kathy has been working for a while to finish this road. She ran into some issues with the power company. They had a few site meetings and the last one included DPW. They looked at what they could do with this section of roadway. One of the biggest problems is dealing with the overhead wires and the poles. This issue has been going on for many months. Mr. Grasewicz was asked to draw up this plan showing the final 400 feet of roadway. The suggestion was to have the roadway gravel versus paved, put some paving in front of the last house, shown on the site map- lot 220. Extend the pavement most of the way across the lot and taper it down. From there, putting gravel for 16 feet, enough to keep it safe and out of the wetlands and preserve the pole. There is a telephone pole that is on the right hand side, located by the "proposed 16 foot" mark on the map. One of the difficulties with this pole is not project and power company related but also services the neighbor- Dellechiaie. The thought was leaving the pole but the power company recommended cutting trees.

Kathleen Vandyke stated she has been dealing with this issue for 10 months, placing several calls to National Grid with no solution. The planning board and DPW came out and said it was Al Galone's suggestion to move the road slightly and go around the pole, put in gravel, and move forward. The original plan that was approved by the planning board and the town does not work.

Mr. Gould stated he would like to hear from an abutter if it is going to move forward.

Mr. Corbosiero asked if there is anyone who would like to speak on this subject.

Kristin Dellechiaie raised her hand and came forward to speak.

Ms. Dellechiaie stated that she lives at the property next door. She confirmed that National Grid has been horrendous to deal with. The pole that is in question served her house up until last week. National Grid came out and moved the wires from that pole. They stated that the pole is owned by Verizon and they need to be contacted to take it down.

Mr. Corbosiero- Any more comments from the board or the public? None.

Public Hearing closed at 7:08 PM

Mr. Corbosiero announced the 2 items to be motioned and voted on: Approve plan for the road to be gravel & waive the \$550 application fee.

7:09 PM- Mr. Amenta made a motion to approve the gravel road. Mr. Robillard seconded the motion. The board voted unanimously in favor of the motion.

Corbosiero (Y) Amenta (Y) Gould (Y) Robillard (Y) 4-0

7:13 PM- Mr. Gould motioned to waive the fee and Mr. Amenta seconded it. The board voted unanimously in favor of the motion.

Corbosiero (Y) Amenta (Y) Gould (Y) Robillard (Y) 4-0

Mr. Corbosiero stated the next item is a build out request, Lincoln and Ash St. Solar Projects.

7:18 PM- Mr. Gould motioned a 6 month extension, per recommendation from the planning agent.

Mr. Robillard, Mr. Amenta, and Chairman Corbosiero vote no.

Corbosiero (N) Amenta (N) Gould (Y) Robillard (N) 1-3

7:20 PM- Mr. Amenta made a motion for a 1 year extension. Mr. Robillard seconded the motion.

Mr. Robillard & Mr. Amenta vote I. Chairman Corbosiero votes I. Mr. Gould votes no.

Corbosiero (Y) Amenta (Y) Gould (N) Robillard (Y) 3-1

Mr. Gould suggested they wait until there is a full board.

Mr. Corbosiero agreed and announced that the planning board is short a member, and if anyone is interested they would love to have them.

Old Business: None

Committee/Meeting Updates: None

Correspondence: None

Other Business: None

Mr. Corbosiero adjourned the meeting at 7:22 PM.

Respectfully submitted:

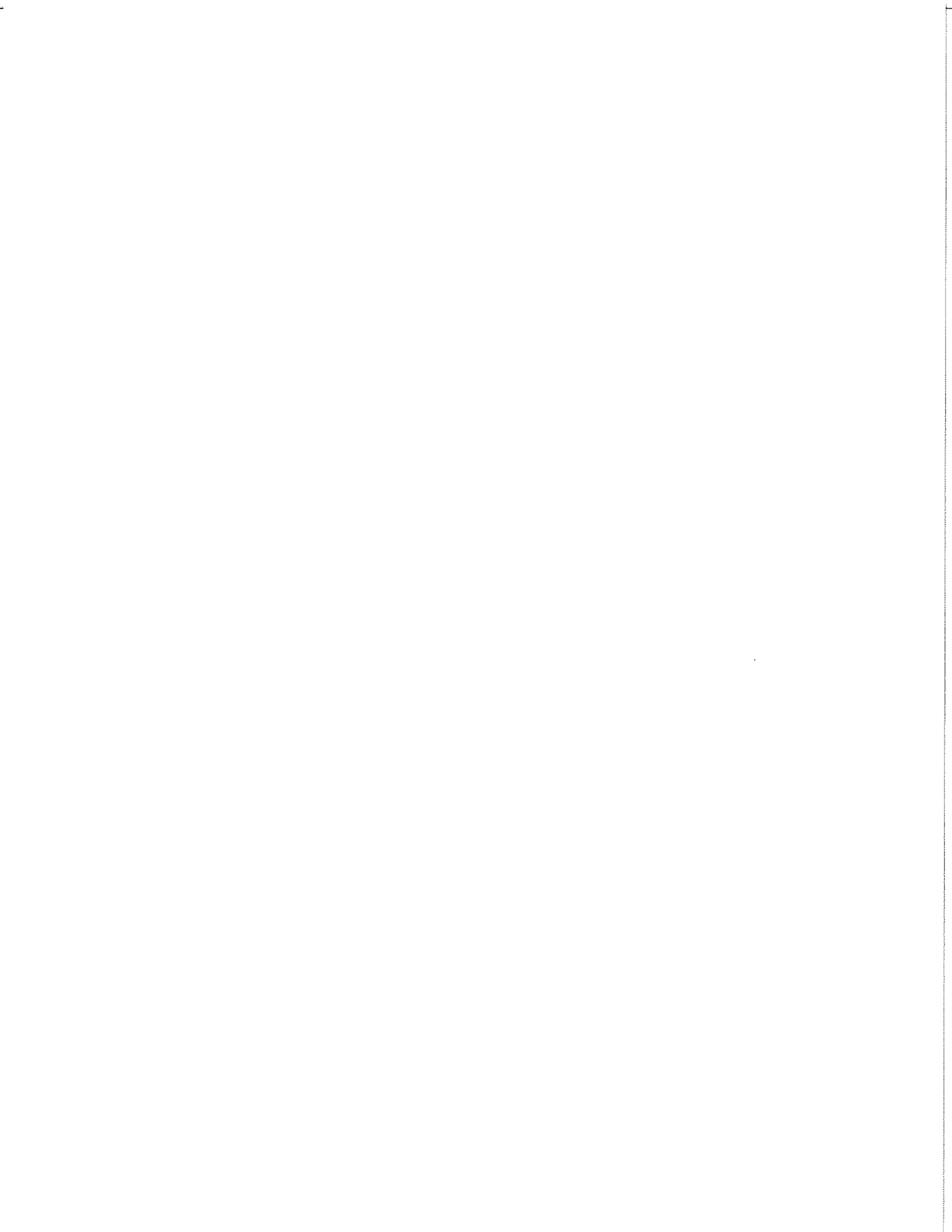
Brianna Roberts, Planning Board Recording Secretary

Guy Corbosiero, Chairman

Burton Gould

Arthur Amenta

Scott Robillard



TOWN OF WINCHENDON



Planning Board

Telephone (978)-297-5419

Approved: / /

Planning Board Minutes
August 21, 2018
Planning Board Meeting/Public Hearing
Town Hall 2nd Floor Auditorium

Present: Chairman Guy Corbosiero, Arthur Amenta, Burton Gould Jr., and Scott Robillard
Chantell Fleck, Director of Planning & Development
Brianna Roberts, Recording Secretary

Materials: Agenda, August 21, 2018

Call to Order: 6:32 PM
Pledge of Allegiance

Announcements:

Chairman Corbosiero announced the microphones are not working and tonight's meeting will not be telecast. New equipment is still in the process of being installed. Mr. Corbosiero asked the board members for a motion to not telecast the meeting tonight.

Mr. Gould motioned the vote, Mr. Amenta seconded, and Chairman voted aye. The board voted unanimously to not telecast the meeting.

Mr. Corbosiero announced they are still short a board member and if anyone is interested to submit their name.

Mr. Corbosiero asked the board if there are any more announcements, and stated anyone is welcome to record or film the meeting they just have to let the chair know.

Public Comment: No public comments.

Approval of Minutes: November 21, 2017 to approve.

Mr. Gould motioned the approval, Mr. Amenta seconded, Chair and board voted aye.

New Business: Mr. Corbosiero read the Notice of Public Hearing into the record.

Call to order- 6:35 PM- Continued Public Hearing: 135 Gardner Road- Formal Site Plan Review for Solar Array

Mr. Corbosiero announced they received an email yesterday but the board has not had the chance to review it yet.

David Albrecht introduced himself as a civil engineer with Borrego solar from Lowell, MA. Mr. Albrecht stated he has met with the conservation commission after the first planning board meeting to determine if the wetlands on site were going to affect development. The peer reviewer for the conservation commission found a few isolated vegetative wetlands on site. Mr. Albrecht stated that this jurisdiction does not fall under the wetlands protection act, it falls under the Winchendon wetlands protection bylaw. The agent requested three studies to be done, all three were completed and did not show any wildlife. However, the commission decided to still take jurisdiction over the wetlands and buffer zone. Plans therefore had to be modified. The system has gone from a 5.5 megawatt to a 3.9 megawatt system. Access is off of route 135 in the southeast corner of the site. Borrego is working with the DOT to install a gravel road. There will be a 7-foot fence bordering the site, along with energy storage battery at the end of the gravel road, and 2 equipment areas. There is some concern with a diversion berm, as the way it is being analyzed, it is showing that it is overflowing. Mr. Albrecht stated he is not concerned with it and it shouldn't cause any issues. He stated that this piece of the site needs to be analyzed separately, it is about 2 acres out of the entire 18 acres. Mr. Albrecht stated the company is willing to work it out after the process has been and asked the board for any questions or comments.

Mr. Gould asked Mr. Albrecht how close the site is to Madison Avenue. He responded that it is about a few hundred feet away. Mr. Gould then asked if there is any water run off towards Madison Ave., Mr. Albrecht replied there is no run off and there is also a stone wall along the border.

Mr. Corbosiero asked Anthony from Wes Flis' office if he had any comments in regards to what was said or to the peer review. Anthony agreed everything sounded accurate, although they still need to review some letters and analyze the updated plans.

Mr. Gould suggested setting a date and scheduling a meeting to resolve the problems. Mr. Corbosiero asked the planning agent for her input on a date for the meeting. Ms. Fleck suggested September 4th or the 18th.

Mr. Robillard asked Mr. Albrecht for further information regarding reference appendix e. Mr. Robillard also asked about the company's plan to clean up the site if in the future they are not in business anymore. Mr. Albrecht replied they have submitted a commissioning plan/estimate in regards to that concern.

Mr. Corbosiero confirmed with Ms. Fleck that this vote only requires 3 members, as Mr. Robillard was not present for the first meeting he will not be able to vote on this matter. Mr. Corbosiero asked for comments from the public and there are none.

Mr. Gould requested the board to vote on a date to continue this meeting.

At 6:57PM Mr. Gould motioned to move the meeting to 6:30PM on September 4th 2018. Mr. Amenta seconded the motion, the Chair and board voted aye.

Call to order- 7:01 PM- Public Hearing: Ash Street Solar 2 LLC- Formal Site Plan Review

Mr. John Perry and Mr. Kevin McCahfry both swore to tell the truth.

Mr. Perry from Dynamic energy solutions, LLC in Andover, MA introduced himself. The project he is discussing is on Ash St. on the 13th and 15th holes of the former golf course and is owned by the Winchendon School. It is a 1-megawatt AC abutted by three parcels, one on the West owned by Winchendon forest, LLC, and the two owned by the Winchendon School on the south and southeast. The parcel size is 12.5 acres and the project is just under 5 acres. It adheres to the setbacks and frontage requirements with approval from the conservation committee. The project will be surrounded by a 7-foot fence that is lifted approximately 6 inches for small animal migration. This plan has already been submitted, one change needs to be made per request of Chief Smith of the fire department to install a gravel road that would run parallel to Ash St. The company has agreed to do so and provide instructions and training to the fire department.

Ms. Jean Christy from Tighe & Bond, Inc. introduced herself. She completed the peer review and submitted a letter back in July. There are a few points Ms. Christy would like to go over and discuss with the board. Mr. Corbosiero asked the audience if there is anyone here for this public hearing, no one was present. First item for review is 1.B.- A landscape plan has not been provided. Select vegetative clearing is proposed along the rear of the project. Mr. Gould questioned the brook on the property and doesn't believe the conservation commission has checked it out. Mr. Perry replied that the conservation commission has performed various thorough tests and it has been approved. Ms. Christy explained that the original plans did not include the gravel road, which now will require extra minor maintenance of the road and adjacent swale. Regarding point 3C. Ms. Christy recommended having the contractor aware of where the drainage underground is located and to have a plan in place if anything ends up getting damaged in the process. Number 5 states the decommissioning estimate of \$23,128.70. Ms. Christy recommends additional soil testing prior to construction to correlate the lead and soil requirements. Ms. Christy concluded and states she is comfortable with the minor changes and conditions of the project.

Ms. Fleck reviewed and confirmed the requested waivers and conditions: A landscape waiver, operational maintenance for gravel road and adjacent swale, discharge statement signed by the board, condition for the underground drainage and back up plan if it is damaged, signed decommissioning estimate, and additional soil testing prior to construction to correlate the lead and soul requirements.

Mr. Corbosiero called for public comments at 7:25. No public comments.

Mr. Robillard asked Mr. Perry how far Ash St. is from the bordering fence. Mr. Perry replied that it is no less than 10 feet from the stone wall which is the border. It will be a galvanized chain link fence.

Mr. Corbosiero entertained the motion to close the hearing. Mr. Gould voted aye. Mr. Amenta seconds the vote. Mr. Robillard voted aye. The Chair and board voted unanimously. **At 7:28PM the hearing closed.**

Mr. Gould moved the approval of the plan subject to the discussed conditions at 7:29PM. Mr. Amenta seconded, Mr. Gould voted aye, Mr. Robillard voted aye, Mr. Amenta voted aye, and Chair and the board vote aye. The approval is granted.

Build Out Request: 504 School St. – Poulin Construction and Gagnon Equipment

Mr. Chris Gagnon and Ms. Melinda Westbury introduced themselves. Mr. Gagnon explained they are building a property on 504 School St. and it is taking much longer than expected. The foundation has been poured but it was brought to their attention that a new filing was required by the conservation commission. Mr. Gagnon is here to request approval for a new filing and grant an extension for this request.

Mr. Corbosiero asked Ms. Fleck for a recommendation on an extension time frame. Ms. Fleck replied a recommended extension of 6 months to be safe.

Mr. Gould motioned the vote for approval of the extension at 7:36PM. Mr. Amenta seconded the motion, Mr. Robillard voted aye, the Chair and the board vote aye to approve the extension of 6 months.

Right of First Refusal

- Lincoln Ave, Map 2 Parcel 64
- Lincoln Ave, Map 2 Parcels 65, 12, 15
- Ash St, Map 5C4 Parcels 29 & 17
- Ash St, Map 5D4 Parcel 9

Mr. Corbosiero stated there is no vote at this meeting but asked the board if they have any comments. The board suggested moving this to the next meeting on September 4th.

Mr. Gould moved the table to the next posted meeting on September 4th, 2018. Mr. Robillard seconded the motion, Mr. Amenta voted aye, the Chair and board vote aye.

7:43PM- West St Solar- Tree clearing in buffer zone.

RJ Walsh from Nexamp Solar introduced himself. Originally the land owner had expressed she did not want any of the pine trees taken down but after reconsideration right before the construction she stated that she would prefer them to be removed. After full consideration, there is more of a concern to leave them and the company and landowner both agree it will be safer to remove them. Conservation has approved the removal. There are three options; leave everything as-is and move forward with the original plan, remove only the large pines posing a threat to the wires/houses, or as per abutters request, clear

the vegetation completely along the property line and replace with new trees for screening purposes.

Mr. Corbosiero stated that since there are only 2 landowners and it is a minor change, there is no need for a further public hearing on the matter.

Mr. Gould motioned the approval of request at 7:48PM.

Mr. Robillard seconded the request; Mr. Amenta voted aye, the Chair and the board voted in favor of the request.

Ms. Fleck stated that she wants to make sure the change is in letter form and to let the chair know.

Mr. Corbosiero asked the board about the planning board reorganization. Mr. Gould stated he is adamant on a full board.

Old Business: None

Committee/Meeting Updates: None

Correspondence: None

Other Business: None

Mr. Gould moved to adjourn, Mr. Amenta seconded, Mr. Robillard voted aye, the Chair and the board vote unanimously to adjourn.

Mr. Corbosiero adjourned the meeting at 7:22 PM.

Respectfully submitted:

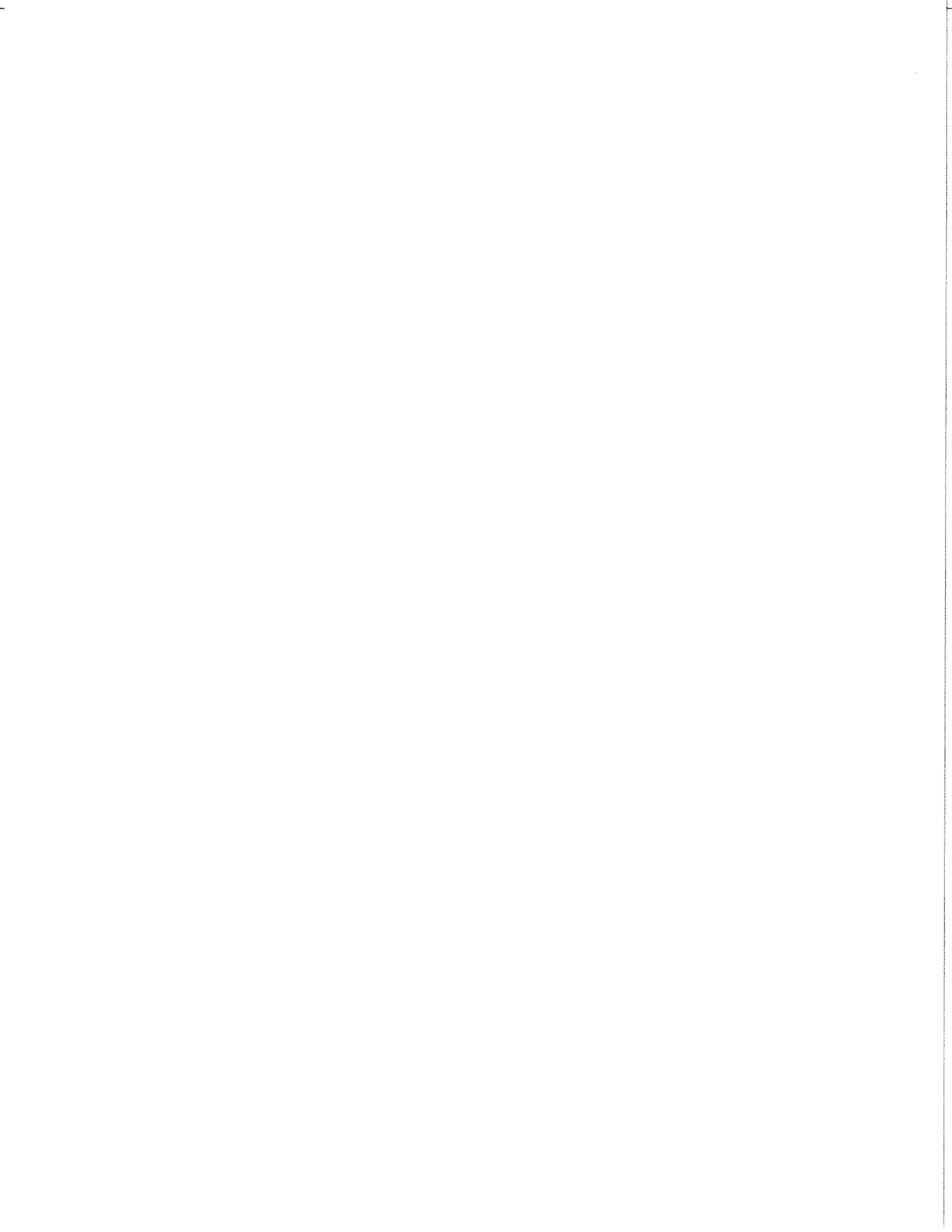
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Scott Robillard



TOWN OF WINCHENDON



Planning Board

Telephone (978) 297-5410

Facsimile (978) 297-5411

109 Front Street
Winchendon, Massachusetts 01475-1758

NOTICE OF DECISION

Formal Site Plan Approval

Date: October 16, 2018

PB # 2018-0130

Notice is hereby given that the Planning Board approved a site plan in accordance with the requirements of Article 12 and Article 6.11 of the Winchendon Zoning Bylaw and Article 31 of the Winchendon General Bylaw.

Approval was granted to permit Construction of a ground-mounted solar array consisting of 3,931.00kW Rated Solar Electric System.

With conditions to Borrego Solar Systems, Inc.

Whose address is 55 Technology Drive, Suite 102 Lowell, MA 01851

Regarding property located at 135 Gardner Rd, Winchendon MA 01475 (Map 12 Parcel 49)

Which is owned by Boucher Living Trust (Roger J. and Cynthia Boucher, Trustees)

Whose address is 135 Gardner Rd, Winchendon MA 01475 (Map 12 Parcel 49)

Deed to the property as recorded in the Worcester District Registry of Deeds
Book 51427 Page 180

Procedural History

1. Application to construct a ground-mounted solar array pursuant to Article 6.11 of the Winchendon Zoning Bylaw was made to the above-referenced petitioners and filed with the Planning Board on January 30, 2018.
2. A public hearing on the Site Plan Approval was held on March 6, 2018 and was continued multiple times and then closed on October 16, 2018.
3. This Site Plan Approval application is accompanied by and augmented with development plans entitled, "Site Use Plans 135 Gardner Road Winchendon MA 3,931.00 kW Rated Solar Electric System" (final revised plans as of 9/20/18), a revised Development Impact Statement dated September 18, 2018, with supplemental documents that included an Operation and Maintenance plan and a Decommissioning Plan/estimate. The applicant requested waivers from certain provisions from the Rules and Regulations For the Review and Approval of Site Plans and Site Development. The waivers requested by the applicant include:

- Waiver 1. Section 6.11.6(c): Noise Study
- Waiver 2. Section 8.8.1(C): Driveway apron
- Waiver 3. Section 8.8.1(D): Driveway slope
- Waiver 4. Section 3.3.3(A): Drawing Scale
- Waiver 5. Section 3.3.3(A)(6): Signage
- Waiver 6. Site Plan Checklist: Landscape Plan
- Waiver 7. Section 3.3.4(C): Table of Information (parking spaces specifically)
- Waiver 8. Section 3.3.4(S): Additional notes 3 and 5
- Waiver 9. Site Plan Checklist: Test pits and Property metes and bounds

4. The plans and other submission material were reviewed by the Planning Board, and it consulting engineer firm Whitman & Bingham. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

Standard Conditions

The following standard conditions are from the Rules and Regulations governing Site Plan Review and will be applied to all plans unless particular sections are waived by the Board:

A. Approval of this site plan is granted to the named applicant only and only for the purpose(s) stated in the application or as it may have been amended. It is not transferable for any other use of the site by the applicant nor to any other person except with the approval of the Board. The Board reserves the right to review any work done on the site even after any proposed construction is completed and to determine that the actual use(s) of the site conform to those allowed by this approval

B. Any officer, agent or employee of the Planning Board, Conservation Commission, Zoning Board of Appeals or Board of Health may enter upon the site at reasonable times, with or without prior notice to the applicant. in pursuit of official duties, such as examinations and surveys, examination of construction undertaken, and the purposes for which the site is used (Massachusetts General Laws Chapter 41, Section 81CC; Chapter 131, Section 40; Chapter 111, Sections 31, 122 and 127

C. The time allowed for any inspection required under these conditions, the Planning Board's regulations, or the town bylaws will be extended by the time during which the site is covered with water, snow, or ice. Such time will be determined by the Board.

D. RESERVED.

E. This site plan approval, together with this list of conditions and the performance guarantee, must be filed at the Worcester Registry of Deeds forthwith, but not later than sixty (60) days after the expiration of the appeals period plus such time as may be consumed in any appeals process. A copy of the receipt from the Registry must be filed with the Planning Board forthwith. No construction may be started until there has been such filing. If these required documents are not filed within the required time, this site plan approval shall be void.

F. Upon completion of the project, notice shall be given as provided for in section 6.5.1 "Rules and Regulations Governing Site Plan Review".

G. Construction shall be in full conformity with the "Rules and Regulations Governing Site Plan Review" as issued by the Planning Board, unless an exemption is granted by the Planning Board. Such exemption, if granted, is stated below as one of the conditions.

H. RESERVED

I. The clearing, excavation or removal of vegetation or the excavation or removal of sand, soil, loam, sod, gravel, or other natural or quarried earth products is allowed only in accordance with section 10.6 of the Winchendon Zoning Bylaw and specific conditions for such removal or redistribution are included in the special conditions appended to these general conditions.

J. The project must be completed to the satisfaction of the Planning Board within two (2) years from the date of this site plan approval unless an extension of time is mutually agreed upon in writing by the applicant and the Planning Board. If this work is not completed within the required time including approved extensions, this site plan approval shall lapse and become void.

K. If the site contains pond, lake, brook, stream, river, standing water, or any indication of the presence of wetlands, the applicant must comply with all Wetlands Protection regulations, including those found in Sections 4.3 and 4.4 of the Town of Winchendon Zoning Bylaw.

L. The applicant must comply with all orders of the Winchendon Conservation Commission.

M. Work under this site plan shall be commenced within six months of the date of its approval increased by any time consumed by appeals of the approval and shall be diligently pursued thereafter until the completion of the work. The Planning Board may extend this period if so requested by the applicant. If the work is not so commenced and pursued, this site plan approval shall lapse and become void.

N. This approval and conditions are in addition to other permits and approvals. Nothing in this decision shall be deemed to relieve the applicant from its obligation to obtain other permits and approvals required by law or regulation.

O. Any substantive error in the application or any subsequent filing by the applicant or his successor shall be cause for revocation of the Board's approval. Due notice and hearing shall be required prior to any Board action.

P. The Board on its own motion or on the petition of any interested person reserves the power to modify, amend or rescind its approval of this plan or to require a change in the plan after due notice and opportunity for the applicant to be heard.

Special Conditions

1. Approval of this site plan is contingent upon all of the concerns as outlined by the Peer Review performed by Whitman & Bingham have been satisfactorily addressed and approved by the Planning Board and/or its authorized Agent.
2. Safety and Environmental Standards
 - a. Emergency Services. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. This contact information and telephone number shall also be provided to the local emergency dispatch center.
 - b. Solar Energy Collection System Conditions: The installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.
3. Modifications.
 - a. All material modifications to a Solar Energy Collection System installation made after approval of the site plan shall require a modification of the approval.
 - b. The Planning Board shall review each site plan at intervals of not less than five years and may, after public notice and hearing, modify the approved plan to insure the public safety and compliance with the town bylaws and regulations.
4. Noise Study. The Planning Board at any time during the installations life-span may reconsider the requirement of a complete Noise Study if the Board deems it necessary.
5. Financial Surety. The Owner of the Project shall provide security, either escrow account, bond, or otherwise, in the amount of \$218,508.66 (includes 2.0% annual inflation rate) to cover the cost of removal of the system in the event the town must remove it and remediate the landscape. The form and amount of the security shall be determined by the Planning Board, The amount of the security shall reasonably reflect the anticipated cost of such removal and remediation. If the Board and the operator disagree, it shall be determined by an disinterested and qualified independent engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
6. Signage. The solar installation shall have a sign showing the name and address of the operator thereof and a telephone number where a responsible representation of the operator maybe reached at any time. Any proposed signage for the site must be reviewed by the Building Inspector.
7. Utilities. Where reasonable effort has been made to install utility connections underground, the Planning Board determined that utilities can be located above ground with no more than 6 poles to established on site.

8. Hours of Operation. During the construction phase of said project work activity will only be allowed between the hours of 7am to 5pm with no work activity allowed on Sunday.

9. Earth Removal. No excess earth material shall be removed from the project site.

10. Approval not required under the Subdivision Control Law (ANR). An ANR of the project site is a requirement of these conditions so as to separate the house dwelling located on the same parcel as the proposed project. The ANR should be filed along with these conditions concurrently to the Registry of Deeds.

11. Site Access. Before the project can commence site access must be confirmed with MassDOT and the Winchendon DPW that a curb cut was obtained.

12. Stormwater. Per the Winchendon Zoning Bylaw Article 6.11.7, there are some areas within the project site that may not provide peak infiltration of stormwater considering slope, water table, and soil type, where collector panels are considered impervious. Concurrent with the Conservation Commission Order of Conditions - Perpetual Condition 50, which states: No stormwater runoff from any impervious surfaces shall flow directly into the wetlands. There shall be no erosion of the 100-foot Buffer Zone due to stormwater runoff from any impervious surfaces. (Sheet flow over a vegetated 100-foot Buffer Zone is permitted, if it causes no erosion.) Therefore, the Planning Board will require additional infiltration structures if there are any adverse impacts to adjacent properties or wetlands. All wetland buffers should be marked accordingly to the Conservation Agents requirements.

13. Notification.

a. The applicant will provide Stormwater Pollution Prevention Plan (SWPPP) to the Planning and Development Office.

b. The applicant will provide verification of an Access Permit from MassDOT when acquired.

14. Waivers. The approved improvements required the granting of specified waivers from the Rules and Regulations For the Review and Approval of Site Plans and Site Development. The applicant submitted a formal request to the Planning Board and the Planning Board approved waivers 4 through 9. The completed list of waivers include:

Waiver 1. Section 6.11.6(c): Noise Study

Waiver 2. Section 8.8.1(C): Driveway apron

Waiver 3. Section 8.8.1(D): Driveway slope

Waiver 4. Section 3.3.3(A): Drawing Scale

Waiver 5. Section 3.3.3(A)(6): Signage

Waiver 6. Site Plan Checklist: Landscape Plan

Waiver 7. Section 3.3.4(C): Table of Information (parking spaces specifically)

Waiver 8. Section 3.3.4(S): Additional notes 3 and 5

Waiver 9. Site Plan Checklist: Test pits and Property metes and bounds

*Note on Waiver 1: The purpose and intent has been met through the site plan review process where as a complete Noise Study will not be necessary at this time. However please see condition 4 within these conditions for more information.

*Note on Waiver 2 and 3: These waivers only apply to the design element through Site Plan Review process and have been subject to review through the Department of Public Works per Section 8.8 of the Winchendon Zoning Bylaws.

15. Timeframe. The Planning Board will grant relief for certain timeframes from the Standard Conditions as follows:

Condition J – To increase the time for project completion from (2) two years to (30) thirty months.

Condition M – To increase the time for project commencement from (6) six months to (12) twelve months from the date of this approval

16. Low Impact Development By-Law: During the Formal Site Plan Review process the applicant did demonstrate measures that complied with the low impact development requirements. Therefore, the Board determined that the intent and letter of the By-Law has been fulfilled and that this approval incorporates an approval pursuant to the Low Impact Development By-Law.

Duties of the Applicant

1. The applicant shall submit the Board's signed Notice For Recording of site plan approval and statement of conditions for recording in the Worcester Registry of Deeds (or properly file the same with the recorder of the Land Court if the land is registered land) and shall obtain a receipt therefor.
2. The applicant shall present the receipt(s) to the Department of Planning and Development which will make a copy thereof for its records and shall then distribute copies of the approved plans to the various town departments according to the policy of the department.
3. The Building Commissioner will not issue any permits until he has received these plans and confirmation of a financial surety.

See next page for the Notice for Recording →

Notice For Recording

WINCHENDON PLANNING BOARD

By _____

Guy Corbosiero, Chairman

Robert O'Keefe, Vice-Chair

James McCrohon

Cailte Kelley

Burton Gould Jr.

Town Clerk Certification

I certify that the 20 days have elapsed since the decision was filed in this office and that no appeal therefrom has been filed.

An appeal has been filed on _____

Town Clerk

To be mailed forthwith after the decision to:
* applicant _____
* parties in interest _____
* every other person at the hearing who requests one _____

