

TOWN OF WINCHENDON

RECEIVED

NOV 21 2018

DJA
10:00

WINCHENDON TOWN CLERK
Telephone (978) 297-5410
Facsimile (978) 297-5411

Planning Board



109 Front Street
Winchendon, Massachusetts 01475-1758

NOTICE OF DECISION

Formal Site Plan Approval

Date: November 13, 2018

PB # 2018-0829A

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 5 MW AC Rated Solar Electric System.

With conditions to Oya Solar MA, L.P.

Whose address is 144 Front St. West Suite 310, Toronto, ON M5J2L7

Regarding property located at 270 Hale Street, Winchendon, MA 01475 (Parcel 8A1-0-16)

Which is owned by Noreen M Sullivan

Whose address is 270 Hale Street, Winchendon, MA 01475

Deed to the property as recorded in the Worcester District Registry of Deeds
Book 29661 Page 167

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 August 29, 2018.
2. A public hearing on the Site Plan Approval was held on October 2, 2018 and was continued and then closed on October 30, 2018.
3. This Site Plan Approval application is accompanied by and augmented with development plans entitled, "Oya Sullivan Solar Project Site Plan Review" dated August 8, 2018 (final revised plans as of 10/18/18); a Project Narrative/Development Impact Statement dated August 6, 2018, with supplemental documents that include Acoustical Assessment. 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 3.3.5.3: Transportation Element

- Waiver 2. Section 3.3.5.5. Public Utility Element
- Waiver 3. Section 3.3.5.9. Neighborhood and Community Element
- Waiver 4. Section 3.3.5.10 Socio-Economic Element
- Waiver 5. Section 3.3.5.12 Waste Generation and Disposal Element

4. The plans and other submission material were reviewed by the Planning Board, and it consulting engineer firm Tighe & Bond. 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, 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 Tighe and Bond have been satisfactorily addressed and approved by the Planning Board and/or its authorized Agent.
2. Safety and Environmental Standards
 - a. Emergency Services. Prior construction, 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. A baseline noise test will be required prior to construction of the array. The test should be conducted along the lot line of the project located to the closest dwelling unit. 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 \$247,250 (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 may be reached at any time. Any proposed signage for the site must be reviewed by the Building Inspector.
7. Utilities. During the construction of the array reasonable effort should be made to install utility connections underground. If any utilities lines or poles are to be proposed above ground on the project site notification will be given to the Planning and Development Office.

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. Stormwater.

- a. Test pits shall be conducted within the limits of the detention basin prior to construction to evaluate soil texture and ground water elevations. Test pit data will be provided to the Planning and Development Office prior to construction.
- b. The Planning Board may require additional infiltration structures if there are any adverse impacts to adjacent properties or wetlands with due process of reopening a public hearing. If any deficiencies within the on-sight drainage facilities are present post construction it will be the applicant's responsibility to incur the cost to remedy such deficiencies and administration costs associated as such.
- c. All wetland buffers should be marked accordingly to the Conservation Agents requirements.

11. 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 listed below. The completed list of waivers include:

- Waiver 1. Section 3.3.5.3: Transportation Element
- Waiver 2. Section 3.3.5.5. Public Utility Element
- Waiver 3. Section 3.3.5.9. Neighborhood and Community Element
- Waiver 4. Section 3.3.5.10 Socio-Economic Element
- Waiver 5. Section 3.3.5.12 Waste Generation and Disposal Element

12. 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.

13. Prior Construction Submittals. All listed items below shall be submitted to the Planning and Development Office and the Planning Board prior to construction:

- a. The name and contact information of the solar array installer.
- b. Mounting Specification Sheets
- c. A final Stormwater Pollution Prevention Plan (SWPPP)
- d. A signed Illicit Discharge Statement
- e. Proof of liability insurance must be submitted prior to issuance of any Building Permits.

14. Buffer. The Applicant is to inform the Planning and Development Office within one year of the beginning of construction to inspect the planned buffers within the project for adequacy. If in

the opinion of the Planning Board additional screening is necessary, no more than an additional 50% of screening as agreed to in the original plan will be required.

15. Timeframe. The Planning Board will grant relief for timeframe designated below from the Standard Conditions:

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

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 further a financial surety, which will be filed with the Registry of Deeds and confirmed by the Building Department by receipt from the Registry of Deeds . Proof of liability insurance must be submitted prior to issuance of any Building Permits.

See next page for the Notice for Recording →

Notice For Recording

WINCHENDON PLANNING BOARD

By


Guy Corbosiero, Chairman

Burton Gould Jr.



Arthur Amenta



Scott Robillard

Robert O'Keefe, Alt.

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 _____

