

**50-Foot Undisturbed Natural Vegetation and  
 75-Foot Setback of No Build/Structure Zone**

Under existing conditions, a 20±-foot wide gravel access drive occurs between the 4-series BVW and upland forest, where present, and the wooded island where the project is proposed. In addition, a portion of the rear/east side of the existing building is located within 75 feet of the wetland. As such, pre-existing activities do not meet the current setbacks and are nonconforming. The existing contiguous upland forest will be maintained, where present, and the proposed project will not be located closer to the edge of the wetlands than under existing conditions (i.e., existing limits gravel access drive will be maintained). The project has been designed to comply with the Massachusetts Stormwater Management Regulations for the ESS and improves the water quality of runoff as compared to existing conditions from the existing development. As described above and detailed on the plans, an erosion and sedimentation control program will be implemented during construction to protect the adjacent wetlands, including the off-site PVP. In addition, the Site is not located within a NHESP mapped habitat (Appendix A, Figure 3) or Habitat of Potential Regional or Statewide Importance (Appendix A, Figure 4) and the wooded island (i.e., project area) does not contain unique wildlife habitat features, including trees with large diameter cavities (≥18” tree diameter at the cavity entrance).

As such, the project protects or does not adversely affect as compared to existing conditions, the interests protected by the *Bylaw*, to the extent they are applicable to this site (i.e., protection of public water supply, protection of groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, avoidance of water and soil pollution, and protection of wildlife habitat). The site is not utilized for agricultural or recreational purposes. As such, the Applicant respectfully requests a waiver from the Commission to allow work within 50 feet of the BVW and structures within 75 feet of the BVW.

**8. Summary**

On behalf of the Applicant, ZP Battery DevCo, LLC, LEC Environmental Consultants, Inc. is submitting this NOI Application with the Winchendon Conservation Commission for construction of a solar energy storage system. Portions of the project is located within the 100-foot buffer zone to a BVW and the *Bylaw's* 50-foot Undisturbed Natural Vegetation and 75-foot No Build/Structure Zone. As required, the Applicant is seeking a



waiver to allow activities within these Buffer Zones. In an effort to mitigate for the proposed project, erosion control measures and stormwater management best management practices will be implemented to protect the BVWs.

This project meets the standards enumerated in the above statutes and regulations, and the Applicant requests that the Commission issue an Order of Conditions approving the project as proposed.