

**The Commonwealth of Massachusetts
TOWN OF WILLIAMSBURG**

*Office of the
Board of Appeals*

DECISION

In the matter of: The application of Clean Energy Collective/Williamsburg MA 2,, LLC (the applicant) for a Special Permit pursuant to Section 9.30 of the Zoning Bylaw of the Town of Williamsburg (Zoning Bylaw) to construct a ground-mounted solar photovoltaic installation and associated equipment on property located at 10 River Road, Williamsburg, MA (the property) owned by Lawrence I. Lashway II and Gerald D. Lashway, and designated on the Assessors Map G, Lot 188.

Date of Application: June 17, 2019

Dates of Joint Hearing with Planning Board: September 9, 2019, October 21, 2019 and November 14, 2019

Date of Joint Meeting with Planning Board: November 14, 2019

Date of Decision: November 14, 2019

Vote by members of the Board:

Gerald Mann, In Favor.

Paul Kennedy, In Favor.

Charles J. Dudek, In Favor.

Findings:

A. General Findings: The applicant proposes to construct a ground mounted photovoltaic installation on approximately 19.5 acres of the approximately 61-acre site. The site is located in the Rural Zone (RU).

B. Applicable Law and Decision Criteria:

Pursuant to Sections 9.30-2 and 9.30-4 of the Zoning Bylaw the construction of a ground-mounted solar photovoltaic installation measuring between 1.25 acres and 20 acres in the Rural (RU) and Village Mixed (VM) Districts requires a Special Permit and Site Plan Review.

Section 5.1 of the Zoning Bylaw requires a detailed review by the Zoning Board of Appeals (ZBA) to ensure a non-detrimental relationship between the proposed development and its surroundings, and to ensure that the proposals are consistent with the purpose and intent of the Bylaw.

Section 6.3 of the Zoning Bylaw describes the necessary content of the Site Plan that an applicant must submit.

Section 9.30-3 of the Zoning Bylaw specifies the requirements for all ground-mounted solar voltaic installations.

Section 9.30-4.2 of the Zoning Bylaw directs that the applicant must supplement the Site Plan with additional documents unique to the construction of a solar PV installation.

C. Specific findings:

On November 14, 2019, the Williamsburg Conservation Commission issued an Order of Conditions containing certain Findings and Conditions applicable to the property. The Conservation Commission's Order of Conditions is incorporated in this decision.

At a joint meeting with the ZBA on November 14, 2019, the Planning Board, submitted their findings and reported that the proposed project will constitute a suitable development under Section 6.61.b of the Zoning Bylaw, subject to the restrictions enumerated in its findings. The Planning Board's findings are annexed to and incorporated in this decision.

In accordance with §5.5 Criteria of the Zoning Bylaw, the ZBA finds that:

- a. the structure and use will be reasonably compatible with other uses permitted as of right in the RU district;
- b. the use will not constitute a nuisance due to an unacceptable level of air or water pollution or excessive noise;
- c. the proposed use shall comply with any and all special permit criteria or special use regulations imposed by the Zoning Bylaw;
- d. the applicant has addressed, in the application materials, potential adverse impacts on the quality of surface water and groundwater during and after construction;
- e. there will be no sewage, refuse, or other waste generated by the proposed use;
- f. the project design, location, and natural screening minimize the visibility of the installation.

Decision of the Board:

The Zoning Board of Appeals voted unanimously to grant a Special Permit to the applicant to construct a ground-mounted solar photovoltaic installation. This solar photovoltaic installation is reasonably compatible with the character and scale of other uses permitted as of right in the RU District, not detrimental to the community, and consistent with the letter and intent of the Zoning Bylaws.

Conditions of the Special Permit:

The applicant shall comply with all requirements of Section 9.30 to 9.30.14 inclusive of the Zoning Bylaw and with all additional Special Permit criteria or use regulation imposed by the Zoning Bylaw. The plans, specifications, renderings, studies, and representations submitted by the applicant, including the application materials dated November 15, 2019, 2019 and a set of plans dated November 15, 2019 are conditions for the issuance of the permit. Additional conditions of this Special Permit are as follows:

1. All exterior lighting shall be directed downward and prevent light from straying beyond the property boundary (commonly known as dark-sky type).
2. The applicant must comply with all provisions of the special permit criteria or use criteria and all other applicable provisions imposed by the Zoning Bylaw.
3. No herbicides or pesticides will be used to control vegetation.
4. No lighting or signage shall be visible from public roads or abutting properties.
5. The final plans, specifications, studies, and representations submitted by the applicant, dated November 15, 2019, are specific conditions of this permit. Any changes to the plans, specifications, renderings, studies, or representations submitted by the applicant in support of the application will require submission of a new application for a special permit.
6. The Applicant, its successors or assigns, shall, prior to the issuance of a building permit, provide to the Select Board a SOLAR FACILITY DECOMMISSIONING BOND (language and format provided by the Town of Williamsburg) covering the cost of removing the installation and remediating the landscape in accordance with Section 9.30-13 of the Zoning Bylaw.
7. No signage is permitted on Rt. 9.
8. No construction activity shall commence before 7:00 am or continue after 6:00 p.m.

9. All keys necessary for emergency response procedures shall be made available onsite for use by the police and fire departments. The applicant will provide a copy of the site plan to the Williamsburg Fire Chief and will consult with the Fire Chief to prepare an Emergency Response Plan appropriate for the solar installation.
10. The applicant must allow access to the site by appropriate Town official throughout the duration of the project.
11. This special permit may not be transferred to any other person or entity under any conditions.

This Special Permit is not effective until recorded at the Registry of Deeds of the County of Hampshire.

This Special Permit shall expire two years and 21 days after being registered with the Town Clerk if construction has not begun, except for good cause.

Appeals from this finding, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws, and shall be filed within twenty days after the date of filing of the notice of this decision in the Office of the Town Clerk.

Respectfully submitted this 19th day of November, 2019



Charles J. Dudek, Chair, on behalf of the Board of Appeals

Received and Recorded this 19th day of November, 2019



Town Clerk, Williamsburg, Massachusetts



Williamsburg Planning Board

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To: Williamsburg Zoning Board of Appeals

Date: November 14, 2019

Subject: Planning Board findings from Site Plan Review for an application for ground mounted solar array. Applicant is Williamsburg MA2, LLC, 146 West Boylston Drive, Worcester, MA 01606.

Location: The project will be located at 10 River Road.

Public Input: The Planning Board held a public hearing on this application on September 9, 2019 and continued both October 21, 2019 and November 14, 2019 in a joint session with the Zoning Board of Appeals.

Sources: For its review, the Planning Board has relied upon:

- Application book dated November 14, 2019 prepared by SK Design Grout, Inc. 2 Federico Drive, Pittsfield, MA 01201. This book includes the following contents:

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| <ul style="list-style-type: none">• Copy of Special Permit and Site Plan Review Applications• Project Narrative<ul style="list-style-type: none">○ Project Overview○ Proposed Project○ Zoning Compliance○ Conclusion• Figures:<ul style="list-style-type: none">1 Locus Plan2 Zoning Map3 NHEPES Estimated Habitats of Rare Wetlands Wildlife4 NHEPES Map of Priority Habitat5 FEMA Floodplain map | <ul style="list-style-type: none">• Appendices<ul style="list-style-type: none">A. Assessor's Property CardB. Abutters ListC. Interconnection ApplicationD. Operation & Maintenance Plan (for array only)E. Decommissioning PlanF. Evidence of Site ControlG. Proof of Liability InsuranceH. Bridge SpecificationsI. Seed Mix SpecificationsJ. Project RenderingsAttachments<ul style="list-style-type: none">1. 24"x36" one-line electrical drawing2. Site Plans (final date: November 15, 2019) |
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- Stormwater Analysis
- A set of plans, 24"x36" size, dated 11/15/19 stamped by James M. Scalise II, P.E.
- Invasive Species Management Plan

These documents cover the documentation required by the Zoning Bylaws of the Town of Williamsburg, MA.

Finding:

The Planning Board has completed its site plan review and it finds that the proposed project will constitute a suitable development under Section 6.61.b of the Williamsburg Zoning Bylaw, subject to the following restrictions:

1. Financial surety for removal of the type to be specified by the Zoning Board of Appeals shall be in place before issuance of a Building Permit.
2. Hours of activity during construction shall only be allowed from 7:00 AM to 6:00 PM.
3. All keys needed for emergency response procedures will be made available onsite for the police and fire departments.
4. Periodic mowing shall be no more than twice per year.
5. Per section 9.30-9.2 -Signage: Provide a sign to identify the owner and provide a 24-hour emergency contact phone number.
6. Per section 9.30-10.1 -Emergency Services: Provide contact information for a person who is responsible for responding to all public and emergency inquiries related to the installation. Update the information as needed.
7. All conditions in the Conservation Commission's Determination from November 14, 2019 shall be met.

Respectfully submitted by the Planning Board of Williamsburg, MA.



Amy L. Bisbee, Chair