

**The Commonwealth of Massachusetts
TOWN OF WILLIAMSBURG**

*Office of the
Board of Appeals*

DECISION

In the matter of: The application of Williamsburg East Street Solar, LLC by SWCA Environmental Consultants (SWCA) for a Special Permit pursuant to Section 9.30 paragraph 2 of the Zoning Bylaw of the Town of Williamsburg (Zoning Bylaw) to construct a ground-mounted solar photovoltaic installation and associated equipment on premises located at 103 Briar Hill Road, Williamsburg, MA owned by Hull Forestlands, LP and designated on the Assessors Map A, Lot 4.

Date of Application: September 11, 2017

Date of Hearing: September 28, 2017

Date of Joint Hearing with Planning Board: September 28, 2017

Date of Joint Meeting with Planning Board: October 17, 2017

Date of Board of Appeals Meeting: October 17, 2017

Date of Decision: October 17, 2017

Vote by members of the Board:

Gerald Mann, In Favor.

Osa Flory, In Favor.

Charles J. Dudek, In Favor.

Findings:

A. General Findings: The applicant proposes to construct a ground mounted photovoltaic installation on approximately 18.5 acres of a 370 acre parcel. The solar installation will be constructed on a 30-acre sand and gravel removal operation. Access to the site is from an existing private gravel road located at 699 East Street, Goshen, Ma. This road will be used for access to the solar installation. Utility lines will be installed along the access road to the intersection of East Street in Goshen. There will be no extensive tree clearing. The project design specifies that no new impervious surfaces beyond support pads for the electrical equipment will be added to the 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 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 9.3 of the Zoning Bylaw mandates that the applicant must supplement the Site Plan with additional documents unique to the construction of a solar PV installation.

Section 5.5 of the Zoning Bylaw states that the ZBA may grant a Special Permit if it finds among other findings:

- a. That the structure and use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district.
- b. That the use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, or excessive noise.
- c. The proposed use shall comply with any and all additional Special Permit criteria or special use regulation imposed by this Bylaw.
- d. The proposed project shall not create a significant adverse impact to the quality of surface water or groundwater during and after construction, and provision shall be made for maximizing groundwater recharge.
- e. The design of the project shall provide for adequate methods of disposal of sewage, refuse or other waste generated by the proposed use.
- f. The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses through the use screening and/or vegetated buffer zones.

The ZBA has considered these principles and will impose conditions in the Special Permit relating to these principles.

C. Specific findings:

The Planning Board, on October 17, 2017, submitted their findings to the Zoning Board of Appeals and found that the proposed project will constitute a suitable development under Section 6.61.b of the Williamsburg Bylaw subject to the following conditions:

- 1: Vegetation maintenance will be accomplished as indicated in Appendix G of the application dated September 7, 2017. No herbicides or pesticides will be used to control vegetation.
- 2: Hours of activity during construction will be limited from 7:00 AM to 6:00 PM.
- 3: Applicant will provide the Zoning Board of Appeals documentation of discussions with the Fire Department of Goshen, MA, that show that said Fire Department has agreed to provide first response coverage for any fire emergency related to the ground mounted solar array.

The Planning Board's findings are annexed and incorporated herein.

The ZBA is desirous of preserving the rural character of Williamsburg. The proposed use is compatible with the character and scale of other uses permitted as of right in the RU zone.

The Planning Board and residents present at the public hearing supported the proposed use.

Decision of the Board:

The Zoning Board of Appeals voted unanimously to grant a Special Permit to Williamsburg East Street Solar, LLC to construct a ground-mounted solar photovoltaic installation. This solar PV installation is reasonably compatible with the character and scale of other uses permitted as of right in the RU District and 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 Town of Williamsburg Zoning Bylaw and with all additional Special Permit criteria or use regulation imposed by the Zoning Bylaw. The plans and specifications submitted by the applicant, as listed in the October 17, 2017, decision of the Williamsburg Planning Board 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 Williamsburg zoning bylaw.
3. The plans, specifications, and studies submitted by the applicant are specific conditions of this permit. Any changes to the plans, specifications, or studies submitted by the applicant in support of the application will require submission of a new application for a special permit.
4. The applicant, its successors or assigns, shall, within 60 days of when facility commences operations, provide to the Select Board and Planning Board a form of surety covering the cost of removing the installation and remediating the landscape in accordance with Section 9.30-12.3 of the Zoning Bylaw.
5. Vegetation maintenance will be accomplished as indicated in Appendix G of the application dated September 7, 2017. No herbicides or pesticides will be used to control vegetation.
6. Trucks and other vehicles accessing the site shall use the current private access gravel road.
7. No lighting or signage shall be visible from public roads or abutting properties.
8. No construction shall occur prior to 7:00 am or after 6:00 pm.
9. This special permit may not be transferred to any other person or entity under any condition.

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

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.

Respectfully submitted this 17th day of October, 2017



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

Received and Recorded this 17th day of October, 2017



Brenda Lessard, Town Clerk, Williamsburg, Massachusetts



Williamsburg Planning Board

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To: Williamsburg Zoning Board of Appeals

Date: October 17, 2017

Subject: Planning Board findings from Site Plan Review for an application for ground mounted solar array, including a joint public hearing with the Zoning Board of Appeals. Applicant is Dynamic Energy Solutions, LLC, of 225 Cedar Hill Street, Marlborough, MA, 01752

Location: The project will be located on an approximately 370-acre parcel in Williamsburg, identified by its deed as Parcel 9 of the Packard-Hannifin Lots in the 6092-126 deed to Hull Forestlands, LP, the owner. Parcel 9 covers Williamsburg assessors Map A Lots 2, 3, and 4. The project will cover approximately 18.5 acres. It is located within Lot 4, in part of a current sand and gravel removal operation. The listed address for the full parcel is 103 Briar Hill Road, Williamsburg, MA. Access will be on an existing private, unpaved road beginning at 699 East Street in Goshen, MA.

Findings: 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: Vegetation maintenance will be accomplished as indicated in Appendix G of the application dated September 7, 2017. No herbicides or pesticides will be used to control vegetation.

2: Hours of activity during construction will be limited from 7:00 AM to 6:00 PM.

3: Applicant will provide the Zoning Board of Appeals documentation of discussions with the Fire Department of Goshen, MA, that show that said Fire Department has agreed to provide first response coverage for any fire emergency related to the ground mounted solar array.

Sources: For its review, the Planning Board has relied upon the Application for Special Permit and Site Plan Review, prepared for Dynamic Energy Solutions, LLC, by the engineering firm of SWCA Environmental Consultants, established in 1986 with an office at 15 Research Drive, Amherst, MA 01002, (413) 256-0202. The application and drawings were prepared under the supervision and guidance of Kevin McCaffery, PE, along with Registered Landscape Architect Tony Somers, RLA, with input from professional surveyors and wetland scientists. Electrical drawings were prepared by Dynamic Energy's engineering team and stamped by Hendrik Berger, PE. The application is accompanied by four figures, eight appendices and six sheets of plans. The Various plans and drawings include civil drawings prepared by SWCA Environmental Consultants and The Berkshire Design Group, Inc. The Storm Water Review was prepared by Kevin A. McCaffery, PE, of Trove Engineering, PLLC. These documents cover the documentation required by the Zoning Bylaws of the Town of Williamsburg, MA.

Respectfully submitted by the Planning Board of Williamsburg, MA.

A handwritten signature in black ink, appearing to read "R. Barker", written over a horizontal line.

Robert W. Barker, Chair