



# Office of the Williamsburg Town Clerk

141 Main Street, P.O. Box 447  
Haydenville, Massachusetts 01039-0447

Tel: (413) 268-8402

Fax: (413) 268-8409

March 1, 2019

This is to certify that no appeals have been filed with the office of the Town Clerk relative to the Board of Appeals decision dated, January 28, 2019, filed with the Town Clerk, February 8, 2019, granting a special permit as required by Section 9.30-2 and 9.30-4 of the Williamsburg Zoning By-Law stating that the construction of a ground-mounted solar photovoltaic installation measuring between 1.25 and 20 acres in the Rural (RU) and Village Mixed (VM) districts requires a Special Permit. This special permit is for a property located at 95 Main St., Williamsburg, MA 01039. Assessors Map G Lots 75 and 76, owned by Linda and Larry West. The applicant was ZPT Energy Solutions II, LLC.

The Board of Appeals voted unanimously to grant ZPT Energy Solutions II, LLC a special permit to construct a ground-mounted solar voltaic installation located at 95 Main Street, Williamsburg, 01039, identified on Assessors Map G, as Lots 75 and 76 pursuant to Sections 9.30-2 and 9.30-4 of the Zoning Bylaw of the Town of Williamsburg. In granting this permit the Board attaches the following conditions:

- All exterior lighting shall be directed downward and prevent light from straying beyond the property boundary (commonly known as dark-sky type).
- 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.
- The plans, specifications, studies, and representations submitted by the applicant 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.
- The Applicant, its successors or assigns, shall, prior to the issuance of a building permit, provide to the Select Board a financial surety in the form of a bond covering the cost of

removing the installation and remediating the landscape in accordance with Section 9.30-13 of the Zoning Bylaw.

- No herbicides or pesticides will be used to control vegetation.
- No lighting or signage shall be visible from public roads or abutting properties. No signage is permitted on Route 9.
- No construction activity shall commence before 7:00 am or continue after 6:00 pm
- All keys necessary for emergency response procedures shall be made available onsite for use by the Police and fire departments.
- The applicant will utilize straw bales for erosion and sedimentation control.
- The applicant must allow access to the site by appropriate Town official throughout the duration of the project.
- 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.

A handwritten signature in cursive script, reading "Brenda Lessard".

Brenda Lessard  
Town Clerk

**The Commonwealth of Massachusetts  
TOWN OF WILLIAMSBURG**

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*Office of the  
Board of Appeals*

**DECISION**

**In the matter of:** The application of ZPT Energy Solutions II, 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 premises located at 95 Main Street, Williamsburg, MA owned by Lawrence E. and Linda A. West, and designated on the Assessors Map G, Lots 75 and 76.

**Date of Application: October 25, 2018**

**Date of Joint Public Hearing: December 17, 2018**

**Date of Site Plan Review Meeting with Planning Board: January 28, 2019**

**Date of Decision: January 28, 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 13.8 acres of the 35.8-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.

**The Commonwealth of Massachusetts  
TOWN OF WILLIAMSBURG**

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*Office of the  
Board of Appeals*

**DECISION**

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**Findings:**

**A. General Findings:** The applicant proposes to construct a ground mounted photovoltaic installation on approximately 13.8 acres of the 35.8-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.

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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:**

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On October 25, 2018, the Williamsburg Conservation Commission issued a Negative Determination subject to certain conditions. The conservation Commission's Determination of Applicability is annexed and incorporated in this decision.

At a joint meeting with the ZBA, the Planning Board, on January 28, 2019, 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 conditioned its approval on the applicant's compliance with the Conservation Commissions' Determination of October 25, 2018. The Planning Board's findings are annexed and incorporated in this decision.

**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 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 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 October 25, 2018 and revised January 25, 2019; the photorealistic renderings of the proposed design dated December 17, 2018; and a set of plans dated January 25, 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. The plans, specifications, studies, and representations submitted by the applicant 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.
4. The Applicant, its successors or assigns, shall, prior to the issuance of a building permit, provide to the Select Board a financial surety in the form of a bond covering the cost of removing the installation and remediating the landscape in accordance with Section 9.30-13 of the Zoning Bylaw.
5. No herbicides or pesticides will be used to control vegetation.
6. No lighting or signage shall be visible from public roads or abutting properties. No signage is permitted on Route 9.
7. No construction activity shall commence before 7:00 am or continue after 6:00 pm
8. All keys necessary for emergency response procedures shall be made available onsite for use by the Police and fire departments.
9. The applicant will utilize straw bales for erosion and sedimentation control.
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 8<sup>th</sup> day of February, 2019

A handwritten signature in cursive script, appearing to read "Charles Dudek", written over a horizontal dashed line.

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

Received and Recorded this 8<sup>th</sup> day of February, 2019

A handwritten signature in cursive script, appearing to read "Brenda Lessard", written over a horizontal dashed line.

Brenda Lessard, Town Clerk, Williamsburg, Massachusetts





# Williamsburg Planning Board

141 Main Street, P.O. Box 447

Haydenville, Massachusetts 01039-0447

Ph: (413) 268-8400

Fax: (413) 268-8409

To: Williamsburg Zoning Board of Appeals

Date: January 28, 2019

Subject: Planning Board findings from Site Plan Review for an application for ground mounted solar array. Applicant is ZPT Energy Solutions II, LLC – 6 Park Ave., Suite 100, Lower Level, Worcester, MA 01605

Location: The project will be located at 95 Main St. (land owned by Linda and Larry West off the north side of Route 9 between Haydenville Center and Williamsburg Center).

Public Input: The Planning Board held a public hearing on this application on December 17, 2018 in a joint session with the Zoning Board of Appeals.

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

- Application book dated January 25, 2019 prepared by Meridien Associates Inc. 500 Cummings Center, Suite 5950, Beverly, MA 01915. Electronic filename and link: [2019-01-25-6091-Site Plan Special Permit App.pdf](#)

This book includes the following contents:

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| <ul style="list-style-type: none"><li>• Owner Affidavit Authorization Letter</li><li>• Copy of Special Permit and Site Plan Review Applications</li><li>• Copy of Application Fees</li><li>• Zoning Map</li><li>• Certified Abutters List</li><li>• Deed Information</li><li>• Supporting Documentation – Zoning Review</li></ul> | <p>APPENDIX</p> <ul style="list-style-type: none"><li>• Attachment 1: Proof of Liability Insurance</li><li>• Attachment 2: Site Control</li><li>• Attachment 3: Utility Notification</li><li>• Attachment 4: Electrical Diagram</li><li>• Attachment 5: Project Contacts</li><li>• Attachment 6: Major Equipment</li><li>• Attachment 7: Financial Surety/Decommissioning Plan</li><li>• Attachment 8: Emergency Response Plan</li><li>• Attachment 9: Hazardous Materials and Spill Prevention Plan</li></ul> | <ul style="list-style-type: none"><li>• Attachment 10: Planning Board Comment Response Letter</li><li>• Attachment 11: Development Team</li><li>• Attachment 12: MassDEP WPA Form 2 – Negative Determination</li><li>• Attachment 13: LEC Wildlife Memorandum</li><li>• Attachment 14: Stormwater Analysis &amp; Calculations Report (Including Operation and Maintenance Plans)<ul style="list-style-type: none"><li>○ O&amp;M Plan for stormwater starts on p. 307 of PDF file, at the end of the Stormwater Analysis</li><li>○ Invasive Species Management Plan starts on p. 335 of the PDF file</li><li>○ General O&amp;M Plan for the solar array starts on p. 347 of the PDF file.</li></ul></li></ul> |
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- Photorealistic renderings of the proposed design dated 12/7/2018 12 pages, electronic filename and link: [2019-01-25-6091-Perspective Views.pdf](#)
- A set of plans, 24"x36" size, dated 1/25/19 stamped by Richard E. Waitt, Jr., P.E. Electronic filename and link: [2019-01-25-6091-Site Plans.pdf](#)

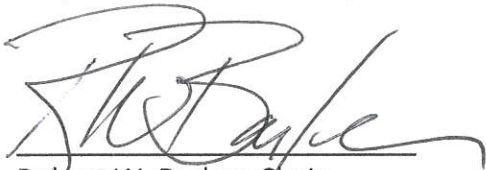
These documents cover the documentation required by the Zoning Bylaws of the Town of Williamsburg, MA.

**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 be limited 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. All conditions in the Conservation Commission's Determination from October 25, 2018 should be met. The list is repeated here for convenience:
  1. Erosion and sedimentation control measures shall use straw bales.
  2. Erosion and sedimentation control measures at the east side of the array near the top of the slope above the brook shall include a double row of straw bales.
  3. Fencing shall be placed on the outside perimeter of the detention ponds.
  4. The applicant shall notify the Williamsburg Conservation Commission regarding the stormwater pollution prevention plan (SWPPP).
  5. The applicant shall notify the Williamsburg Conservation Commission when erosion controls are installed for a pre-construction walk-through.
  6. The Williamsburg Conservation Commission reserves the right to visit the site throughout the duration of the project.

Respectfully submitted by the Planning Board of Williamsburg, MA.



Robert W. Barker, Chair