

The Commonwealth of Massachusetts
TOWN OF WILLIAMSBURG

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 property located at 5-5R Hatfield Street, Williamsburg, MA (the property) owned by Penelope Johnson, and designated on the Assessors Map G, Parcel 76-1 and Map K, Parcel 33.

Date of Application: February 26, 2019

Dates of Joint Hearing with Planning Board: April 29, 2019 and June 18, 2019

Date of Joint Meeting with Planning Board: July 9, 2019

Date of Decision: July 9, 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 14.1 acres of the 93.5-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 May 31, 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 annexed to and incorporated in this decision.

At a joint meeting with the ZBA, the Planning Board, on July 9, 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.

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 shall 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 June 18, 2019 and a set of plans presented to the Planning Board and Zoning Board of Appeals on July 9, 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 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.
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 and annexed to this decision) 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.
10. The applicant must allow access to the site by appropriate Town officials 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.

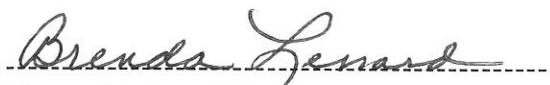
Appeals from this finding, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws, and shall be filed within twenty days after the date of filing of the notice of this decision in the Office of the Town Clerk.

Respectfully submitted this 11th day of July, 2019



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

Received and Recorded this 11th day of July, 2019



Town Clerk, Williamsburg, Massachusetts



Williamsburg Planning Board

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To: Williamsburg Zoning Board of Appeals

Date: July 9, 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 5/5R Hatfield St. (land owned by Penelope Johnson 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 April 29, 2019 and continued on June 18, 2019 in a joint session with the Zoning Board of Appeals.

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

- Application book dated June 18, 2019 prepared by Meridien Associates Inc. 500 Cummings Center, Suite 5950, Beverly, MA 01915.

This book includes the following contents:

<ul style="list-style-type: none">• Owner Affidavit Authorization Letter• Copy of Special Permit and Site Plan Review Applications• Copy of Application Fees• Zoning Map• Certified Abutters List• Deed Information• Supporting Documentation – Zoning Review	<p>APPENDIX</p> <ul style="list-style-type: none">• Attachment 1: Proof of Liability Insurance• Attachment 2: Site Control• Attachment 3: Utility Notification• Attachment 4: Electrical Diagram• Attachment 5: Project Contacts• Attachment 6: Major Equipment• Attachment 7: Battery Storage Specifications• Attachment 8: Financial Surety/Decommissioning Plan• Attachment 9: Emergency Response Plan• Attachment 10: Hazardous Materials and Spill Prevention Plan• Attachment 11: Development Team	<ul style="list-style-type: none">• Attachment 12: Visual Renderings / Perspective Views• Attachment 13: LEC Wetland Mitigation Planting Plan• Attachment 14: LEC Wildlife Habitat Evaluation• Attachment 15: Contech Aluminum Box/Arch Culvert Detail• Attachment 16: GZA Third Party Review Approval Letter• Attachment 17: Order of Conditions Issued by the Williamsburg Conservation Commission• Attachment 18: Stormwater Analysis & Calculations Report• O&M Plan for stormwater starts on p. 359 of PDF file, at the end of the Stormwater Analysis• Attachment 19: Project Operations and Maintenance Plans/Invasive Species Plan
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A set of plans, 24"x36" size, dated 5/29/19 stamped by David S. Kelley, P.E.

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. All conditions in the Conservation Commission's Determination from May 21, 2019 should be met. The list is repeated here for convenience:
 1. Frequent communication will be maintained with the Williamsburg Conservation Commission. The Commission will be notified if there is any deviation from the approved plan. The Commission will be informed of the schedule of work.
 2. The Conservation Commission reserves the right to visit the work site after erosion control has been staked.
 3. The Conservation Commission reserves the right to request additional site visits.
 4. A qualified consultant will be engaged to oversee the stream crossing and the planting of the replication area.

Respectfully submitted by the Planning Board of Williamsburg, MA.


Amy L. Bisbee, Chair