

DEC 23 '14 PM 1:23



Town of Uxbridge
 Planning Board
 21 South Main Street
 Uxbridge, MA 01569
 (508) 278-8600 ext. 2013

Received by
 Uxbridge
 Town Clerk

DECISION
SPECIAL PERMIT APPLICATION
FY15-07 CLEAN ENERGY COLLECTIVE

Date: December 17, 2014

Name of Organization: Clean Energy Collective

Name of Applicant: Jonathan Moore

Address of Applicant: 3005 Center Green Drive, #205
 Boulder, CO 80301

Owner: David E. Bessette

Location of Property: 164 Providence Street, Uxbridge MA 01569

Assessors Map/Parcels: 51/2881, 2841, 2768

Deed Book/Page: Deed Book 17166, Deed Page 274

Site Plan Dated: November 19, 2014

Engineer or Land Surveyor: Andrews Survey & Engineering, Inc.
 P.O. Box 312, 104 Mendon Street
 Uxbridge, MA 01569

Zoning District(s): Business



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BACKGROUND/SUMMARY

On November 20, 2014, the application for a Special Permit to construct a 2.0-MW^{AC} (megawatt) rated solar electric generating facility pursuant to the Uxbridge Zoning Bylaws §400-10 and §400-50 at 164 Providence Street was duly filed with the Uxbridge Town Clerk, and submitted to the Planning Board. The named Applicant of record is Clean Energy Collective, and the Owner of the land is David E. Bessette. A Public Hearing was scheduled for December 10, 2014. Notice of the Public Hearing was published in the "Worcester Telegram & Gazette", posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail. Following input, the Public Hearing was closed on December 10, 2014.

Clean Energy Collective seeks a Special Permit to construct a 2.0-MW^{AC} (megawatt) rated solar electric generating facility pursuant to the Uxbridge Zoning Bylaws §400-10 and §400-50. Per ZBL, §400-10 Section C Special Permit: Planning Board, "A use designated in the Table of Use Relations by the letters "PB" may be permitted by special permit only if the Planning Board so determines and grants a special permit..." Per ZBL §400-50 Sections A thru H, including but not limited to Criteria, Procedures, Conditions, Plans, Regulations, Fees and Lapse, will be followed by the Planning Board. The site lies completely within the Business zone.

The Applicant of Record, Clean Energy Collective, and Owner of Record, David E. Bessette, with the provisions of MGL Chapter 40A, Section 9, presented for review a Special Permit Application prepared by Andrews Survey &

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ATG

Engineering, Inc. dated November 18, 2014. The property is located at 164 Providence Street, Uxbridge, Massachusetts. The project site includes approximately 10.3 acres of land (approximately 6.58 acres, 2.28 acres, and 32,694 square feet, respectively) and shown on the Uxbridge Assessor's Map 51, Parcels 2881, 2841, and 2768, respectively. The plans of said lots are recorded in the Worcester Registry of Deeds Book 17166, Page 274 and said land is free from encumbrances.

FILINGS

As of the close of the Public Hearing, the Planning Board has received the following written materials:

1. The application submitted by Clean Energy Collective consisted of a Special Permit Application Form, Project Narrative, a copy of the Deeds, a copy of the Application for Certified Abutters List, a copy of the Abutters List Report, Locus Map, a copy of associated fee, and a Site Plan.
2. Plans drawn by Andrews Survey & Engineering, Inc. dated November 19, 2014, included the following plan sheets:
 - Sheet C-0.0 Cover Sheet
 - Sheet C-1.0 Legend, Abbreviations & General Notes
 - Sheet C-2.0 Overall Plan
 - Sheet C-3.0 Existing Conditions Plan
 - Sheet C-4.0 Site Plan
 - Sheet C-5.1 Construction Details, Sheet 1 of 2
 - Sheet C-5.2 Construction Details, Sheet 2 of 2

Aforementioned materials are on file in the Planning Department, available for review during regular business hours.

The Public Hearing was opened on December 10, 2014. The Planning Board members in attendance were Chair Joseph Leonardo, Vice Chair James Smith, Clerk Barry Desruisseaux, and Member Daniel Antonellis. Absent was Member Peter Petrillo. The Chair read the notice of the hearing into the record, and then asked the Applicant to make a presentation. Present on behalf of the Applicant, Clean Energy Collective, was Stephen O'Connell of Andrews Survey & Engineering, Inc. (ASE).

Mr. O'Connell presented the Special Permit application, stating the intent of a 2.0 megawatt ground mounted solar facility, divided over multiple parcels; new legislature only allows for 1.0 megawatt per parcel; existing grades on the site will remain the same; small isolated wetland on site; project went before Conservation on December 1, 2014, with favorable feedback; continued to the next Conservation meeting for the MA DEP #. Discussion included identifying McDonald's on the map; reviewing the existing vegetative screening; highest project visibility is traveling on Rt. 146 North; back property line is wooded; installation of screening (fencing and/or vegetation), especially if abutters along Providence Street have concerns; reflectiveness of panels; side setbacks of twenty-five (25) feet not disturbing existing vegetative growth and underbrush; and, need to subdivide the property, based on a new State regulation of one (1) megawatt per parcel.

The Chair opened the Public Hearing to the public, asking if abutters or residents wished to speak.

An unidentified man asked about the life expectancy of the solar panels and if Applicant is required to appear before the Board if they choose to renew the lease. The Chair responded the expectancy is twenty (20) to twenty-five (25) years; noted that all materials will be removed at the end of the lease, as a condition of the Board decision; and, Applicant is not required to come back before the Board if the lease is renewed.

Mike Moulton, 109 Providence Street, pointed out his parcel (along South East property line), and is most concerned about having some sort of screening as an abutting parcel is currently being cleared. Mr. O'Connell agreed to add vegetative screening along that property line.

An unidentified man asked if deer will be able to go thru the property. Mr. O'Connell commented that there will be a fence, six (6) to seven (7) feet high, so it's unlikely.

Following review of all materials and testimony on December 10, 2014, a **MOTION** was made by Mr. Desruisseaux that the Planning Board close the Public Hearing for 164 Providence Street Special Permit. Seconded by Mr. Smith, the motion carried 4-0-0.

FINDINGS

In granting the Special Permit with conditions, the Board has taken into consideration the following:

1. Minimum Lot Size, Access, Utilities and Design Requirements

Based on the submitted materials, the proposed photovoltaic solar energy project, together with all associated parking, facilities and infrastructure have been located in a manner consistent with the Uxbridge Zoning Bylaw, §400-10, §400-20, Appendix A Table of Use Regulations, and Article X Definitions of the Uxbridge Zoning By-Law, including but not limited to, minimum applicable zoning setbacks, and open space and buffer requirements.

2. Soils and Drainage

The Applicant has submitted information to the Board which indicates that ground cover conditions will be improved as a result of the project. Existing gravel areas will be covered with the existing piles of topsoil on the site and will naturally re-vegetate. Therefore, post-construction runoff conditions shall not exceed pre-construction conditions.

3. Traffic

The Applicant has submitted information to the Board which indicates that there shall be no anticipated traffic generation from the project. The Applicant has demonstrated that safe and convenient access is provided to and within the Development for vehicular movements. Access is gained from Monahan Drive and Quaker Highway which has suitable capacity and in good condition.

4. Town Services and Infrastructure

The Applicant has submitted information to the Board which indicates that there will be minimal demands placed on Town services and infrastructure. The project will not require municipal water and sewer service. The facility and all associated infrastructure shall be maintained by the Applicant.

5. Impact on Neighborhood

The project is located in the Industrial Zoning District. The Board has determined that noise and air quality associated will meet applicable standards. Further, under the Revised Plans and this Board's conditions enumerated below, the project provides significant buffer areas to neighboring properties. The Board finds that the Development will not be injurious or detrimental to the neighborhood and such use is in harmony with the general purpose and intent of the Bylaw.

6. The Applicant has properly revised its plans to include the comments, suggestions, and corrections identified by the Planning Board and Conservation Department/Commission.

DECISION

Following review of all materials, testimony, and discussion amongst the Board, a **MOTION** was made by Mr. Desruisseaux to grant a Special Permit for 164 Providence Street with the following special conditions: 1) approval of a Vegetation Planting Plan of a row of Leland Cypress, or approved equal, at fifteen (15) foot maximum spacing, four (4) to six (6) feet in height, staggered, along the Southeast and East property lines; 2) plantings are maintained for the duration of the lease; 3) plantings are deemed acceptable by the Planning Board prior to issue of occupancy permit by the Building Inspector; 4) all materials are removed when lease expires or terminates; and, 5) the Applicant must notify the Planning Board to schedule a post-construction evaluation of vegetation. Seconded by Mr. Antonellis, the motion carried 4-0-0.

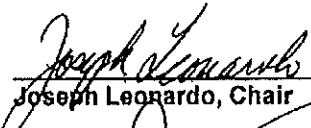
No waivers were sought for this Special Permit application. The conditions of approval are set forth below.

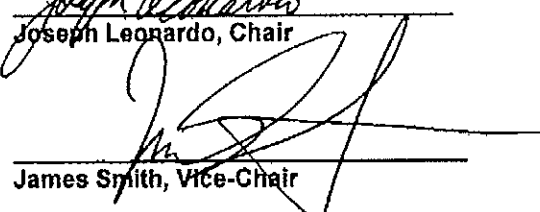
CONDITIONS

- 1) The Applicant shall comply with all applicable laws, regulations, and permit conditions required by the Conservation Commission, Board of Health, Building Department, Fire Department, and all other departments and agencies for this project.
- 2) The Applicant shall provide a Vegetation Planting Plan, showing a row of Leland Cypress, or approved equal, at fifteen (15) foot maximum spacing, four (4) to six (6) feet in height, staggered, along the Southeast and East property lines.
- 3) The Applicant shall install and maintain all plantings in the planting plan for the duration of the lease.
- 4) Prior to applying for an occupancy permit from the Building Inspector, the Applicant must notify the Planning Board to schedule a post-construction evaluation of the vegetated screening.
- 5) In the event the property is no longer used primarily for photovoltaic solar energy generation, the Applicant is responsible for the removal and disposal expenses of all installed equipment when the lease expires or terminates, whichever comes first. The land will be restored to useable condition. This work shall be completed within two (2) years after the facility is no longer used for solar energy generation. Work shall be completed to the satisfaction of the Town of Uxbridge. The use of the property will be governed by then existing zoning and other applicable laws and regulations.
- 6) This Special Permit, including any attachment or appendices thereto shall be recorded at the Worcester Registry of Deeds within six (6) months or this Special Permit will become null and void. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17. The Applicant shall submit evidence of such recording to the Planning Board.
- 7) This Special Permit shall lapse in two (2) years on December 17, 2016, the filing of the Special Permit approval if a substantial use thereof has not commenced, except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L Chapter 40A, Section 17.
- 8) The Applicant has indicated that the roadway, right-of-way, and all associated infrastructure shall remain privately owned and maintained. There shall be no action to cause acceptance of such infrastructure. The Applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the Solar Electrical Generating Facility in perpetuity.
- 9) Map 51, Parcels 2881, 2841, and 2768 may not be further subdivided or reduced in size without a modification to this Special Permit.

SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

UXBRIDGE PLANNING BOARD


Joseph Leonardo, Chair

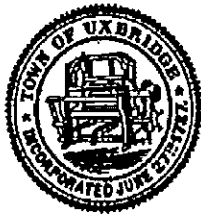

James Smith, Vice-Chair


Barry Desrosiers, Clerk


Daniel Antonellis, Member


Peter Petrillo, Member



Date



SPECIAL PERMIT DECISION
FY15-07 CLEAN ENERGY COLLECTIVE
164 Providence Street

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and that no appeal has been filed in this office.

A true copy: ATTEST


Town Clerk/Assistant Town Clerk
(Town Seal Affixed)

January 21, 2015
Date