



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

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Uxbridge
Town Clerk

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DECISION
SPECIAL PERMIT APPLICATION
FY16-01 CLEAN ENERGY COLLECTIVE

Date: October 28, 2015

Name of Organization: Clean Energy Collective

Name of Applicant: Steve Vastola

Address of Applicant: 401 Tree Farm Drive
Carbondale, CO 81623

Owner: Otwood Investment Group, LLC

Address of Owner: 100 Church Street
Whitinsville, MA 01588

Location of Property: 189 Mendon Street, Uxbridge MA 01569

Assessors Map/Parcels: Map 19 Parcel 3753

Deed Book/Page: Deed Book 50954, Deed Page 329

Site Plan Dated: July 20, 2015, Revised 9/28/15

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

Zoning District(s): Agricultural

BACKGROUND/SUMMARY

On July 22, 2015 the application for a Special Permit to construct a 1.0-MW^{AC} (megawatt) rated solar electric generating facility pursuant to the Uxbridge Zoning Bylaws §400-10 and §400-50 at 189 Mendon 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 Otwood Investment Group, LLC. A Public Hearing was scheduled for August 12, 2015. 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 October 28, 2015.

Per ZBL, §400-10 Section C Special Permit: Planning Board, "A use designated in the Table of Use Regulations 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 required timelines, will be followed by the Planning Board. The site lies completely within an agricultural zone. It is located in a Flood Plain Overlay District.

The Applicant of Record, Clean Energy Collective, and Owner of Record, Otwood Investment Group, LLC, with the provisions of MGL Chapter 40A, Section 9, presented for review a Special Permit Application prepared by Andrews Survey & Engineering, Inc. dated July 21, 2015. The property is located at 189 Mendon St, Uxbridge, Massachusetts. The project site includes approximately 10.09± acres of land and is shown on the Uxbridge Assessor's Map 19, Parcel 3753. The plans of said lots are recorded in the Worcester Registry of Deeds Book 50954, Page 329 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, associated fees, and a Site Plan.
2. Plans, titled Project No. 2015-017, drawn by Andrews Survey & Engineering, Inc. dated July 20, 2015 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
 - Revision 1 Per Review Comments

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

The Public Hearing was opened on August 12, 2015 The Planning Board members in attendance were Chair Joseph Leonardo, Vice Chair James Smith, Clerk Barry Desruisseaux, Member Peter Petrillo, and Member Daniel Antonellis. 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). Also presenting information was Joe Shanahan of Clean Energy Collective.

Mr. O'Connell presented the Special Permit application. He stated there would be a short connection to the 3-phase circuit on Rt. 16. No tree clearing would be needed to perform construction but some trees on the southern portion may be cleared for shade impact. Stormwater was discussed and a report was submitted. Site access was stated to be through a solid gate and a gravel access path would be put within the perimeter fence to allow for vehicles.

Mr. O'Connell addressed the issue of the solar project being in a flood plain by saying the low end of the panels would be above the 100-year flood elevation and that flood storage lost from the panel posts would be managed with compensatory storage; removal of ground material just outside the flood plain on the property.

Discussion was had regarding fencing, gating, and screening. Mr. O'Connell stated that a dense row of 6 ft. Eastern Red Cedar, which can grow up to 18 ft. tall, would be planted in three areas noted that there is also dense, natural screening. The property will be fenced in and there is an erosion control area.

Mr. O'Connell closed the initial portion of the presentation by stating that the solar project could be operational within 3 months depending on the weather. He said Clean Energy Collective would be responsible for maintenance that the solar field is monitored remotely, and the life span of the solar panels is approximately 25-40 years.

The Chairman stated one of the conditions of approval would be that if the lease was not renewed/extended, the owner would be required to return the land to its original state.

The Chair opened the Public Hearing to public comment.

An abutter inquired about what would be able to be seen and heard as well as health concerns. Mr. O'Connell described the project in more detail, the materials used for the solar project, and stated there would be no noise from equipment. He directed the abutter to the Clean Energy Collective website for additional information.

The Public Hearing was continued through several meetings: August 9th, August 23rd, October 14, and October 28th by verbal and written extension requests by the applicant's representative.

On October 7, 2015, Mr. O'Connell reviewed the project inclusive of revised plans taking into consideration previous comments from the Planning and Conservation Boards. Re: Compensatory flood storage, he stated that they looked at the volume that all the panels, posts & concrete equipment pads would take up upon completion of construction. He stated that the flood storage impact was 1600 cubic feet but through the proposed excavation and grading it would provide over 5000 cubic feet of the storage volume lost.

Screening was described as: a solid row of Eastern red cedars at 5' on-center spacing on both sides of the driveway, a row of cedars at the bottom of the driveway, and between the cedars of the driveway there is a solid fence-gate. There should be little to no visibility along the frontage. Staggered plantings are shown in one corner of the property to fill in possible voids in the autumn & winter months. Dense vegetation is also shown with staggered plantings.

Mr. O'Connell discussed the soil analysis samples done for Conservation due to concerns of the flood zone containing contaminants. All were below detectable levels with the exception of Chromium. He stated they are having the soil sample re-analyzed to determine what type of chromium was found.

Mr. O'Connell said that the applicant would be amicable to a condition that plantings would be added as needed to supplement vegetation.

Chair stated they could do a site walk now and during construction. Board said they would need to note a condition in any Decision stating that the applicant add plantings as recommended by the Board; also a condition to be added requiring that solar arrays be removed and the area restored back to its original condition if the Special Permit is not renewed or construction is not performed

Following review of all materials and testimony on October 28, 2015, a **MOTION** was made by Mr. Desruisseaux that the Planning Board close the Public Hearing for 189 Mendon Street Special Permit. Motion was seconded by Mr. Antonellis. Motion carried 4-0-0.

FINDINGS

In granting the Special Permit with conditions, the Board determined that any adverse effects of the proposed use of land will not outweigh its beneficial impact to the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The Board has also taken into consideration the following:

1. The social, economic and community needs which are served by the proposal are positive.
The proposed photovoltaic solar energy project based on the submitted materials together with all associated parking, facilities and infrastructure has 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. There is little to no impact on traffic flow and safety, including parking and loading.
The Applicant has submitted information to the Board which indicates that there shall be no anticipated traffic generation from the project.
3. There is no impact on utilities and other public services.
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.
4. There is little to no impact on the neighborhood character and social structures:

The project is located in the Agricultural 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.

5. There will be a positive impact on the natural environment.

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

The Applicant has submitted information to the Board which indicates that with the proposed excavation and grading there will be a significant increase in the amount of flood storage volume. Additional trees as well as maintenance of existing natural screening will be a positive impact to the area.

6. The potential fiscal impact on town services, tax base and/or employment is positive.

The project will provide revenue for the Town with no impact on Town services or the school system.

DECISION

Motion II: made by Mr. Desruisseaux to grant the Special Permit for 189 Mendon St., Uxbridge for Clean Energy Collective with (standard solar) conditions including:

Screening -upon completion of construction, landscaping may be inspected by the Planning Board and evaluated for satisfaction.

Land Restoration: if lease is not extended, owner must remove all materials and restore land to previous condition.

Motion was seconded by Mr. Antonellis. Motion carried 4-0-0.

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

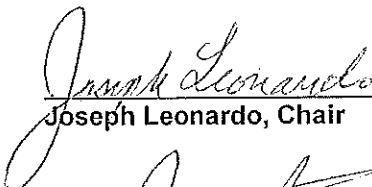
CONDITIONS

- 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 adhere to the planting and screening stated in the approved Plan.
- 3) The Applicant shall install and maintain all plantings shown on the site 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 shall 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 the then existing zoning and other applicable laws and regulations.
- 6) The Special Permit, including any attachments appendices including the site plan 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 November 10, 2017, the filing date 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

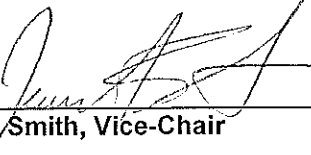
- 8) The Applicant has indicated that the roadway, right-of-way, and all associated infrastructure shall remain privately owned and maintained. There shall be no action to cause acceptance of such infrastructure. The Applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the Solar Electrical Generating Facility in perpetuity.
- 9) Map 19 Parcel 3753 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.

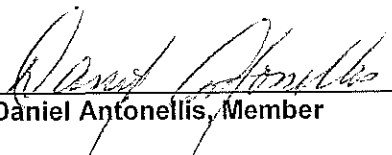
UXBRIDGE PLANNING BOARD




Joseph Leonardo, Chair



James Smith, Vice-Chair

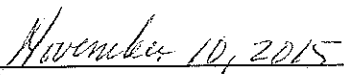


Daniel Antonellis, Member

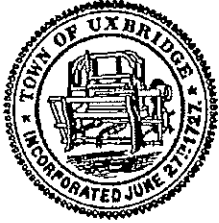


Peter Petrillo, Member

Barry Desruisseaux, Clerk



Date



SPECIAL PERMIT DECISION

**FY16-01 CLEAN ENERGY COLLECTIVE
189 Mendon Street
Uxbridge, MA 01569**

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)

Date