

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
SOLAR ELECTRICAL GENERATING FACILITY
FY16-23 NORTHEAST CLEAN ENERGY

Date:

7-13-16

JUL 14 '16 AM 8:57

Name of Applicant: Northeast Clean Energy
Address of Applicant: 306 Winthrop Street, Suite 119
Taunton, MA 02780
Owner: Geraldine & George May
Address of Owner: 702 Hartford Avenue East
Uxbridge, MA 01569
Location of Property: 680 Hartford Avenue East
Uxbridge MA 01569
Assessors Map/Parcels: Map 8, Parcels 2258 & 2184
Deed Book/Page: Deed Book 9769, Page 1
Site Plan Dated: April 5, 2016; Revised June 9, 2016
Engineer or Land Surveyor: Andrews Survey & Engineering, Inc.
P.O. Box 312, 104 Mendon Street
Uxbridge, MA 01569
Zoning District(s): Agricultural & Residence C

BACKGROUND/SUMMARY

On April 25, 2016 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 680 Hartford Avenue East was duly filed with the Uxbridge Town Clerk, and submitted to the Planning Board. The named Applicant of record is Northeast Clean Energy, and the Owner of the land is Geraldine & George May. Notice of the Public Hearing was scheduled and published in the "Worcester Telegram & Gazette" for May 25, 2016, posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail.

The property contains approximately 65± acres of land, the facility will occupy 25± acres, and is shown on the Uxbridge Assessor's Map 8, Parcels 2258 & 2184. The deed for said parcels are recorded in the Worcester Registry of Deeds Book 9769, Page 1 and said land is free from encumbrances. The site lies within the Agricultural & Residential C zoning districts.

FILINGS

The Planning Board has received the following written materials:

1. The application submitted by Northeast Clean Energy 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, Operation and Maintenance Plan, Stormwater Narrative and Management Report, associated fees, and a Site Plan.
2. Plans, titled Project No. 2015-354, prepared by Andrews Survey & Engineering, Inc., dated April 5, 2016 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 - C-3.2 Existing Conditions Plan
 - Sheet C-4.1 - C-4.2 Site Plan
 - Sheet C-5.1 - C-5.3 Construction Details
3. File Correspondence:
 - dated 4/22/16 from Graves Engineering
 - dated 5/25/16 from Graves Engineering
 - dated 6/9/16 from Andrews Survey & Engineering, Inc.
 - dated 6/9/16 from Andrews Survey & Engineering, Inc.

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

The Public Hearing was opened on May 25, 2016. The Planning Board members in attendance were Chair Joseph Leonardo, Vice Chair James Smith, Clerk Barry Desruisseaux, Member Daniel Antonellis, Member Peter Pavao, and Alternate Member Justin Piccirillo. 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, Northeast Clean Energy, was Stephen O'Connell of Andrews Survey & Engineering, Inc. (ASE).

Mr. O'Connell presented the Special Permit application. Northeast Clean Energy proposes to construct a 2.0-MW^{AC} rated solar electric generating facility at 680 Hartford Avenue East on land owned by Geraldine & George May. The facility shall occupy 25± acres of land and be comprised of approximately 6,840 solar modules, electrical inverters, and transformers with switchgear. The total property is comprised of approximately 65± acres of land and is situated on the north side of Hartford Avenue East. Vegetation throughout the site consists mainly of mature deciduous and evergreen trees with a few areas comprised of grasses that are used as hay fields. The West River bounds the west side of the property and an intermittent stream traverses the northern end of the property. No work is proposed within 100 feet of these resource areas. The project site does not fall within a Zone II, wellhead project zone, or 100-year flood zone, but is partially located within a mapped Priority Habitat area. The property is bounded on the west, east, and south by low-density residential uses and on the north by the West Hill Dam.

The facility will be in operation 24 hours a day, 7 days a week. However, peak operation will occur during the daylight hours due to the nature of the facility. The facility will be unmanned, but monitored offsite through a remote connection to the equipment on site. The entire facility will be contained within a proposed 7 or 8-foot fence in which safety signage will be affixed. Therefore there are no anticipated traffic impacts due to this project. The facility may only require approximately 20 vehicle trips per year. Anticipated trips include routine inspections and maintenance, and any required trips to perform repairs and/or equipment upgrades.

There are negligible impervious surfaces proposed as part of this project. Upon completion of construction, the site will be finished with screened loam and seeded with a slow growing grass mixture. Increases in stormwater runoff from the change in vegetative cover will be handled by a shallow stormwater basin along the west side of the array.

The project does not have any unique components that would have abnormal effects on public safety resources (fire and police). The proposed access road shall accommodate public safety vehicles. It will not measurably increase economic or personnel burdens on these departments because the uses are not typically prone to creating nuisance, not a high fire hazard classification and the location of the site is proximate to both headquarters.

The proposed project will have a positive impact on the natural environment by producing approximately 2.0 MW^{AC} of electricity from a renewable resource on an undeveloped parcel of land. Furthermore, it is not anticipated that significant alterations to the land will be required to construct the facility.

If approved and constructed the proposed facility will provide a level source of income for the next 20+ years through a potential tax agreement to be negotiated with the Uxbridge Board of Selectmen. With no anticipated increases in demands on town services or in the school population, this project will provide a net increase on the tax base for the community. Also, where possible, the applicant will seek to employ local labor in the development of the proposed project.

The Chair opened the Public Hearing for public comment. Several abutter topics and/or concerns included history of the use of land, historic cemetery on property, historic stone walls, stormwater management, priority habitat, culvert on the property, maintenance and visibility of the panels, site access, and sight distance.

The Public Hearing was continued through a span of meetings and ultimately closed on June 22, 2016.

DECISION

MOTION: By Barry Desruisseau to grant the Special Permit for 680 Hartford Avenue East, Uxbridge for Northeast Clean Energy. Seconded by Joe Leonardo, the motion carried 5-0-0. This decision is granted based on the following findings and conditions as noted herein. No waivers were sought for this Special Permit application. The conditions of approval are set forth below.

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 & Residence C zoning districts. 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 their engineering review consultant, Graves Engineering. The Applicant has submitted information to the Board which indicates that with the proposed excavation and grading, increases in stormwater runoff will be mitigated through the use of MassDEP approved Best Management Practices (BMPs) to meet MassDEP Stormwater Management Standards. In addition, the project is specifically being sited to avoid wetland resource areas and their buffer zones, mapped areas of Priority Habitat, and steep topographic areas of the site.

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

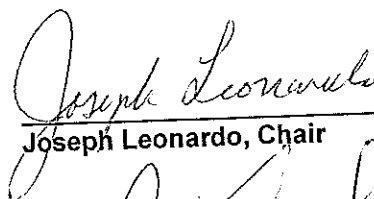
The project will provide revenue for the Town with no impact on Town services or the school system.

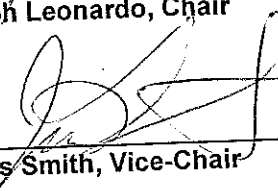
CONDITIONS

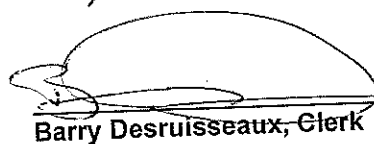
1. The Applicant shall comply with all applicable laws, regulations, and permit conditions required by the Conservation Commission, Board of Health, Building Department, Fire Department, and all other departments and agencies for this project.
2. The Applicant shall adhere to the conditions noted on the approved plan.
3. The Applicant shall submit an ANR to the Planning Board to subdivide Map 8, Parcels 2184 & 2258 to accommodate the facility following the granting of this Special Permit.
4. The Applicant shall install and maintain all plantings shown on the site plan for the duration of the lease.
5. 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 vegetative screening.
6. 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 a 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.
7. The Special Permit, including any attachments 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.
8. This Special Permit shall lapse in two (2) years on 7-13-18, 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 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.

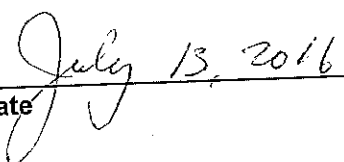
SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

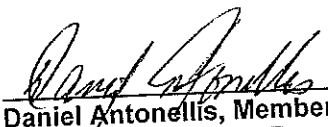
UXBRIDGE PLANNING BOARD

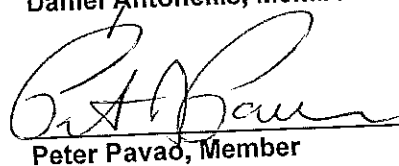

Joseph Leonardo, Chair

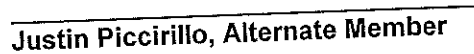

James Smith, Vice-Chair


Barry Desruisseaux, Clerk


Date July 13, 2016


Daniel Antonellis, Member


Peter Pavao, Member


Justin Piccirillo, Alternate Member