

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

SEP 15 '16 AM 10:54

Received by
Uxbridge
Town Clerk

DECISION
SPECIAL PERMIT APPLICATION
SOLAR ELECTRICAL GENERATING FACILITY
FY16-31, SAJO REALTY NOMINEE TRUST

Date: 9-14-16

Name of Applicant: SAJO Realty Nominee Trust

Address of Applicant: 35 Larkin Lane
Hopedale, MA 01747

Owner: SAJO Realty Nominee Trust

Address of Owner: 35 Larkin Lane
Hopedale, MA 01747

Location of Property: 424 Mendon Street
Uxbridge MA 01569

Assessors Map/Parcels: Map 14, Parcels 4215

Deed Book/Page: Deed Book 52534, Page 250

Site Plan Dated: June 22, 2016; Revised August 2, 2016

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

Zoning District(s): Residence C

BACKGROUND/SUMMARY

On June 23, 2016 the application for a Special Permit to construct a 0.5-MW^{AC} (megawatt) rated solar electric generating facility pursuant to the Uxbridge Zoning Bylaws §400-10 and §400-50 at 424 Mendon Street was duly filed with the Uxbridge Town Clerk, and submitted to the Planning Board. The named Owner and Applicant of record is SAJO Realty Nominee Trust,. Notice of the Public Hearing was scheduled and published in the "Worcester Telegram & Gazette" for June 29, 2016 and July 6, 2016, posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail.

The property contains approximately 9.6± acres of land and is shown on the Uxbridge Assessor's Map 14, Parcels 4215. The deed for said parcels are recorded in the Worcester Registry of Deeds Book 52534, Page 250 and said land is free from encumbrances. The site lies within the Residential C zoning district.

FILINGS

The Planning Board has received the following written materials:

1. The application submitted by SAJO Realty Nominee Trust 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. 2015-352, prepared by Andrews Survey & Engineering, Inc., dated June 22, 2016 and revised August 2, 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-4.0 Site Plan
 - Sheet C-5.1 –C-5.2 Construction Details
3. File Correspondence:
 - dated 6/22/2016 Stormwater Narrative & Management Report
 - dated 7/22/16 from Graves Engineering
 - dated 8/02/16 from Andrews Survey & Engineering

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

The Public Hearing was opened on July 13, 2016. The Planning Board members in attendance were Chair James Smith, Vice Chair Barry Desruisseaux, Clerk Peter Pavao, Member Joseph Leonardo, 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 SAJO Realty Nominee Trust, was Stephen O'Connell of Andrews Survey & Engineering, Inc. (ASE).

Mr. O'Connell presented the Special Permit application. SAJO Realty Nominee Trust proposes to construct a 0.5-MWAC rated solar electric generating facility at 424 Mendon Street on a parcel of land owned in the same aforementioned name. The facility shall be comprised of approximately 1,000 solar modules, electrical inverters, and transformers with switchgear. The property is comprised of approximately 9.6± acres of land and is situated on the north side of Mendon Street. Vegetation throughout the project site consists mainly of an open grass field with areas of mature deciduous and evergreen trees. The project site does not fall within wellhead project zone or mapped Priority Habitat area. The property is bounded on the north by the West River, on the south by Mendon Street, and on the east and west by residential properties. A Bordering Vegetated Wetland associated with the West River is situated on the eastern portion of the property and the West River is situated on the north and a portion of the property falls within the Riverfront Area.

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 remain vegetated with a slow growing grass mixture. There is no anticipated increase in stormwater runoff from the minor change in vegetative cover.

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 0.5 MWAC of electricity from a renewable resource on a portion of 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 screening, visual aesthetics, traffic safety, sight distance, noise, glare, property resale values, environmental impact, and the scale of the project.

A site visit was performed on July 25, 2016 with members of the Board, Stephen O'Connell of Andrews Engineering, and several abutters in attendance.

The Public Hearing was continued through a span of meetings and ultimately closed on August 10, 2016.

DECISION

MOTION: By Barry Desruisseaux to grant the Special Permit for 424 Mendon Street, Uxbridge for SAJO Realty Nominee Trust. Seconded by Peter Pavao. 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 facility will only require approximately 20 vehicle trips per year.

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.

4. There is little to no impact on the neighborhood character and social structures.

The project is located in the Residence C 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 proposed project will have a positive impact on the natural environment by producing approximately 0.5-MW^{AC} of electricity from a renewable resource on a portion of an undeveloped parcel of land. Significant alterations to the land to construct the facility are not anticipated to be required.

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

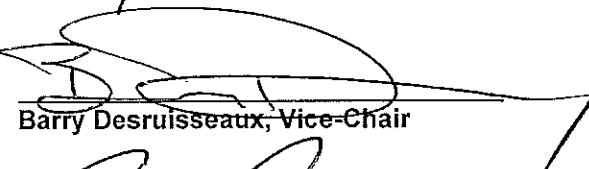
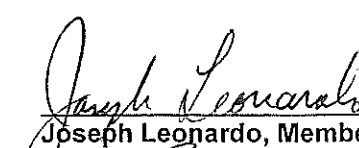
The project will provide revenue for the Town with no impact on Town services or the school system.

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 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 vegetative 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 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.
6. 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.
7. This Special Permit shall lapse in two (2) years on 9-14-18, 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.

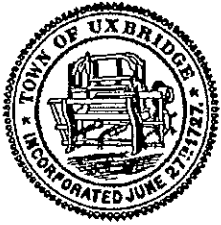
SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

UXBRIDGE PLANNING BOARD


James Smith, Chair
Barry Desruisseaux, Vice-Chair
Peter Pavao, Clerk
Joseph Leonardo, Member
Justin Piccirillo, Member

Date

9/14/2016



SPECIAL PERMIT DECISION

DECISION SPECIAL PERMIT APPLICATION FY16-31 SAJO REALTY NOMINEE TRUST

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