

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
 FY18-12 ZPT ENERGY SOLUTIONS, LLC

Date: August 8, 2018

Name of Applicant: ZPT Energy Solutions, LLC

Address of Applicant: 309 East Country Road
 Rutland, MA 01543

Owner: Richard Hurteau

Address of Owner: P.O. Box 201
 Millville, MA 01529

Location of Property: Quaker Street
 Uxbridge MA 01569

Assessors Map/Parcel: Map 051, Parcel 2341

Deed Book/Page: Deed Book 17112, Page 323

Site Plan Dated: April 5, 2016; Revised June 9, 2016

Engineer: Fuss & O'Neill
 108 Myrtle Street, Suite 502
 Quincy, MA 02171

Surveyor: National Land Surveyors-Developers, Inc.
 42 Hamlet Avenue
 Woonsocket, RI 02895

Zoning District(s): Agricultural

BACKGROUND/SUMMARY

On March 15, 2018 the application for a Special Permit, to construct a 3.0-MW^{AC} photovoltaic solar array, associated equipment, an access driveway, fencing, and stormwater management system pursuant to the Uxbridge Zoning Bylaws §400-10 and §400-50 at Quaker Street, was duly filed with the Uxbridge Town Clerk, and submitted to the Planning Board. The named Applicant of record is ZPT Energy Solutions, LLC, and the Owner of the land is Robert Hurteau. Notice of the Public Hearing was scheduled and published in the Worcester Telegram & Gazette on March 21, 2018 & March 28, 2018, posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail.

The Uxbridge property is shown on the Uxbridge Assessor's Map 051, Parcel 2341. The deed for said parcels are recorded in the Worcester Registry of Deeds Book 17112, Page 323 and said land is free from encumbrances. The site lies within the Agricultural zoning district. The property disturbed area, including selective clearing, is ±12.8 acres. Uxbridge Map 51 Lot 2341 is ±26.6 acres. The combined area of Uxbridge Map 51 Lots 2341 & 1438 is ±35.9 acres. The total acreage, including Millville Map 125, Lots 13 & 14 is ±40.2 acres. .

FILINGS

The Planning Board has received the following written materials:

1. The application, submitted by ZPT Energy Solutions LLC, consisted of a Special Permit Application Form, Project Narrative, a copy of the Deed, a copy of the Application for Certified Abutters List, a copy of the Abutters List Report, Locus Map, Long Term Operation and Maintenance Plan, Stormwater Analysis Report, Post Development Hydrologic Analysis, Access Easement letter, associated fees, and a Site Plan.
2. Plans, titled ZP-160 Hurteau Array, Project No. 20170320.G10, prepared by Fuss & O'Neill, dated February 2018 and revised April 13, 2018, included the following plan sheets:
 - GI-001 Cover Sheet
 - CN-001 General Notes & Legend
 - CS-100 Location & Index Plan
 - CS-100.1 Perimeter Plan
 - CS-101 Overall Plan
 - CS-102 Site Preparation Plan No.1
 - CS-103 Site Preparation Plan No.2
 - CS-104 Erosion Control Plan No. 1
 - CS-105 Erosion Control Plan No. 2
 - CS-106 Site & Grading Plan No. 1
 - CS-107 Site & Grading Plan No. 2
 - CS-108 Road Plan & Profile No. 1
 - CS-109 Road Plan & Profile No. 2
 - CD-501 Details-1
 - CD-502 Details-2
 - CD-503 Details-3
3. File Correspondence:
 - dated 3/22/18, 4/9/18, & 4/13/18 from the Fire Chief
 - dated 3/22/18, 4/9/18, & 4/24/18 from Graves Engineering
 - dated 3/28/18 from Fuss & O'Neill to the Fire Chief
 - dated 4/10/18 Fuss & O'Neill, Meeting Notes from meeting with Fire Chief
 - dated 3/28/18 & 4/16/18 from Fuss & O'Neill, reply to Graves review
 - dated 04/19/18 from Attorney George P. Kiritsy

The Public Hearing was opened on April 11, 2018. The Planning Board members in attendance were Chairman James Smith, Vice Chairman Barry Desruisseaux, Member Joseph Leonardo, Member Justin Piccirillo, and Member Eli Laverdiere. The Chair read the notice of the hearing into the record.

Representing the applicant, Mr. Shawn Martin of Foss & O'Neill, described the property, location of the proposed solar field, and access through Albert Drive in Millville, MA; an easement on a cul-de-sac with a property and paved driveway with gravel access owned by the applicant. Mr. Martin discussed the tree clearing at the south-end of the array [leaving stumps for re-growth for retaining of habitat, fence line around the property, access for mowing, low-grow/low maintenance type of ground cover, drainage features, mowing program, and low maintenance operation. Mr. Richard Hurteau, owner of the property, stated that the access was not on Albert Drive but rather was on Ronden Road. He said there was a temporary easement at the intersection, on a property owned by Mr. Kevin Powers [who was in attendance at the meeting]. The temporary easement was said to have approximately 1 year left. Mr. Hurteau stated that after that time, access to the solar field would be through Lot 8 on Ronden Road where he would be building his personal home. He stated he would be deeding the easement to ZPT.

The Board discussed screening, both trees and a green mesh as well as tree mortality and screening maintenance. The engineer stated he would present suggestions regarding buffering. The Board discussed screening, both trees and a green mesh, as well as tree mortality and screening maintenance. The engineer stated he would present suggestions regarding buffering and would suggest only mesh on the easterly side. Discussion was had regarding the Uxbridge Planning Board's legal ability to approve the project with access in Millville. The Board requested documentation from Millville regarding the project. Also discussed was the definition of a structure, access through an easement, and frontage requirements; frontage being in another town. No one from the public wished to speak to the application.

The Public Hearing was continued through a span of meetings and ultimately closed on May 23, 2018

DECISION

MOTION: to endorse the ZPT Energy Solutions LLC Special Permit with Conditions 1-9 made by Mr. Laverdiere. Motion was seconded by Mr. Hauck. The motion carried 3-0-0. This decision is granted based on the following findings and conditions as noted herein. No waivers were sought for this Special Permit application. The Findings and 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 owner/applicant has submitted information to the Board which indicates that there shall be no anticipated Uxbridge traffic generation from the project; access is through Millville.
3. There is no impact on utilities and other public services.
The owner/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 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 their engineering review consultant, Graves Engineering.
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 and utilize a land-locked property for solar energy.


CONDITIONS

1. The Owner/Applicant shall comply with all applicable laws, regulations, and permit conditions required by the Uxbridge and Millville Conservation Commissions, Boards of Health, Building Departments, Fire Departments, and all other departments and agencies for this project.
2. The Owner/Applicant shall adhere to the conditions noted on the approved plan and this Decision.
3. The Owner/Applicant shall install and maintain all plantings shown on the site plan for the duration of the lease.
4. A copy of the recorded easement must be provided to the Planning Board prior to construction commencement.
5. Prior to applying for an occupancy permit from the Building Inspector, the Owner/Applicant must notify the Planning Board to schedule a post-construction evaluation of the vegetative screening.
6. The Millville parcels shall not be sold if doing so would make the project out of compliance with Uxbridge's frontage requirements. If at any time there is inadequate frontage among the 3 parcels in the Town Millville, Map 124 Lot 9.4, Map 125 Lot 13, and Map 125 Lot 14, the Special permit will be null and void. Frontage must be contiguous.
7. In the event the property is no longer used primarily for photovoltaic solar energy generation, the Owner/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.
8. 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.
9. This Special Permit shall lapse in three (3) years on August 9, 2021, 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.

DECISION
SPECIAL PERMIT APPLICATION
SOLAR ELECTRICAL GENERATING FACILITY
FY18-12, QUAKER STREET
ZPT ENERGY SOLUTIONS, LLC
ROBERT HURTEAU

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.

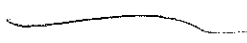
UXBRIDGE PLANNING BOARD



James Smith, Chairman



Barry Desruisseaux, Vice-Chairman



Joseph Leonardo, Member



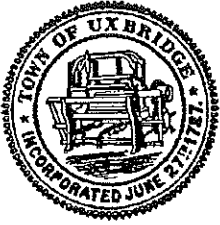
Barry Hauck, Alternate Member



Eli Laverdiere, Clerk



Date



SPECIAL PERMIT DECISION

DECISION
SPECIAL PERMIT APPLICATION
FY18-12, ZPT ENERGY SOLUTIONS, LLC
ROBERT HURTEAU

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