



TOWN OF BOLTON

PLANNING BOARD

Town Hall, 663 Main Street, Bolton, MA 01740

Phone: 978-779-3308 Fax: 978-779-5461

SPECIAL PERMIT FINDINGS AND DECISION

Petitioner(s): Syncarpha Still River, LLC
645 Madison Ave., 14th Floor
New York, NY 10022

Renewable Energy Massachusetts, LLC
17 Arlington Street
Cambridge, MA 02140

Premises: 125 Still River Road, Bolton, MA 01740
Bolton Assessor's Map 6.A Parcel 4

Owner: Davis Farm Trust
Attn: Joel O'Toole
P.O. Box 76
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 3586 Page 437

Date Petition filed with Town Clerk of Bolton, MA: April 7, 2015

Type of Application: Special Permit

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Section 250-26

Hearing Date: May 13, 2015

Members Present: Chairman Jonathan Keep, David Yesue, John Karlon, Erik Neyland, Jon Ricci

Decision: On May 27, 2015, the Planning Board voted unanimously to approve the petition seeking Special Permit.

PROCEDURAL HISTORY

1. On April 7, 2015 Syncarpha Still River, LLC and Renewable Energy Massachusetts, LLC (hereinafter, the "Applicant"), applied to the Planning Board seeking a Special Permit for a commercial solar photovoltaic renewable energy installation at 125 Still

River Road, Bolton, MA 01740 pursuant to Section 250-26 of the Code of the Town of Bolton. The project site is identified on the Bolton Assessor's Map 6.A as Parcel 4 located in the Residential Zoning District.

2. A duly posted public hearing was held on May 13, 2015 at 7:30 p.m. at the Bolton Town Hall. The meeting was called to order by the Chairman, Jonathan Keep, who summarized the legal notice of public hearing. The Planning Board closed the hearing the same evening.
3. On May 27, 2015, during a duly posted meeting, the Planning Board voted unanimously to approve the petition seeking Special Permit.

RECORD DOCUMENTS

During the course of the public hearing the documents, plans, and other written materials set forth in Appendix A were received by the Planning Board and incorporated into the record.

SPECIAL PERMIT REQUIREMENTS

Section 250-26 Commercial Solar Photovoltaic Renewable Energy Installations of the Code of the Town of Bolton shall be erected or installed in compliance with the provision of this Section and other applicable Sections of the Code. Such use shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare, radiation, unsightliness or other nuisance as determined by the Special Permit and Site Plan Approval Granting Authorities.

Section 250-26 of the Code of the Town of Bolton states that the Planning Board shall review:

- Lot Requirements;
- Visual Impact;
- Compliance with Laws, Ordinances, and Regulations;
- Utility Notification;
- Maintenance;
- Emergency Services;
- Safety and Security;
- Design Standards
 - a. Lighting
 - b. Signs and Advertising
 - c. Utility Connections
 - d. Land Clearing, Soil Erosion and Habitat Impacts
 - e. Structures and Panels;
- Modifications;
- Abandonment and Removal; and
- Financial Surety.

FINDINGS

Based upon the information submitted during the public hearing, including the record documents and comments received from the public, the Planning Board makes the following specific findings with regard to the proposed use:

1. The subject property is located at 125 Still River Road, Bolton, MA 01740, identified on Bolton Assessor's Map 6.A as Parcel 4, and is owned by Davis Farm Trust (d/b/a Bolton Orchards). The property is located in the Residential Zoning District.
2. The Applicant submitted a complete application in accordance with the Code of the Town of Bolton.
3. The Planning Board heard testimony from Todd Morey, P.E., Vice President of Engineering at Beals Associates, Inc., 2 Thirteenth Street, Charlestown, MA 02129.

The project (Bolton 2 solar) will consist of the development of a photovoltaic solar facility which will have a rated capacity of up to 2.4 megawatts (MW AC) and that will provide adequate electricity to power approximately 500 home each year over its estimated 30 -35 year lifespan. The electricity that is generated will be distributed to the three phase circuit operated by National Grid along Still River Road.

The Bolton 2 solar site will be located on Lot 2A at 125 Still River Road at the intersection of Main Street (Route 117) and Still River Road (Route 110) in the westerly portion of the Town of Bolton. The site is directly adjacent to the original 4.95 MW Bolton 1 solar energy facility that is currently operating on Lot 1A at 125 Still River Road. The division of the overall property into Lots 1A and 2A occurred as a result of an Approval Not Required Plan (ANR) dated November 2012 that the Bolton Planning Board approved on December 12, 2012, as recorded in the Worcester County Registry of Deeds at Book 898, Page 110. Davis Farms Trust, the current owners of the property, will retain ownership of both parcels and will lease the solar portion of Lot 2A to Syncarpha Still River, LLC.

The construction of the facility will consist of the installation of a pole-mounted photovoltaic system, equipment pads, underground electrical conduit, fencing, security signage, four above ground utility poles, and the interconnection of the resulting facility to the existing electrical circuit within the public right of way on Still River Road.

There will be approximately 10,800 solar panels installed on frames that are secured to the ground by helical augured posts. The panels will be interconnected through a series of underground electrical connections that will rise up to an above-ground utility pole to be located just east of the natural gas pipeline that runs north-south along the site's westerly edge.

The solar panels will be divided into five (5) zones. Four of these zones will each have a rated capacity of 500 kilowatts (kW) each, and the final zone will have a rated capacity of

up to 400 kW. Each zone will transmit electricity directly to an inverter. The inverters convert the direct current (DC) energy into alternating current (AC) electricity. The AC power is then routed through a transfer station, which includes three (3) safety transformers that will step the power down to levels consistent with the capacity of the three-phase electricity circuits operated by National Grid on Still River Road.

The facility will also feature a security fence around the perimeter of the project. This fence will feature chain link fabric and will be eight (8) feet in height. There will be a gap at the bottom of the fence between the ground and the fence to allow small animals to crawl under the fence. Upon completion of the installation of the panels, appurtenances and fencing, the entire disturbed area will be seeded with a mix of low growing vegetation which will help maintain a non-erosive soil cover, minimize dust, and require very little maintenance. In addition, there will be no use of fertilizers, pesticides or herbicides for this project.

Lot 2A is currently part of the gravel extraction operation and will have modest additional gravel removed prior to the installation of the panels, as well as other grading work to prepare for the installation of the solar facility. The additional gravel removal is not considered part of this application since it is ongoing work within an existing facility.

As was the case with the Bolton 1 solar project, the Bolton 2 solar project area is in a low-lying portion of the overall property (Lot 1A and Lot 2A), effectively contained within a bowl that is formed by the reclaimed side slopes of the gravel operation to the south and west and the naturally overgrown side slopes to the north and east. The site is well screened from the residential properties on Still River Road and Main Street and is separated from the abutting Town of Bolton Landfill to the south by an 80+ foot hillside. The perimeter screening will not change during construction of this project.

Existing drainage patterns flow across the parcel to the low lying westerly portion of the site where stormwater runoff is collected and infiltrated through a stone trench. As part of the Bolton 2 solar project, a stone lined swale will be installed along the westerly side of the Bolton 1 solar perimeter fence to help direct and channel the runoff to the trench.

4. The project meets the minimum lot requirement of four (4) acres. The parcel is 48 acres. It also meets the 8% lot coverage and 50% impervious coverage requirement. The lot coverage is 0.01% and the impervious coverage is 1.1%.
5. The applicant appeared before the Bolton Zoning Board of Appeals on October 1, 2014 and was granted a side yard setback variance to allow the Bolton 2 project to locate solar panels, fencing and other project related equipment along the side lot line of Lot 2A directly abutting Lot 1A along the common lot line of the two parcels only. All other setbacks remain in accordance with the Town of Bolton Zoning Ordinance.
6. The proposed use shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, heat, glare, radiation, unsightliness, or other nuisance.

7. Visual Impact: the project area is in a low-lying portion of the overall site, contained within a bowl that is formed by the side slopes of the gravel operation that is to the south and west and naturally overgrown side slopes to the north and east. The Project Site is well screened from the residential properties on Still River Road and Main Street and is separated from the abutting Bolton town landfill to the south by an 80+ foot hillside. The perimeter screening will not change during the construction of the project.
8. The project is in compliance with other laws, ordinances, and regulations.
9. Utility Notification: The Generating Facility Interconnect Application has been filed with National Grid. The Special Permit is conditioned requiring documentation of National Grid Approval which will be provided to the Town prior to the issuance of a building permit.
10. Maintenance: The Applicant will maintain the commercial solar photovoltaic renewable energy installation in good condition. Upon completion of the installation of the panels, appurtenances and fencing, the entire disturbed area will be seeded with a mix of low growing vegetation which will help maintain a non-erosive soil cover, minimize dust, and require very little maintenance. There will be no use of fertilizers, pesticides or herbicides. The Applicant indicated that the area will be mowed a few times a year. The panels will be pressure washed with a hose hooked up to a truck as needed. Site access will be maintained to a level acceptable to the local Fire Chief, Police Chief, and emergency medical services. The Applicant will be responsible for the cost of maintenance.
11. Emergency Services: An Emergency Response Plan prepared by Beals Associates, Inc. dated April 2015, Sheets 1-2 was submitted as part of the hearing process. The plan set for the project also includes the following:
 - a. Emergency Response Plan showing key features of the solar facility, Sheet C-400.
 - b. Electrical Schematics, Sheets E-1.1 and E-1.2.
12. Safety and Security: A Knox box will be installed for emergency personnel at the gate of the solar facility. The Knox box will contain a plan set for the project, a copy of the Emergency Response Plan, contact information for the O&M contractor and owner, and a complete set of keys or devices required to gain emergency access to the facility. All emergency personnel will be provided with an orientation of the commercial solar photovoltaic renewable energy installation. The session will include a tour of the facility, overview of solar power generation process, location and function of major components as well as a question and answer session. An 8 ft. security fence will be installed around the perimeter of the panels. There will be a 4 inch gap along the bottom of the fence between the ground and the fabric to allow small animals to crawl under the fence.
13. Lighting: No pole mounted luminaries are proposed as part of the project. Lighting associated with the existing facility will remain in current condition.

14. Signs and Advertising: Signs will be installed on each of the access gates to the Bolton 1 solar project and the Bolton 2 solar project to clearly identify each facility as requested by the Bolton Fire Department. No other signs or advertising is proposed as part of the project. Any future signs and advertising shall be approved by the Board of Selectmen unless otherwise required by utility companies or state and federal regulations.
15. Utility Connections: The project will connect to a three phase circuit operated by National Grid within the public right of way on Still River Road. Electricity will be provided to this circuit through a transfer station and overhead interconnect lines.
16. Land Clearing: The project site is currently an ongoing gravel operation and the owner will undertake final gravel removal and will maintain a six to eight foot cover above groundwater elevations. A mix of low growing vegetation will be planted to maintain a non-erosive soil cover and minimize dust. There will be no mature trees removed for this project, and the natural screening that forms the perimeter of the site will be maintained.
17. Structures and panels: There will be approximately 10,800 solar panels installed on frames that are secured to the ground by helical augured posts. The panels will be interconnected through a series of underground electrical connections that will rise up to an above-ground utility pole. The solar panels will be divided into five (5) zones. Four of these zones will each have a rated capacity of 500 kilowatts (kW) each, and the final zone will have a rated capacity of up to 400 kW. Each zone will transmit electricity directly to an inverter. The inverters convert the direct current (DC) energy into alternating current (AC) electricity. The AC power is then routed through a transfer station, which includes three (3) safety transformers that will step the power down to levels consistent with the capacity of the three-phase electricity circuits operated by National Grid on Still River Road.
18. Modifications: All substantive material modifications made after issuance of the Special Permit and Site Plan Approval will require modification to the Special Permit and Site Plan Approval Decision.
19. Abandonment and Removal: The Applicant must comply with Section 250-26.F of the Code of the Town of Bolton.
20. Financial Surety: The original Bolton 1 solar project net removal cost determined by Deloury Construction Co., Inc. dated 2012 will serve as the basis for the decommission surety amount for this project, adjusted for the scale of this project at roughly 48.5% of the size of Bolton 1 solar project, (2.4/4.95MW AC = 48.48%). Prior to the issuance of a building permit the Applicant will provide an initial cash escrow deposit equal to 20% of the total decommission surety to the Town of Bolton, followed by annual 5% installments over the course of 16 anniversaries. The draft Decommission Agreement provided as part of the Special Permit application will be reviewed and approved by Board of Selectmen and Town Counsel in accordance with Section 250-26.G(1).

21. The Planning Board, at the request of the Applicant, granted an extension of this Special Permit in accordance with Section 250-26.J of the Commercial Solar Photovoltaic Renewable Energy Installations Bylaw. This decision will be valid for twenty four (24) months.

DECISION

In view of the foregoing, the Planning Board hereby decides that the application meets all requisite criteria under Section 250-26 of the Code of the Town of Bolton. Therefore, the Board voted unanimously to grant a Special Permit for Commercial Solar Photovoltaic Renewable Energy Installations with the following conditions:

1. The Bolton 2 solar project shall be constructed in conformance with approved site plans entitled "Site Plan Approval/Special Permit Plans for Bolton 2 Solar Project, 125 Still River Road – Lot 2A, Bolton, Massachusetts" prepared by Beals Associates, Inc. dated May 20, 2015 with revision labeled as "Control Plans", Sheets C-000, C-001, C-100, C-100, C-200, C-201, C-300, C-301, C-400, C-500, C-501, C-502, C-503, E-1.1, and E-1.2.
2. The original Bolton 1 solar project net removal cost determined by Deloury Construction Co., Inc. dated 2012 shall serve as the basis for the decommission surety amount for this project, adjusted for the scale of this project at roughly 48.5% of the size of Bolton 1 solar project, $(2.4/4.95\text{MW AC} = 48.48\%)$. Prior to the issuance of a building permit the Applicant shall provide an initial cash escrow deposit equal to 20% of the total decommission surety to the Town of Bolton, followed by annual 5% installments over the course of 16 anniversaries. The draft Decommission Agreement provided as part of the Special Permit application shall be reviewed and approved by Board of Selectmen and Town Counsel in accordance with Section 250-26.G(1).
3. Before issuance of any building permits, such construction and installation shall conform to local, state, and federal laws; ordinances; bylaws; and/or any regulations adopted pursuant to the Commercial Solar Photovoltaic Renewable Energy Installations Bylaw.
4. Signs shall be installed on each of the access gates to the Bolton 1 solar project and the Bolton 2 solar project to clearly identify each facility as requested by the Bolton Fire Department. Any future signs and advertising shall be approved by the Board of Selectmen unless otherwise required by utility companies or state and federal regulations.
5. Prior to the issuance of a building permit the Applicant shall provide evidence of a mutual agreement with National Grid per Section 250-26.C(4) of the Commercial Solar Photovoltaic Renewable Energy Installations Bylaw.
6. Prior to the issuance of a building permit a pre-construction meeting with the Planning Board and the Board's agent shall be required to review the following:
 - a. timeline;
 - b. schedule for inspections;
 - c. measures to control erosion and sedimentation;
 - d. limitations on hours of work;

- e. types and numbers of vehicles and vehicle trips involved with construction;
 - f. tree and brush clearing;
 - g. grading and general site mitigation measures;
 - h. identification of all contractors, field engineers, and all other professionals that will be involved in the implementation of the project;
 - i. removal of vegetation and top soil;
 - j. perimeter fence construction with 4 inch gap along bottom;
 - k. drainage system construction; and
 - l. inspection dates.
7. Prior to the issuance of a building permit the Applicant shall submit sufficient funds to the Planning Board in an amount established at the pre-construction meeting to pay for reasonable construction inspection services by an agent to assist the Board in its determination as to the adequacy of the construction as well as final As-Built Plan review.
 8. Written notice shall be sent to the Planning Board advising the Board that construction/installation will commence not sooner than seven (7) days from the date that the notice is given.
 9. The perimeter fence shall be installed with a 4 inch gap along the bottom of the fence between the ground and the fabric to allow passage of small animals.
 10. A Knox box shall be installed for emergency personnel at the gate of the solar facility and shall contain a plan set for the project, a copy of the Emergency Response Plan, contact information for the O&M contractor and owner, and a complete set of keys or devices required to gain emergency access to the facility.
 11. A final "Solar Facility O&M Plan" shall be submitted to the Town of Bolton prior to the issuance of a certificate of occupancy. The final plan shall identify the O&M contractor.
 12. Prior to the issuance of a certificate of occupancy, all emergency personnel shall be provided with an orientation of the commercial solar photovoltaic renewable energy installation. The session shall include a tour of the facility, overview of solar power generation process, location and function of major components as well as a question and answer session. Any changes to the Emergency Response Plan shall be made at the request of the local Fire Chief, Police Chief, and/or emergency medical services.
 13. Prior to the issuance of a certificate of occupancy, a final As-Built Plan showing location and details for all structures, panels, utility connections, fencing, and all related equipment shall be submitted to the Planning Board. Six (6) copies shall be submitted for distribution to the Town Clerk, Fire Department, Conservation Commission, Board of Health, and Board of Selectmen as well as an electronic copy in pdf format.

14. Substantive modifications made after issuance of the Special Permit and Site Plan Approval will require modification to the Special Permit and Site Plan Approval Decision.
- a. Substantive material modification shall be defined as any modification which:
 - i. Increases the rated capacity of the system above 2.4 MW AC
 - ii. Increases the total number of inverter sheds
 - iii. Increases the number of interconnect lines
 - iv. Alters the general location of the interconnect lines
 - b. Minor modifications may occur which do not alter the parameters of the above project elements and do not alter the Findings 1 through 21.
15. The Planning Board, at the request of the Applicant, granted an extension of this Special Permit in accordance with Section 250-26.J of the Commercial Solar Photovoltaic Renewable Energy Installations Bylaw. This decision shall be valid for twenty four (24) months.

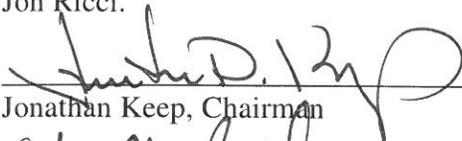
RECORD OF VOTE

This Special Permit shall lapse twenty four (24) months following the grant thereof (excepting such time required to pursue or await the determination of an appeal referred to in M.G.L. c.40A, Section 17).

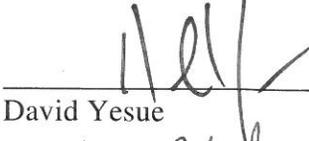
Appeals, if any, to this decision must be made pursuant to M.G.L. c.40A, Section 17 and must be filed within twenty (20) days after the date of filing of this decision in the office of the Bolton Town Clerk.

This decision shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this decision has been filed in the office of the Town Clerk, and that no appeal has been filed within said twenty (20) days; or that, if such appeal has been filed, that it has been dismissed or denied. Further, this decision shall not take effect until it is recorded in the Worcester County Registry of Deeds and indexed in the grantor index under the name of the owner record, or is recorded and noted on the owner's certification of title.

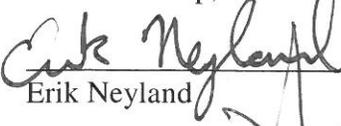
The following members of the Planning Board unanimously voted to grant the subject to the above-stated terms: Chairman, Jonathan Keep, David Yesue, John Karlon, Erik Neyland, and Jon Ricci.



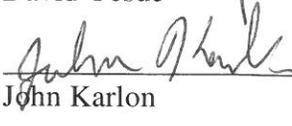
 Jonathan Keep, Chairman



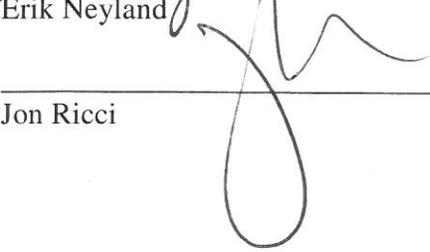
 David Yesue



 Erik Neyland



 John Karlon



 Jon Ricci

FILED WITH THE TOWN CLERK
2015 MAY 28 AM 11:00

Filed with the Town Clerk on _____, 2015.

Pamela H. Powell

Pamela Powell, Town Clerk

CERTIFICATE OF NO APPEAL

The undersigned, being the Town Clerk of the Town of Bolton, certifies that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Date: June 18, 2015.

Pamela H. Powell

Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:

Abutters

Surrounding Towns

Bolton Boards and Committees

Applicant

APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Site Plan Review and Special Permit Application for Bolton 2 Solar Project, 125 Still River Road – 2A, Bolton, Massachusetts dated April 3, 2015;
2. Site Plans entitled “Site Plan Approval/Special Permit Plans for Bolton 2 Solar Project, 125 Still River Road – Lot 2A, Bolton, Massachusetts” prepared by Beals Associates, Inc. dated April 3, 2015, Sheets C-000, C-001, C-100, C-200, C-201, C-300, C-301, C-400, C-500, C-501, C-502, E-1.1, and E-1.2;
3. Electronic PDF of Submission
4. Application Fee; and
5. Legal Notice Advertisement Fee.

May 13, 2015 Hearing Documents

1. Email from Erica Uriarte - Town Planner to Matthew Webber of Beals Associates, Inc.; Subject: Solar Facility Application – 125 Still River Rd, dated April 13, 2015;
2. Letter prepared by Beals Associates, Inc. to Erica Uriarte – Town Planner, RE: Bolton 2 Solar Project, 125 Still River Road – Lot 2A, Special Permit Application, dated April 15, 2015;
3. Site Plan entitled “Details -1” prepared by Beals Associates, Inc. dated April 15, 2015, Sheet C-500.
4. Emergency Response Plan prepared by Beals Associates, Inc. dated April 2015, Sheets 1-2;
5. Email from Fred Hamwey of Hamwey Engineering, Inc. - Planning Board Peer Reviewer to Todd Morey of Beals Associates, Inc., Subject: 125 Still River Rd Solar, dated April 29, 2015;
6. Site Plan entitled “General Notes and Legend” prepared by Beals Associates, Inc. dated May 1, 2015, Sheet C-001;
7. Site Plan entitled “Existing Conditions Plan” prepared by Beals Associates, Inc. dated May 1, 2015, Sheet C-100;
8. Site Plan entitled “Details -1” prepared by Beals Associates, Inc. dated May 1, 2015, Sheet C-500;
9. Letter prepared by Beals Associates, Inc. to Erica Uriarte – Town Planner, RE: Bolton 2 Solar Project, 125 Still River Road – Lot 2A, Response to Third party Review Comments, dated May 4, 2015;
10. Email from Fred Hamwey of Hamwey Engineering, Inc. – Planning Board Peer Reviewer to Todd Morey of Beals Associates, Inc., Subject: Bolton 2 Solar Project Peer Review Responses, dated May 5, 2015;
11. Site Plan entitled “Swale Design Plan” prepared by Beals Associates, Inc. dated May 11, 2015, Sheet C-503.