



BELLINGHAM PLANNING BOARD

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OFFICE OF THE
 TOWN CLERK

June 23, 2016

316 HARTFORD AVENUE SOLAR ARRAY DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT

A. BACKGROUND

Applicant: 385 Solar, LLC
 265 State Street
 Springfield, MA 01103

Owner: H&B Realty Management, LLC/Slocumb Trust
 316 Hartford Avenue/ 20 Pleasant Street
 Bellingham, MA 02019

Public Hearing: The Public Hearing opened Thursday, November 12, 2015 at 7:00 PM. Notice for the public meeting was published in The Call and Milford Daily News on Thursday, October 29, 2015 and Thursday, November 5, 2015. The Public Hearing was continued to December 10, 2015, January 14, 2016, February 11, 2016, February 25, 2016, March 10, 2016, March 24, 2016 and June 9, 2016 when the Public Hearing was closed.

Date of Vote: June 23, 2016.

The Premises: The project is located at 316 Hartford Avenue in Bellingham on two lots, approximately 12.42 acres total, shown on Assessor's Map 13-3 and 13-4, both zoned Industrial.

The By-Law: Development Plan Review, Article III, §240-16, Article IX, §240-54, in accordance with standards set forth in Article XXIV, §240-162, et seq.

The Proposal: To construct two ground-mounted solar array with associated improvements, each 499 Kilowatts (KW) at 316 Hartford Avenue in Bellingham on two lots, approximately 12.42 acres total, shown on Assessor's Map 13-3 and 13-4.

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The Proposal was documented with the following materials:

1. Application for Development Plan and Stormwater Review received October 16, 2015, including a narrative, Form K and certified abutter's list.
2. Stormwater Management Permit Application, received October 16, 2015.
3. "#316 Hartford Avenue Bellingham Massachusetts" permit plan set, dated September 30, 2015 with final revision date, May 1, 2016, prepared Hancock Associates.
4. Stormwater Management Report, dated November 10, 2015, last revised March 1, 2016; prepared by Hancock Associates.
5. Development Plan and Stormwater Peer Review Comments, PSC Professional Services Corporation, PC, dated November 12, 2015, January 13, 2016 and March 9, 2016.
6. Response Letters, Hancock Associates, dated January 4, 2016 and March 4, 2016.
7. Memo and Title Search from Raipher D. Pellegrino Associates, P.C. dated January 14, 2016.
8. Planning Department Memo, from Jim Kupfer, dated November 9, 2015.
9. Email from DPW Director Don DiMartino, dated October 29, 2015.
10. Email from Police Sargent Lee Rolls, dated January 26, 2016.
11. Decommissioning Plan, dated May 1, 2016

B. DETERMINATIONS

Following its public hearing on the Applicant's proposal and requested relief, the Planning Board has made the following determinations:

1. The performance requirements of this By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) have been met.
2. For the given location and type and extent of land use, the design of the structures form and location, egress points, grading, and other elements of the development could not reasonably be altered to:

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- (1) Improve pedestrian or vehicular safety within the site and egressing from it as it is in a remote location with no pedestrian or vehicular traffic;
- (2) reduce the visual intrusion of parking areas viewed from public ways or abutting premises as no parking is required;
- (3) reduce the volume of cut or fill;
- (4) reduce the number of removed trees 8" trunk diameter and larger as the southern portion of the parcel will not be disturbed, however all trees within in the shade modeling could not be retained;
- (5) reduce soil erosion and reduce hazard from storm water flow and ponding by a detailed stormwater analysis and operation and maintenance manual.

3. Adequate access is provided to each structure for fire and service equipment.
4. Adequate utility service and drainage is provided, consistent with the performance intent of the Design Standards of the Subdivision Regulations of the Bellingham Planning Board, as in effect at the time of the submission of the Development Plan.
5. Adequate capacity is available on impacted streets to accommodate the proposed project.
6. Per Section 240-19(f), no zoning violations exist.
7. The Board finds that the site may, in certain circumstances pose concerns with respect to emergency response. Particularly, the Board finds that, without adequate lighting, emergency access may be difficult. However, the Board also finds that excessive lighting would be detrimental to the surrounding area. As a consequence, the Applicant agreed to provide funding for a portable lighting system that could be used by the police and fire departments. The Board finds that such a system addresses their concerns.
8. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction, maintenance and decommissioning of the project.

C. DECISION

Based on the above determinations, the Planning Board finds that the proposal meets the requirements of the Zoning By-Law, and by a vote of 5 in favor and 0 opposed, accordingly, grants the Applicant and its successors and assigns as owner of the

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premises, Development Plan and Stormwater Approval subject to the following conditions:

1. Prior to the issuance of a Building Permit, sufficient funds shall be paid to the Town to purchase one mobile lighting system for emergency response in lieu of providing light on site. The Applicant shall work with the Bellingham Fire Department to identify the appropriate mobile lighting unit to be obtained.
2. Construction hours will adhere to Section 240-48 of the Zoning Bylaw. The Applicant is required to provide seven (7) days notice to the Town Planner prior to pile driving activities and other activities causing excessive noise.
3. All construction access and associated deliveries shall be prohibited during Stall Brook School pick up and drop off times. Signage shall be provided to direct construction and delivery vehicles in to the 316 Hartford Avenue parking lot for both entering and exiting the project.
4. A third party title search shall be conducted by the Town. Any title conflicts must be resolved prior to issuance of a Building Permit.
5. Prior to Building Permit, the Applicant shall present the executed agreement completed by the Town and the Applicant to gain access to the project site.
6. Prior to Building Permit, a complete list of components containing hazardous materials shall be provided and approval of the containment measures by the Building Inspector shall be granted.
7. The Planning Board's designated inspector or engineer shall be permitted to conduct inspections on the property, as may be required. The Applicant is required to abide by any reasonable directives or requirements of the Planning Board's inspector or engineer with respect to construction of project infrastructure as shown on the plans. Failure to so comply may result in a stop-work order, as may be directed by the Board or the Town's Zoning Enforcement Officer. The Applicant shall follow the established procedures in the As-Built Handbook prior to final Certificate of Occupancy.
8. Any on-site changes that differ from the plans approved hereunder shall be reviewed by the Planning Board for determination as to whether or not the changes are considered minor or major. Major changes shall require a modification to this permit and a new public hearing. Minor changes may be approved administratively at a regular meeting of the Board.
9. The Stormwater Management Operation and Maintenance Plan (O&M), last revised March 1, 2016, is hereby referenced and made part of this decision. The

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Applicant shall permit the Board or its agent to inspect the premises on reasonable notice to determine compliance with said O&M plan.

10. The Applicant shall maintain access to the site during construction until the completion of decommissioning. In an event of a storm the Applicant is to provide clear access to the site for emergency response vehicles within 24 hours of the conclusion of the storm.
11. Phosphorous fertilizer shall not be used on site.
12. At the conclusion of construction and prior to operation the Applicant shall provide a walkthrough with safety officials of the Town and provide instructions for all safety related issues.
13. This Decision is binding on the Applicant's successors, assigns, agents and employees. This approval shall insure to the benefit of and be binding upon 385 Solar, LLC provided there is no change in use for the Premises. The Planning Board shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.
14. In accordance with the Decommissioning Plan, adequate security, bound by a suitable agreement is required to cover the cost of decommissioning the facility. The Applicant is to provide the amount in full of \$71,166.04 to the Town prior to operation. The form of the agreement governing the deposit, payment and/or release of such security is subject to the review and approval of Town Counsel.
15. The Applicant shall comply with Section 240-20, Duration of Approval, of the Bellingham Zoning By-law.
16. The Applicant shall deposit, with the Town, sums necessary to fund the inspections contemplated hereunder. Such inspectional fund shall be governed under G.L. c 44, §53G or such other applicable statutory method as may be appropriate.
17. This instrument shall not become effective until the Board has received certification from the Applicant that the appeal period has expired and until the Applicant has provided the Board with a recorded copy of the decision.

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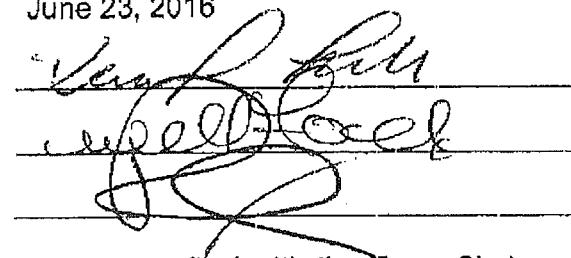
D. RECORD OF VOTE

**I vote to APPROVE the 316 HARTFORD AVENUE SOLAR ARRAY
DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT.**

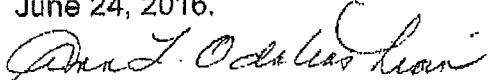
Bellingham Planning Board


Brian W. Bell

June 23, 2016


Karen L. Bell
Bellingham Planning Board

This Decision, together with all plans referred to in it, was filed with the Town Clerk on
June 24, 2016.



Ann Odabashian
Bellingham Town Clerk



TOWN OF BELLINGHAM
OFFICE OF
TOWN CLERK

Bellingham Municipal Center
10 Mechanic Street
Bellingham, MA 02019

Town Clerk
Ann L. Odabashian

Tel: 508-657-2830
Fax: 508-657-2832

DATE July 25, 2016

TO: Planning Board

RE: 385 Solar, LLC

316 Hartford Ave./20 Pleasant St.

This is to inform you that 30 days have elapsed since June 24, 2016, the date the above was filed with the Town Clerk, and that no notice of appeal has been filed with this office during that period.

A certified copy attesting this is available and on file in this office.

Sincerely,

Ann L. Odabashian
Bellingham Town Clerk