



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
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April 11, 2024

160 MAPLE STREET – PARCEL 3 LARGE-SCALE GROUND MOUNTED SOLAR VOLTAIC ARRAY DEVELOPMENT PLAN APPROVAL AND DECISION

A. BACKGROUND

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BELLINGHAM TOWN CLERK

Applicant: Maple Street Solar, LLC
177 Huntington Ave., Suite 1703
Unit 73069
Boston, Massachusetts 02115

Owner: Maple Gate Realty Trust
160 Maple Street
Bellingham, MA 02019

Public Hearing: The Public Hearing opened September 14, 2023 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on September 7, 2023, and August 31, 2023. The Public Hearing was continued to October 12, 2023, November 9, 2023 and December 14, 2023, January 11, 2024, January 25, 2024, February 8, 2024, March 28, 2024 and April 11, 2024 when the Public Hearing was closed.

Date of Vote: April 11, 2024

The Premises: The project location, also referred to herein as the "Site" or the "Premises", is located at 160 Maple Street, Parcel 3, Assessors Map 32-9, approximately 65.16+/- acres of land, including all land in the Town of Franklin, 3.77 acres in Bellingham, zoned Suburban.

The By-law §240-16 Development Plan Review

The Proposal: To construct a 15,000+/- KW large ground mounted solar voltaic array with associated improvements at 160 Maple Street, Parcel 3. The Approved Plan limits disturbance in the

Town of Bellingham to new utility poles, gravel access, and underground conduits.

The Proposal was documented with the following materials:

1. Application for Development Plan Review, submitted July 20, 2023, including a narrative and project description.
2. Certificate of Ownership Authorization, dated June 22, 2023.
3. Certified Abutter's List, Town of Bellingham, dated June 20, 2023.
4. Proposed Site Plan Documents, for Maple Street Solar, LLC, 160 Maple Street, by Bohler Engineering, last revised March 15, 2024 (also known as the Approved Plan).
5. Drainage Report, for Maple Street Solar, LLC, Proposed Solar Farm – Parcel 3, 160 Maple Street, dated July 20, 2023
6. Water Line Exhibit, by Bohler Engineering, last revised February 21, 2024
7. Fire Truck Circulation Plan, by Bohler Engineering, last revised March 15, 2024
8. Letter from NextGrid dated December 28, 2023 filed with the Parcel 1 (North) project
9. Other miscellaneous documents on file at the Planning Board offices.

B. DETERMINATIONS

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

1. The Applicant has filed an application for a proposed large-scale ground mounted solar voltaic development to be located in Franklin with access through Bellingham. Limited disturbance shall be created in the Town of Bellingham. Nevertheless Section 240-18 identifies the process for which a project is proposed in two municipalities:

Where a proposal is located in part in the Town of Bellingham and in part in an adjacent municipality, the provisions of development plan review shall apply as follows.

- A. Applicability of development plan review shall be determined by testing the entire proposal in both communities against the thresholds of § 240-16A.
 - B. Submittals for the portion lying in the Town of Bellingham shall be as specified at § 240-17. For portions lying outside the Town, only those items necessary for the determinations of Subsection C of this section need be submitted.
 - C. The proposal shall be approved, provided that the portion lying within the Town of Bellingham complies with the requirements of the Zoning Bylaw and provided that outcomes from the entire development for impacts limited by the terms of this bylaw, such as light overspill (§ 240-49B), comply as measured in Bellingham.
- 2. Pursuant to the Section 240-31 of the Town's Zoning Bylaw large-scale ground mounted solar voltaic arrays are prohibited in the Suburban Zoning District. Although it has indicated it intends to seek zoning relief, the Applicant has not obtained any zoning relief to allow that use on the property. The Board has agreed to condition this approval on the applicant obtaining the zoning relief necessary to use the property for a large-scale ground-mounted solar voltaic use
 - 3. That the use proposed is limited to large-scale ground-mounted solar voltaic facility.
 - 4. That the Premises is located on Maple Street, which is a Scenic Road, however no disturbance is proposed within the public way.
 - 5. That the Premises is not located in a Water Resource District.
 - 6. The performance requirements of the Zoning By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) have been met.
 - a) §240.49 Light and Glare: No lighting proposed in Bellingham. Any exterior lighting shall be consistent with "dark sky" standards, shielded and directed downward to maintain lighting on to the Site and shall comply with the Zoning By-law.
 - b) § 240.50 Air Quality: Proposed uses do not involve emission of odorous gases in such quantities to be offensive and shall continue to adhere to the Zoning By-law.

- c) §240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site.
 - d) §240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except sound) at or beyond the boundaries of the premises for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for 30 seconds or more in any one hour between 9:00 p.m. and 7:00 a.m.
 - e) §240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely effects the operation of any equipment other than that of the creator of such disturbance.
 - f) §240.54 Stormwater Management: The stormwater management shown on the Plan and drainage analysis has been designed to meet the Stormwater Management Standards set by the Massachusetts Department of Environmental Protection and Bellingham Zoning By-laws. The standards include removing solids from the stormwater, reducing rates of runoff from the site, and recharging the groundwater. No impervious surface is added in Bellingham.
 - g) §240.58 Noise: The use proposed was determined to not add noise concerns in excess of the maximum allowable noise levels. The hours of operation have been conditioned hereinafter which shall limit any noise disturbance from vehicular sounds or HVAC systems.
 - h) Town of Bellingham General Bylaws Chapter 154 – Scenic Roads of the Bellingham General Bylaws: the use proposed was determined to not add noise concerns in excess of the maximum allowable noise levels. In addition no removal of vegetation or stone walls are proposed in the public right of way.
7. For the given location and type and extent of land use, the design, location, egress points, grading, and other elements of the development could not reasonably be altered to:
- a) improve pedestrian or vehicular safety within the site and egressing from it, as circulation has been reviewed by the Planning Board and emergency services and was deemed adequate. The radius of the existing entrance at 160 Maple Street was determined to accommodate emergency services largest vehicle and the private driveway was selected to minimize further disturbance;

- b) reduce the visual intrusion of parking areas viewed from public ways or abutting premises, as a site walk was conducted and there appears to be no visual intrusion of the proposed project in Bellingham;
 - c) reduce the volume of cut or fill and the Site has been graded to match the cuts and fills, as much as possible and it is not anticipated that an Earth Removal Special Permit will be required;
 - d) reduce the number of removed trees to the extent possible. As identified on the plans, four (4) trees will be removed and four (4) replacement trees will be provided within the limited area of improvements.
 - e) reduce soil erosion; and reduce hazard or inconvenience to pedestrians from storm water flow and ponding by engineering the Site to be designed to comply with the DEP Stormwater Handbook and the Town of Bellingham Stormwater Regulations as well as the inclusion of a Stormwater Pollution Prevention Plan and Operation and Maintenance Plan consistent with the Town of Bellingham requirements;
 - f) provide adequate access as emergency services has reviewed and approved the plan as proposed and deemed access to be acceptable;
 - g) provide alternative utility service and drainage as shown on the Approved Plan and demonstrated in the Stormwater Management Report;
 - h) provide additional capacity on impacted streets to accommodate the proposed project as access to the Site will be approximately one vehicle every three to four months that is serviced by a private driveway at 160 Maple Street and not to be used for access beyond that of maintenance of the proposed use.
8. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction and use resulting from 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 to 0 opposed, accordingly, approves the Applicant's application for a Development Plan Approval subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, and as may be conditioned herein. The Applicant shall construct the project in strict compliance with the Approved Plan. Any changes to such Approved Plan must be reviewed and approved in accordance with the Bellingham Zoning By-laws. All such changes shall be reviewed by the Board for determination as to whether or not the changes are considered minor or major. If the Planning Board determines that any change to the plan is a major alteration to the Approved Plan, a public hearing shall be required for a modification to this permit. A minor change shall be reviewed and approved at a regularly scheduled meeting.
2. Prior to the start of construction, sediment and erosion controls shall be installed and be subject to the inspection and approval by the Town Planner.
3. Construction hours for all construction or staging activities on-site shall be Monday through Friday, from 7:00 am to 5:00 pm. Construction activity shall also be permitted on Saturdays from 7:00 am to 4:00 pm. No construction activity shall take place outside the specified permitted hours or on Sunday or New Years' Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday. Work outside of these hours may be considered upon review and approval by the Building Commissioner prior to any work outside of these hours commencing. Upon review and approval by the Building Commissioner the Applicant shall notify the Police Department of the time and date of work commencing.
4. All construction related parking shall be conducted on-site. No parking of any vehicle associated with the Project shall park on nearby parcels including those vehicles arriving early. There shall be no staging of vehicles on nearby parcels. And all vehicles associated with the Project shall enter into the temporary construction entrance and park within the construction fencing at all times.
5. During construction, no run-off shall be directed down the proposed driveway onto Maple Street or onto abutting properties. The Applicant shall maintain any drainage or sediment controls in good working order and maintain the construction site free of dust that would create a hazard or nuisance to adjacent properties.
6. Prior to the issuance of a Certificate of Completion, the Applicant shall install a Knox-box on all applicable gates and provide the Bellingham Fire Department with a key to each.

7. Prior to the issuance of a Certificate of Completion, the Applicant shall provide the Fire Department with a detailed shut down procedure as well as any additional emergency response plans and up to date contact information.
8. All fencing to be installed on Site shall be constructed to allow for a minimum six (6) inch gap from the ground surface to the bottom of the fence to for wildlife passage.
9. As required in Section 240-170, 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 to the Town prior to operation of the facility. The amount of such security must be approved by the Board; which may consult with an engineer or consultant for such purposes. 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.
10. The use proposed, large-scale ground mounted solar voltaic array is prohibited in the suburban zoning district. The premises is zoned suburban. The Applicant shall obtain the necessary zoning relief to use the property for said use prior to any disturbance on site associated with this approval.
11. The Applicant shall discontinue the use of the gravel way to pass and repass at 186 Maple Street to access 160 Maple Street including parcels 2 and 3 except for emergency access.
12. A comprehensive signage plan, if any visible from Bellingham, shall be presented to the Board for approval prior to Building Permit for the Site signage including but not limited to monument signage and wayfinding signage. The Site shall be limited to one monument sign.
13. The Stormwater Management Operation and Maintenance Plan (O&M), included as part of the Drainage Report, is hereby referenced and made part of this decision. The Applicant shall permit the Board or its agent to inspect the premises on reasonable notice to determine compliance with said O&M plan.
14. Snow and ice removal shall be the responsibility of the Applicant or a successor and shall be performed in accordance with the approved O&M.
15. Phosphorous-based fertilizer shall not be used on the Site.

16. All exterior lighting at the Site shall be dark sky compliant and shall not allow spillover of light onto adjoining properties, in accordance with the Approved Plans and the Town's Zoning By-laws.
17. Prior to issuance of a Certificate of Occupancy, the Applicant or Tenant shall deliver to the Town Planner a complete list of hazardous materials proposed to be used or stored on site to the extent required under §240.51 of the Bellingham Zoning Bylaws or other applicable law.
18. Prior to the commencement of construction, the Applicant shall schedule a preconstruction meeting with the Town Planner and the Board's designated inspector. The Board's inspector shall be permitted to conduct routine inspections, as may be reasonably determined by said inspector, while construction is ongoing relative to this permit and all corresponding Decisions for this Site. The Applicant shall deposit with the Town, sums necessary to fund the inspections contemplated hereunder. Such inspectional fund shall be governed under M.G.L. c. 44 §53G or such other applicable statutory method as may be appropriate.
19. Prior to beginning operations, the applicant shall provide adequate training to the Town of Bellingham Fire and Police Departments relative to the proposed battery storage system to be used as part of the project.
20. As agreed to by the applicant, to the greatest extent practicable, local vendors will be utilized in the construction and maintenance of Solar Farm to be located of Parcel 3.
21. As referenced in the Applicant's December 28, 2023 letter to the Board, filed in the Parcel 1 Application, the applicant has offered to donate and the Board has agreed to a donation of \$50,000 dollars, total, for emergency response infrastructure to the Site. The Bellingham Fire Department and Police Department shall utilize the donation to improve the "repeater station" to be located in the Maple Street/Maplegate golf Course area since the Town of Bellingham will be responding to all situations. As reflected in the Applicant's letter to the Board, a sum of \$25,000.00 will be donated prior to the commencement of earth work for Parcel 1 and a sum of \$25,000.00 will be donated prior to the commencement of earth work for Parcel 3.
22. As agreed to by the applicant, the applicant shall name the "Town of Bellingham to be listed as an Additional Named Insured ATIMA" on the de-commissioning bond issued to the Town of Franklin.

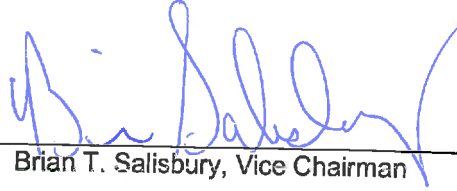
23. As required by the Bellingham Department of Public Works, any and all access and utility easements that may be necessary shall be in a form approved by Town Counsel prior to the issuance of the Certificate of Completion, such approval shall not be unreasonably withheld.
24. The applicant shall make improvements, acceptable to the Town's Department of Public Works, to the existing fire hydrant system to the access road.
25. This Decision is binding on the Applicant's successors, assigns, agents, managers, members and employees. This approval shall insure to the benefit of and binding upon Maple Street 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.
26. Any change of use or increase of intensity of the permitted use shall require a public hearing to either modify the existing permit, additional any change of use to parcel 2 shall require a new application and public hearing.
27. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
28. This Decision shall not be effective until it is recorded by the Applicant at the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Inspector.

Bellingham Planning Board

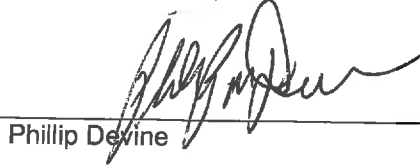
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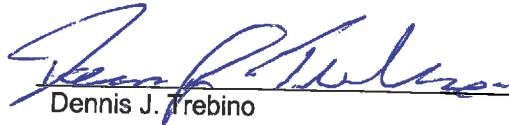
William F. O'Connell, Jr., Chairman



Brian T. Salisbury, Vice Chairman



Phillip Devine



Dennis J. Trebino



Nick Mobilia

Appeals of this Decision may be made within thirty days, in accordance with Section 240-16(B)(3) of the Zoning Bylaw.

This Decision, together with all plans referred to in it, was filed with the Town Clerk on April 12, 2024.

Lawrence J. Sposato, Jr.
Bellingham Town Clerk