



TOWN OF LANCASTER
Office of Community Development & Planning

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695 Main Street • Suite 4
Lancaster, MA 01523

August 24, 2018

Tony Zahariadis, *Building Inspector*
701 Main Street, Suite 4
Lancaster, MA 01523

Re: TJA Pope Solar, LLC
Site Plan Approval – Fort Pond Road Solar Facility
580 Fort Pond Road
Assessor's Map 5, Parcel 26.B

Dear Mr. Zahariadis,

This is to certify that on August 13, 2018, the Lancaster Planning Board, by a unanimous vote, approved the Site Plan application submitted by TJA Pope Solar LLC, for the construction of a proposed 5.0 megawatt (DC) solar energy generating facility on property located at 580 Fort Pond Road in Lancaster, owned by Fort Pond LLC.

The site plans were submitted via United States Postal Service delivery to the Planning Department on July 2, 2018 and received at a Planning Board meeting on July 23, 2018. The Board reviewed the plans at duly posted public meetings held on July 23, 2018 and on August 13, 2018. The site plans were reviewed by Haley and Ward, Inc., 63 Great Road, Maynard, MA 01754, which was engaged as engineering consultant to the Planning Board. The plans were also reviewed by Town of Lancaster technical and department staff and comments were submitted by the Planning Department. The Board also considered comments by interested citizens and other parties who attended the meetings detailed above.

The proposed installation will occupy approximately 20 acres on a 76-acre parcel located on Fort Pond Road in Lancaster. The site proposed for development is a current active gravel mining location operating under an Earth Products Removal (EPR) special permit. The site is located on the north side of Fort Pond Road, and is located in the Solar Overlay District and the Enterprise Zoning District. The site is bordered by vegetative buffers of mature and juvenile vegetation, screening it from adjacent parcels. The site borders and contains a total of (5) wetland resource areas which have been delineated by a wetland scientist. The site remains an active excavation site and is estimated to be completed and at the final approved grade (shown on the earth removal plans) within the next 18 months.

The site grading plan has been adopted from the EPR grading plan, and the solar array will fit within the existing disturbed areas of the mining operation causing only minor changes to vegetation. Vegetation outside of the array will be selectively forested to void taller trees which will shadow the array. This selection is intended to allow the understory and juvenile vegetation to remain, which satisfies the requirement of the vegetative buffer for screening.

The site will be prepared with a minimal topcoat of loam, followed by construction of the infiltration trenches and racking system. The project will yield approximately 5 MW of DC power, with a total quantity of 16,540 panels in a ground-mounted array. The site will not generate any additional stormwater runoff as there will be drip edge infiltration trenches provided for each array. These trenches have been designed to handle stormwater runoff so as to not require additional excavation to the existing drainage basins on the site.

The existing access to the mining operation is proposed to be utilized "as is" for this project and will remain as a gravel surface. No new impervious surface area is proposed other than approximately 1,000 sq. ft. of concrete needed for a single equipment pad. The inverters on this pad will be located in the middle of the array.

The site contains a number of wetland resource areas. All required setbacks to these resource areas have been met to comply with Lancaster and MA DEP regulations. The site has also been designed to meet the dimensional setbacks of the Lancaster zoning bylaw. There is a residential parcel to the west of the subject parcel that is owned by the YMCA, and the setbacks have been increased to provide a greater buffer.

After construction, the system will function and be monitored remotely. The site will be contained within a 7' high chain link fence which will have an access key box for the Fire Department. The site will have no on-site employees with the exception of routine inspections and maintenance approximately every two weeks. This will not generate an increase in traffic on Fort Pond Road and will not require any employee parking areas.

This Site Plan approval decision is based on the following information:

- 1) Site Plan Review, Ground Mounted Photovoltaic Array – dated July 11, 2018, and updated August 17, 2018, prepared by Markey & Rubin, Inc.
- 2) Stormwater Drainage Report – dated June 14, 2018, prepared by Markey & Rubin, Inc.

Collectively, these plans will be referred to as the "Approved Site Plans".

The site plan approval is subject to the following general and special conditions:

GENERAL CONDITIONS

- 1) The applicant shall be responsible for addressing any outstanding issues as identified in letters from Haley and Ward, Inc., dated July 24, 2018 and August 13, 2018 unless otherwise noted herein. Prior to issuance of a Certificate of Completion, the applicant shall provide written

certification from the applicant's engineer of record that the issues in said letter have been adequately addressed and compliance has been achieved.

- 2) All improvements shall be constructed in accordance with the Approved Site Plans, together with supporting data including drainage calculations as last revised and delivered to the Planning Board. No substantial modifications, additions, substitutions, alterations, or any changes shall be made in any plans without the written approval of the Planning Board after a determination is made whether such changes or alterations are substantial. Any requests for substantial modifications shall be made to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary and supporting documentation.
- 3) Unauthorized deviations from the approved Site Plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the site plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.
- 4) The Applicant shall comply with all applicable local, state and federal laws, regulations and by-laws pertaining to the proposed development as well as the conditions of any permit, approval or order of other agencies or authorities.
- 5) If applicable, copies of any Draft or Final Environmental Impact Report concerning this development shall be submitted by the applicant to the Planning Board. In addition, copies of the following state or federal permits shall be submitted when issued:
 - a) DEP Public Water Supply Permit
 - b) NPDES Stormwater Permit
 - c) Sewage Disposal Works Construction Permit
 - d) DEP Industrial Wastewater Holding Tank Compliance Certificate
- 6) This site plan approval is solely for the 5.0 MW (DC) solar energy generating facility as shown on the Site Plans. Subsequent development of commercial or industrial uses on the site shall require additional approvals as may be required in the Zoning Bylaw.
- 7) This Site Plan Approval does not include approval for development of structures or uses other than those on the Approved Site Plans. Any proposed development of other areas will require the submission of site plans for approval by the Board.
- 8) The Applicant shall obtain a Building Permit prior to construction, and a Certificate of Completion prior to commencement of operation.
- 9) Prior to the commencement of authorized site activity, the Applicant shall provide to the Building Inspector and to the Planning Board office the name, address and business phone number of the individual who shall be responsible for all activities on site.

- 10) Members or agents of the Planning Board shall have the right to enter the site at any time to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval.
- 11) The Applicant and/or property owner shall provide twenty-four (24) hour notice to pertinent Town departments, including the Building Inspector and the Board's engineer, prior to commencing any work on the site that requires inspection or review.
- 12) The Applicant shall promptly pay the reasonable fee of the consulting engineers for review of plans or field inspections during the construction phase. A schedule for such inspections shall be mutually agreed upon by the Applicant and the Board prior to the commencement of construction. The results of any inspections shall be provided to the Board in written format. The Board may require the Applicant to establish an escrow account pursuant to G.L. c. 44, § 53G to assure such payment, subject to replenishment.
- 13) The following facilities and aspects of operation and maintenance of the Development shall remain private, and the Town of Lancaster shall not be requested to take responsibility for operation or maintenance of same:
 - a) All solar array structures, equipment and lighting
 - b) All interior driveways and parking areas
 - c) Storm water management facilities, including detention basins
 - d) Water drains, pumping and storage facilities
 - e) Private on-site sewage treatment facilities
 - f) Snow plowing
 - g) Landscaping
 - h) Trash removal
 - i) Parking area and driveway lighting
- 14) The Approved Site Plans have been reviewed and found to be compliant with the height, area, setback and other dimensional requirements of the Lancaster Zoning Bylaw applicable to the development of the solar energy generating facility, access way, and utilities proposed to service the installation.
- 15) The Applicant shall comply with the State Building Code and, if applicable, with the following requirements pertaining to the Building Inspector and Public Works issues:
 - a) Pre-construction meeting among the Applicant, contractor, Building Inspector, and/or the Public Works Department.
 - b) Prior to construction, submission of construction drawings and the Approved Site Plan to the Building Inspector.
 - c) Completion of all off-site construction in conformance with the Department of Public Works Standards and Specifications. The Applicant shall submit construction drawings to the Department of Public Works for review and approval for all off-site improvements. This work would include clearing, signage, striping, paving and grading.

- d) Prior to the issuance of a Certificate of Completion, the Applicant's agent (contractor or engineer) shall provide written certification that all site improvements have been installed and constructed in accordance with the Approved Site Plans and the conditions of this Site Plan Approval decision.
 - e) The Applicant shall be responsible for cleaning up any sediment carried into either the Town's or abutting property owner's rights-of-way resulting from construction on the site.
- 16) During construction, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust, odor, erosion controls, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction shall not commence on weekdays before 7:00 AM and shall not continue beyond 5:00 PM. There shall be no construction on any Saturday or Sunday, or State or Federal legal holiday.
 - 17) Sediment tracked onto Fort Pond Road from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.
 - 18) If applicable, in the event of blasting during the construction phase, the Applicant's Blasting Operator shall provide seven days advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection (pursuant to 527 CMR 1.00 et seq.). Copies of said mailing shall be furnished to the Planning Board and the Fire Department. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, the Planning Board, and the Fire Department at the termination of the blasting operations. The Blasting Operator shall provide notice to the Planning Board and the Fire Department of any reported damage to real property.
 - 19) Outside storage facilities are not permitted under this Site Plan Approval.
 - 20) No portable warehouses or trailers may be used for permanent or temporary storage.
 - 21) All utility service lines serving the approved project shall be installed underground.
 - 22) If applicable, the Applicant shall be responsible for contacting the Lancaster Conservation Commission regarding any requisite permits for the project and shall meet all conditions set by the Commission. The Conservation Commission's Order of Conditions, or any order of the Department of Environmental Protection (DEP), if applicable, regarding this property, shall be made a part of this Approved Site Plan. If there is any inconsistency between the Approved Site Plans and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall be required to submit an amended plan to the Board for a determination as to whether a modification to this Site Plan Approval is necessary. Such submittal shall be made by certified mail or in hand at a regular meeting of the Planning Board. Said amended plan submitted to the Board shall be accompanied by a letter setting forth any and all changes from the Approved Site Plans and shall include revised drainage calculations, if applicable.

- 23) If applicable, no final Certificate of Completion for any building shall be issued in any approved phase until the site improvements and infrastructure (but not the buildings) specified on the plans as applicable to the relative phase are constructed and installed so as to adequately serve said building or adequate security has been provided, reasonably acceptable to the Board, to ensure such completion. Any such performance guarantee shall be approved as to form by the Board's legal counsel.
- 24) Prior to the issuance of the final Certificate of Completion, the Applicant shall submit an as-built plan stamped by a professional engineer and approved by the Board's consulting engineer, to certify that all improvements have been completed in accordance with the Approved Site Plan. No final Certificate of Completion shall be issued until the Planning Board confirms that all improvements or alterations substantially comply with the Approved Site Plan.
- 25) Litter and debris in the parking lots, landscaped and buffer areas shall be removed daily to maintain a neat and orderly appearance.
- 26) If applicable, the Applicant shall minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water. A maintenance plan shall be submitted to the Planning Board prior to the issuance of a Certificate of Completion for its approval, after consultation with the Conservation Commission.

TRAFFIC

- 1) No traffic plan is required for this project. However, in the event of future development on this site or adjacent properties, a traffic plan or study may be revisited at the discretion of the Planning Board.

STORMWATER MANAGEMENT

- 1) The Applicant's registered professional engineer shall prepare guidelines for the operation and maintenance of the stormwater management system subject to the approval of the Board or its agent. In the event that the Applicant, its successors, or agent fails to maintain the stormwater management system in accordance with such guidelines for operation and maintenance, the Town may conduct such emergency maintenance or repairs, and the Applicant shall permit entry onto the property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall reimburse the Town within 30 days for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the Development or any unit therein to secure such payment.

LIGHTING

- 1) There is no lighting plan for this project. Should lighting become necessary, the Applicant shall be required to submit an amended plan to the Board for review. Such submittal shall be made by certified mail or in hand at a regular meeting of the Planning Board. Said amended plan submitted to the Board shall be accompanied by a letter setting forth any and all proposed changes from the Approved Site Plan.

LANDSCAPING

- 1) There is no landscaping plan for this project. Should landscaping become necessary, the Applicant shall be required to submit an amended plan to the Board for review. Such submittal shall be made by certified mail or in hand at a regular meeting of the Planning Board. Said amended plan submitted to the Board shall be accompanied by a letter setting forth any and all proposed changes from the approved Site Plan.

SIGNS

- 1) Any application for signage shall be submitted separately to the Building Inspector.
- 2) All signs shall comply with Article 8 of the Zoning Bylaw, unless a variance and/or special permit is granted by the Zoning Board of Appeals.

WAIVERS

- 1) Lancaster Zoning Bylaw, Section 220-74 (Fencing) – to allow for a 7' high, un-slotted fence.
- 2) Lancaster Zoning Bylaw, Section 220-76 (I) (20) – (Required documents, Sight line representations) – to not show line of sight depictions for the (9) new utility poles that will be sited 300' from the road, that are also in the vicinity of other existing utility poles.

SPECIAL CONDITIONS

- 1) The Safety/Emergency Response Plan shall be reviewed by the Fire Chief and a written response provided to the Planning Board. The Plan shall identify the locations of all nearby fire hydrants.
- 2) The Operations and Maintenance Plan shall be reviewed by the Fire Chief and a written response provided to the Planning Board.
- 3) The Site Decommissioning Plan shall have a condition that the property owner shall agree to allow the Town entry to remove an abandoned or decommissioned installation.

A revised Removal Cost Estimate shall also be provided that shows the amount of the cash or surety bond to be held during the time of operation. The funds will be held in a joint account between the Town of Lancaster and the Applicant, and the language of the legal instrument shall be agreed between the Applicant and the Town of Lancaster before the time of issuance of a building or electrical permit.

- 4) A Site Manager shall be engaged to oversee the removal and planting of the vegetated buffer of trees. At the Applicant's expense, \$15,000 shall be remit to the Town of Lancaster to pay for the services of the Site Manager.
- 5) A 200' wide, 30' high vegetated buffer of trees and shrubs shall be maintained on the west side of the site. A 100' wide, 30' high vegetated buffer of trees and shrubs shall be maintained on the east side of the site.
- 6) The Applicant shall provide screening from the YMCA property with white pine or spruce trees spread at 10 feet apart with a height of six feet.

Sincerely,



Noreen Piazza, *Planning Director*
Community Development and Planning

cc: Lancaster Planning Board
Lancaster Department of Public Works
Lancaster Police Department
Lancaster Fire Department
Lancaster Board of Health
Fort Pond LLC
TJA Pope Solar LLC
Markey & Rubin, Inc.
Haley and Ward, Inc.