



September 12, 2016

PLANNING BOARD
DOVER, MASSACHUSETTS

TOWN CLERK

2016 SEP 21 A 9:08

TOWN OF DOVER
RECEIVED

**SITE PLAN APPROVAL DECISION OF THE PLANNING BOARD
UNDER ZONING BYLAW
TOWN OF DOVER, MASSACHUSETTS
ON THE PETITION OF BWC BUCKMASTER POND, LLC**

Applicant: BWC Buckmaster Pond, LLC
137 Newbury Street, 4th Floor
Boston, MA 02116

Property Owner: Hale Reservation Trust
80 Carby Street
Westwood, MA 02040

Site Address: 0 Powissett Street
Assessor's Map/Parcel: Map 19, Parcels 002, 004 and 004A
Relief Sought: Site Plan Approval for installation of a Large-Scale Ground
Mounted Solar Photovoltaic Facility

I. PROCEDURAL BACKGROUND

The Applicant is proposing to install a 1.4 MW DC solar array on approximately 6 acres mostly on top of the closed Dover landfill. Pursuant to the applicable sections of the Zoning Bylaw, the Applicant submitted an application for Site Plan Review on June 23, 2016. Notice of the hearing appeared in the Dover-Sherborn Press on June 23 and 30, 2016, and were mailed to abutters and abutters to abutters within 300 feet on July 5, 2016. The hearing was opened on July 11, 2016 and continued to August 22, 2016 and again to September 12, 2016 and closed on that date. All members voting on this Site Plan Approval were present at all hearings.

II. APPLICATION AND OTHER MATERIALS SUBMITTED TO THE BOARD

As part of site plan review, the Board considered:

- (1) Application for Site Plan Review, dated June 13, 2016, including:
 - 4 sets of full sheet Site Plans;
 - Electrical One-Line Diagram;
 - Solar PV Module and Inverter Specifications;
 - Operations and Maintenance Plans;
 - Proof of Insurance;
 - Site Control Documentation (Lease Option Agreement);
 - Community Outreach Plan (including project schedule);
 - Zoning District Designation.
- (2) Site Plans dated June 23, 2016 by Kennedy/Jenks Consultants, One Highwood Drive, Suite 301, Tewksbury, MA 01876 consisting of:
 - C1 - Cover Sheet;
 - C2 - Existing Conditions;
 - C3 – Site Development Plan;
 - C4 – Details Sheet 1;
 - C5 – Details Sheet 2;
 - C6 – Details Sheet 3;
 - C7 – Erosion and Sediment Control Plan;
 - C8 – Environmental Monitoring Plan
- (3) Memo to Planning Board from Gino Carlucci dated July 6, 2016;
- (4) A revised set of Site Plans dated July 20, 2016;
- (5) A revised set of Site Plans dated July 29, 2016;
- (6) Powissett St Landfill, Proposed Solar Facility Overview by Blue Wave, dated July 2016.
- (7) Stormwater Report, Solar Development Project, Dover Landfill, by Kennedy/Jenks Consultants, dated July 20, 2016;
- (8) Review and comments on Stormwater Report by Tata and Howard in letter dated August 9, 2016;
- (9) Email from Police Chief dated July 20, 2016;
- (10) Email from Planning Board member Carol Lisbon dated July 20, 2016;
- (11) Letter from Building Inspector received July 21, 2016;
- (12) Letter from Fire Inspector dated August 17, 2017;

- (13) Response to Tata and Howard comments on Stormwater Report and revised Stormwater Report by Kennedy/Jenks Consultants, both dated August 17, 2017.
- (14) Response to Tata and Howard comments on revised Stormwater Report by Kennedy/Jenks Consultants, dated August 29, 2017.
- (15) Conservation Commission Order of Conditions, MassDEP File #144-0790, dated August 24, 2016.
- (16) Letter dated September 8, 2016 from Tata and Howard with final approval of all aspects of site plan, including stormwater management
- (17) Minutes of August 9, 2016 Long Range Planning Committee supporting the project.
- (18) Letter dated September 9, 2016 from Superintendent of Streets Craig Hughes stating that the project will not adversely impact the capped landfill.
- (19) Revised Site Plans dated August 26, 2016 by Kennedy/Jenks Consultants, One Highwood Drive, Suite 301, Tewksbury, MA 01876 consisting of:
 - C1 - Cover Sheet;
 - C2 - Existing Conditions;
 - C3 – Site Development Plan;
 - C4 – Details Sheet 1;
 - C5 – Details Sheet 2;
 - C6 – Details Sheet 3;
 - C7 – Erosion and Sediment Control Plan;
 - C8 – Environmental Monitoring Plan
 - C9 – Construction Laydown Plan

Based on its review and discussion of the above-referenced application, site plan, and related materials, the Planning Board makes the following findings:

General

- (1) This application is for a “Large-Scale Ground Mounted Solar Photovoltaic Facility”, which is an allowed use subject to site plan approval in the Solar Photovoltaic Overlay District.
- (2) The application included the required documents and plans including:
 - a. Legal access to and control of site;
 - b. Operations and Maintenance Plan;
 - c. Proof of liability insurance,
 - d. Public outreach plan;

- e. Site control;
 - f. Utility notification;
 - g. Conformance with dimension and density requirements.
- (3) No lighting is proposed;
 - (4) The only signage proposed is for emergency contact information and signs warning of high voltage danger.
 - (5) A preliminary site plan was submitted and the Planning Board found that full site plan review is required.
 - (6) The site plan was prepared by a professional engineer.

Site Plan Review Criteria

- (1) Compliance with the requirements for lot size, frontage, lot coverage of buildings, height, parking and loading spaces, yards, and all other provisions of this Chapter; **The project complies with these requirements.**
- (2) The location of driveway openings in relation to street traffic, and the convenience and safety of pedestrian, bicycle, and vehicular traffic to, from, and on the site; **The project proposes use of an existing curb cut, and site traffic is minimal.**
- (3) The adequacy of arrangement and number of parking and loading spaces in relation to the proposed use of the premises; **No parking is proposed or needed for the operation of the facility. Occasional maintenance vehicles can park on the access road. However, parking and loading during construction is needed. As conditioned below, this criterion is met.**
- (4) The arrangement and appearance of proposed new buildings, structures, colors and materials, or changes to the aspects of a site as defined in C(2) above; **No buildings are proposed and appearance of structures is provided.**
- (5) Provisions to protect surrounding premises against detrimental impacts; **There are no abutting residences. Adjoining wooded areas and wetlands are protected with erosion controls and a stormwater management system. The abutting transfer station is protected since it is separated from the proposed facility by a fence. During construction, there will be minimal use of the transfer station site for staging of materials and that small area will be enclosed within temporary fencing, and the area will be restored to its original condition upon completion.**
- (6) The relationship of structures, design aspects, and open spaces to the natural landscape, existing buildings, historic and architectural heritage, and other community assets; **The proposed facility provides a productive use of the capped landfill with minimal impact on the abutting transfer station. No other buildings or historical or architectural assets are impacted.**
- (7) Potential impacts on natural resources, including groundwater and open space; **Erosion controls and a stormwater management system protect natural resources and groundwater. The facility will not impact the current program of**

monitoring the groundwater and gases associated with the closed landfill. The revenue from the facility will assist in maintaining the open space under the control of Hale Reservation.

- (8) Potential impacts on Town resources, including protective agencies, streets, and public spaces; **The facility has been reviewed by Fire and Police Chiefs, Town Engineer, Superintendent of Streets, Conservation Commission [pending] and Building Inspector. Subject to the conditions below, the potential impacts have been adequately addressed.**
- (9) Harmony in architectural treatment and avoidance of incongruous or inappropriate character or architectural appearance and arrangement of buildings; **The only other nearby buildings are on the transfer station site. The solar panels and associated structures are not incompatible and, in any case, are essentially the only type of structures allowed on the landfill cap.**
- (10) Compliance with all other requirements of this Chapter. **As conditioned below, all other requirements of this chapter are met.**
- (11) The Planning Board shall provide the Board of Selectmen, the Superintendent of Streets, and the Building Inspector with copies of all full site plan applications for their review, comment, and recommendation. The Planning Board shall consider any such written comments and recommendations it receives within 30 days of providing an application. **The plans were provided and all comments received have been considered.**
- (12) If the Planning Board determines that adequate review of a site plan application requires the assistance of an outside consultant(s), the procedures, requirements and financial responsibility in Chapter 248, Subdivision of Land, Article VII, §248-26, Review fees, shall apply. **It was determined that the Town's consulting engineer regarding maintenance of the landfill was needed to provide information and review the plans for impacts on the landfill. They were also contracted to review the stormwater management plan and, as conditioned below, will be used to monitor and observe construction to ensure no damage to the landfill cap and compliance with the conditions herein.**

III. DECISION AND CONDITIONS

After duly considering the facility proposed in the Application and the comments received, the Board hereby approves the Site Plan subject to the following conditions:

- (1) The actual operation of the facility will be as represented in the Site Plan and related materials submitted to the Planning Board as part of this site plan review.
- (2) The actual appearance and configuration of the facility and the Site will be as represented in the Site Plan and related materials submitted to the Planning Board as part of this site plan review.

- (3) Prior to endorsement of the Site Plan by the Planning Board, the Site Plan shall be revised to address all of the conditions listed herein.

Access and Traffic

- (4) The Site Plan shall be revised to reflect the following changes based on discussions of access and safety in the Planning Board meetings, at the Site Visits, and comments from the Police Chief, Superintendent of Streets, and Town Engineer, and citizens during the site plan review process. These changes will be paid for by the Applicant but will be completed under the supervision of the Superintendent of Streets.
 - (a) The access road will use the existing curb cut and entrance to the site. The access road will curve to the east as shown on the July 20 version of the site plan. The pavement beyond the curve shall be removed and a minimum of 5 trees of a species and location selected by the Tree Warden shall be planted in the area of removed pavement in a manner to create a natural screen between the street and the facility. Any landscaping found to be dead or dying shall be replaced as soon as seasonally possible. The vegetative screening shall be maintained as long as the facility is in operation.
 - (b) A gate shall be installed in the existing Transfer Station fence on its southern edge between the point of intersection of the proposed new fence for the solar facility and the southeast corner of the Transfer Station fence in order to facilitate Fire Department access to a potential woodlands fire or emergency behind the solar facility.
 - (c) Due to limited sight distance, temporary signage (“Construction Ahead”) shall be installed on Powissett Street on both the eastern and western approaches to the facility entrance. The specific locations shall be determined by the Police Chief. The signs shall be removed upon completion of construction.
 - (d) During construction, the temporary staging area on the Transfer Station grounds shall not be accessed for either loading or unloading of materials during Wednesdays (or any other time) when the Transfer Station is open. Furthermore, the staging area shall be completely enclosed with a temporary security chain-link fence during times when the Transfer Station is open.
 - (e) During construction, to ensure safe passage onto and off the site and along Powissett Street, Police details shall be provided at the discretion of the Police Chief.
 - (f) The facility operator is responsible for the removal of snow and ice from the access road to ensure access in the event of any emergencies.
 - (g) As Powissett Street is a designated scenic road, tree removal for the extension of the access road shall be the minimum necessary and the existing vegetated buffer along Powissett shall be maintained in its natural state for the life of the project.

Signage

- (5) Signage shall be limited to a single 16” x 24” sign with emergency contact information to be attached to the entrance gate, and OSHA and ANSI compliant signs stating “Danger – High Voltage” along the perimeter once and cable tray every 50 feet and to educational material in the kiosks authorized under Condition #16 below.

Lighting

- (6) Consistent with the Site Plan, no new lights shall be added to the site.

Hours

- (7) Construction shall be limited to Monday through Friday from 7:00 AM to 7:00 PM.

Other

- (8) The perimeter fence shall be designed to allow small animals to pass beneath it by providing a 4-6 inch continuous or intermittent space between the bottom of the fence fabric and the ground.
- (9) Erosion controls shall be installed and inspected by the Town prior to the start of any construction.
- (10) The staging area within the Transfer Station site shall be returned to its original condition upon completion of construction and prior to the issuance of an occupancy permit.
- (11) A construction management and staging plan shall be submitted to, and a pre-construction conference shall be held with the Applicant and, the Building Inspector, Town Engineer, Police and Fire Chiefs, Conservation Agent and Superintendent of Streets.
- (12) A plan for endorsement by the Planning Board illustrating all conditions and revisions to the Site Plans shall be submitted within 30 days of approval of the Site Plan.
- (13) A copy of the Post Closure Use Permit issued by DEP shall be submitted to the Planning Board prior to the issuance of a Building Permit.

- (14) Prior to the issuance of a building permit, the Applicant shall submit a copy of the Interconnection Agreement with Eversource to the Planning Board and Building Inspector, and a copy of an insurance liability policy approved by Town Counsel with the Town named as an additional insured.
- (15) Prior to the issuance of a building permit, any legal documents needed to access the site and construct the facility including licenses to use the transfer station as a staging area and to construct the Facility on top of the closed Town landfill shall be executed.
- (16) Three educational kiosks with information about the solar facility as well as about the solar house that once existed on Powissett Street shall be installed. One shall be located so that it is within or visible from the Transfer Station, one close to the trail that exists near the southwestern corner of the site and one in the vicinity of the power inverters and equipment pad.

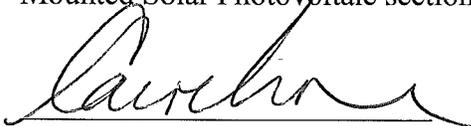
- (17) An as-built plan of the facility documenting compliance with the approved site plan and the conditions shall be submitted to the Planning Board and Building Inspector prior to the issuance of an occupancy permit. The as-built plan shall be signed and stamped by a professional engineer and show all components of the Facility, including the solar panels, associated equipment, cable trays, utility poles, the access roadway location and construction details, stormwater management system, signage, finished grades, etc.
- (18) The Applicant shall be responsible for controlling dust during construction. This may require the use of a water truck during dry periods.
- (19) Prior to the issuance of an Occupancy Permit, the Applicant shall submit a final Operations and Maintenance Plan. In addition to the operation of the Facility, including the access road and the stormwater management plan, the plan shall delineate the maintenance responsibilities of the landfill surface within the Facility perimeter fence.
- (20) Prior to the issuance of Occupancy Permit, the Applicant shall develop an Emergency Response Plan in consultation with the Police and Fire Chiefs.
- (21) Upon the end of its useful life or abandonment of the Facility, the Applicant shall remove and dispose of all components of the solar array and associated equipment in a manner compliant with applicable federal, state and local laws. The site shall be stabilized and revegetated as needed to control erosion.
- (22) A decommissioning bond, with the Town named as a beneficiary, in the amount of \$90,000 shall be submitted to the Town prior to the issuance of a building permit. In the event the Applicant fails to remove the solar array and associated equipment, the Town retains the right to obtain a court order and remove the equipment.
- (23) This Site Plan Approval shall expire on September 30, 2017 if not exercised prior to that date.

The vote was 3-0 in to approve the site plan as follows:

Kate Bush	Yes
Henry Faulkner	Yes
Carol Lisbon	Yes

PLANNING BOARD OF DOVER

(Acting under the Dover Zoning Bylaw, Site Plan Review and Large Scale Ground Mounted Solar Photovoltaic sections in effect at the time of the Application)


Carol Lisbon, Acting Chair


Date

September 12, 2016

I, , Consulting Planner for the Town of Dover certify that copies of this decision have been filed with the Dover Town Clerk and the Planning Board on 9/21, 2016.