

NOTICE OF DECISION

SPECIAL PERMIT – GROUND MOUNTED SOLAR ENERGY SYSTEM

November 20, 2018

Applicant/Project: CVE North America
116 W.23rd St., Suite 500, New York 10011

Property: 0 Montague Road
South/East side of Montague/North Road
Westhampton, MA
Assessor's Map Sheet No. 16, Parcel 36

With respect to the above captioned Application submitted by the Applicant, CVE North America, the Planning Board hereby certifies that it initiated a public meeting on July 24, 2018, being duly noticed, for the purpose of receiving public comment regarding the Special Permit Application for a GROUND MOUNTED SOLAR ENERGY SYSTEM, said meeting continued to August 7, 2018, August 28, 2018 and September 5, 2018 and closed on September 5, 2018.

The following documents were received as part of that application:

- Plans and project manual submitted by SWCA Environmental Consultants on behalf of CVE North America and revised through September 5, 2018.

After review of the Application and close of the Public Hearing on September 5, 2018, the Planning Board voted to issue a Special Permit with conditions. After the Planning Board met on October 2, October 9, October 17, October 30, November 14 and November 20, 2018, to craft its decision, the Planning Board voted on this written decision and the following conditions:

Approval of the following waivers: None

Findings:

The Planning Board makes the following findings for a Special Permit:

- a. the proposed use is in harmony with the general purpose and intent of the zoning bylaw;
- b. the proposed use will not create undue traffic congestion or impair pedestrian safety;
- c. the proposed use will not be detrimental to the health, safety, or welfare of the neighborhood or town.

The Planning Board finds that the proposed project, as shown on the approved plans and conditioned herein (see below) meets the objectives of the Site Plan Approval under Sections 3.097, 5.14 and 6.3 of the Zoning Bylaws.

Conditions: Approval

1. The plans and project manual referenced above are herein incorporated as part of this Approval. Any deviation requires resubmittal to the Planning Board.
2. All work authorized under this Approval shall be in accordance with the application, supportive materials and testimony submitted by the Applicant/Owner and its representative to the Planning Board.
3. Unauthorized deviations from the approved plans or failure to conform to the conditions issued in this Approval may result in the Building Inspector/Zoning Enforcement Officer seeking issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the approved plan shall subject the Applicant/Owner to zoning enforcement action in accordance with MGL Chapter 40A.
4. Three sets of final plans shall be delivered to the Planning Board within thirty (30) days from the date of this Decision.
5. The Planning Board retains its jurisdiction and the right to, on its own motion, modify amend, rescind or revoke its approval after holding a public hearing in accordance with MGL Chapter 40A, Section 9, when it believes that there is material noncompliance with the terms of this Approval.
6. Members, Agents or other designees of the Planning Board or other town officials shall have the right to enter the site at reasonable times to gather all information, measurements, photographs or other materials needed to ensure compliance with the terms of this Approval. Members, Agents or Town Officials entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant/Owner and the Applicant/Owner's contractors. The Planning Board may designate a Town of Westhampton official, and/or a Consultant paid by the Applicant/Owner and reporting to the Planning Board, as Agents to act on its behalf. Unless notified otherwise, the Building Inspector shall be the Planning Board's designee.
7. The Applicant/Owner shall maintain the chain link fence, screening vegetation and all on-site landscaped buffer areas in good condition for the life of the project.

8. This Approval shall lapse after two years from the granting thereof if a substantial use thereof has not sooner commenced, except for good cause. The Planning Board upon the written request of the Applicant/Owner may for good cause, extend approval in writing.
9. This Approval shall lapse and become null and void after three years from the granting thereof if the construction and all site improvements shown on the plans are not completed within said three years. The Planning Board upon the written request of the Applicant/Owner may for good cause, extend approval in writing.
10. At least sixty (60) days prior to the sale, transfer, or assignment of ownership of the property and/or project, the current owner of the property and/or project (or his/their successors or assignees) shall notify the Planning Board, in writing, as to the identification and contact information of the prospective purchaser.
11. This Special Permit shall not be allowed to be transferred to another party without first obtaining the approval of the Planning Board.
12. Applicant/Owner shall comply with all requests and conditions required by the Select Board and other Town Boards and Officials, including the PILOT.

Conditions: Preconstruction

13. Construction activity shall not commence until all required approvals and permits have been obtained.
14. Construction activity shall not commence until the Applicant/Owner has provided financial surety in compliance with the Decommissioning Agreement incorporated herein, by reference.
15. Prior to commencement of construction, the Applicant/Owner and/or his representatives shall post a 24" x 36" weather-resistant sign on the premises, that states the hours of operation; the phone numbers of the Applicant/Owner; the Westhampton Police Department, Fire Department, the Westhampton Building Inspector, and the System Installer.
16. The project information and 24/7/365 contact sign must be maintained and updated throughout the life of the solar project. Failure to keep the sign complete and up to date with the latest contact information for all responsible parties and emergency contacts shall be subject to a fine of \$300 per day if the sign is not updated within a week of written notification from the Town.

17. Prior to initiation of project construction, the Town and Applicant will conduct a pre-construction inspection and documentation of the existing conditions on related town roads, along the proposed contract or route. The Applicant agrees to remove, patch and repair any damaged roads resulting from this project at the conclusion of construction, as determined necessary by the Westhampton Highway Superintendent.

Conditions: Construction

18. The site shall be kept reasonably clear of construction debris and trash. Debris or trash that becomes a nuisance to abutters or blows onto Road shall be removed immediately upon notification by the Town or its representative.

19. During construction, adequate and effective measures shall be undertaken to prevent trucks and construction vehicles from dragging soil or mud onto the public way. Sediment tracked onto Roadway from construction activities shall be swept after each construction day until all work areas have been stabilized.

20. During construction, adequate provisions shall be made on-site for the parking of construction and contractor vehicles and machinery; for the storage of materials; and for delivery vehicles, including off-hours, sufficient to prevent said vehicles and materials from parking and/or storage on the public way.

21. From the commencement of construction, all works shall continue in an uninterrupted and timely fashion until the project is completed. Failure to comply may be a reason for the Planning Board to rescind approval of this Site Plan Approval.

22. Spill kits adequate to address potential hazardous materials release shall always be kept on site.

Conditions: Project-specific

23. Clearing of vegetation shall be limited to the extent necessary to construct and operate the solar facility. Landscape and visual screening shall be installed as early as is practical during the construction process and shall include double staggered rows, maximum 10-foot spacing providing a maximum of 5 feet between trees.

24. All existing topsoil for areas to be disturbed shall be stockpiled on site and shall be surrounded with silt fence and hay bales or shall be covered with a solid woven fabric or tarp to prevent erosion or loss of usable topsoil materials. The removal of topsoil from the site is prohibited. Other site materials shall only be removed when duly permitted by appropriate town officials.

25. Prior to operation of the facility, the Applicant/Owner shall be responsible for providing operation and emergency response training to Town officials.
26. The Applicant/Owner shall install a key lock box on site to provide access for Town emergency officials, to the specifications of the Westhampton Fire Department and Police Department.
27. The Applicant/Owner shall provide contact information for the maintenance/operations company to the Planning Board, Police Department, Fire Department and Building Inspector when available and shall notify said parties of any future change in the maintenance/operations company.
28. Warning signage shall be installed along the perimeter fence in accordance with all applicable laws and regulations.
29. The applicant's construction site manager or supervisors shall arrange and conduct a monthly construction progress meeting with appropriate town official. The time and location of the meetings shall be coordinated by the site manager. The frequency of the meetings can be reduced or increased as appropriate by the Building Inspector or Agent.
30. The Applicant of the facility shall be responsible for providing necessary training to Emergency Response Services as designated by the Fire Chief regarding the up-to-date operation/emergency response for the facility prior to operation.
31. The Applicant/Owners shall submit a copy of the executed Interconnection Agreement with National Grid within 30 days of its execution, with confidential information redacted.
32. No pesticides shall be used on the premises.
33. Only non-toxic solar panels shall be used.

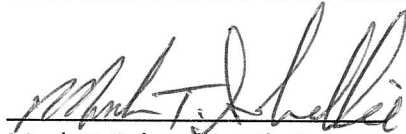
Conditions: Building Permit/ Final Completion:

35. A Certificate of Project Completion for a phase or the entire project shall not be issued until the Project Engineer has submitted a written statement, with seal/stamp affixed, certifying that all work has been done in accordance with the approved plans and conditions of this Approval.

Vote Count: 4 votes to grant the special permit with these conditions.

DECISION: Following the Planning Board's vote, there were sufficient votes to grant the Special Permit. Therefore, the special permit application is approved.

I, Mark T. Schwallie, as chair of the Planning Board, certify that this is a true and accurate decision made by the Planning Board on ^{November 20, 2018} and certify that a copy of this decision has been filed with the Town Clerk this ^{21st} day of ^{November} 2018.



Mark T. Schwallie, Chair

Any Appeal to the decision of the Planning Board can be made only to the Court and must be filed pursuant to Section 17, Chapter 40A M.G.L., as amended, and must be filed within twenty (20) days after the date of filing the decision with the Town Clerk.