

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition #26-16

Applicant: Solbright Renewable Energy LLC

Owner: Robert Perry

Owner Address: 29 Squirrel Island Road, Wareham, MA 02571

Subject Property 0 Squirrel Island Road, Wareham, MA 02571

Subject Property Parcel ID: Assessors Map 74 – Lot S1A

Date of Public Hearing: July 13, 2016

Date of Notice: August 4, 2016

Decision/Reason:

The Board voted to grant a Special Permit to construct a solar farm for Petition #26-16 – Solbright Renewable Energy LLC–Assessors Map 74 – Lot S1A – 0 Squirrel Island Road, Wareham, MA with the following conditions:

Conditions:

1. Affidavit of Actual Notice to be filed with Zoning Board of Appeals.
2. Variance approval required for driveway buffer.
3. At least 48-hours notice shall be given for inspections of the project as shown on the approved plans.
4. A pre-construction meeting shall be scheduled at least two weeks prior to the commencement of construction for the project contractor and the Board of Appeals and/or its representative at which time a schedule of inspections shall be determined.
5. Revised plans for Sheets C3.1, C5.1 and C5.2 shall be received by the Planning Office during, but no later than, the expiration of the 20-day appeal period following the filing of a Special Permit with the Wareham Town Clerk. Revised plan dates shall remain as 7/26/16 to avoid confusion of the plan set.
6. Prior to the commencement of construction within the proposed access road off Squirrel Island Road, the applicant shall submit a written plan for dust control and maintenance of Squirrel Island Road to the satisfaction of the Municipal Maintenance Department with a copy of the plan submitted to the Planning Department and the Board of Appeals.
7. The applicant shall maintain Squirrel Island Road in satisfactory conditions at all times and maintain adequate control of dust so as not to be a nuisance to abutting property owners.
8. The applicant shall prepare and file with the Board of Appeals, a written plan and security in a form acceptable to the Board for the decommissioning of the project no later than when the project is at 50% completion. The written plan, security form and amount shall be the subject of review and vote of approval by the Board of Appeals prior to its adoption. The written plan and security shall remain in place until such time that the project is no longer functioning and operable at which time the written plan for decommissioning shall commence.
9. No operation of the facility shall commence until the decommissioning plan and security have been received and approved by the Board of Appeals.
10. Decommissioning shall mean the complete removal and disposal off site of all solar panels, supporting structures, pads, transformers, poles, fences and all accessory or ancillary materials associated with the operation of a solar array system. It includes the re-grading and re-vegetating with loam and seed of all disturbed areas that are not already graded and in stable condition. Landscaped areas are not included within the meaning of decommissioning.
11. The cost of construction inspections shall be secured by a deposit of monies in a 53G account with the Wareham Town Treasurer sufficient to cover the cost of those inspections agreed to during the pre-construction meeting.

12. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
13. Any relief not expressly granted hereunder is hereby denied.
14. For this decision to become effective, a copy of said decision & notice thereof must be filed at the Plymouth County Registry of Deeds & must bear the certification of the Town Clerk that twenty (20) days have elapsed & no appeals have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board of Appeals.
15. If substantial use or construction permitted by this Special Permit/Variance has not commenced within two years from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire & the amount of time required to pursue & await the determination of any such appeal, then this Special Permit/Variance shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit/Variance does so at the risk that a court may reverse the permit & any construction performed under the permit may be ordered undone.
16. Any person aggrieved by this decision of the Zoning Board of Appeals may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk will so certify.

VOTE: Unanimous (5-0-0) By the Wareham Zoning Board of Appeals