

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition #41-16

Applicant: Alternate Power & Energy

Owner: 418 County Road LLC

Owner Address: 380 Turnpike St., S. Easton, MA 02374

Subject Property Address: 418 County Road, Wareham, MA

Subject Property Parcel ID: Assessors Map 64, Lots S1 - S7, and 1 - 3

Date of Public Hearing: September 28, 2016

Date of Notice: October 24, 2016

Decision/Reason:

Finding that the proposal is in conformance with standards for issuance of a Special Permit, given the conditions of the property and the neighborhood and based on the public hearing record, the Board voted to grant a Special Permit to construct a solar photovoltaic facility for Petition #41-16 of Alternate Power & Energy for 418 County Road, Wareham, MA Assessors Map 64 – Lots 1-3 and S1-S7 with the following conditions:

Conditions for Special Permit:

1. Construction shall follow a set of plans with five sheets entitled AP&E – WAREHAM SOLAR PV, prepared by Woodard & Curran for Alternate Power & Energy for 418 County Road, dated July, 2016, revised through September 30, 2016.
2. The Operation and Maintenance Plan provided as described in Appendix E of the Special Permit Application package dated July 2016 in its entirety is considered part of the Special Permit and shall be followed for the life of the project operation.
3. Those areas of the perimeter that require the 20-foot buffer to separate a commercial use from residential property shall be identified prior to installation of the landscaping.
4. Landscaping shall be maintained throughout the life of the project. Dead or damaged plantings shall be replaced with new stock as necessary to provide the buffer as required by Article 10 of the Wareham Zoning By-Law.
5. The road to the project site and the perimeter access to the solar array shall be kept in good condition and clear of snow during winter months.
6. Appropriate signage shall be posted along the perimeter fence of the site as a warning that it is an electrical facility.
7. Prior to the commencement of construction, notice shall be given to the Planning Department as to a schedule for inspections. As a minimum the following inspections are required:
 - a. When the limits of work are determined and initial site preparation is to commence,
 - b. When the site is prepared for examination of soil conditions at the sediment sump areas,
 - c. When sump areas have been graded, loamed and seeded following a determination that no additional preparation work is required for full functioning of each area,
 - d. When the perimeter fence has been installed and landscaping has been completed,
 - e. When all work is completed and the site is ready for use.
8. Construction schedule notices shall be given to the Planning Office at least 48 hours before the event.
9. In the event the project is permanently shut down and no longer functions as a solar energy source, the site shall be decommissioned as described below. Notice to commence shutdown or

non-function shall be given to the Board of Appeals 30 days prior to the proposed date of shutdown or non-functioning taking effect.

10. A formal decommissioning plan shall be provided to the Board for review and approval prior to the half-way point of project construction. In addition, the site shall be left clean and neat with all decommissioning material removed from the site. The perimeter landscaping shall remain in place.
11. Security for decommissioning shall be provided to the Town of Wareham in an amount approved by the Board, no later than when the project is at 50% completion. This security is to be retained until such time as the project is no longer functioning and decommissioning is required. The security shall be in the form of a cash deposit to be held in a separate account by the Town Treasurer or a Performance Bond approved by Town Counsel and which is to be maintained for the life of the project. The security amount shall be updated every 3 years with a corresponding adjustment in the security posted with the Town Treasurer or Performance Bond.
12. The project shall conform to any and all conditions of approval required by the Wareham Conservation Commission for those areas under Commission jurisdiction.
13. The project shall conform to any and all conditions of approval required by the Wareham Planning Board for those areas under Planning Board jurisdiction.
14. 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.
15. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
16. Any relief not expressly granted hereunder is hereby denied.
17. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and 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.
18. If substantial use or construction permitted by this Special Permit/Variance has not commenced within one year 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 and the amount of time required to pursue and 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 and any construction performed under the permit may be ordered undone.
19. 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