



PLANNING BOARD
ONE LIBERTY LANE
NORFOLK, MASSACHUSETTS 02056

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www.norfolk.ma.us

SITE PLAN APPLICATION
DECISION NO. 2019-13

15 Lincoln Road

Date Voted: February 11, 2020

Applicant: NextGrid, Inc.
P.O. Box 7775 #73069
San Francisco, CA 94120

Owner: Paul C. Waznis
P.O. Box 143
Wrentham, MA 02093

Plan Engineer: BSC Group
349 Main Street- Route 28
West Yarmouth, MA 02673

Plan Date: September 27, 2019 with a revision date of February 6, 2020

Zoning District: Business District-4

Assessors' Reference: Assessors' Map 22, Block 19 Parcel 1 and 2

Purpose: Construction of a 999 kW solar photovoltaic facility along with drainage, access and associated infrastructure.

2020 MAR -5 AM 9:02
TOWN CLERK
NORFOLK

PROCEDURAL BACKGROUND

In accordance with Massachusetts General Laws, Chapter 40A and the Town of Norfolk Zoning Bylaws, Section F.11 (Site Plan Approval) and the Norfolk Planning Board Rules and Regulations, Section 7 (Site Plan Approval Administrative Requirements), application was made for site plan approval by NextGrid, Inc. application dated and filed October 10, 2019.

A transmittal memo from the Planning Board soliciting comments on the application was sent with the application to the Building Commissioner, Board of Health, Conservation Commission, Police Chief, Fire Chief and DPW Director. The memo requested comments and noted that a public hearing was scheduled on November 12, 2019. Notices of the public hearing were published in the Attleboro Sun Chronicle on October 29, 2019 and November 5, 2019. The Planning Board convened the hearing on November 12, 2019 continued it to December 10, 2019, January 14, 2020, and closed February 11, 2020.

FACTUAL BACKGROUND

The site is in the B-4 Zoning District. The proposed development is to construct a 999 kW solar photovoltaic facility on Norfolk Center Condominiums off of Meetinghouse Road. The site is 5.84 acres.

VOTE OF THE BOARD

After reviewing the application and information gathered during the public hearing process, the Board voted to conditionally grant, as noted herein, Site Plan Approval at a duly posted meeting of the Board held on **February 11, 2020.**

Voting Planning Board Member

Approved/Not Approve

Walter Byron
John Weddleton
Gary Searle
Erin Hunt
Chad Peck

Approve
Not Present
Approve
Approve
Approve

WAIVER REQUESTS

This application included the following waivers:

7.4.3.27 Secondary Roads, 7.4.2 Plan Scale 1" =20', 7.4.3.1 Location of Information in lower right hand corner, 7.4.3.2 Signature Block, 7.4.3.4 Ties to county, and state bound, 7.4.3.6 Zoning Boundaries 7.4.3.7 National Geodetic Vertical Datum of 1929(NGVD) and required grading note, 7.4.3.8 Show all existing buildings and structures, 7.4.3.10 Traffic circulation information, 7.4.3.12 FEMA map information, 7.4.3.17 Street sweeping measures, 7.4.3.19 Private wells, 7.4.3.21 Removal of Earth in accordance with Norfolk General Bylaws, 7.4.3.22 Show maximum size vehicle including trailers expected to use the site after construction, 7.4.24 Show existing private utilities above and below grade and public utilities, 7.4.3.24 Electrical utility type, size and class, 7.4.3.25 list of waivers, 7.4.3.27 Provide parking lots and driveways to secondary street standards, 7.4.3.30 Provide a written statement describing how the proposed site plan application meets general conditions of approval of Norfolk Zoning Bylaw Section F.11.c

WAIVERS GRANTED

In accordance with Section 7.5.3 of the Site Plan Approval Rules and Regulations as most recently amended the Planning Board voted unanimously to waive the requirements listed above from Site Plan Approval Rules and Regulations the Planning Board as most recently amended except for Section 7.4.3.2 Signature Block. All other requirements of the Site Plan Approval Rules and Regulations as most recently amended are shown on the Site Plan Approval plan set entitled "Photovoltaic System, 15 Lincoln Road, Norfolk, Massachusetts".

SPECIFIC CONDITIONS OF APPROVAL

All plan changes required by the following conditions shall be shown on a plan and submitted to the Planning Board for review and approval prior to endorsement of the site plans.

Access, - Pedestrian and Vehicular Circulation, Parking

1. No Conditions.

Miscellaneous

2. The system installer information shall be provided to the Planning Board prior to the start of construction.
3. A sign shall be posted on the gate of the fence identifying the owner of the solar array and providing a 24 hour emergency contact phone number.
4. The racking system information shall be provided to the Planning Board prior to the start of construction.
5. A concrete ballast system is proposed which will require a large amount of impervious surface. If any other type of racking system is used, the Applicant will re-run the HydroCAD model to determine how many chambers can be eliminated from the drainage system, as currently designed and approved. The results of that analysis shall be submitted to the Planning Board for review by the Planning Board's consultant engineer to verify the drainage system will work. Any changes to the plans will need to be approved by the Planning Board.
6. The Planning Board Consulting Engineer shall observe the excavation for the infiltration system to verify soil conditions.
7. The owner shall provide a signature on the Operation and Maintenance Plan prior to the start of construction.
8. The owner shall submit prior to construction a statement that there are no illicit discharges.
9. Since the site is a 21E site under the Massachusetts Contingency Plan further environmental assessment and cleanup will need to be done. The applicant shall notify the Planning Board when the Licensed Site Professional (LSP) completes their assessment and provide a report to the Norfolk Planning Board outlining what actions need to be taken to clean up the property. Further, the applicant shall notify the Planning Board when the site has been remedied in order to proceed with the solar project. If through the assessment and/or remediation phase the site plans need to be changed, the plan changes shall be submitted to the Planning Board for determination whether or not the changes are minor or require a new public hearing.
10. The final design of the interconnection facilities shall be submitted to the Planning Board for the record following completion of the Eversource engineering's interconnection design sketch.
11. The perimeter fence along the east side of the site abutting the homes along Daisy Lane shall be installed flush with the ground. The remainder of the perimeter fence shall be 6 inches off the ground for wildlife movement. The existing stockade fence along 6 Daisy Lane will be repaired so there aren't any gaps.
12. Copies of all permits from other agencies needed to construct the facility shall be provided to the Planning Board prior to construction. These include, but are not limited to permits from the Zoning Board of Appeals, Conservation Commission, Environmental Protection Agency (SWPPP).

13. This Site Plan approval is subject to all subsequent permits, approvals and conditions imposed by the various Town boards, agencies or commissions. Any changes to the plans required by other Boards and/or Commissions shall be resubmitted to the Planning Board. Unless such changes are determined to be minor by the Planning Board, a formal modification of the site plan approval shall be required.

14. A Decommissioning Plan describing the procedure for decommissioning and dismantling the facility is required to be filed with the Planning Board prior to construction commencing.

GENERAL CONDITIONS OF APPROVAL

15. A hydraulic conductivity test shall be done to determine infiltration capacity. The Planning Board Agent will be on site during testing to ensure the drainage design works as designed. If there is an issue with infiltration capacity the drainage system will have to be redesigned. Any changes to the plans will need to be approved by the Planning Board.

16. The owner will grant the town the necessary license and/or easements to remove the solar arrays if abandoned or discontinued prior to obtaining a building permit. The Town reserves the right to not remove the solar arrays if abandoned or discontinued.

17. Surety will be provided in the event the town needs to remove the solar arrays throughout the life of the solar project prior to obtaining a building permit.

18. Prior to any construction, including moving of earth, the applicant shall install all erosion and siltation control measures and these shall be observed by the Planning Board's consulting engineer prior to the start of construction work. These measures shall be maintained in good repair throughout the construction period. Furthermore, the applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction.

19. Construction work at the site shall commence no earlier than 7:00 a.m. and is to end no later than 7:00 p.m. Monday through Saturday, including truck and machine start-up and movement. There shall be no work on Sundays or the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

20. Any earth removal shall comply with Town of Norfolk Earth Removal Bylaw. Any earth removal shall comply with the Earth Relocation/Removal requirements of the Planning Board's Rules and Regulations for the Subdivision of Land and Site Plan Approval. Trucks used in earth removal operations shall not operate off-site prior to 7:00 AM and after 7:00 PM, Monday through Friday. On-site truck movements may operate between 7:00 AM and 7:00 PM Monday through Friday.

21. There shall be no off-site tracking of materials. Daily sweeping of roadways adjacent to the site shall be done to ensure that loose gravel/dirt does not create a hazardous or deleterious condition for vehicles, pedestrians or abutting residents.

22. The applicant shall also submit truck routes and employee/contractor access and excavations within public ways and accepted streets to the DPW Director for review and approval, after obtaining all necessary permits and shall provide police details as deemed necessary by the Police Department.

23. The site and its use must comply with all Zoning Bylaws or the applicant must obtain the necessary variances or Special Permits from the Zoning Board of Appeals or Planning Board, as deemed necessary, prior to endorsement of the plan. Any changes to the site plans referenced in this decision must be presented for further approval of the Planning Board and/or modification by way of public hearing.
24. The applicant is required to comply with all applicable portions of Section 7 and 8 of the Rules and Regulations. The applicant may cite individual portions of this section for a waiver request through a modification procedure.
25. The Board reserves the right to place further conditions on this approval upon receipt of requested details, specifications, and revised plans.
26. All waivers that have been granted shall be noted on the face of the site plans presented for endorsement, and the plans changed accordingly.
27. All site plan lettering shall comply with the requirements of the Norfolk County Registry of Deeds.
28. All conditions indicated in this document are to be shown as revisions to the site plan and are to be submitted to the Planning Board and its consultant for review and approval prior to endorsement.
29. A final site plan shall be submitted for endorsement by the Planning Board, with all Conditions for Approval listed in this **Decision No.2019-13**, duplicated on a plan sheet, within 90 days of the date this decision is filed with the Town Clerk. If not submitted within 90 days, this approval shall expire, unless the deadline for submittal is extended by the Planning Board. Additional sheets may be added; however, all sheets must include a signature block and number.
30. The terms and condition of this Site Plan Approval shall remain in force throughout the duration of this use.
31. The applicant shall furnish two (2) copies of the as-built plans prepared by a registered surveyor to the Building Commissioner and two (2) copies of the as-built plans to the Planning Board. These as-built plans shall indicate that the structure and the site work were completed in strict compliance with the approved and endorsed Site Plan as conditioned. An electronic copy in a format acceptable to the Planning Board shall also be submitted to the Planning Board prior to the issuance of an occupancy permit.
32. No building permit for site construction work shall be issued until proof is supplied to the Planning Board that this decision, together with a copy of the endorsed plans has been recorded by the applicant at the Registry of Deeds. No occupancy permit shall be issued and no use of the site shall commence until this site work is completed in accordance with this Site Plan Approval, as determined by the Planning Board following review of the as-built plans and an inspection of the site by the Board or its agent.
33. If any one portion of this Decision is found to be invalid, the remainder shall remain in force.
34. The Planning Board, or its designated agent(s), reserves the right to inspect the site for compliance with the approved site plan, at any time, with the cost borne by the applicant.
35. The applicant shall pay any additional review fees and a site observation fee of \$2000 prior to endorsement of the plan by the Planning Board. All additional fees shall be paid prior to the issuance of a Building Permit.

36. It is the responsibility of the applicant to request observations of the work as called for on Form K-2, so far as apt which is available in the Planning Board office.

37. If there is a conflict between the site plan and these Conditions of Approval, the Conditions of Approval shall rule. If there is a conflict between this Approval and/or site plan and the Zoning Bylaws of the Town of Norfolk, the Zoning Bylaws shall apply.

38. The Planning Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.

39. The Conditions of Approval and General Conditions of Approval are enforceable under Section G.1.b of the Norfolk Zoning Bylaws, Non-Criminal Disposition and violations or non-compliance are subject to the appropriate fine which is currently three hundred and No/100 (\$300.00) dollars per day per violation.

40. Any outstanding fees and taxes shall be paid prior to issuance of any building permit.

REASONS FOR DECISION

The foregoing conditions shall assure that the Planning Board's decision to approve this site plan is consistent with its current Rules and Regulations that the comments of various Town boards and public officials have been adequately addressed, and those concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. Specifically, it is the finding of the Planning Board that in granting said approval for the site plan, the conditions of F.11.c (General Conditions of Approval) of the Zoning Bylaws can be assured to a degree consistent with the proposed use of the site, which include:

1. Protection of adjoining premises against seriously detrimental or offensive uses on the site.

The proposed use is expressly allowed by special permit. The facility is low impact with a minimum of human activity and noise and produces no detrimental or offensive discharges.

The site is a former auto salvage yard which is currently contaminated. The solar project will clean up the contamination and produce clean energy which is another long term environmental benefit.

2. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.

The layout of the site has been designed to ensure safe and efficient vehicular access and circulation.

3. Adequacy of the methods of disposal of sewage, refuse, and other wastes resulting from the uses of the site, and the methods of drainage for surface water and its parking spaces and driveways.

The site has been designed to adequately handle stormwater. No sewage, refuse or other wastes will be generated by the facility.

4. Adequacy and safety of storage facilities/methods for fuel, refuse, vehicles and other material and equipment incidental to use of the site.

No storage of fuel is planned. No outdoor vehicle storage is planned.

5. Provisions for emergency access and operations within the site.

The layout of the site has been designed to allow for the safe and efficient access and circulation of emergency vehicles.

6. Provision for off-street loading, unloading and parking of vehicles incidental to the normal operation of the establishment.

Provisions for parking and loading are adequate for the proposed uses. The only parking needed is for occasional maintenance vehicles.

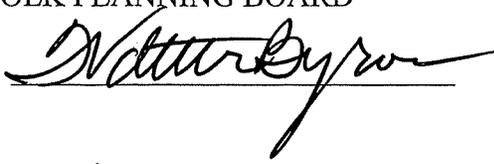
APPEALS

Appeals, if any, from this Decision shall be made pursuant to G.L. Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of filing in the Office of the Town Clerk. A copy of this Decision has been filed with the Town Clerk.

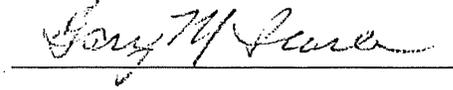
After the appeal period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed with the Registry of Deeds with the accompanying approved site plan. A copy of said recording must be returned to the Town Clerk to complete the file.

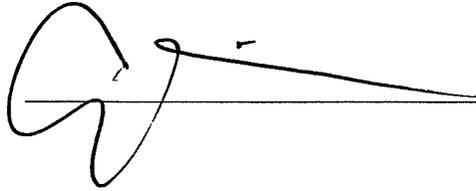
Said site plan approval is granted pursuant to Section F.11 of the Norfolk Zoning Bylaws and if the rights authorized by site plan approval are not exercised within one (1) year after the expiration of the appeal period for the decision, it shall lapse, and may be reestablished only after a notice and a new hearing has been held pursuant to Section 17 of Chapter 40A, Massachusetts General Laws, unless the Planning Board finds that the construction or use permitted by the site plan approval was not commenced for good cause.

NORFOLK PLANNING BOARD









I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed in this office.

A True Copy

Attest: _____

Town Clerk

Date

- Cc: Town Clerk, Applicant
Certified abutters within 300'
Planning Boards of Franklin, Millis, Medway, Wrentham, Medfield, Walpole, Foxboro
Building Commissioner/Zoning Officer
Zoning Board of Appeals
Board of Health
Department of Public Works
Design Review Board
Board of Assessors
Fire Chief, Police Chief
Board of Selectmen, Town Counsel