

OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS.
2020 MAY 14 PM 12:54

**TOWN OF HOLLISTON
ZONING BOARD OF APPEALS**

Town Hall – 703 Washington Street
Holliston, MA 01746
(508)429-0635

**USE VARIANCE CERTIFICATE OF ACTION
39 MARSHALL STREET**

Date of Decision: May 6, 2020

Applicant(s): Marshall Street Solar, LLC

Applicant's Address: 26 Market Street, Portsmouth, NH 03801

Owner: Green View Realty Collateral Trust

Subject Property: 39 Marshall Street

Assessor's Identification: Map 7 Block 3 Lot 19.2

Zoning District: Agricultural Residential A (AR-1)

ADMINISTRATIVE RECORD

Hearing notice under the requirements of MGL, c. 40A and the Holliston Zoning By-Laws included the following:

1. Publication of the hearing notice in the Metrowest Daily News on January 10 and 17, 2020.
2. Posting of the hearing notice in the Town Clerk's Office on January 29, 2020, and
3. Notification to parties of interest for properties in Holliston and Hopkinton (including the Petitioner) by mail on January 29.

The Petitioner filed an application with the Town Clerk on December 31, 2020. The public hearing was opened on January 27, 2020 at which time the hearing was continued to February 24, March 30, April 22 and May 6, 2020 with the consent of the applicant. Because of a Town of Holliston website notice issue, additional notice was sent to abutters on February 27, 2020 and the hearing was re-advertised on March 13 and 20, 2020. The Board deliberated the matter on May 6, 2020.

Project Description

The Applicant is proposing to construct, own and operate a large-scale solar energy generation system that will be approximately 4.99 MW (AC) and will include 4 MW's of battery storage on land located at 39 Marshall Street. Approximately 22 acres of the site will

For title, see Deed at Book 63565, Pages 574 + 580

Holliston Zoning Board of Appeals**39 Marshall Street – Use Variance**

be cleared to accommodate the project and its access roadway network. The site will have a seven foot tall security fence. The proposed pile driven and ballasted solar PV system will be composed of approximately 19,900 panels and the energy storage system has approximately sixteen 250 kW DC batteries. The Zoning Board of Appeals understands that the site development will require compliance with the Massachusetts Contingency Plan (“MCP”), under the supervision of a Licensed Site Professional (“LSP”), who consults regularly with DEP with regard to site disturbance and clean-up, which could result in amendments to the revised plans.

Findings of Fact

Having reviewed all the Plans and Reports filed by the Applicant and its representatives and the representatives of the Town and having viewed the site, the Zoning Board of Appeals Board has determined that the Application for Use Variance may be granted in accordance with the criteria of Section VI-D(3). Literal enforcement of the provisions of the by-law would involve substantial hardship to the petitioner owing to the unique circumstances of the subject parcel and the petitioner. The following evidence to support the application was entered into the record: The proposed project will create no substantial detriment to the public good as solar voltaic arrays are considered a passive land use. Small-scale solar is allowed in this zoning district. Large-scale solar is allowed by Special Permit in the Industrial zoning district. A town-owned large-scale solar project is proposed across Marshall Street in the same zoning district. The proposed project will alleviate the burden on the Town that other types of development would create. No significant traffic, noise, visual impacts or impacts on public services, most notably schools, will result from the proposed use. Development of solar will help retire the environmental lien on the property and will expedite the assessment and remediation of environmental releases on the property. The project has public and abutter support. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.

Conditions

1. Hours of construction for required improvements shall be as follows: Monday through Friday 7:00 a.m. to 5:00 p.m. with no work on weekends or holidays. Occasional work may be allowed on Saturday between 8:00 a.m. and 5:00 p.m. if approved by the Building Inspector and notice is given to abutters. The Applicant shall take measures to prevent construction vehicle queuing at the site entrance and along Prentice and Marshall Streets before 7 a.m. The applicant shall at all times use reasonable means to minimize inconvenience to residents in the general area. Construction activities shall include but not be limited to: start-up of equipment or machinery; delivery of materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities (both on and off the site); removal of stumps and debris; and erection of new structures. Construction hours shall be enforced by the Holliston Police Department and the Inspector of Buildings.
2. The Applicant shall coordinate traffic control measures on Marshall Street during construction with the Police Department and pay for any necessary traffic details.
3. Final system design plans and components cut sheets shall be approved by the Board prior to issuance of a building permit.
4. The site shall immediately be posted with signs indicating “No Trespassing” and “Danger: High Voltage, Keep Out”.

5. Emergency contact persons shall be clearly identified on the site and provided to public safety officials upon commencement of work. This shall include the 24-hour remote monitoring service when the site becomes operational.
6. Prior to the issuance of final inspections and commissioning of the site, the Police and Fire Department shall be provided with keys to any proposed gates (e.g. Knox box) and an accurate materials list depicting the contents of the storage areas (including MSDS).
7. All system components shall be marked in accordance with the National Electrical Code (NEC), including the integrated AC and DC disconnects on the inverter units.
8. Compliance with the requirements of NFPA 855, Standard for the Installation of Stationary Energy Storage Systems (2020 Edition) is required.
9. Specialized training shall be provided for first responders prior to the system becoming operational. This training shall be coordinated with the Fire Chief.
10. All service roads shall conform to emergency vehicle access and turning radius requirements, as directed by the Fire Department.
11. The Board or its agents may enter onto and view and inspect the property during regular business hours, without notice, to ensure compliance with the terms and conditions of this decision, subject to applicable safety regulations.
12. The site shall have no exterior lighting except motion sensor lighting at the equipment pad area.
13. No earth removal is authorized under this permit; no earth products are to be removed from the site unless in conformance with the recommendations of the LSP pursuant to the MCP.
14. The Applicant shall guarantee performance of the conditions of this permit regarding facility decommissioning with a surety bond or other security satisfactory to the Board. Said surety shall be posted prior to commissioning. Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation not more than 150 days after the date of discontinued operations. The owner or operator shall notify the Inspector of Buildings by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste generated by the solar construction activities in accordance with local, state, and federal waste disposal regulations. This does not apply to existing buried waste materials unless determined necessary by the LSP.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundation in order to minimize erosion and disruption to vegetation.
15. The Applicant shall promptly pay the reasonable fee of the Board's legal counsel for review of the surety documents described herein, up to a cap of \$3,000.
16. Executed interconnection services agreement(s), operations and maintenance agreement(s), and any utility easements shall be provided to the ZBA, Planning Board, Inspector of Buildings and Fire Department for reference along with the final system plans and components cut sheets prior to commissioning.

Landscape screening and other site improvements negotiated with abutters and denoted on sheets 25-33 of the record plan set as prepared by Wellnesscapes Design shall be completed

Holliston Zoning Board of Appeals

39 Marshall Street -- Use Variance

under the direction of professional designers and shall be installed by professionals or at the discretion of the homeowners. All plantings shall be subject to a one year replacement guarantee from the completed date of the project.

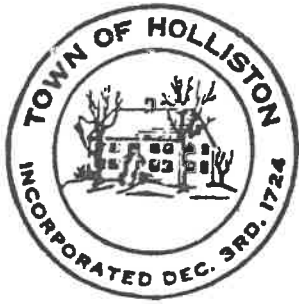
HOLLISTON ZONING BOARD OF APPEALS


John Loye
Chairman

TOWN CLERK'S CERTIFICATION OF NO APPEAL

I hereby certify that 20 days has passed since this decision has been filed and no appeals have been taken in accordance with MGL c. 40A.

 Dec. 8, 2020
Elizabeth Greendale, Town Clerk



**TOWN OF HOLLISTON
PLANNING BOARD**
Town Hall – 703 Washington Street
Holliston, MA 01746
(508)429-0635

OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS.

2020 JUL -1 AM 8:48

**SITE PLAN REVIEW
LAND DISTURBANCE AND STORMWATER MANAGEMENT PERMIT
CERTIFICATE OF ACTION
39 MARSHALL STREET**

Date of Decision: May 14, 2020

Applicant(s): Marshall Street Solar, LLC

Applicant's Address: 26 Market Street, Portsmouth, NH 03801

Owner: Green View Realty Collateral Trust

Subject Property: 39 Marshall Street

Assessor's Identification: Map 7 Block 3 Lot 19.2

Zoning District: Agricultural Residential A (AR-1)

ADMINISTRATIVE RECORD

The Petitioner filed an application with the Planning Board and Town Clerk on February 6, 2020. Initial discussion was scheduled for February 12. The matter was referred for peer review and comments were received from David Faist, PE of CMG Engineering Services dated March 3, April 15 and April 21, 2020.

Project Description

The Applicant is proposing to construct, own and operate a large-scale solar energy generation system that will be approximately 4.99 MW (AC) and will include 4 MW's of battery storage on land located at 39 Marshall Street. Approximately 22 acres of the site will be cleared to accommodate the project and its access roadway network. The site will have a seven foot tall security fence. The proposed pile drive and ballasted solar PV system will be composed of approximately 19,900 panels and the energy storage system has approximately sixteen 250 kW DC batteries. The Zoning Board of Appeals understands that the site development will require compliance with the Massachusetts Contingency Plan ("MCP"), under the supervision of a Licensed Site Professional ("LSP"), who consults regularly with DEP with regard to site disturbance and clean-up, which could result in amendments to the revised plans.

Findings of Fact

Having reviewed all the Plans and Reports filed by the Applicant and its representatives and the representatives of the Town and having viewed the site, the Zoning Board of Appeals Board has determined that the Application for Use Variance may be granted in accordance with the criteria of Section VI-D(3). Literal enforcement of the provisions of the by-law would involve substantial hardship to the petitioner owing to the unique circumstances of the subject parcel and the petitioner. The following evidence to support the application was entered into the record: The proposed project will create no substantial detriment to the public good as solar voltaic arrays are considered a passive land use. Small-scale solar is allowed in this zoning district. Large-scale solar is allowed by Special Permit in the Industrial zoning district. A town-owned large-scale solar project is proposed across Marshall Street in the same zoning district. The proposed project will alleviate the burden on the Town that other types of development would create. No significant traffic, noise, visual impacts or impacts on public services, most notably schools will result from the proposed use. Development of solar will help retire the environmental lien on the property and will expedite the assessment and remediation of environmental releases on the property. The project has public and abutter support. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.

Conditions of Approval

1. **The record plan set shall be endorsed by the Planning Board and presented to the Inspector of Buildings with the application for building permit.** Unless amended with the approval of the Planning Board, the endorsed plan set shall be the plan of record and construction shall proceed in accordance with the improvements shown on said plan and this Certificate of Action.
2. No corrections, additions, substitutions, alterations or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any requests for modifications shall be made in writing to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
3. A copy of this decision and endorsed plan set shall be kept on site and shall be made available to all site contractors.
4. Terms and conditions of this decision and Site Plan approval shall be strictly enforced by the Inspector of Buildings per the terms of Section VI-G of the Zoning By-Law and MGL.
5. Prior to issuance of a final inspection and sign-off from the Inspector of Buildings, the Applicant shall submit an as-built plan stamped by a professional engineer certifying that all site improvements are completed in accordance with the approved plan. The Applicant shall submit a statement certifying that all conditions of approval of this decision have been met.

Special Conditions

6. All exterior lighting shall meet the performance standards of Site Plan Regulations Section 7.4.2(B) and shall be International Dark Sky Association compliant (See <http://www.darksky.org/fsa/>).

7. The applicant shall not cause a nuisance to residents due to dust and/or noise. If, in the opinion of this Board, proposed measures do not sufficiently mitigate noise and dust migrating off the property in accordance with the standards of Section V-N of the Zoning By-Laws, the Board will notify the Applicant in writing and the Applicant shall supply a corrective action plan within fourteen (14) days for the Board's review and approval. The Inspector of Buildings may take additional measures as the Town's Zoning Enforcement Officer.
8. The approved construction sequence shall be distributed to the residential abutters located within 300' of the property at least seven days prior to construction start by Certified Mail Return Receipt Requested with evidence of mailing sent to the Planning Board.
9. A pre-construction meeting shall be scheduled through the Planning Board Office with Town staff and the Board's consulting engineer at least 48 hours prior to commencement of work. At the conference, a schedule of inspections shall be agreed upon by the applicant, the Board's agents and other municipal officials.
10. Because of the scale and complexity of the project, installation of site access drives, and stormwater management features shall be subject to periodic monitoring and inspections by an agent of the Town to be paid for by the applicant under the provisions of MGL, c.44, s.53G (593 Account) and the Board's Rules and Regulations for Project Review Fees.
11. Emergency erosion and sedimentation control measures shall stockpiled on site and employed in a timely fashion in anticipation of extreme weather events.
12. During construction the Applicant shall perform daily clean up and disposal of construction debris, including soil, on Town streets caused by the site construction.
13. The project shall comply with the following Erosion and Sediment Control requirements:
 - a. Prior to any land disturbance activities commencing on the site, the Applicant shall physically mark limits of no land disturbance on the site with tape, signs, or orange construction fence, so that workers can see the area to be protected. The physical markers shall remain in place until a Certificate of Completion has been issued.
 - b. Appropriate erosion and sediment control measures shall be installed prior to soil disturbance. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area. Wetland areas and surface waters shall be protected from sediment.
 - c. Sediment shall be removed once the volume reaches $\frac{1}{4}$ to $\frac{1}{2}$ the height of a hay bale. Sediment shall be removed from silt fence prior to reaching the load-bearing capacity of the silt fence which may be lower than $\frac{1}{4}$ to $\frac{1}{2}$ the height.
 - d. Sediment from sediment traps or sedimentation ponds shall be removed when design capacity has been reduced by 50 percent.
 - e. Soil stockpiles must be stabilized or covered at the end of each workday. Stockpile side slopes shall not be greater than 2:1. All stockpiles shall be surrounded by sediment controls.
 - f. Disturbed areas remaining idle for more than 14 days shall be stabilized with seeding, wood chips, bark mulch, tarpaulins, or any other approved methods.
 - g. For active construction areas such as borrow or stockpile areas, roadway improvements and areas within 500 feet of a building under construction, a perimeter sediment control system shall be installed and maintained to contain soil

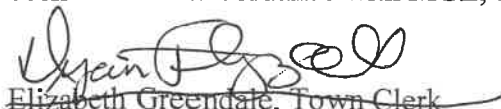
- h. A tracking pad or other approved stabilization method shall be constructed at all entrance/exit points of the site to reduce the amount of soil carried onto roadways and off the site.
 - i. Permanent seeding shall be undertaken in the Spring from March through May, and in late Summer and early Fall from August to October 15. During the peak summer months and in the Fall after October 15 when seeding is found to be impractical, appropriate temporary stabilization shall be applied. Permanent seeding may be undertaken during the Summer if plans provide for adequate mulching and watering.
 - j. All slopes steeper than 3:1, as well as perimeter dikes, sediment basins or traps, and embankments must, upon completion, be immediately stabilized with sod, seed and anchored straw mulch, or other approved stabilization measures. Areas outside of the perimeter sediment control system must not be disturbed.
 - k. Temporary sediment trapping devices must not be removed until permanent stabilization is established in all contributory drainage areas.
 - l. All temporary erosion and sediment control measures shall be removed after final site stabilization. Disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days of removal.
14. Prior to construction, soil testing shall be complete within each stormwater basin to verify depth to refusal and estimated seasonal groundwater to determine if ledge/rock removal will be necessary. Soil test results shall be provided to the Planning Board. Any resulting stormwater system design changes shall be submitted to the planning Board for review and approval.
15. A minimum of seven days prior to the start of construction, a detailed construction sequence shall be submitted to the Town Planner and Building Inspector by the site contractor for review and approval. The approved construction sequence shall be followed throughout the course of the construction and shall be altered only with prior review and written approval from the Inspector of Buildings.
16. A copy of the signed Stormwater Pollution Prevention Plan and EPA NPDES CGP Registration shall be provided to the Board prior to construction.
17. The Applicant shall provide evidence of stormwater management system inspection and maintenance in accordance with the drainage operation and maintenance plan of record. All required SWPPP Stormwater Construction Site Inspection Reports shall be submitted to the Planning Office within 7 days of each inspection.

HOLLISTON PLANNING BOARD

David Thorn
Chairman

TOWN CLERK'S CERTIFICATION OF NO APPEAL

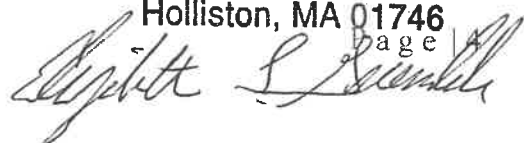
I hereby certify that 20 days has passed since this decision has been filed and no appeals have been taken in accordance with MGL, c. 40A.


Elizabeth Greendale, Town Clerk

Don Fitzgerald
Assistant Town Clerk

A true copy of record
Attest: Elizabeth T. Greendale
Town Clerk

Holliston, MA 01746


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