Town of Shutesbury Planning Board
Town Hall, P.O. Box 276, Shutesbury, MA 01072 / Telephone: (413) 259-1276
Web: planning@shutesbury.org

SPECIAL PERMIT

APPLICANT	New England Environmental Consulting for Lake Street Development Partners, LLC
CASE NUMBER	PB-SP-6/5/15
DECISION DATE	June 7, 2016

REGISTRY OF DEEDS REQUIRED INFORMATION					
Current Property Owners:		W D Cowls, Inc., Land Company			
Property Address:		Pratt Corner Road, Shutesbury, MA			
Registry of Deeds Title Reference		Book:	1032	Page:	390
or	Certificate of Title #	Land Ct. Lot		Plan #	
Town Map #	ZG	Town Parcel#	2		

HEARING DATES	7/27/15 (opened), 9/21/15, 10/5/15, 11/23/15, 1/4/16, and 3/7/16 (closed)
REQUEST	Special Permit for Wheelock Solar Project

PLANS	• Site Plans with final revisions and narratives therein, prepared by New England Environmental Inc., Environmental Consulting, dated February 26, 2016 • "Response to February 8, 2016 Peer Review Comments by New England Environmental Inc., Environmental Consulting, dated 2/26/16 • Stormwater Management Report prepared by New England Environmental Inc., Environmental Consulting, dated 12/30/15, as modified by site plans of 2/26/16, letter of 2/26/16, and Planning Board conditions
PLOT PLAN	See above
BUILDING PLANS	See above

FINDINGS	**General Findings:** 1) The Wheelock Solar Project (hereinafter, Project) is a 'light industrial" use. 2) Light industrial uses are permitted in the Forest Conservation and Roadside Residential districts by special permit from the Planning Board. 3) The applicant has assented to this finding from the Planning Board by applying for a special permit for the Project.

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	4) During the period of the public hearing the applicant has made significant changes to the Project design in response to questions, concerns, and recommendations raised by the Planning Board, the Planning Board's hired peer review consultant, the Conservation Commission, the Conservation Commission's hired peer review consultant, the Town Attorney, the public, and the public's hired peer review consultant. Some major changes to the Project plan include: 1) an entirely different location for an access driveway; 2) relocation of almost all solar panels, appurtenances, internal driveways, and stormwater infrastructure off of slopes of over 15%; 3) relocation of the Project, including the outer shade-management areas, well outside of the 100 foot buffer zone to wetlands; 4) the creation of a "slope protection zone/filter strip" within the Project area; and 5) plans that establish a wildflower meadow habitat in and around the solar arrays. 5) The redesigned Project, other than the access driveway entrance, is at significant distance from Pratt Corner Road and any existing dwellings in the area. The approximate distances to Project features from Pratt Corner Road are: a drainage basin at 475 feet; the perimeter fence gate at 790 feet; first solar array panels at 800 feet; and the nearest inverter at 1,080 feet. The distances to other public roadways and associated dwellings/yards are significantly greater than to Pratt Corner Road. 6) The entrance driveway has been relocated such that there are no adjacent dwellings and no dwellings directly opposite across the street. 7) The deep setbacks from Pratt Corner Road and any dwellings/yards lessen the possibility of direct visual, auditory, or other environmental or nuisance impacts upon neighboring properties and public roadways in the area. 8) Although the Project will displace an existing cart path trail from Reed Road into the greater Wheelock parcel, an alternative cart path trail exists farther to the east off of Reed Road, and runs south into the greater Wheelock parcel, thereby enabling continued, if less convenient access (access subject to landowner approval). **Site Plan Review Criteria:** 9.1-2 Review Criteria The following criteria shall be considered by the approving board in evaluating the Site Plan and related information submitted as part of the

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	application: A. Compliance with all applicable provisions and requirements of this bylaw. *The Project is a light industrial use that requires a special permit, and satisfies all other applicable general requirements for lot size, frontage, setbacks, ground coverage, and height.* B. Avoidance of excessive noise, dust, odors, solid waste, glare, electrical interference, or any other nuisances. *Due to the remote location of the Project and relocation of the access driveway, these impacts will be minimized during construction, and negligible during operation.* C. Screening or location of unsightly features so as to be unobtrusive from neighboring properties and public roadways. *Due to the remote location of the Project, vegetative screening is not necessary; however, the Project is conditioned such that after construction the need for a dark green or black fence in the vicinity of Reed Road will be addressed by the applicant if visible in winter.* D. Maintenance of pedestrian safety and road capacity, considering the current width, surfacing, and condition of roads. *The construction phase will generate temporary impacts upon unpaved public roadways which must be used to access the site. The Project will be conditioned to limit the distances travelled over such roads. During operation, there will be negligible impacts upon local roads.* E. Provision of adequate parking pursuant to Section 8.2, adequate and safe vehicular and pedestrian circulation, and accessibility for fire, police, and emergency vehicles. *The plans adequately contemplate such parking, circulation, and accessibility.* F. Protection of the supply and quality of groundwater and surface water and natural resources and ecosystems. *The Project's outer edges, cut for shade management, will be located outside the 100 foot wetland buffer zone, leaving room to install erosion and sedimentation controls between the limits of work and the buffer zone. Given the conservative assumptions incorporated into the design of the stormwater system (assumes the area of solar arrays or panels is impervious), it is more than adequate to address runoff during construction and later operation. The forest habitat in and around the solar arrays will be replaced by a wildflower meadow habitat with its own set of ecosystem values. Moreover, utilization of the site for renewable solar energy generation will be of general ecosystem value as an alternative to generation using carbon-polluting fossil fuels.*

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G. Provision of open spaces and pedestrian amenities available to the public. *The Project affects a small percentage of the greater Wheelock parcel, which is a significant area of open land historically open to the public. A cart path trail exists to the east that could provide alternative access the Wheelock parcel from Reed Road.*

H. Avoidance of adverse impacts of stormwater runoff from the site. Drainage shall recharge ground water to the extent practical, and surface waters flowing off-site shall not adversely affect drainage on adjacent properties or roads. *See F, above.*

I. Avoidance of erosion or sedimentation. *See F, above. Almost all Project alterations will occur on slopes of 15% or less. Erosion and sedimentation controls are proposed beyond the 100 foot wetland buffer zone. The plans and narrative require phasing of tree cutting and site preparation, and stabilization between phases. Substantial grading is prohibited. Other than the effects of stump removal, there should be minimal disturbance of the surface soil profile. No fill is proposed other than soil obtained within the site itself to fill stump holes. In addition to E/S controls an internal "Slope Protection Area" bisecting the project will be left to function as a filter strip (trees cut, but with stumps and soils left in place).*

J. Compliance with the Rural Siting Principles in Section 8.3 and applicable design guidelines adopted by the approving board, if any. *See below.*

Rural Siting Principles Criteria:

8.3-1 Standards for Land Development
The following standards shall apply to the siting of all uses and structures that are in Open Space Designs or subject to Site Plan or Special Permit approval. They are recommended but not required for the siting of individual residences on existing lots where no Site Plan or Special Permit review is required.

A. Wherever feasible, retain and reuse existing old farm/woods roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a

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	manner that destroys trees or stone walls or where an existing road is aligned in a way that disrupts drainage or accelerates erosion.) *A new access driveway, no wider than a substantial driveway, was proposed after it was found that use of Reed Road for this purpose would violate the last clause, above.* B. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields. *N/A* C. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however. *N/A* D. Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Town. If vegetative buffers are used, a minimum depth of 50 feet of mixed ground-covers, shrubs, and trees should be provided. Group buildings in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a "sprawl" pattern. *There are no buildings proposed. Due to the remote location of the Project, screening is not necessary; however, the Project is conditioned such that after construction the fencing proximal to Reed Road will be addressed by the applicant if needed.* E. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings. *The driveway proposed is the same width as many normal residential driveways, and at a location with no adjacent or opposite residences. A curve is utilized at about 500 feet such that the Project should not be visible from Pratt Corner Road.* F. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees. *N/A*

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	G. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas. *The access driveway, internal service drive, solar arrays, and drainage systems are almost entirely located on original slopes of less than 15%.* H. Where feasible, site buildings and other areas to be developed in a manner that does not block trails or paths that have traditionally provided access to back land. This provision shall not be construed to create any public access rights that do not otherwise exist. *See G. on Page 4, above. Reed Road, a longstanding access-way to the backland, will not be disturbed by the Project.* I. Integration of the project into the existing terrain and surrounding landscape by minimizing impacts on wetlands, steep slopes, and hilltops; protecting visual amenities and scenic views; preserving unique natural or historical features; minimizing tree, vegetation, and soil removal; minimizing grade changes, and integrating development with the surrounding neighborhood in a manner that is consistent with the prevailing pattern, design, and scale of development and that protects historic structures and features. *The Project will not involve changes to overall terrain as earthwork is strictly limited; the Project is set outside the 100 foot buffer zone to wetlands; the Project is almost entirely located upon original slopes of 15% or less; there are no scenic views into or out of the site; conditions will require that a surface survey will be conducted that includes an assessment of Traditional Cultural Properties (see below); tree and vegetation removal is necessary for this solar Project, but shall be limited; the forest habitat in and around the arrays will be replaced by a wildflower meadow; except for the necessary stormwater basins, the project will be integrated into the existing grade of the site; and the Project will be isolated, without a need to integrate it into the existing neighborhood.* J. Provision of underground utilities where feasible. *Underground utilities proposed and conditioned.* **Special Permit Criteria:** 9.2-2 Review Criteria

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	A. General Findings The SPGA may approve a Special Permit application only if it makes written findings that: 1. The proposed use is in harmony with the general purpose and intent of this bylaw, in particular the Rural Siting Principles in Section 8.3. *Larger ground-mounted solar energy systems were not specifically addressed in the master plan or zoning bylaw largely because they were not commonly seen in rural Massachusetts 8-12 years ago. Since the adoption of the current zoning bylaw in 2008, Shutesbury became a "Green Community," and in so doing made a commitment to energy conservation and renewable energy generation and use. This Project is in line with that commitment. Where applicable, the Project is consistent with the Rural Siting Principles (see above).* 2. The benefits of the proposed use to the Town outweigh its adverse effects. *Given the isolated location of the Project, the extensive permitting process and associated design modifications, the PILOT payments the Town will receive, and the generalized societal benefits of renewable energy generation in a Green Community, the benefits of the Project outweigh the adverse effects of forest loss.* 3. The proposed use is consistent with the Shutesbury Master Plan. *While the plan does not address large ground-mounted solar energy systems, it does encourage exploration of compatible light industrial uses and an expansion of the tax base beyond merely residential. The Project is estimated to generate PILOT payments equivalent to more than ten single family residences, but without the service costs. After completion and adoption of the master plan in 2004, Shutesbury augmented its master plan by becoming a "Green Community."* B. Specific Findings In order to approve a Special Permit, the SPGA shall also make specific written findings that the proposed use, with or without appropriate conditions: 1. Is consistent with the purposes and requirements of the applicable land use district, overlay districts, and other specific provisions of this bylaw (including Site Plan Review requirements) and of other applicable laws and regulations. *Large-scale ground-mounted solar energy systems are best suited to the isolated FC district, where the Project is proposed. Light*

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	industrial uses are allowed in the FC district by special permit. Findings on the Site Plan Review Criteria are found above. The Project, through successive spatial modifications is no longer within the specific jurisdiction of the Shutesbury Conservation Commission. 2. Is compatible with surrounding uses, if any, and protective of the natural, historic, and scenic resources of the Town. *Due to the Project's isolated location, the surrounding use is primarily forestry, with which it is compatible. The Project is protective of natural resources in general because the renewable energy generation offsets the burning of fossil fuels (a major threat to natural resources) for an equivalent amount of energy output. Other than possible Native American cultural sites (addressed by condition below), there are no known historic sites within the Project area. Scenic views are not available into or from the Project site.* 3. Is accessible and serviceable by fire, police, and other emergency vehicles. *The access driveway is adequate for such purposes and Shutesbury emergency departments will have keys to enter the gate.* 4. Will not create excessive off-premises noise, dust, odor, or glare. *Temporary construction impacts can be expected, especially along public roadways leading to the site. Once in operation, none of these impacts are expected.* 5. Will not cause traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition. *The construction phase will generate temporary impacts upon unpaved public roadways which must be used to access the site. The Project will be conditioned to limit the distances travelled over such roads. During operation, there will be negligible impacts upon local roads.* 6. Will not overload any municipal facility or any public or private water, sewage disposal, or drainage system. *N/A* 7. Will not cause significant environmental damage due to flooding, wetland loss, habitat or ecosystem disturbance, or damage to valuable trees. *No wetland filling, loss, or replication is proposed. The localized forest ecosystem, and trees in the Project area will be disturbed, but replaced with a wildflower meadow habitat over time. Shutesbury has abundant forest resources, but few open fields left. The project should provide alternative and needed habitat for plants and animals that utilize open fields. It will also provide a long lineal distance of field-successional*

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	forest-maturing forest edge habitat. 8. Will not cause other significant adverse environmental effects, including but not limited to: a. Pollution of surface water or groundwater; *The Project is not one that uses or discharges any waste water. There will be no well dug, nor a septic system installed. The solar panels themselves are sealed against the weather and designed to generate for approximately 25 years. The Project is not located in or close to any surface waters, and is located on the highest portion of a low hill, thereby reducing the likelihood of contact with groundwater. A stormwater system built in excess of anticipated runoff volumes will be installed.* b. Inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties; *The Project will not require a water supply.* c. Destruction of important wildlife habitats and damage to wetlands or forest ecology; *The Project site is not located in a state- or locally-identified wildlife habitat area. The forest ecology of the immediate Project site will be disrupted during construction. The area will be replaced by a wildflower meadow ecology, a successional forest ecology, and significant new "edge" habitat. Given the deep setbacks from wetlands, no alterations within the 100 foot wetland buffer zones, and an over-designed stormwater system, wetlands should be protected.* d. Noise and air pollution; *Except for roadside effects anticipated during construction, N/A.* f. Damage to streams or lakes; *The stream within the wetlands identified near the Project site is adequately protected by the hereinbefore detailed buffering, slope protection zone, pervious nature of the array areas, and the stormwater management system. There are no nearby lakes.* g. Construction which unnecessarily damages the visual amenities of the site and which is not in harmony with the landscape type; *The Project, by its nature, is out of harmony with its forested landscape type; which is mitigated greatly by its remote location. From the human perspective the Project would damage visual amenities if it were prominently located; but these impacts should not be cognizant from public roads and existing dwellings. Some Project features may be observable from Reed Road, and*

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	a condition has been added to address that possibility. h. Unnecessary decreases in agricultural or forestry use or potential productivity of land; *There are no traditional agricultural uses on the property. The land has been managed for forestry for many years. The Project will necessarily decrease forestry use. The initial clearing and thinning will yield forest products. Other than in the shade management areas, the Project will curtail further forestry activities for at least 20-25 years. However, the restrictions on earthwork should serve to maintain the soils for forest regeneration at such time as the project is decommissioned.* i. Erosion resulting from or caused by development. *See hereinbefore described buffering, filtering, and stormwater management measures.* 9. Will not adversely affect the availability of public services and the capacity of municipal services. *There are no unusual municipal services anticipated.* C. Large-scale Structures Where practical, the SPGA may require a group of smaller buildings as an alternative to a single large building. *N/A*
DECISION AND VOTING RECORD	Based upon these findings, the Planning Board voted as follows to approve the special permit subject to the conditions stated below. Aaron Armstrong Bonnar Bressler Lacy Rotondi Thompson

CONDITIONS (All conditions apply to the Project applicant, any hired contractors, and any future Project operators or	**General Conditions:** 1. Except as noted, applicant shall construct, operate and maintain the Project which will produce up to 6 MW DC at the project site (Assessor's Parcel ZG-2) in conformance with the final approved Site Plans with final revisions dated February 26, 2016, prepared by New England Environmental Inc., Environmental Consulting, 15 Research Drive, Amherst, MA 01002, (p) 413-256-0202, (f) 413-

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lessees of the Project site as the case may be.)	256-1092, www.neeinc.com, the NEE stormwater report, and NEE response letter (as listed above). Deviations from said plans, representations made upon the plans, or letters, unless approved by the Planning Board, shall be considered zoning violations. 2. Applicant shall comply with all relevant local, state and federal regulations and laws, including the acquisition of all necessary certificates and licenses. 3. Violation of any condition contained herein or failure to comply with the record plans and letter shall subject the applicant to a zoning enforcement action in accordance with the remedies set forth in Chapter 40A of the General Laws. 4. The Building Inspector, Electrical Inspector, or any member of the Shutesbury Planning Board or Conservation Commission may, after notification by phone or phone message left, enter the site for the purposes of inspection and assessment of compliance with this special permit or any permit subject to their jurisdiction. 5. In accordance with Section 9.2-3 of the Town of Shutesbury Zoning Bylaw, this special permit may automatically lapse as provided therein. The special permit approval may, for good cause shown, be extended in writing by the Planning Board upon the written request of the applicant received no later than 65 days before the lapse date. **Pre-Construction Conditions:** 1. Prior to any earthwork including tree cutting, the applicant shall have a surface survey conducted that includes an assessment of Traditional Cultural Properties. The survey study area shall encompass all areas of the Project site where tree stumps shall ultimately be removed or where any earth work is to be performed. The survey shall be conducted by someone who meets or exceeds the Secretary of the Interior's Qualifications for an Archaeologist and the survey shall meet the Secretary of the Interior's Standards for the Identification and Evaluation of Historic Properties. The Planning Board may utilize outside consultants under Section 53G of Chapter 44 of the General Law to advise it relative to the survey. Such outside consultant shall be an independent third party who also meets or exceeds the qualification threshold noted above. The

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	Planning Board shall receive notice of any field investigations conducted during the survey and it and its outside consultant shall have the opportunity to accompany the applicant's archaeologist. The applicant may more intensively investigate the findings in the survey. Once completed, the survey and the results of any follow-up investigations shall be forthwith submitted to the Planning Board. The applicant shall not disturb the soils, pull stumps from, or place solar arrays on, in, over, or within 15 feet of any Native American Traditional Cultural Property sites or sites of Native American burial mounds identified in the survey or confirmed by the applicant's further investigation, if undertaken. 2. An on-site preconstruction meeting with the construction contractors shall be scheduled with the Planning Board and Conservation Commission. 3. The Project proponent must submit a full report of all materials to be used, including but not limited to the use of cleaning products, paints or coatings, hydro-seeding additives, fertilizers, and soil amendments. When available, Material Safety Data Sheets will be provided. 4. The applicant shall provide proof of liability insurance in an amount to be sufficient to cover loss or damage to person(s) and/or property occasioned by the use or failure of the Project, and list the Town of Shutesbury as an additional named insured thereon. Such a certificate shall be supplied on an annual basis upon the renewal of said insurance policy 5. The applicant shall have the soil tested at proposed detention basin 4A when the access driveway has been completed sufficiently to allow access, and shall provide written confirmation to the Planning Board that its design for the basin is consistent with Mass DEP Stormwater Standards. 6.Once limit-of-work flagging and erosion/sedimentation (E/S) controls are installed as depicted on the approved plans, and prior to any further clearing or construction, the applicant shall notify the Planning Board. The board shall itself assess or forthwith engage the services of an outside consultant under c. 44, § 53G to then assess the positioning and installation of such E/S controls relative to the offsets shown in the plans. Clearing and construction shall

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	not commence until the Planning Board or its designee certifies such installation is in accordance with the plans. 7. No site preparation or construction shall be allowed until there is written, notarized evidence provided to the Planning Board that the utility company that operates the electrical grid (National Grid) has approved the applicant's intent to install an interconnected customer-owned generator and that the utility can and will connect the proposed generator into their power grid. 8. The applicant shall provide a form of surety, either through an escrow account, bond or otherwise, accessible to the Town of Shutesbury, to cover the cost of decommissioning in the event the lessee or owner fails to perform and the Town must remove the Project and remediate the site. The initial amount shall be at least $122,000 and subject to an increase of 2 percent per year with annual compounding for the life of the Project. The applicant shall submit a fully inclusive estimate of the present costs associated with removal, prepared by a qualified engineer, and verifying the $122,000 amount. The surety may be established through payments over time from the lessee to the owner of the Project site. Any documents establishing such surety agreement shall be submitted to Shutesbury Town Counsel for approval prior to construction and shall assure Shutesbury's access to the fund should the lessee or owner fail to decommission the Project as provided herein. **Construction Conditions:** 1. During construction, all local, state, and federal laws and regulations shall be followed regarding noise, vibration, dust, and blocking of town roads. The applicants shall at all times use all reasonable means to minimize inconvenience to residents in the general area. All construction traffic for the solar Project shall use the new access road entrance to the site. 2. The construction of the access driveway from Pratt Corner Road and the burial of electric lines underneath will not disturb the underground ATT cables. 3. If at any time during construction eroded sediment enters the 100 foot buffer zone to any wetlands under the jurisdiction of the Shutesbury Conservation Commission (SCC), said SCC shall be

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	informed of the encroachment, and all site work unrelated to remedying the condition shall cease until such time as the SCC has certified that the encroachment has been fully remediated. The SCC may employ an outside consultant under c. 44, § 53G of the General Laws to advise them. 4. The area in and around the solar arrays shall not be excavated, filled, or grubbed or graded in any way that significantly disturbs the existing soil profile, provided that tree stumps may be removed and the voids filled with soils obtained from elsewhere on the Project site. 5. All on-site utility wires shall be buried underground within the internal service drive and access driveway to Pratt Corner Road, except wires connecting one solar panel array to another, and except within the internal Slope Protection Area where wires connecting the arrays may be laid upon the ground surface. 6. Hours of construction (which includes idling trucks and startup of other equipment) shall be limited to 7:00 AM to 6:00 PM Monday through Saturday, and there shall be no construction activity on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas. 7. During the construction phases, truck traffic, including log trucks, shall access the site only from the north via Pratt Corner Road and the access driveway to be constructed. Reed Road shall not be used for access to construct the Project. No parking, idling, or obstruction of traffic on Pratt Corner Road is permitted. **Operation Conditions:** 1. Should any segment of the perimeter fencing be visible in winter from Reed Road, that visible portion shall be dark green or black in color. 2. Signage shall be provided to identify the operator of the facility and provide a 24-hour emergency contact phone number. Signage at the perimeter fence warning pedestrians is allowable. Signage shall not be used for displaying any advertising.

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	3. A copy of a final Commissioning Report shall be submitted to the Shutesbury Board of Selectmen no less than 30 days following the activation of the facility. 4. Emergency Preparedness: Applicant shall provide a copy of the Project summary, electrical schematic, and site plan to the Fire Chief, Highway Superintendent, and Emergency Management Director, and identify a responsible owner/operator for public inquiries throughout the life of the installation prior to the commencement of the operation of the Project. Signage shall be attached to the gate providing the emergency contact information and the responsible person. The Fire Department shall be provided with a means to open the gate on the access road to the security fencing around the array and shall have access to emergency shut-offs for the solar array. The project operators shall provide a training session for the Fire Department and other Town officials responsible for emergency response on how to use the emergency cutoff switches, and other operational details. 5. The owner or operator of the project shall submit an annual report demonstrating and certifying compliance with an Operation and Maintenance Plan and the approved special permit, including but not limited to compliance with the approved plans and any special permit conditions, continuation of liability insurance, and adequacy of emergency access. The annual report shall also provide information on the maintenance completed during the course of the year, the status of the wildflower meadow planted in and around the arrays, and the amount of electricity generated by the facility. The report shall be submitted to the Planning Board, Select Board, Fire Chief, Emergency Management Director, and Building Inspector no later than 45 days after the end of the calendar year. 6. Applicant shall use only water, and shall not use any soaps, solvents, or other chemicals, in the cleaning of the PV modules. 7. The project shall have no permanently-affixed exterior lighting. 8. Herbicide use is prohibited, except in cases of spot treatments to control invasive species, provided only MDAR-approved herbicides as provided on the Sensitive Area Materials list shall be used. Vegetation control shall be by mechanical means. Mowing in and around the solar arrays shall occur no more than once per year, in

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	October or November only. Occasional cutting of plants that shade the solar arrays is permitted provided it is done by a hand-held machine and not by a mower or tractor. 9. All electric power generated at the Project site shall be from solar energy. 10. After the completion of construction and site stabilization, the drainage ditches constructed along either side of the access drive between Pratt Corner Road and the first drainage basin shall be top-dressed with a mixture of wood chips and forest soils from the site. Thereafter, the ditches shall be allowed to re-vegetate from ambient seed sources. No mowing or cutting is permitted except for tree cutting and trimming necessary to maintain the serviceability of the access driveway. 11. The applicant will ensure that initial wildflower meadow plantings installed after construction are stabilized and established sufficiently by any necessary replacement of plants, reseeding, or application of soil amendments for as many growing seasons as is necessary to cover at least 90 percent of the ground surface with either the plants initially installed, native plants that have filled in, or a combination. 12. All access and internal driveways, fencing, gates, signage, drainage and stormwater infrastructure, solar equipment, and the wildflower meadow shall be maintained and kept in good working order by the owner or operator for the life of the Project. **Decommissioning Conditions:** 1. The owner or operator shall decommission the Project no later than 150 days after the date of discontinued operations. Decommissioning shall consist of: physical removal of all components of the installation, including but not limited to structures, equipment, security barriers, and on-site transmission lines; removal of associated off-site utility interconnections if no longer needed; restoration of the site to a condition suitable for successional reforestation, and stabilization or re-vegetation of the site as necessary to prevent erosion. All removed components will be recycled using best practices at the time of decommissioning

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	2. Below-grade foundations and utility lines may be left in the ground in order to minimize erosion and disruption to vegetation. 3. If the operator or owner fails to remove the Project within 150 days of discontinued operations or abandonment, the Town may enter the property and physically remove the Project at the owner's expense, drawing from the escrow account or upon the bond or other financial surety provided by the applicant. The operator or owner shall be responsible for any costs that exceed the amount of the escrow account, bond, or other financial surety.

Details of the hearings and decision are on file in the Office of the Town Clerk at the Shutesbury Town Hall.

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days of filing with the Town Clerk. This Special Permit shall lapse if substantial use or construction has not commenced without good cause within two years from the date issued.

_____

Signature Printed Name Title

For the Shutesbury Planning Board

I hereby certify that a copy of the original signed decision has been filed with the Town Clerk on _____.

_____

Shutesbury Town Clerk

I hereby certify that 20 days have elapsed since this decision was filed with my office, and that no appeal has been filed.

_____

Shutesbury Town Clerk

Town Seal