



ZONING BOARD OF APPEALS
TOWN OF MONTAGUE
ONE AVENUE A
TURNERS FALLS, MA 01376

NOTICE OF DECISION & VOTE

Applicant Owner:
Maple Leaf Energy, LLC
By: James Daddario
110 Mountain Rd., Suffield, CT 06078

Case No. 16-11
Date August 31, 2016

Premises Affected:
(131) Turnpike Rd.
Turners Falls, MA 01376
Assessors' Map 14 Lot 214
F Co. Registry of Deeds: Bk 3418 Pg 22

Special Permit (X)
Variance Application (40A) ()
Section 6 Ch. 40A - Finding ()
Site Plan Review (X)

Montague Zoning Bylaws Sections 5.2.5 (b), 7.9.4 (Solar Energy Facility) and 8.2(f).

After a public hearing held on: Wednesday, August 17, 2016

The Board of Appeals finds:

- The site is a 6.16 acre part of a former outdoor drive-in theater. It has remained undeveloped and unused since. (40 years)
- Approximately 2 acres (89,565 sq. ft.) of solar panels occupying 4.75 acres are proposed.
- The proposal meets all minimum zoning and site plan review requirements.
- Designated public safety officials shall receive instruction on the specific dangers and the safety features of the facility.
- This land is located in moderately dense residential/commercial area that is served by developed public infrastructure.
- Zoning provides for a time limited project approval where such publicly developed infrastructure already exists.

THE BOARD OF APPEALS VOTED:

To approve the Site Plan application and grant a Special Permit to allow a Solar Energy Facility to be installed in the General Business District consisting of approximately 4,170 solar panels.

The vote of the Zoning Board of Appeals was as follows:

- | | | | |
|-------------------------------------|------------|------------------------|------------|
| 1. <u>Ernest L. Brown, Chairman</u> | YES | 2. <u>Robert Sojka</u> | YES |
| 3. <u>Allen Ripingill</u> | YES | 4. <u>Richard Ruth</u> | YES |
| 5. <u>William Doyle</u> | YES | | |

STIPULATIONS:

- This Special Permit approval expires January 1, 2040.
- A Removal Bond or other surety approved by the Board shall be posted.
- The facility grounds shall be maintained fully vegetated by grasses.
- Perimeter Buffers and fencing shall be installed and maintained as follows:
 - Northeast Property line: Sunset Drive:* Green or other dark vinyl coated fencing; with similar colored slats and/or equivalent low buffering plantings.
 - South property line: Park Villa:* Vinyl slats and designated plantings per plan.
 - Northwest property line: Power lines:* 30 foot setback with clearing for safety purposes only and plantings where tree removal is preformed.
 - Southwest property line: Letourneau Way:* Vegetate bare sections of buffer.
- Applicant shall file notice with FAA.

Modification and Approval: Any changes proposed shall be reviewed by the Board of Appeals or its designee. The Chairman or designee may approve changes if in conformance with the intent of the Special Permit or may refer it to the Board. Changes consistent with the purpose of this approval including security bond may be allowed by the Board without further hearings. Further hearings shall be at the discretion of the Board. Approval shall not be unreasonably withheld.

IMPORTANT: Any appeal from the decision of the Town of Montague Zoning Board of Appeals can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (MGL) as amended, and must be filed in the office of the Town Clerk within twenty (20) days after the date of filing of the decision with the Town Clerk.

Board of Appeals

By _____
 Ernest L. Brown, Chairman
 Clerk

Karen Casey-Chretien,

Received for filing by Town Clerk: _____
 Time Date

Twenty day appeal period ends: _____
 Time Date

I HEREBY CERTIFY THAT NO APPEAL HAS BEEN FILED WITHIN 20 DAYS FROM THE DATE THAT THIS DECISION WAS FILED WITH THE TOWN CLERK:

 Montague Town Clerk

Date

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Notice to be recorded by Landowner