



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

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Omni Navitas Holdings, LLC by Glenn Frank  
75 Central St., 3<sup>rd</sup> floor  
Boston, MA 02109

Case No. 17-22

Date January 25, 2018

**Land Owner:**

The Montague Lodge of Elks #2521 Inc.  
PO Box 231, Turners Falls, MA 01376

**Premises Affected:**

(371) Millers Falls Road  
Millers Falls, MA  
Assessors' Map 25 Lot 14  
F Co. Registry of Deeds: Bk 5114 Pg 287

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

**Submittals:**

Special Permit application & Site Plan Review application with impact assessment.  
Site Plan titled; Proposed Solar Energy Facility, Millers Falls Road, Montague, MA  
Stormwater report; O&M Scope of Services; FAA & Natural Heritage determinations.

After a public hearing held on:

Wednesday, January 17, 2018

**The Board of Appeals finds:**

- The site is a 10.29 acre long shallow lot on a commuter road in the General Business District.
- This land is located in a lightly developed transition area between commercial and residential development. It is served by public water.
- The northwestern half is undeveloped while the southeastern half is disturbed land supporting little vegetation which has remained unused for over 50 years.
- Approximately 4 acres with 1,996 solar panels are proposed for the 0.510 MW-AC Solar Energy Facility.
- The proposal meets most zoning and site plan review requirements except "rear" yard buffer.

**THE BOARD OF APPEALS VOTED:**

To grant a Special Permit and approve the Site Plan, with Stipulations, pursuant to Sections 5.2.5 (b), 7.9.4 and 8.2(f) of the Montague Zoning Bylaws to allow a Solar Energy Facility of approximately 1,966 solar panels at 0.510 MW-AC to be installed on 4 acres of a 10.29 acre lot in the General Business District. Also granted is relief of the rear buffer setback of 30' to 21' pursuant to Section 7.9.5 of the Montague Zoning Bylaws.

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

1. <u>John Burek, Vice-Chairman</u>	<b>YES</b>	2. <u>Robert Sojka</u>	<b>YES</b>
3. <u>Alan Ripingill</u>	<b>YES</b>	4. <u>Richard Ruth</u>	<b>YES</b>
5. <u>William Doyle</u>	<b>YES</b>	<b>Recused</b>	<u>Ernest L. Brown, Chairman</u>

**STIPULATIONS:**

1. Installer shall obtain Utility Interconnect Agreement prior to the Building Permit.
2. Applicant shall file notice with FAA and Mass DOT and share Glare Analyses with the Town's Airport Manager
3. Perimeter fencing and visual buffers shall be installed and maintained as presented in the Site Plan application. The Buffer shall "turn the corner" at northwest corner for a distance of about 50 feet. (if a fence color is proposed a dark color is preferred)
4. Prior to cutting and clearing for the 30 foot deep road side buffer or any work in the right-of way a site visit with the Town Planner shall establish the final clearing plan.
5. Trees may not be removed from the Millers Falls Rd. right-of-way without Town approval.
6. The facility grounds shall be regraded and established with adequate topsoil and maintained fully vegetated by grasses. Maintenance of vegetation shall be by mechanical means without the application of herbicides.
7. There shall be net-zero drainage from the array site as described in the drainage study.
8. The intersection of Lake Pleasant Rd. with Millers Falls Rd. shall be reviewed by the applicant and Montague DPW for the optimum location of a traffic guardrail installation and review other advisable safety enhancements. (rumble strips, signage, lighting or reflectors)
9. Designated public safety officials shall receive instruction on the specific dangers and the safety features of the facility.
10. This Solar Energy Facility installation approval expires 20 years from the Generating Date or 18 months from the Approved Interconnect, whichever is sooner. (2018-2038)
11. A Removal Bond of \$18,000 or other surety approved by the Board shall be posted.
12. The array and/or property owners may re-petition the Board for an extension of use at or after 2 years prior to the termination of this Special Permit approval.
13. 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 \_\_\_\_\_  
John Burek, Chairman

\_\_\_\_\_  
Karen Casey-Chretien, Clerk

\*\*\*\*\*

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

.....

*Notice to be recorded by Landowner*