

Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

Memorandum

June 21, 2019

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Solar Agreements

It is required under the law that the Council authorizes the Town Administrator to negotiate and execute any tax agreements with private solar developers.

Two have recently been approved by the Planning Board and I cannot work out a final agreement until I have the Council's authorization.

I am happy to answer any questions folks may have.



TOWN OF FRANKLIN

RESOLUTION 19-47

**AUTHORITY FOR TOWN ADMINISTRATOR TO NEGOTIATE AND EXECUTE
TAX AGREEMENT WITH OWNER OF GROUND -MOUNTED SOLAR FACILITY
LOCATED OFF SPRING STREET**

WHEREAS, G.L.Chapter 59 Section 59 Section 38H(b) authorizes a municipality to enter into a property tax agreement with the Owner of an electric generating facility, and

WHEREAS, Spring Street Renewables, LLC is constructing a ground-mounted solar electric generating facility to be located off Spring Street, Franklin Assessors Map Parcels: 309-015-000; 310-002-000; 323-044-000 which it will own and operate,

NOW THEREFORE BE IT RESOLVED by the Franklin Town Council, that the Town Administrator is hereby authorized to negotiate and execute a tax agreement, as provided in G.L. Chapter 59 Section 38H (b) with Spring Street Renewables, LLC for its ground-mounted solar electric generating facility located off Spring Street, Franklin Assessors Map Parcels: 309-015-000; 310-002-000; 323-044-000 in compliance with said statute and Commonwealth of Massachusetts Department of Revenue requirements as to the payment amounts and length of agreement, as well as such other terms and conditions as the Town Administrator determines to be in Town’s interests and the Town Administrator is hereby authorized to take any and all other action necessary to effectuate said transaction.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2019

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: ____ NO: ____

ABSTAIN: ____ ABSENT: ____

RECUSED: _____

Teresa M. Burr
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Town of Franklin



Planning Board

June 20, 2019

Teresa M. Burr, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE
(1) SPECIAL PERMIT/SITE PLAN
Upper Union St/Mount St Solar

Applicant: Kearsage Upper Union LLC
1200 Soldiers Field Road, Suite 202
Boston, MA 02134

Owner: Cistercian Nuns of Strict Observance
300 Arnold Street
Wrentham, MA 02093

Prepared By;
Surveyor/Engineer: Industria Engineering, 91 Cedar Street, Milford, MA 01757
Plan Date: February 9, 2018 through April 9, 2019
Property Location: 1061 Upper Union Street
Map 333 Lot 001

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, June 17, 2019 the Planning Board upon motion duly made and seconded, voted (4-0-0) to **APPROVE, with standard and special conditions** a Special Permits and Site Plan for Upper Union St/Mount St Solar for a Large Scale Ground Mounted Solar Energy under §185 Attachment 4, Use Regulations Schedule, Part III, 3.14.c. A brief description of the proceeding, the outcome of a roll call vote, and the Standard and Special Conditions of Approval are presented on pages 2-7 attached hereto.

Sincerely,

Anthony Padula, Chairman
Franklin Planning Board

cc: Owners/Applicant/Applicant's Engineer/Applicant's Attorney
Building Commissioner/DPW/Engineering/BETA Group, Inc.

PROJECT DESCRIPTION
(1) SPECIAL PERMIT/SITE PLAN
Upper Union St/Mount St Solar

The 142 acre property is listed as parcel 333-001-000 and is located at 1061 Upper Union Street. The property is near the intersection of Upper Union Street and Mount Street, with access for the property on Mount Street. The applicant proposed the construction of a ±1 MW AC ground-mounted solar energy system. The site includes approximately 4 acres of ground mounted solar modules, utility structure for battery storage, and security fencing surrounding the perimeter of the developed site. The site will not disturb any trees or stone walls along Upper Union and Mount Street.

PUBLIC HEARING
(1) SPECIAL PERMIT/SITE PLAN
Upper Union St/Mount St Solar

A proper and complete notice of the February 11, 2019 public hearing was posted in the Franklin Municipal Building and in the appropriate local newspaper in accordance with the Franklin Zoning Code and Massachusetts General Laws. A proper and complete notice was also sent to all persons and parties required by law to receive such notice. The Planning Board continued to hold public hearings on March 11, 2019, April 8, 2019, May 6, 2019, June 3, 2019 and June 17, 2019.

Incorporated as part of the record are the following:

The Planning Board reviewed (1) the applicant's detailed written application including answers to Special Permit Findings (a) through (g), and (2) comments and review letters from various Town Departments, including but not limited to, Department of Planning & Community Development, Department of Public Works/ Engineering and Franklin Fire Department.

The Planning Board upon motion duly made and seconded, voted (4-0-0) to close the public hearing on June 17, 2019 for the Site Plan and Special Permit for a Large Scale Ground Mounted Solar Energy under §185 Attachment 4, Use Regulations Schedule, Part III, 3.14.c.

PRESENTATION
(1) SPECIAL PERMIT/SITE PLAN
Upper Union St/Mount St Solar

Mr. Michael Lotti, Industria Engineering, and Mr. Henry Barrett, Kearsarge, addressed the Planning Board for a ground-mounted solar system. Mr. Lotti reviewed the Special Permit and Site Plan application and the drawings for the Franklin Solar Project. He discussed and identified the area that they propose to install the solar array. He stated that there are adjacent wetlands. They will install solar array posts with solar panels mounted on top. It will total approximately 1.0 megawatts and consist of approximately 3,600 solar panels installed in rows facing the south in an open field onsite. No tree clearing and no new contiguous impervious areas will be created. He reviewed the proposed accessway and the concrete pads for the transformers. They will go before the Conservation Commission for the work in the buffer zone. There is an adjacent residential property that will have a view of the solar array; the people from Kearsarge have met with the owners. Kearsarge will be installing a row of western red cedar, 3 to 4 ft. in size. The entire site will be surrounded by a fence. He stated he has met with some of the other neighbors and they had concerns about additional screening; they will show the additional screening on the plans. There are no lights, employees, occupied buildings, or significant noise on the property. He stated that the comments from the Town and BETA will be addressed before the next hearing.

Several abutters spoke and expressed their concerns for drainage issues, water runoff, screening of the solar panels, and the long-term effects of solar and any transformers. Many residents expressed concern for fencing around the property and additional trees to provide screening from Mount Street.

The Planning Board expressed concern for fire suppression, drainage, screening, noise, how solar farms affect people's property values in the area, and he would like to see the letter from the administration regarding tax dollars.

Mr. Lotti stated that usually the equipment has a fire suppression system built into it. He will show documentation on it. In response to the question of who is benefitting from these panels, he stated that the Sisters of St. Mary are benefitting directly from the lease payments. The solar energy is being put onto National Grid's system.

The applicant said there would be trees planted at 4-6 ft in height along the abutting property.

After a complete presentation and discussion of the project, Planning Board members closed the Public Hearing on June 17, 2019.

FINDINGS OF FACTS
(1) SPECIAL PERMIT/SITE PLAN
Upper Union St/Mount St Solar

The applicant submitted their proposed findings with the original application on January 4, 2019. The proposed findings are part of the record.

DECISION
(1) SPECIAL PERMIT/SITE PLAN
Upper Union St/Mount St Solar

Special Permits: §185 Attachment 4, Use Regulations Schedule, Part III, 3.14.c. - Large Scale Ground Mounted Solar Energy in Rural Residential I Zoning District

(a) Proposed project addresses or is consistent with neighborhood or Town need.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

(b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

(c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

(d) Neighborhood character and social structure will not be negatively impacted.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

(e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

(f) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

(g) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

Based upon the information submitted during the public hearings, Planning Board's specific findings, the Planning Board specifically determines that allowing Site Plan and Special Permit §185 Attachment 4, Use Regulations Schedule, Part III, 3.14.c. - Large Scale Ground Mounted Solar Energy in Rural Residential I Zoning District at Spring Street (Franklin Tax Assessor's Map 309 Lot 015, Map 310 Lot 002 & Map 323 Lot 044) will not have adverse effects that overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Accordingly, at the Planning Board meeting on June 17, 2019 the Planning Board, upon motion duly made and seconded, voted (4-0-0) to *approve* the applicant's request to allow the Site Plan and Special Permits for Upper Union St/Mount St Solar.

The following members of the Planning Board were present at the hearing and voted as follows:

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES

Any person aggrieved by the above decision of the Franklin Planning Board may file an appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17. Such appeal must be filed within twenty (20) days after the filing of the notice of the Board's decision with the Town Clerk.

This Certificate of Vote shall become effective only upon the recording of a copy certified by the Town Clerk with the Norfolk County Registry of Deeds. A copy of the recorded Certificate of Vote shall be submitted to the Board within thirty (30) days of recording.

STANDARD CONDITIONS OF APPROVAL

(1) SPECIAL PERMIT/SITE PLAN

Upper Union St/Mount St Solar

1. This Special Permit shall not be construed to run with the land and shall run with the Site Plan as endorsed by the Planning Board. A new Special Permit shall be required from the Planning Board if any major change of use or major change to the site plan is proposed.
2. This Special Permit shall lapse if a substantial use or construction has not begun, except for good cause, within twenty four (24) months of approval, unless the Board grants an extension. No final Certificate of Occupancy shall be issued until all requirements of the Special Permit have been completed to the satisfaction of the Board unless the applicant has submitted a Partial Certificate of Completion for the remainder of the required improvements and received approval by the Planning Board. The applicant's engineer or surveyor, upon completion of all required improvements, shall submit a Certificate of Completion. The Board or its agent(s) shall complete a final inspection of the site upon filing of the Certificate of Completion by the applicant. Said inspection is further outlined in condition #4.
3. Construction or operations under this Special Permit shall conform to any subsequent amendment of the Town of Franklin Zoning Bylaw (§185) unless the use or construction is commenced within a period of six (6) months after the issuance of this Special Permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
4. **The Planning Board will use outside consultant services to complete construction inspections upon the commencement of construction.** The Franklin Department of Public Works Director, directly and through employees of the Department of Public Works and outside consultant services shall act as the Planning Board's inspector to assist the Board with inspections necessary to ensure compliance with all relevant laws, regulations and Planning Board approved plan specifications. Such consultants shall be selected and retained upon a majority vote of the Board.
5. Actual and reasonable costs of inspection consulting services shall be paid by the owner/applicant before or at the time of the pre-construction meeting. Should additional inspections be required beyond the original scope of work, the owner/applicant shall be required to submit fees prior to the issuance of a Final Certificate of Completion by the Planning Board (Form H). Said inspection is further outlined in condition #4.
6. No alteration of the Special Permit and the plans associated with it shall be made or affected other than by an affirmative vote of the members of the Board at a duly posted meeting and upon the issuance of a written amended decision.
7. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary licenses, permits and approvals shall be obtained by the owner/applicant.
8. Prior to the endorsement of the site plan, the following shall be done:
 - The owner/applicant shall make a notation on the site plan that references the Special Permit and the conditions and dates of this Certificate of Vote.
 - A notation shall be made on the plans that all erosion mitigation measures shall be in place prior to major construction or soil disturbance commencing on the site.
 - All outstanding invoices for services rendered by the Town's Engineers and other reviewing Departments of the Town relative to their review of the owner/applicant's application and plans shall have been paid in full.
 - The owner/applicant shall submit a minimum of six copies of the approved version of the plan.
9. Prior to any work commencing on the subject property, the owner/applicant shall provide plans to limit construction debris and materials on the site. In the event that debris is carried onto any

public way, the owner/applicant and his assigns shall be responsible for all cleanup of the roadway. All cleanups shall occur within twenty-four (24) hours after first written notification to the owner/applicant by the Board or its designee. Failure to complete such cleanup may result in suspension of construction of the site until such public way is clear of debris.

10. The owner/applicant shall install erosion control devices as necessary and as directed by the Town's Construction Inspector.
11. **Prior to construction activities, there shall be a pre-construction meeting with the owner/applicant, and his contractor(s), the Department of Public Works and the Planning Board's Inspector.**
12. Prior to the endorsement, the Certificate of Vote and Order of Conditions shall be added to the Site Plans.

SPECIAL CONDITIONS OF APPROVAL

(1) SPECIAL PERMIT/SITE PLAN

Upper Union St/Mount St Solar

1. Applicant shall enter into a monetary agreement (PILOT) at the sole discretion of Administration and the Town of Franklin prior to commencement of construction.
2. A Surety bond in the amount of \$46,768.00 shall be issued by a surety company acceptable to the Town of Franklin prior to commencement of construction.
3. There will be no trees or telephone poles removed on Mount Street or Upper Union Street.
4. All trees shall be planted prior to commencement of construction.