



# Town of Sturbridge Planning Board

Charles Blanchard  
David Bourbeau  
Brad Goodwin  
Dane LaBonte  
Wally Hersee  
Taylor Stedman  
Susan Waters

Jean M. Bubon, Town Planner

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## PLANNING BOARD NOTICE OF DECISION SITE PLAN APPROVAL

Date: March 13, 2024

Applicant: Sturbridge PV, LLC  
2420 17<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Denver, CO 80202

Phone: (617) 671-6366

Owner: 30 Swift, LLC  
660 Main Street  
Fiskdale, MA 01518

Parcel Information: Assessor's Map 552-03748-200  
Book 58394 Page 197

Zoning Designation: Special Use District

Property Location: 200 Haynes Street

Description of Request: The applicant is requesting Site Plan Approval to allow the construction of a 1.3 MW-DC solar array with a 1,280 kWh energy storage system. The project will consist of solar panels mounted on a fixed metal frame with a battery energy storage system and other ancillary equipment as shown on the plans and supporting documentation provided.

The following information was submitted as part of the Site Plan Approval application on August 9, 2023:

- Cover Letter to the Town Clerk dated August 9, 2023 – Re: Application for Site Plan Approval;
- Completed application;
- Abutters list;
- Filing fee;
- Legal notice;
- Document to Planning Board, Sturbridge Massachusetts – Statement in Support of Site Plan Approval Application dated August 9, 2023, submitted by Jessica D. Bardi Esquire, for the applicant Sturbridge PV, LLC;

- Exhibit A - Site Plan entitled “Ground Mounted Photovoltaic System, 200 Route 15 - Sturbridge, Massachusetts”. Plan prepared by BSC Group – 349 Main Street – Route 28, W. Yarmouth, Massachusetts 02673. Plan date April 26, 2023, Revised 6/14/23;
- Exhibit B - Interconnection Plans entitled “Proposed Photovoltaic Array, 200 Route 15, Sturbridge, Massachusetts 01566,” prepared for Bear Peak Power – 1099 18<sup>th</sup> ST, Suite 2150, Denver, CO 80202. Plan prepared by ARC Design – 409 North Main Street, Elmer, NJ 08318, dated May 23, 2022 revised through June 16, 2022;
- Exhibit C – Packet of technical specifications – 10 sheets;
- Exhibit D – Purchase and Sale Agreement dated September 29, 2022 and an Amendment of Purchase and Sale Agreement, dated April 12, 2023;
- Exhibit E – Operation and Maintenance Plan for Ground Mounted Photovoltaic System, dated April 10, 2023;
- Exhibit F – Certificate of Liability Insurance for Bear Peak Power, LLC;
- Exhibit G – A document entitled “Decommissioning Plan – Ground Mounted Solar Photovoltaic System – 200 Route 15 – Sturbridge, Massachusetts. Applicant & Responsible Part – Sturbridge PV, LLC – 2420 17<sup>th</sup> Street, Denver, CO 80202. Prepared by – BSC Group, Inc. – 349 Route 28, Unit D, West Yarmouth, MA 02673 (undated – received on August 9, 2023);
- Exhibit H – Email provided as proof of receipt of Interconnection Application from National Grid dated August 7, 2023;
- Exhibit I – Photo-simulations prepared by BSC Group;
- Exhibit J – Stormwater Report – Ground-Mounted Photovoltaic System – 200 Route 15, Sturbridge, MA 01566, April 2023. Owner/Applicant: Bear Peak Power, LLC – 2420 17<sup>th</sup> Street, Denver, CO 80202. BSC Group – 349 Main Street, West Yarmouth, MA 02673

Additional Information Received and Reviewed Includes:

October 2, 2023

- Town Planner Report dated 10/2/23;

October 9, 2023

- A letter from Richard D. Para to the Sturbridge Planning Board, RE: “Proposed Solar Farm 200 Haynes St (old Rte 15)”;

November 2, 2023

- Fire Review email from Jen Ashe “RE: FW: 200 Haynes Street”;
- A document entitled: “Re: Peer Review, Stormwater Compliance and Zoning Review #1 Sturbridge PV, LLC – 200 Haynes Street (Formerly 200 Route 15), Sturbridge, MA CMG ID 2023-218” from David T. Faist, PE & Robert Lussier, EIT (CMG Environmental Services);

November 17, 2023

- Request for Public Hearing continuation for the Planning Board meeting of November 21, 2023 to January 9, 2024 from Jessica D. Bardi (Robinson & Cole);

November 30, 2023

- A document entitled “RE: Proposed Photovoltaic System, 200 Haynes Street, Responses to Peer Review, Fire Department & Public Comments”, prepared by Brian G. Yergatian, PE, Leed AP (BSC Group), dated 11/20/23;
- A plan entitled “Ground-Mounted Photovoltaic System 200 Route 15 Sturbridge, Massachusetts”, prepared by BSC Group (349 Main Street-Route 28 W. Yarmouth, MA) Dated 8/1/23 Rev. 11/15/2023, Pages 1- 9;

December 27, 2023

- A Stormwater Report “Stormwater Report Ground-Mounted Photovoltaic System 200 Route 15 Sturbridge, MA 01566”, prepared by BSC Group (349 Main Street West Yarmouth, MA 02673) dated April 2023 Rev. Nov. 2023;

January 3, 2024

- A document entitled: “Re: Peer Review, Stormwater Compliance and Zoning Review #2 Sturbridge PV, LLC – 200 Haynes Street (Formerly 200 Route 15), Sturbridge, MA CMG ID 2023-218” from David T. Faist, PE & Robert Lussier, EIT (CMG Environmental Services);
- A document “Pending Application of Sturbridge PV, LLC for Site Plan Approval at 200 Haynes Street Request for Waiver of Plan Scale Requirement”, prepared by Michael Giaimo, Robinson+Cole dated January 3, 2024;

January 4, 2024

- A document entitled: “Re: Pending Application of Sturbridge, LLC for the Site Plan Approval at 200 Haynes Street Request for Waiver of Plan Scale Requirement” Submitted by Michael S. Giaimo (Robinson + Cole);
- Town Planner Report dated 1/4/24;

January 31, 2024

- A document entitled “RE: Proposed Photovoltaic System, 200 Haynes Street, Responses to Peer Review, Fire Department & Public Comments”, prepared by Brian G. Yergatian, PE, Leed AP (BSC Group), dated 1/31/24;

February 9, 2023

- Email from Brian Yergatian, P.E., LEED, AP, BSC Group in response to the Town Planner’s request for phasing information.

February 12, 2024

- Email from Brian Yergatian, P.E., LEED, AP, BSC Group indicating that Bear Peak Power LLC agreed to continue the Public Hearing to the March 12, 2024 meeting (this was due to weather)

February 13, 2024

- A document entitled: “Re: Peer Review, Stormwater Compliance and Zoning Review #3 Sturbridge PV, LLC – 200 Haynes Street (Formerly 200 Route 15), Sturbridge, MA CMG ID 2023-218” from David T. Faist, PE & Robert Lussier, EIT (CMG Environmental Services);

February 21, 2024

- An email chain entitled: “RE: 200 Haynes Project/Sturbridge Crossing Questions and Concerns” last dated February 21, 2024;

February 23, 2024

- Site Plan entitled “Ground Mounted Photovoltaic System, 200 Route 15 - Sturbridge, Massachusetts”. Plan prepared by BSC Group – 349 Main Street – Route 28, W. Yarmouth, Massachusetts 02673. Plan date April 1, 2023, Revised through February 23, 2024;
- A document entitled: “Proposed Photovoltaic System, 200 Haynes Street, Response to Peer Review, Fire Department & Public Comments” Submitted by Brian Yergatian, PE, BSC Group;
- A Stormwater Report “Stormwater Report Ground-Mounted Photovoltaic System 200 Route 15 Sturbridge, MA 01566”, prepared by BSC Group (349 Main Street West Yarmouth, MA 02673) dated April 2023 Rev. Feb. 2024;

March 6, 2024

- Site Plan entitled “Ground Mounted Photovoltaic System, 200 Route 15 - Sturbridge, Massachusetts”. Plan prepared by BSC Group – 349 Main Street – Route 28, W. Yarmouth, Massachusetts 02673. Plan date April 1, 2023, Revised through March 6, 2024;

March 7, 2024

- Town Planner Report dated 3/7/24;

Staff Comments were received from:

- Rebecca Gendreau, Conservation Agent dated September 12, 2023
- Lt. Jennifer Ashe, Fire Inspector dated September 14, 2023
- Nelson Burlingame, Building Inspector dated October 5, 2023
- Ken Lacey, Health Agent dated December 21, 2023

Applicable Section of Zoning By-Law:

- Solar Energy Facilities – Article X
- Site Plan Approval – Article XIX

Date of Meetings: October 10, 2023, November 21, 2023 (no testimony), January 9, 2024 (no testimony), February 13, 2024 (not testimony) & March 12, 2024

Members Present: Charles Blanchard, Dave Bourbeau, Dane LaBonte, Wally Hersee, Taylor Stedman, Susan Waters and Brad Goodwin

Vote:

Waiver of Traffic Study

At the Planning Board meeting of October 10, 2023, a motion was made by Wally Hersee, seconded by Susan Waters and voted 7-0, the Board voted to waive the traffic study for Sturbridge PV, LLC at 200 Haynes Street.

Waiver of Plan Scale Requirement

At the Planning Board meeting of March 12, 2024, a motion was made by Wally Hersee, seconded by Susan Waters and voted 7-0, the Board voted to waive the plan scale requirements to allow the plan scale to be 1 inch = 50' rather than 1 inch = 40'.

Site Plan Approval

At the Planning Board meeting of March 12, 2024, a motion was made by Wally Hersee, seconded by Susan Waters and voted 7-0, the Board voted to approve the Site Plan Approval as requested with the following conditions of approval:

1. The construction, operation and maintenance of this facility shall be as described on the plans and supporting documentation provided with the application submitted to and approved by the Planning Board.
2. Applicant shall utilize anti-reflective coating on the solar panels front glass to minimize glint and glare. Final solar panel installation shall result in "no" glare.
3. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to.
4. All other necessary permits and approvals must be obtained prior to the start of construction.
5. In accordance with the zoning bylaw, the operator shall provide a copy of the operation and maintenance plan, electrical schematic and site plan to the Sturbridge Fire Chief and Police Chief. The operator shall cooperate with local emergency services in developing an emergency response plan; this plan shall be reviewed annually with local emergency officials and revised as necessary. All means of shutting down the solar energy facility shall be clearly marked. The premises shall identify a qualified contact person to provide assistance during an emergency; the operator shall change the contact information immediately and so notify the Sturbridge Fire Chief and Police Chief whenever there is a change in the contact person.
6. Any and all safety signage deemed necessary by the Fire Chief and Police Chief shall be installed.
7. In accordance with the zoning bylaw, the operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. The operator shall be responsible for

maintaining access for emergency vehicles that is determined to be adequate by the Sturbridge Fire Chief, Police Chief and any other local emergency services, and for maintaining adequate access for any maintenance equipment.

8. An emergency contact phone list with at least two names and numbers on it be supplied to the Sturbridge Police Dept. to be used by the dispatchers, in case of an off hour emergency, prior to the start of the project. The list must be updated whenever necessary for the duration of the project.
9. A construction liaison shall be identified for this project. The liaison shall serve as the single point of contact for the Planning Department and other staff during the duration of the construction activity.
10. A copy of the approved plan and all orders of conditions and notices of decision shall be on site at all times. Contractors working on site shall be familiar with the conditions of approval.
11. A pre-construction meeting shall be held with the Town Planner, Conservation Agent, DPW Director and any other pertinent town personnel.
12. A staging area shall be identified prior to the start of construction. The staging area shall be discussed at the pre-construction site meeting and shall be in a location acceptable to the Town Planner, Conservation Agent and DPW Director or their designee.
13. Prior to ground disturbance, the applicant shall provide a decommissioning bond to the Town in the amount of \$328,020.00. The bond shall be auto-renewed annually.
14. Prior to ground disturbance, the Stormwater Operation and Maintenance Plan shall be submitted to, and approved by the DPW Director, with proof of such approval provided to the Planning Department.
15. Prior to ground disturbance of any kind, the project work areas and limits of disturbance shall be clearly delineated by stakes, flags or other clearly identifiable method.
16. Prior to ground disturbance all erosion control measures shall be installed.
17. Prior to ground disturbance the NPDES SWPPP shall be submitted with copies provided to the Planning Department.
18. There shall be no tree cutting within the 100' and 200' wetland buffer along the north end of the project until proof of Conservation Commission approval has been provided to the Planning Department.
19. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control.

20. The site shall be kept in a neat and orderly condition throughout the construction process. All trash and debris shall be removed from the site at regular intervals.
21. Exterior construction shall only occur during the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to Noon on Saturday. No exterior construction shall occur on Sundays or State Holidays as follows: New Year's Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas.
22. The applicant/developer shall provide no less than forty-eight hours notice prior to the start of any construction activity including clearing. No vehicles or equipment shall be refueled within 100' of a wetland or drainage area unless a bermed and lined re-fueling area is constructed. Any vehicles driven and/or operated within or adjacent to drainage areas or wetlands shall be inspected and maintained daily to prevent leaks.
23. A Knox box shall be required for the chain link fence around each array with keys being provided to public safety personnel.
24. All chain link fencing shall be black and shall be installed with whatever clearance may be required by the Conservation Commission to allow for movement of smaller species.
25. An inspection shall be made by the Town Planner, Planning Board and/or designee after completion of the project to determine if any additional plantings/screening is required on both sides of the property that are abutting areas in residential use. If it is determined that additional plantings are required, a planting plan shall be submitted to the Planning Board for review and approval. The applicant shall bond for the cost of the landscaping if the landscaping is not installed prior to requesting final inspection/approval of the project.
26. The applicant/developer shall be responsible to maintain the access roads to the project in a viable condition for emergency vehicles on a continuing basis.
27. The applicant/developer shall submit bi-weekly construction reports that provide details of work occurring on site, site photographs, condition of erosion control measures, compliance with conditions of approval and any issues encountered during construction. The frequency of reporting shall be established at the pre-construction meeting.
28. Prior to energization or final inspection, whichever occurs first, the applicant/developer shall install electrical safety signage on all solar arrays in the immediate vicinity of all wiring and on all electrical conduit using weather resistant and fade proof materials. The purpose of this measure is to reduce the risk of electric shock.

29. Prior to energization or final inspection, whichever occurs first, the applicant/developer shall provide appropriate training for emergency personnel of the Town of Sturbridge. Training to be arranged through the Police Chief and Fire Chief and the details of such training shall be provided to the Planning Department in advance of the training.
30. The applicant/developer shall be responsible for restoring all public roads, easements, rights of way (ROW) and infrastructure (signs, guard rails, etc) within the public right of way that have been damaged due to project-related construction activities.
31. The applicant shall submit to the Planning Department, two hard copies and an electronic copy of the as-built plan along with certification of the engineer of record that the project was constructed as approved. Any deviations of the approved plan shall be noted on the certification and plan.

Approval has been limited to matters of Site Plan Review only and not to construction details. Any persons aggrieved by a decision of the Planning Board may appeal to the Superior Court in accordance with the General Laws, Chapter 40A, Section 17.

  
Charles Blanchard, Chair

3/13/24  
Date Filed

cc: Nelson Burlingame, Building Inspector  
Sturbridge PV, LLC, Applicant  
20 Swift, LLC, Owner  
Robinson+Cole, Counsel  
BSC Group, Engineering