

STOW PLANNING BOARD
SPECIAL PERMIT AND/OR SITE PLAN APPROVAL
RULES and REGULATIONS

for

COMMERCIAL SOLAR PHOTOVOLTAIC
RENEWABLE ENERGY INSTALLATIONS



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Special Permit or Site Plan Approval
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SECTION 1
GENERAL PROVISIONS

1.1 Authority

These RULES are adopted by the Planning BOARD as authorized by MGL Ch. 40A and the Stow Zoning BYLAW.

1.2 Purpose

The purpose of these RULES is to establish uniform procedures for conducting the business of the BOARD under its jurisdiction as a Special Permit or Site Plan Approval Granting Authority for COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS.

1.3 Applicability

Any person applying for COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit or Site Plan Approval under the BYLAW, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these RULES.

1.4 Definitions

Defined terms are capitalized in these RULES.

APPLICANT	Any person or such person's authorized representative who files an APPLICATION for a PERMIT under the BYLAW.
APPLICATION	All plans, forms, reports, studies or other documents, which are submitted to the BOARD under these RULES by an APPLICANT.
BOARD	The Planning BOARD of the TOWN of Stow.
BYLAW	The Zoning BYLAW of the TOWN of Stow, as amended
DECISION	Action by the BOARD on an APPLICATION.
PARTIES IN INTEREST	The APPLICANT; abutters; owners of land directly opposite on any private or public STREET or way; and abutters to the abutters within three hundred feet of the property line of the APPLICANT as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Stow Planning BOARD; and the Planning Board of every abutting city or town.
PERMIT	A COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit or Site Plan Approval under the BYLAW.
RULES	The COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit or Site Plan Approval Rules and Regulations as contained herein.
TOWN	The TOWN of Stow.

Other Definitions - Refer to the "Definitions" section of the SUBDIVISION Rules and Regulations and the BYLAW for additional defined terms, which are also capitalized when used in these RULES.

1.5 Coordination with Subdivision Approval and Other Permits

In the case where the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION requires Subdivision Approval under the SUBDIVISION CONTROL LAW or another Special Permit or Site Plan Approval under the BYLAW, the APPLICANT shall submit an application for approval of a Definitive Subdivision Plan and/or Special Permit or Site Plan Approval with the APPLICATION for a PERMIT hereunder. To the extent permitted by law, the BOARD shall consider all applications at the same time.

1.6 Waiver of RULES

Strict compliance with these RULES may be waived if the BOARD finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the BYLAW and these RULES.

- 1.6.1 Any request from an APPLICANT for a waiver of these RULES shall be submitted, in writing, to the BOARD at the time of submission of the APPLICATION. Such requests shall clearly identify the provision/s of the RULES from which relief is sought and be accompanied by a statement setting forth the reasons why, in the APPLICANT'S opinion, the granting of such a waiver would be in the public interest, or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the BYLAW and these RULES.

1.7 Fees

- 1.7.1 Filing fees are non-refundable fees to cover the cost of administration, legal fees, and plan review and are due at the time of submission of the plan. The fee shall be submitted in check form and made payable to the "Town of Stow".
- 1.7.2 All expenses for advertising, engineering, professional review, construction inspection, recording and filing of plans and documents and all other expenses in connection with or for the Special Permit shall be borne by the applicant.

1.8 Provision of Security

The BOARD shall require in its DECISION that security be posted with the TOWN in such form and amount as is required by the BOARD to secure the satisfactory completion of all or any part of the work authorized under a PERMIT and to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Special Permit/Site Plan Approval Granting Authority, but in no event to exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

1.8.1 Types of Security Guarantees

- 1.8.1.1 **Proper bond.** - The APPLICANT shall file a proper bond, sufficient in the opinion of the Board to secure the satisfactory completion of all or any part of the work authorized under a PERMIT and to cover the cost of removal in the event the TOWN must remove the installation and remediate the landscape

The form of the performance guarantee shall comply with requirements of Section 1.8.2 Form of Security.

- 1.8.1.2 **Deposit of money or negotiable securities** - The applicant shall file money or negotiable securities, sufficient in the opinion of the Board to secure the satisfactory completion of all or any part of the work authorized under a PERMIT and to cover the cost of removal in the event the TOWN must remove the installation and remediate the landscape. The applicant shall provide proof that the deposit of money or negotiable securities shall remain available to the Town of Stow until such time as the Board approves a release of said monies.

The form of the performance guarantee shall comply with requirements of Section 1.8.2 Form of Security.

- 1.8.1.3 **Funds retained by lender** - The applicant shall deliver to the Board an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the applicant, to secure the satisfactory completion of all or any part of the work authorized under a PERMIT and to cover the cost of removal in the event the TOWN must remove the installation and remediate the landscape.

The form of the performance guarantee shall comply with requirements of Section 1.8.2, Form of Security.

- 1.8.1.3.1 Unless the applicant and the lender shall demonstrate to the satisfaction of the Planning Board, who may consult with the Treasurer/Collector for this purpose, that a) lender is of sound financial condition or b) the funds to secure such an agreement are beyond the reach of the applicant's or lender's creditors and will be available regardless of the bank's financial condition at the time of entering into the agreement or thereafter for payment to the Town in the event of any default or failure of performance, then the Board in its sole discretion and determination may reject such agreement as insufficient to serve as a performance guarantee.

- 1.8.1.3.2 Said agreement shall also provide for a schedule of disbursements which may be made from time to time to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any remaining funds not disbursed shall be available for completion.

1.8.2 Form of Security Guarantees

A Security Guarantee shall be filed with the Board and shall be subject to the following requirements:

- 1.8.2.1 If security by means of a bond, a deposit of money or negotiable securities or an agreement whereby the construction lender retains loan funds, the security shall comply with the following: If the performance guarantee is the form of a bond, the bonding company shall be legally incorporated in the State of Massachusetts.
- 1.8.2.2 The bond shall define the applicant's obligation as satisfactory completion of all or any part of the work authorized under a PERMIT and to cover the cost of removal in the event the TOWN must remove the installation and remediate the landscape.
 - 1.8.2.2.1 The bond shall include a statement that the Board has the exclusive authority to release performance guarantee funds.
 - 1.8.2.2.2 The bond shall acknowledge the Board's exclusive authority, and shall state that it shall not expire until the Board, upon written request, certifies satisfactory completion of all or any part of the work authorized under a PERMIT and to cover the cost of removal in the event the TOWN must remove the installation and remediate the landscape, and that the bond is released.
- 1.8.2.3 The security guarantee shall acknowledge the Board's exclusive authority and state that it applies in full to all successors and assigns of the applicant whose performance is guaranteed.
- 1.8.2.4 The performance guarantee shall not contain any language, which contradicts the above state requirements.

1.9 Advice from TOWN Staff

Any advice, opinion, or information given to the APPLICANT by a BOARD member, or by any agency, official, or employee of the TOWN shall be considered advisory only and not binding on the BOARD.

1.10 Amendments to the RULES

The RULES may be amended by a majority vote of the BOARD in a public meeting.

SECTION 2
DESIGN GUIDELINES

2. Design Standards

- 2.1 Setback Requirements** - All minimum setback, yard, buffer and screening requirements applicable in the zoning district in which the installation is located shall apply provided, however, where the lot abuts a Recreation-Conservation or Residential district, the setback shall not be less than 50 feet. Notwithstanding those minimum requirements, the Planning Board shall have the authority to impose greater setback, yard, buffer and screening requirements where it is in the public interest to do so.

All security fences surrounding the installations shall be set back from the property line a distance equal to the setback requirement applicable to the buildings within the zoning district in which the installation is located provided, however, that where the lot abuts a Recreation-Conservation or Residential district, the setback shall not be less than 50 feet.

- 2.2 Height Restriction** - Ground mounted panels shall be no higher than 10ft. For hillside areas, systems shall be installed as close to the ground as feasible to match the slope. The Planning Board may grant a waiver, depending on site conditions, and if the visual impact is mitigated to the Board's satisfaction.
- 2.3 Utility Connections** - All utility connections from the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be underground unless specifically permitted otherwise by a Planning Board Special Permit and/or Site Plan Approval Decision. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.
- 2.4 Land Clearing, Soil Erosion and Habitat Impacts** - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION or otherwise prescribed by applicable laws, regulations and bylaws.
- 2.5 Appurtenant Structures** - All appurtenant structures to COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be subject to these regulations and Zoning Bylaws concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements.
- 2.6 Signs and Advertising** - Signage for COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall be consistent with the requirements of Section 6.3 (Signs) of the Zoning Bylaw and shall identify the owner and provide a 24-hour emergency contact phone number.

COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

- 2.7 Lighting** - Lighting of the COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION, including all accessory structures and appurtenances shall not be not permitted unless required by the Planning Board Special Permit and/or Site Plan Approval Decision or required by the State Building Code. Where used, lighting shall comply with the requirements of Section 3.8.1.5 (exterior lighting) of the Zoning Bylaw.
- 2.8 Visual Impact-** The visual impact of the COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION, including all accessory structures and appurtenances, shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view by vegetation or other means as agreed to by the BOARD and/or joined and clustered to avoid adverse visual impact. Methods such as the use of landscaping or natural features are preferred.
- 2.9 Offsite Glare-** Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- 2.10 Abutters' Rights and Solar Access** - The Applicant shall not construct the COMMERCIAL SOLAR PHOTOVOLTAIC INSTALLATION in a manner that would restrict the land use rights of abutting properties, unless easement(s) are granted. The Applicant is encouraged to acquire sunlight easements from abutters if potential access to sunlight could be impacted from an allowed use on an abutting parcel.

SECTION 3

PRELIMINARY REVIEW

3.1 Pre-Application Conference

Prior to the submission of an APPLICATION for a Special Permit and/or Site Plan Approval, the APPLICANT is strongly encouraged to meet with the BOARD at a public meeting to discuss the proposed COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION in general terms and to clarify the filing requirements. A Pre-Application Conference with the BOARD can prevent serious delays in the processing of the final APPLICATION.

- 3.1.1 The purpose of the Pre-Application Conference is to inform the BOARD as to the preliminary nature of the proposed COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION. As such, no formal filings are required for the pre-application conference. However, the APPLICANT is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the BOARD of the location of the proposed facility, as well as its scale and overall design.
- 3.1.2 Any action or communication initiated by the APPLICANT prior to the filing of an APPLICATION with the Town Clerk and the BOARD shall not constitute a PERMIT APPLICATION.

3.2 Preliminary Review

Prior to submission of the final APPLICATION, the APPLICANT may submit a draft APPLICATION for preliminary review. At least 10 copies of all materials to be reviewed shall be provided to the Planning Board Office along with a letter requesting a review and including the name, address, and phone number of a person who may be contacted concerning the review.

3.3 Scope of Preliminary Reviews

The BOARD and TOWN staff will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final APPLICATION and to promote efficiency in the formal review process. Staff will limit their review of such materials to technical issues appropriate to their area of expertise and to assessments of whether the project in question adequately addresses major issues of concern to the TOWN and the neighborhood. In general, staff will complete the preliminary review within 30 days. Staff will not be responsible for assuring the thoroughness, completeness, or correctness of any final APPLICATION. It is the responsibility of the APPLICANT to assure that any APPLICATION to the BOARD is complete and accurate.

- 3.3.1 Through the preliminary review process, staff will make recommendations to the BOARD for any fee waivers or additional deposits that may be appropriate. Note that substantial changes in the project may require the alteration of these recommendations at the time of final submission. In all cases APPLICANTS shall contact the Planning Board Office prior to the final submission to discuss these fees.
- 3.3.2 If any other Special Permit or Site Plan Approvals are required from the BOARD for the project, then these should be discussed at this time.

3.4 Preliminary Review Fees

The first such preliminary review of an APPLICATION shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the prospective APPLICANT of \$500.00 at the time of submission. The fee shall be submitted in check form and made payable to "Town of Stow".

SECTION 4
CONTENTS OF AN APPLICATION

4.1 APPLICATION Form

The APPLICATION form entitled "Application for a COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit and/or Site Plan Approval" is attached to these RULES and also available from the office of the BOARD at Town Building. An APPLICATION for a PERMIT that lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the APPLICANT to assure the accuracy and completeness of all information submitted to the BOARD as part of an APPLICATION. The APPLICANT shall be responsible for factually supporting all points relied upon in the APPLICATION including references for methodologies used in design calculations.

- 4.1.2 In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall obtain the owner's signature on this form indicating that the owner has knowledge of and consents to the APPLICATION. If the APPLICANT is acting in the name of a trust, corporation or company, an authorizing vote shall be attached.

4.2 APPLICATION Filing Requirements

Any APPLICATION for a PERMIT shall be made in writing and shall include the following items.

- 4.2.1 Twenty (20) copies of a properly executed "Application for Approval of SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION SPECIAL PERMIT/SITE PLAN APPROVAL".
- 4.2.2 Twenty (20) copies of the Development Impact Statement.
- 4.2.3 Eleven (11) copies of the plan in the form set forth below in section 4.3.
- 4.2.4 Twenty (20) copies of the plan reduced to fit legibly on 11"x17" or 8.5"x11" sheets.
- 4.2.5 Required Information
- a. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - b. Original signatures for the applicant
 - c. If the applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo-reproductions of signatures will not be accepted.
 - d. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
 - e. Tax map and parcel number of subject property.
 - f. Zoning district designation for the subject parcel (Submit copy of Town zoning map with parcel identified).
 - g. A map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all Buildings, including accessory structures, on all properties shown.

- 4.2.6 An appraisal, prepared by a state-certified real estate appraiser, of the economic impact on property values within view of the proposed installation, based upon the impact of substantially similar SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION facilities in substantially similar communities and locations, as well as population. For the purposes of this paragraph, substantially similar communities shall include communities from the Commonwealth of Massachusetts, with similar market demand, population, population density and rural character.
- 4.2.7 Proof of liability insurance.
- 4.2.8 Documentation of the major system components to be used, including the PV panels, mounting system, and inverter.
- 4.2.9 Documentation of actual or prospective access and control of the project site.

4.3 Plans

Plans shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, and shall include:

- 4.3.1 Each Plan sheet shall contain a legend identifying any representative symbols used on the plan sheet in question.
- 4.3.2 General Site Characteristics shall be shown on a one-inch-equals-40 feet (1"= 40') site composite plan, which includes the following:
 - 4.3.2.1 All LOT lines and boundaries of the site, with ownership of abutting properties within 300 feet indicated.
 - 4.3.2.2 Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
 - 4.3.2.3 Outline of all existing BUILDINGS, including purpose (e.g. residential BUILDINGS, garages, accessory STRUCTURES, etc.) on subject property and all adjacent properties within 300 feet (vicinity plan).
 - 4.3.2.4 Access and utility easements.
 - 4.3.2.5 All required setbacks for BUILDINGS, STRUCTURES, parking, or loading facilities shall be dimensioned on the plan to demonstrate compliance with zoning requirements.
 - 4.3.2.6 All zoning district boundaries, including the boundaries of the Flood Plain/ Wetlands and Water Resource Protection Districts, if applicable, shown in their proper location.
 - 4.3.2.7 Any special site features including, but not limited to stone walls, fences, wells, historic STRUCTURES, and historic BUILDINGS.
 - 4.3.2.8 Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION.
 - 4.3.2.9 Distances, at grade, from the proposed COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION to each building on the vicinity plan.
 - 4.3.2.10 Contours at each two feet for the subject property and adjacent properties within 300 feet.
 - 4.3.2.11 All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

4.3.2.12 Representations, dimensioned and to scale, of the proposed equipment shelters, cable runs, parking areas and any other construction or development attendant to the SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION.

4.3.3 Natural Site Characteristics:

4.3.3.1 Existing and proposed contours of the land shown at two (2) foot intervals. Topography shall be referenced to the National Geodetic Vertical Datum with the location and elevation of the starting benchmark plus at least two additional temporary benchmarks on the site.

4.3.3.2 Site features such as, but not limited to, wetlands, water bodies and waterways, drainage courses, historic sites, ledge outcroppings, wildlife corridors, etc. All wetlands and wetland buffer area boundaries must be shown on the plan. Wetlands are defined as those areas subject to the provisions of the “Wetlands Protection Act”, M.G.L. Chapter 131, Section 40, or the Town of Stow Wetlands Bylaw.

4.3.4 Site Improvements

4.3.4.1 Tabulations - A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable), and the proposed site conditions for the following characteristics: LOT size, total LOT coverage, % of land in any zoning district where the proposed USE is not permitted, OPEN SPACE, UNDISTURBED OPEN SPACE, % wetlands, % flood plain, DEVELOPABLE SITE AREA, front yard/s, side yards, rear yard, any buffers, BUILDING height, minimum distance to ground water, pre and post development runoff rates and ground water recharge, GROSS FLOOR AREA, FLOOR AREA RATIO, and the number of parking spaces with supporting calculations. The table shall give the percentage of reserved parking spaces with respect to the total number of spaces provided.

4.3.4.2 Outline or footprint of any existing and proposed BUILDING or STRUCTURE with identification and its front, sides, and rear elevations of each BUILDING and STRUCTURE shall be shown at an appropriate scale generally not less than 1/8” = 1’. The final disposition of any existing BUILDING or STRUCTURE, whether it is to remain, be removed, or be altered, shall be noted.

4.3.4.3 The location of any existing or proposed signs must be shown, and, if existing, their final disposition must be noted.

4.3.4.4 Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately.

4.3.4.5 Sidewalks with a note on the construction materials to be used.

4.3.4.6 All driveway entrances dimensioned and a cross-section of the driveway shown so that compliance with the access requirements of the BYLAW may be determined. The size of the largest truck expected to use the site shall be noted. All of the drives and entrances shall be designed to accommodate the designated size of truck. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks may maneuver on the site.

4.3.4.7 Intersections and driveway entrances on other LOTS within 75 feet of the site with the distance between driveways dimensioned.

4.3.4.8 All parking facilities with proper dimensions.

- 4.3.4.9 Location, dimension and rendering of the required sign that provides the telephone number where the operator in charge can be reached on a 24-hour basis.
- 4.3.4.10 Outdoor lighting details for low intensity security lights in compliance with Section 3.8.1.5 of the Zoning Bylaw.
- 4.3.4.11 One or three line electrical diagram detailing the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4.3.4.12 An operation and maintenance plan of the COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- 4.3.4.13 Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
- 4.3.4.14 Name, address, and contact information for proposed system installer.
- 4.3.4.15 The name, contact information and signature of any agents representing the project proponent.
- 4.3.5. Site Utilities
 - 4.3.5.1 Location and type of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catch basins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operations of the system can be evaluated. Any drainage ponds intended to be constructed shall be shown fully dimensioned.
 - 4.3.5.2 Location of any underground storage tanks for fuel or other chemical storage, including the tank types, capacities, and condition.
 - 4.3.5.3 Location and type of existing and proposed water services to serve the facility (including abandoned wells). If the site is to utilize an on-site well, its proposed location shall be shown in addition to its setbacks from any BUILDING, STRUCTURE, or sewage disposal system.
 - 4.3.5.4 All fire hydrants on the site or off the site but within 500' of the principal BUILDING on the site. If no fire hydrants are located within 500' of the principal BUILDING on the site, then a note shall appear clearly explaining how the APPLICANT will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.
 - 4.3.5.5 The location and type of any other utilities all of which shall be located underground including, but not limited to, electric or gas services, telephone, or cable services shall be shown. Natural gas service shall be brought to the site if available.

4.3.6 Construction Details

Typical detail of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structure, if any. In the Water Resource Protection District, catchbasins shall be precast concrete with gas traps (Lebaron I-219, Neenah 3705, or MassHighway equivalent). Precast catch basins shall show gas traps and construction joints sealed with a minimum of 1" butyl-rubber gastight sealant or equivalent caulking material.

4.3.7 Erosion & Sediment Control Plan

The Plan shall show adequate erosion and sediment control measures during and after construction. Control measures such as hydroseeding, berms, interceptor ditches, terraces, and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process.

4.3.7.1 The Erosion and Sedimentation Plan shall include the following notes:

Stone construction entrance(s) shall be used at each site entrance abutting an existing street.

The developer is required to clean up any sand, dirt, or debris which erodes from the site onto any public STREET or private property, and to remove silt or debris that enters any existing drainage system including catch basin sumps, pipe lines, manholes and ditches.

4.3.7.2 The Erosion and Sedimentation Plan shall include a detail for stone construction entrance(s) at each intersection of access road(s) with an existing street(s).

4.3.7.3 Land shall be developed in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development, and construction operations. Control measures such as hydroseeding, berms, interceptor ditches, terraces, and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process.

4.3.7.4 Sediment basins (debris basins, de-silting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters draining from land undergoing development.

4.3.7.5 Velocity Check Dams - Hay bales will be used around the catch basins on the proposed streets to protect them from the eroding soils and provide a check dam* to slow the runoff during the construction. The developer shall provide velocity check dams* in all unpaved street areas at the intervals indicated below:

<u>Grade of the Street</u>	<u>Intervals between Check Dams</u>
Less than 4%	100 feet
4% to 10%	50 feet
over 10%	25 feet

The developer shall provide velocity check dams* in all un-vegetated or unpaved channels at the intervals indicated below:

<u>Grade of the Channel</u>	<u>Intervals between Check Dams</u>
Less than 3%	100 feet
3% to 6%	50 feet
over 6%	25 feet

* Check dams in unpaved streets and un-vegetated or unpaved graded channels may be constructed of staked hay bales or other erosion resistant materials approved by the Board. The check dams shall be installed at the end of each working day, and in the event of rainfall being predicted. The hay bales should be securely staked to prevent overturning, floatation, or displacement. They shall extend completely across the street or channel at right angles to the centerline. Also, a velocity check dam shall be provided along the entrance of the lot to protect the public streets and adjacent properties from the hazards of erosion. All check dams shall be cleaned out of all debris and silt periodically.

- 4.3.8 Landscape Plan - Landscaping information shall be shown on a separate plan sheet or sheets. In addition to showing landscape treatments planned for the site the Landscape Plan shall include general site features such as LOT lines, existing and proposed STRUCTURES, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans.
- 4.3.8.1 Screening - The Plan shall show the methods such as plant materials, fencing and other treatments, that will be employed to ensure that visual impact of the SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION on public STREETS within 500 feet is mitigated. Parking that faces public ways and residential zones or uses shall also be screened.
- 4.3.8.2 Planting Table - The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in a table along with the symbols used to represent the plants on the plan.
- 4.3.8.3 Landscaping Details - A typical detail of a tree well, tree planting, and specialty planting area, if applicable.
- 4.3.8.4 Limits of Work - Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan.
- 4.3.8.5 Perimeter of Trees - The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted. The location, size, and proposed fate of any existing trees larger than 16” in diameter shall be shown.
- 4.3.8.6 Camouflage - The Plan shall include a colored rendering of the proposed SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION legibly drawn at a standard architectural scale, as appropriate, showing the methods and treatments that will be employed to ensure that the SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION will blend in with its surroundings when viewed from residential BUILDINGS or public STREETS within 500 feet.
- 4.3.9 Plan Notes - Plan Notes shall be provided that:
- 1) forbid the use of fill containing hazardous materials as required by the BYLAW;

- 2) require the marking of the limits of work in the field prior to the start of construction or site clearing;
- 3) require the cleaning of catchbasin sumps and stormwater basins following construction and annually thereafter;
- 4) restrict the hauling of earth to or from the site to the hours between 9 a.m. and 4 p.m. on weekdays if earth materials are intended to be removed from or brought to the site; and
- 5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the BOARD requires 12" or gravel and 3" of bituminous concrete paving laid in two courses).

4.4 Stormwater Management - The Planning Board will presume that projects meeting the 2008 Massachusetts Stormwater Handbook, or as subsequently amended, satisfy the requirements of Section 3.1.8.9 of the Stow Zoning Bylaw and related Subdivision Rules and Regulations, Site Plan Approval Rules and Regulations and Special Permit Rules and Regulations, and therefore are presumed to also satisfy other regulatory requirements, as stated in said handbook.

4.4.1 Stormwater Management Objective - The objective of stormwater management for Stow is to design a system in such a way so that the volume and peak runoff from the development of a parcel will be no greater after the development is completed than it was before the development was started, and that the water quality will meet required Department of Environmental Protection (DEP) standards.

4.4.2 Stormwater Management Requirements - The design of a Stormwater Management System shall comply with the requirements of the 2008 Massachusetts Stormwater Handbook, subsequently known as the Handbook.

Throughout the Handbook, where the "Conservation Commission" is identified, substitute "Planning Board and Conservation Commission." This does not relieve the applicant from complying independently with the Conservation Commission's requirements.

The Planning Board, through its review process, may set more stringent requirements than are specified in the Handbook. The Planning Board may require subdivisions of any size, as well as Special Permit applications and site plans, to be compliant with the Handbook.

The Planning Board adopts the requirements of the stormwater management standards listed in the Handbook.

4.4.3 Best Management Practice (BMP) Prioritization

Although the Planning Board is aware that the Best Management Practice (BMP) techniques employed depends largely on the site's hydrological features, it has placed a high priority on environmentally sensitive site design techniques for stormwater management, including:

- Minimizing impervious surfaces
- Fitting the development to the terrain
- Preserving and using natural drainage systems
- Reproducing pre-development hydrologic conditions

4.4.4 Stormwater Management Design Process

4.4.5 Preliminary Stormwater Design Plan

The applicant shall present a Preliminary Design Plan for the stormwater management system prior to submission of a Definitive Plan.

In the Preliminary Design Plan, the applicant shall be prepared to discuss and justify the design approach for stormwater management. The Planning Board will consider the three stormwater management components in order of priority as described in the Handbook:

- a) Site Planning: Design the development using environmentally sensitive site design and low impact development techniques to preserve natural vegetation, minimize impervious surfaces, slow down times of concentration, and reduce runoff;
- b) Source Controls, Pollution Prevention, and Construction Period Erosion and Sediment Control: Implement nonstructural measures to prevent pollution or control it at its source; and
- c) Structural BMPs (physical devices typically designed and constructed to trap or filter pollutants from runoff or to reduce runoff velocities): Design, construct and maintain structural BMPs to attenuate peak flows, capture and treat runoff, and provide recharge to groundwater.

The Planning Board will emphasize using environmentally sensitive site design and low impact development techniques to minimize the amount of onsite disturbance and to lessen the need for BMPs for stormwater quality treatment and volume/velocity management.

The applicant shall provide a detailed description of the approach being applied to satisfy the standards in the Handbook. At a minimum, the applicant shall consider and present the design based on the Checklist for Stormwater Report, located in the Handbook, to the Planning Board.

For the parcel being developed, the applicant shall provide a drawing of the site that identifies each watershed in the parcel and every watershed of which the parcel is a part, the Hydrological Soil Group (A, B, C& D) for each of the sub-areas, and the impervious areas to be developed on the parcel. All wells, septic systems and critical areas are to be identified on the drawing for the parcel and abutting parcels within 150 ft of the parcel being developed

The Planning Board will review the proposed design, evaluate the design, and provide comments on the design.

4.4.6 Definitive Stormwater Design Plan

The applicant shall:

- a) Implement the design proposed in the preliminary design plan as modified by the comments received from the Planning Board. The final detailed design shall be presented to the Planning Board for final review and comment. The Planning Board may reject a detailed design, which does not address the issues identified by the Planning Board from the preliminary design.
- b) Provide data for all Water Quality and Recharge calculations based on the Stormwater Management System design.
- c) Provide the source data for all Water Quantity Volume calculations.
 - a) Provide the source data for all Stormwater Recharge calculations.
 - b) Provide the source data for all Peak Discharge Rate Calculations
 - c) Provide data for the TSS removal calculations.

In addition, the Planning Board may require that the data necessary to use Rational Equation Method be provided.

4.4.7 Stormwater Management System Appropriate for a Parcel

The submission to the Board of any development of land has to recognize that stormwater management requirements may be the constraining factor in the amount of the proposed impervious surface and thus the number of units that can be built on a parcel in Stow.

4.4.8 Other Stormwater Design Criteria to be Considered:

- a) Test holes are required in each stormwater detention or retention area and must be to a depth at least two feet below the bottom of the drainage facility and shall be performed by a Soil Evaluator. Test data shall be included in the drainage report.
- b) The drainage report shall be stamped by a Professional Engineer and shall include a plan showing drainage subcatchments and travel time paths.
- c) In areas of overland flow, the drainage analysis shall consider the property line the point of analysis to mitigate impacts on abutting properties.
- d) Soil beneath drainage facilities shall be naturally occurring unless in fill and shall not be "mined" for use elsewhere on the site.
- e) If a site requires extensive fill, including individual lots, the drainage calculations shall consider the soils for these areas to be a hydrologic soil group C.

The definitive plans shall identify the approximate area of impervious surface per lot. Additional recharge shall be required to mitigate the additional runoff from the impervious surfaces.

4.5 Earth Removal

No earth material shall be removed unless such removal is done pursuant to a permit issued by the Board of Selectmen, pursuant to Article 6, Section 22 of the Town of Stow General Bylaws.

4.5.1 Calculations

Calculations for determining the amount of earth to be removed or the amount of FILL to be brought into the site shall be prepared by and show the seal of a Registered Professional Engineer. The following information shall be provided.

4.5.2 Amount of earth to be removed.

4.5.3 Proposed disposition of such earth.

4.5.4 Method of removal, including the means proposed to prevent erosion and sedimentation, control dust, and to protect adjacent areas.

4.6 Water Resource Protection District

The portion of the site in the Water Resource Protection District shall be noted and compliance with all applicable portions of Sect. 5.2 of the BYLAW shall be demonstrated.

4.7 Development Impact Statement

A completed Development Impact Statement (see Appendix - Form DIS)

4.8 Certified Abutters List

List of abutters and abutters to abutters that are PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for the list.

4.9 Other Permits and Variances

A list and copies of variances, permits, and other Special Permit or Site Plan Approvals previously issued by other TOWN boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Board of Selectmen, the Conservation Commission, the Board of Appeals, the Planning Board, the State Dept. of Public Works, the Army Corp. of Engineers, and the State Dept. of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any other Special Permit or Site Plan Approvals are required from the BOARD, the APPLICANT is hereby strongly advised to make the applications for such additional permits concurrently with this PERMIT APPLICATION.

4.10 Recorded Plans and Deeds

A copy of the most recently recorded plan(s) and deed(s) for the LOT(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

4.11 Mortgage Holders

A list of mortgage holders which shall be kept current during the period of development.

4.12 Additional Information

The APPLICATION may contain whatever additional information the APPLICANT feels is necessary to properly inform the BOARD about the development including legal opinions, copies of deeds, historical data, studies, and reports.

- 4.12.1 The BOARD is empowered by the BYLAW to require information in addition to that specifically required by the BYLAW or by these RULES. The BOARD will require the APPLICANT to supply additional information if it finds that such information is necessary to properly act upon the APPLICATION in question.

SECTION 5
FILING PROCEDURES

5.1 Who May File an APPLICATION

The APPLICANT shall submit documentation of the legal right to install and use the proposed facility at the time of the filing of the application for the permit or approval. The property owner of record shall sign the APPLICATION form thereby granting his/her consent to the filing of the APPLICATION.

5.2 APPLICATION Fees

Any APPLICATION shall be accompanied by a fee to cover the expenses incurred by the TOWN in reviewing the APPLICATION. The fee is not refundable. The fee shall be submitted in check form and made payable to the “Town of Stow”.

5.2.1 The amount of the fee shall be \$2,500.00 for a Special Permit/Site Plan Approval APPLICATION to construct or renovate a SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION. Part of the filing fee may be waived if the BOARD chooses to have some of the review work performed by outside consultants as provided below.

5.2.2 Additional Review Fee Deposits - So that the BOARD may make the findings required under the BYLAW and insure that the public safety will be protected, the BOARD may select and hire outside traffic, engineering, legal, or planning consultants to review an APPLICATION. To cover the cost of these reviews a review fee deposit may also be required of an APPLICANT at the time of submission or at any appropriate time in the review process. As the scope of study and review will vary according to the size of a particular project, the APPLICANT is hereby strongly advised to consult the Planning Department concerning the scope and cost of any such studies during the preliminary review. *Failure to do so could result in serious delays in the processing of the APPLICATION.* The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of BUILDING permits for the proposed construction plus any remaining accrued interest will be repaid to the APPLICANT or the APPLICANT’S successor in interest.

5.2.3 Appeal from the Selection of the Consultants - The APPLICANT may appeal from the selection of an outside review consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The APPLICANT shall specify the specific grounds which the APPLICANT claims constitute a conflict of interest or a failure to meet minimum professional requirements.

5.3 Submission to the TOWN Clerk and the BOARD

Two complete copies of the APPLICATION shall be submitted to the office of the Stow Town Clerk. The Clerk will certify the date and time of filing on both copies, keep one of the copies, and return the other to the APPLICANT. The copy returned by the Clerk and the remaining copies as required in Section 4.2, and the required fees shall then be filed forthwith, by the APPLICANT, with the office of the BOARD during normal business

hours. The APPLICANT may request and shall be entitled to a written receipt for the materials submitted.

Information submitted after the initial filing of the APPLICATION as described above will not be accepted except at the public hearing.

If significant information that was not included in the APPLICATION is presented at the public hearing, the hearing may be continued to allow for staff review of the new material. At least 10 copies of any additional materials submitted at the hearing shall be given by the APPLICANT to the Clerk of the BOARD at the hearing.

Questions concerning this process should be directed to the Planning Department.

5.4 Review of APPLICATION

The Board will transmit a copy of an APPLICATION to various other TOWN departments, boards, committees, agencies, or independent consultants in order to ensure full and qualified review of the APPLICATION. Thirty-five (35) days will be provided for such reviews; failure to submit comments on the APPLICATION shall be deemed an approval by the reviewing party. The BOARD will make available to the APPLICANT upon request a copy of any comments or recommendations received.

SECTION 6

PUBLIC HEARING & DECISION

6.1 Public Hearing Notice

A public hearing shall be held by the BOARD, within 65 days of the APPLICATION filing date. Notice of the time and place of the public hearing and of the subject matter, sufficient for identification, shall be given by the BOARD at the expense of the APPLICANT by advertisement in a newspaper of general circulation in Stow once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement by certified mail to the APPLICANT and to all PARTIES IN INTEREST.

- 6.1.1 The APPLICANT shall present to the office of the BOARD, one business day prior to the start of the public hearing, the certified mail return receipts as evidence that all PARTIES IN INTEREST have been notified as required by law.
- 6.1.2 Failure to properly notify PARTIES IN INTEREST and to publish a notice of the hearing could render the public hearing invalid and could cause serious delays in the processing of the APPLICATION.

6.2 Public Hearing Presentation

An APPLICANT may appear on his/her own behalf or be represented by an agent or attorney. It is the responsibility of the APPLICANT or his/her agent to present the APPLICATION to the BOARD and to the public. In the absence of an appearance, the BOARD may decide the matter using the information it has received. Failure to appear at a public hearing could seriously jeopardize the success of an APPLICATION.

- 6.2.1 Presentation of the APPLICATION by the APPLICANT should not exceed 20 minutes in duration except for good reason. The APPLICANT may be requested to answer questions raised by the BOARD or the public. The BOARD will retain any evidence that has been introduced at the hearing for reference in its deliberations on the case.
- 6.2.2 In no case will the BOARD allow new evidence to be admitted after the close of the public hearing unless this evidence was specifically requested by the BOARD prior to the close of the public hearing.

6.3 Withdrawal of APPLICATION

Any APPLICATION for a PERMIT submitted hereunder may be withdrawn without prejudice by notice in writing to the BOARD prior to the notice of a public hearing being posted or mailed pursuant to Sect. 5.1 above. Withdrawal of any APPLICATION thereafter requires BOARD approval. No refund of fees will be provided if an APPLICATION is withdrawn.

6.4 Time Period for Deliberation

The BOARD will act on each APPLICATION for a PERMIT or APPROVAL within ninety (90) days after the public hearing, unless such APPLICATION has been withdrawn from consideration as set forth in Section 5.3 above.

- 6.4.1 Continuation & Extension - The period within which final action shall be taken may be extended for a defined period by written agreement between the BOARD and the APPLICANT. In the event that the BOARD determines that the APPLICATION is inadequate for the BOARD to make a finding, the BOARD may, at its discretion, continue the hearing to a later date to permit the APPLICANT to submit a revised APPLICATION.
- 6.4.2 The BOARD may, at its discretion, require that an additional \$500.00 fee be paid by the APPLICANT prior to the close of the public hearing if such a continuation results from a deficiency in the original APPLICATION. Such a continuation may not automatically extend the 90-day period within which final action shall be taken by the BOARD unless the extension is agreed upon by both the BOARD and the APPLICANT.

6.5 Decision

The concurring vote of four (4) of the five (5) members of the BOARD shall be necessary to decide in favor of granting a PERMIT. Only those members of the BOARD who were in attendance at the public hearing may vote on the APPLICATION in question.

- 6.5.1 The BOARD will file its DECISION with the Town Clerk and send a copy to the APPLICANT by certified mail. The BOARD shall also send a notice of its DECISION to the property owner, to other TOWN boards and departments, to PARTIES IN INTEREST, and to those who have requested such notice at the public hearing.

6.6 Recording of DECISION

The recording of a DECISION is required by THE ZONING ACT and the BYLAW. The APPLICANT shall be responsible for recording a full copy of the DECISION in the Middlesex South District Registry of Deeds in Cambridge or the Land Court and for paying any required recording fees. A copy of the recorded DECISION, certified by the Registry of Deeds, shall be submitted to the BOARD, the Town Clerk and the Building Commissioner prior to issuance of a BUILDING Permit or the start of any work.

6.7 Submission of Approved Plans

A copy of the approved plan as amended by the BOARD in its DECISION of approval shall be submitted to the office of the BOARD prior to the issuance of a BUILDING Permit. Prior to the issuance of a BUILDING Permit, two copies of the approved and endorsed plans shall be submitted to the BUILDING Commissioner.

6.8 Appeal of PERMIT DECISION

Any person aggrieved by a PERMIT DECISION of the BOARD, whether or not previously a party to the proceeding, may appeal such PERMIT DECISION in accordance with MGL, Ch. 40A, Section 17 within 20 days after the filing of the PERMIT DECISION with the Office of the Town Clerk.

6.9 Time Limit for PERMIT

Any Special Permit or Site Plan Approval issued for any SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be valid for not more than three (3) years, unless such time is extended by the Planning Board, by a period not to exceed one year, to accommodate the coordinated review of Special Permit or Site Plan Approvals for SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION. At the end of that time

period, the SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION shall be removed by the OWNER or a new Special Permit or Site Plan Approval shall be required.

- 6.9.1 Any request for an extension of the specified time limitation set forth in the DECISION shall be made in writing to the BOARD at least thirty days prior to the expiration date. The BOARD reserves its rights to grant or to deny such extension if good cause for such extension is not shown. Failure to submit such a request as prescribed above shall be due cause for the Board to deny the requested time extension.

6.10 Limitation of the DECISION

The granting of a PERMIT constitutes approval only under the pertinent sections of the BYLAW. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction such as the Board of Health, and Conservation Commission shall not be assumed or implied. The BOARD may condition any PERMIT hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site, the issuance of a BUILDING Permit, or any other appropriate step in the development process. The APPLICANT is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the APPLICATION to the BOARD.

6.11 Repetitive Petition

Pursuant to MGL, Ch. 40, Sect. 16, no APPLICATION for a PERMIT which has been unfavorably and finally acted upon by the BOARD shall be acted favorably upon within two years after the date of final unfavorable action unless four members of the BOARD vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the BOARD'S proceedings, and all but one member of the BOARD consents to the consideration of the matter. Notice to PARTIES IN INTEREST of the time and place of the proceedings at which the question of consent will be considered shall be given by the APPLICANT.

6.12 Modification of a SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit or Site Plan Approval

A previously granted PERMIT may be modified by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing. Modification of a SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION may be considered equivalent to an application for a new SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION and will require a Special Permit or Site Plan Approval when the following events apply.

- 6.12.1 The APPLICANT and/or co-APPLICANT wants to alter the terms of the Special Permit or Site Plan Approval by changing the SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION in one or more of the following ways:
- a. Change in the number of facilities permitted on the site;

- b. Change in the facilities that materially changes the facilities approved by the Massachusetts Department of Public Health, and
 - c. Change in the operating parameters of a facility, including, but not limited to, PANELS and cables that increases their quantity or size, that changes in a material way their orientation or other visible characteristics, or that exceeds specifications on the Special Permit or Site Plan Approval.
- 6.12.2 The APPLICANT and/or co-APPLICANT propose to add any equipment or additional height not specified in the original approval.
- 6.12.3 The BOARD may amend a PERMIT without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the BYLAW. Consultation with the Office of the Planning Board is recommended prior to the filing of any request to amend a PERMIT. The fee for minor amendments shall be \$250.00

SECTION 7

ADMINISTRATION

7.1 Mandatory Notice Prior to Commencement of Construction Work

Written notice shall be sent by certified mail to the Board advising the Board that construction of the approved SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION will commence not sooner than seven (7) days from the date that such notice is mailed to the Board. Such notice shall be signed by the applicant, developer, or other authorized representative of the record owner of the installation.

7.2. Inspections

Each phase or step in the construction of required improvements shall be inspected and approved in writing by the Board's authorized inspector at least forty-eight (48) hours prior to commencement of any construction and before resuming work after the stoppage in construction, that such construction has progressed to a stage that inspection is required. The Planning Board office shall be notified each time an inspection is requested.

7.2.1 The inspector shall not authorize any changes from these Rules or from the approved SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION decision without specific approval of the Board except as follows:

7.2.2 The Board's inspector may authorize field changes subject to review by the Board at their next regular meeting. If the Board does not approve within fifteen (15) days of the meeting at which the requested change(s) was submitted, the original plan will remain in effect and the applicant will be required to reconstruct in accordance with the original plan.

7.2.3. At the time the change is requested two (2) copies of a "red-lined" plan shall be submitted to the Board's inspector who will review the plan, stamp "subject to approval of the Board" and sign it if he/she approves the plan (or return it if he disapproves or believes the proposed change should be approved by the Board before construction), and submit it to the Board for review and their signature if they approve.

7.2.4 When it is deemed necessary by the Board, a properly revised plan showing the change may be required in addition to the "red-lined" plan.

7.2.5 At the time the change is reviewed by the Board it shall be accompanied by an explanation of the reason for the requested change.

7.3 Legal Costs

Legal costs incurred by the Board during the consideration of the preliminary plan, the definitive plan and/or the record plan and during the preparation and recording of the Decision and the approved record plan shall be billed to the applicant, at cost, by the Town.

7.4 Town Bylaws

The applicant should become acquainted with the Bylaws and regulations of the Town of Stow, which affect the Installation. The particular bylaws, which should be considered when designing the Installation should include but not be limited to, the following:

- 7.4.1 Zoning Bylaw of the Town of Stow, as amended.
- 7.4.2 Earth Removal Bylaw, as amended.
- 7.4.3 Regulations of the Stow Board of Health.
- 7.4.4 Wetlands Protection Bylaw.
- 7.4.5 Regulations of the Stow Conservation Commission.
- 7.4.6 Plumbing and Wiring Regulations.

History of Solar Photovoltaic Rules and Regulations

Adopted by Planning Board February 7, 2012

Filed with the Town Clerk February 23, 2012

STOW PLANNING BOARD
PUBLIC HEARING NOTICE

In accordance with the provisions of Massachusetts General Laws, Chapter 40 A, Section 9, the Stow Planning Board will hold a public hearing on _____, 20__, at _____ P.M., in the Stow Town Building on the petition of _____ for approval of a SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit and/or Site Plan Approval for the parcel located at _____ and shown on Town Property Map Sheet _____ as parcel _____.

NOTES

Such permits or approvals may be granted by the Planning Board under Massachusetts General Law, Ch. 40A and the Stow Zoning Bylaw in accordance with the “Rules and Regulations for a SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION Special Permit and/or Site Plan Approvals” all of which are available for review or purchase at the offices of the Planning Board, and the Town Clerk. A copy of the application is also available for review at these offices in Town Building during normal business hours.

The applicant or his/her representative will be at the hearing to present the reason(s) why the permit should be granted.

When the applicant or his/her representative has concluded their presentation, the Chairman of the Board will allow the Board members to speak to the matter under consideration or to raise questions and concerns. Subsequently, the Chairman will give the public the same opportunity to speak to the matter under consideration or to raise questions and concerns.

The Chairman will not allow any member of the public to interrupt anyone else while they are speaking. Each person wishing to speak at the hearing should be as brief as possible and should wait his/her turn. Each person speaking should state their name and address before they make their statement or ask questions. Each person speaking should avoid repeating the comments of those who preceded them.

Any party may appear in person, by agent, or by attorney at any hearing. When all of the facts have been presented and all persons wishing to speak on the petition have been heard, the Chairman will close the hearing. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless this evidence was requested by the Board prior to the close of the public hearing.

**DEVELOPMENT IMPACT STATEMENT - SPECIAL PERMIT AND/OR SITE PLAN
APPROVAL for COMMERCIAL SOLAR PHOTOVOLTAIC
RENEWABLE ENERGY INSTALLATIONS**

Please type or print information in blanks below.

1. Name of Proposed Development _____
2. Location _____
3. Name of Applicant(s) _____
4. Brief Description of the Proposed Project _____

5. Name of Individual Preparing this DIS _____
Address _____ Business Phone _____

6. Professional Credentials _____

A. Site Description

7. Present permitted and actual land uses by percentage of the site.

Uses	Percentage
Industrial	
Commercial	
Residential	
Forest	
Agricultural	
Other (specify)	

8. Total acreage on the site: _____ acres.

Approximate Acreage	At Present	After Completion
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		

Approximate Acreage	At Present	After Completion
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces		
Other (indicate type)		

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

District	Percentage

10. Predominant soil type(s) on the site: _____

Soil drainage (Use the US Soil Conservation Service's definition)

Soil Type	% of the Site
Well drained	
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site? ____yes ____no

12. Approximate percentage of proposed site with slopes between:

Slope	% of the Site
0 - 10%	
10 - 15%	
greater than 15%	

13. What percentage of the site is located in the Water Resource Protection District? _____%

How close is the site to a public well? _____ feet

To a surface water body? _____ feet

Proximity to a public well: _____ feet

Proximity to a surface water body: _____ feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Stow Conservation Commission).

___yes ___no

If yes, specify: _____

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

___yes ___no

If yes, specify: _____

16. Are there any established foot paths running through the site or railroad right of ways?

___yes ___no

If yes, specify: _____

17. Is the site presently used by the community or neighborhood as an open space or recreation area? ___yes ___no

Is the site adjacent to conservation land or a recreation area? ___yes ___no

If yes, specify: _____

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ___yes ___no

If yes, specify: _____

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?

___yes ___no

If yes, specify resources found on site or contiguous to site _____

If yes, have the required permits been granted or applied for? Please list permits and status.

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ___yes ___no

If yes, specify: _____

21. Has the site ever been used for the disposal of hazardous waste? ___yes ___no

If yes, specify: _____

22. Has a 21E Study been conducted for the site? yes no

If yes, specify results: _____

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? yes no

If yes, specify _____

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Stow Historic Commission or the Stow Historical Society.)

yes no

If yes, please describe _____

24. Is the project contiguous to or does it contain a building in a local historic district or national register district?

yes no

25. Is the project contiguous to any section of the Assabet River Rail Trail or to Conservation Land?

yes no

If yes, please describe _____

B. Circulation System

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed development?

Average weekday traffic	
Average peak hour volumes morning	
Average peak hour volumes evening	

27. Existing street(s) providing access to proposed development:

Name _____ Town Classification _____

Name _____ Town Classification _____

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways _____

29. Location of existing sidewalks within 1000 feet of the proposed site?

30. Location of proposed sidewalks and their connection to existing sidewalks:

31. Are there parcels of undeveloped land adjacent to the proposed site? ___yes ___ no

Will access to these undeveloped parcels be provided within the proposed site?

___yes ___ no

If yes, please describe _____

If no, please explain why _____

C. Utilities

32. If dwelling units are to be constructed, what is the total number of bedrooms proposed?

33. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? _____

34. Storm Drainage

a. Describe nature, location and surface water body receiving current surface water of the site: _____

b. Describe the proposed storm drainage system and how it will be altered by the proposed development: _____

c. Will a NPDS Permit be required? ___yes ___ no

d. Is the Site subject to the Stormwater Management Policy of the Department of Environmental Protection? ___yes ___no

35. Sewage Disposal - Describe nature of sewage disposal service proposed for the site.

If a tertiary treatment facility is proposed, will it have any excess capacity?

___yes ___no

E. Municipal Services

- 36. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)
- 37. Describe all municipal services required by the development including but not limited to transfer station, public health nursing, police, fire, other emergency services (ambulance, etc.).

F. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

- 37. Prevent surface water contamination.
- 38. Prevent ground water contamination.
- 39. Maximize ground water recharge.
- 40. Prevent erosion and sedimentation.
- 41. Maintain slope stability.
- 42. Design the project to conserve energy.
- 43. Preserve wildlife habitat.
- 44. Preserve wetlands.
- 45. Ensure compatibility with the surrounding land uses.
- 46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff.
- 47. Preserve historically significant structures and features on the site.
- 48. To mitigate the impact of the traffic generated by the development.
- 49. To mitigate the impact on municipal services.

Please use layman’s terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.