



Town of Peru Zoning Board of Appeals

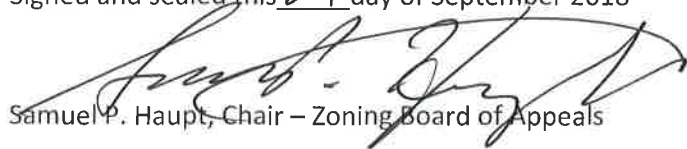
NOTICE FOR RECORDING IN THE REGISTRY

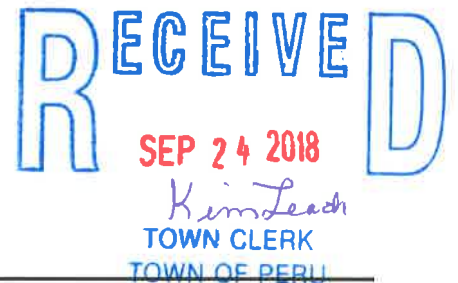
Notice is hereby given that a Special Permit under Sections 6 & 12 of the Town of Peru Zoning By-Laws has been granted in compliance with the statutory requirements as set forth in Chapter 40A MGL, as amended, by the Peru Zoning Board of Appeals to:

PETITIONER: CVE North America, Inc.
LAND OWNER: John Munch and Mary E. Kane
PREMISES: 43 West Main Rd.
PARCEL ID: 27/53

The decision of the Board is filed this date with the Town Clerk and the Planning Board

Signed and sealed this 24th day of September 2018


Samuel P. Haupt, Chair – Zoning Board of Appeals



CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this Office and no appeal has been filed, or appeal has filed and denied in this case.

Town Clerk



Town of Peru Zoning Board of Appeals

Decision

The Peru Zoning Board of Appeals held a public hearing on August 29, 2018 to consider the petition of CVE North America, Inc. (Petitioner) concerning property located at 43 W. Main Road (Parcel ID 27/53) in the residential-agricultural zoning district. Members of the Zoning Board of Appeals hearing the petition were Sam Haupt, Chair, Dave Strezpa, Bonny DiTomasso, Doug Haskins and Peter Shelsy.

The Petitioner requested the grant of a Special Permit pursuant to the provisions of Peru Zoning By-Laws Sections 6.13 and 12 to operate a large-scale solar energy facility. In support of the request, Petitioner submitted a special permit application dated August 8, 2018 containing a site description, itemization of proposed work and site plans detailing the proposal. At the hearing on August 29, 2018 the Petitioner also submitted a set of amended plans together with a Memorandum dated August 29, 2018; all as more set forth in these documents, which are specifically incorporated herein by reference in their entirety.

Notice of the Public Hearing was provided in accordance with the provisions of MGL Chapter 40A, Section 11 and as detailed in the Zoning Board of Appeals meeting minutes attached hereto and made a part hereof.

At the Public Hearing, the Petitioner presented its proposal and entertained questions from the Board and others in attendance. The Board read into the record one written communication received from Susan Masino, who expressed support for the proposal while posing certain questions for the Board and Petitioner which were discussed as further detailed in the meeting minutes. After discussion the Board voted unanimously (5-0) to close the Public Hearing.

The Board then immediately deliberated on the proposal and after discussion, voted unanimously (5-0) to grant the petition for Special Permit finding that the project does not present any threat to the public health, safety or welfare of the Town, and further, that the proposed use is in harmony with the general purpose and intent of the By-Laws and is not offensive or detrimental to the neighborhood.

Said grant being subject to the conditions voted below with the understanding that said conditions together with the specifics contained in the plans and specifications as amended, shall inure to the Petitioner, its successors and assigns. Significant deviations from the conditions, plans or specifications may result in action against the Petitioner.

Conditions:

1. In accordance with the Site Details, erosion control barriers will surround the entire project area and be placed along the access road. There will be no point source discharges into wetlands of the 100-foot wetland buffer zone. A Stormwater Pollution Prevention Plan (SWPPP) will be

prepared and submitted to the U.S. EPA prior to commencement of construction and a copy will be provided to the Zoning Board of Appeals. A 24-inch culvert will be placed at the access road entrance; the existing concrete waterway will be cut, and the culvert will be installed so that it is flush with the waterway on upstream and downstream sides. Petitioner will otherwise cooperate with any reasonable request of the Peru Highway Superintendent including extension of the paved apron at the project entrance.

2. The Petitioner will ensure that the contractor shall take appropriate measures to control dust on the project site, including but not limited to the addition of dry calcium on the access road towards entrance at Route 143 and will respond reasonably to any complaints from abutters or other Town officials.
3. Hours of construction will be 7:00 a.m. to 7:00 p.m., Monday through Friday. There may be occasional Saturday construction if required, and if so, the hours of operation will be from 8:00 a.m. to 12:00 p.m. Construction will not be permitted on Sundays or Holidays.
4. Petitioner will ensure that the contractor coordinates with local Police Department regarding traffic safety measures to be employed during construction. It is expected that at a minimum, traffic signs will be posted on Rt. 143 in each direction warning of construction truck traffic and that flagging will occur upon construction vehicle entry and exit from the site.
5. The project applicant will ensure that the contractor takes appropriate measures to keep Rt. 143 clear of mud, gravel, and other construction debris.
6. Stormwater and erosion controls will be maintained for the life of the project/land lease. The Petitioner agrees to allow access to the premises to Town officials to conduct inspections in this regard with at least 48 hours written notice of their intent to do so.
7. Per the National Electric Code (NEC), Section 690.15, Disconnection of Photovoltaic Equipment, solar facilities are required to install a plaque on the metering pole with the location of the disconnect for emergency responders.

In addition:

- 24/7 emergency contact information signage be posted on main gate of facility;
- Facility will be protected with metal fencing around perimeter;
- Exterior fencing will be kept clear of any combustible brush/materials year-round;
- Access road will be accessible year-round for fire apparatus;
- Emergency shut off switch will be located outside of the gated perimeter;
- A Knox Box will be mounted on the main gate with keys to gate and shut off switch;
- Annual training made available free to all emergency responders.

Prior to commissioning, CVE will host an orientation for the local fire and police departments to address expected procedures during emergency situations. The orientation will cover the disconnect procedures, gate access, and other relevant emergency actions. Specialized training will be addressed during the orientation, as well as the Knox Box location and keys.

8. Petitioner will obtain a surety bond in an amount and form satisfactory to Town Counsel that will secure the obligation of the Petitioner to restore the site in the event of a decommissioning

or abandonment of the project. Said bond will take into consideration inflation and increased demolition and site restoration costs over the expected life of the project.

Any appeal from this Decision must be made pursuant to M.G.I. Chapter 40A, Section 17 as amended and must be filed within twenty (20) days of the filing of this Decision with the Peru Town Clerk. The Petitioner is responsible for the recording at least twenty (20) days after the filing of this Decision with the Town Clerk, a certified copy of the Decision with the Berkshire Middle District Registry of Deeds in Pittsfield if no appeal has been filed within the aforementioned twenty (20) days. Petitioners are responsible for obtaining all necessary permits for this project.

Filed this 24th day of September 2018 with the Peru Town Clerk, the Planning Board, the Building Inspector and the Zoning Board of Appeals.

A handwritten signature in cursive script, appearing to read "Samuel P. Haupt". The signature is written in black ink and is positioned above the printed name.

Samuel P. Haupt, Chair

Peru Zoning Board of Appeals