

## SPECIAL PERMIT

<b>APPLICANT</b>	LSDP 12, LLC 6 Ridgebury Road Avon, CT 06001
<b>CASE NUMBER</b>	PB SP 19.02
<b>DECISION DATE</b>	October 7, 2019

<b>REGISTRY OF DEEDS REQUIRED INFORMATION</b>			
Current Property Owners:		W D Cows, Inc., Land Company 134 Montague Road, PO Box 9677 North Amherst, MA 01059	
Property Address:		Pratt Corner Road, Shutesbury, MA	
Registry of Deeds Title Reference		Book: 1032	Page: 390
or	Certificate of Title #	Land Ct. Lot	Plan #
Town Map #	ZG	Town Parcel#	2

<b>HEARING DATES</b>	8/5/19 (opened), 9/9/19 (closed)
<b>REQUEST</b>	Special permit for addition of battery storage to Wheelock Solar Project

<b>PLANS</b>	<ul style="list-style-type: none"> <li>• Special Permit Application, received 6/26/19</li> <li>• “Shutesbury Solar prepared for Lodestar Energy,” Site Plans with final revisions and narratives therein, prepared by Russo Surveyors and Engineers, dated August 6, 2019</li> <li>• Shutesbury Energy Storage, LLC Fire Prevention and Response Plan, dated 3/26/19</li> <li>• Shutesbury Energy Storage Example of a BESS, NEXtera ENERGY</li> <li>• Battery Energy Storage Systems and fire safety, NEXtera ENERGY, including specifications on Samsung SDI Mega E2D 286S Racks</li> <li>• Safety Issues for Lithium-Ion Batteries, UL</li> </ul>
<b>PLOT PLAN</b>	See above
<b>BUILDING PLANS</b>	See above

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<b>FINDINGS</b>	<p><b>General Findings:</b></p> <ol style="list-style-type: none"> <li>1) The addition of battery storage to the Wheelock Solar Project (hereinafter, Project) is a ‘light industrial’ use.</li> <li>2) Since the original special permit was issued for the Wheelock Solar Project, battery storage has become a more common component of large-scale ground-mounted solar fields.</li> <li>3) Battery storage provides added efficiency and capacity by storing electricity generated at peak periods that otherwise could not be fed into the grid. The electricity thus generated is then introduced to the grid during off-peak periods.</li> <li>4) During the public hearing the applicant has made changes to the Project design in response to questions, concerns, and recommendations raised by the Fire Chief and Wiring Inspector.</li> <li>5) The battery storage units are within the overall Wheelock Solar Project, in areas already disturbed, and as such at a significant distance from Pratt Corner Road and any existing dwellings in the area.</li> <li>6) The battery storage units are not within the 100 foot buffer zone of any bordering or isolated wetland under the jurisdiction of the Shutesbury Conservation Commission.</li> </ol> <p><b>Site Plan Review Criteria:</b>  <i>N/A, battery storage proposed within existing Wheelock Solar project, which has met the Site Plan Review criteria.</i></p> <p><b>Rural Siting Principles Criteria:</b>  <i>N/A, battery storage proposed within the existing Wheelock Solar project, which has met the Rural Siting principles.</i></p> <p><b>Special Permit Criteria:</b>  <i>N/A, battery storage proposed within existing Wheelock Solar project, which has met the Special Permit criteria.</i></p>
<b>DECISION AND VOTING</b>	<p>Based upon these findings, the Planning Board voted as follows to approve the special permit subject to the conditions stated below.</p>

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<b>RECORD</b>	Aaron – Yes Bonnar – Yes Bressler – Yes DiChiara - Recused Lacy – Yes Raymond - Yes Rotondi – Yes
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<b>CONDITIONS</b> (All conditions apply to the Project applicant, any hired contractors, and any future Project operators or lessees of the Project site as the case may be.)	<p><b>Pre-Construction Condition:</b></p> <p>1. For the purposes of this battery storage addition to the Wheelock Solar Project, the applicant shall provide an additional form of surety, either through an escrow account, bond or otherwise, accessible to the Town of Shutesbury, to cover the cost of decommissioning in the event the lessee or owner fails to perform and the Town must remove the battery storage component of the project and remediate the site. This additional amount shall be at least \$20,000 and subject to an increase of 2 percent per year with annual compounding for the life of the Project. The applicant shall submit a fully inclusive estimate of the present costs associated with removal, prepared by a qualified engineer, and verifying the \$20,000 amount. The surety may be established through payments over time from the lessee to the owner and shall be fully funded within 10 years. Any surety hereunder may be combined with the previous surety established for the Wheelock Solar Project. Any documents establishing such surety agreement shall be submitted to Shutesbury Town Counsel for approval prior to construction and shall assure Shutesbury’s access to the full fund should the lessee or owner fail to decommission the Project as provided herein.</p> <p><b>General Conditions:</b></p> <p>2. This battery storage project shall be considered a part of the Wheelock Solar Project and in so far as apt comply with all the conditions within the original special permit issued for that project.</p> <p>3. This project shall be constructed in conformance with the final approved plans noted above. Deviations from said plans or representations made by the Applicant, unless approved by the Planning Board, shall be considered zoning violations.</p> <p>4. Applicant shall comply with all relevant local, state and federal regulations and laws, including the acquisition of all necessary certificates and licenses.</p>
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## Town of Shutesbury Planning Board

Town Hall, P.O. Box 276, Shutesbury, MA 01072 / Telephone: (413) 259-1276

Web: [planning@shutesbury.org](mailto:planning@shutesbury.org)

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The proposed lithium-ion battery storage systems shall be installed in accordance with MA 527 CMR 1.00, Chapter 52, Stationary Storage Battery Systems. This includes, but is not limited to: 52.3.10, an approved, supervised smoke detection/fire alarm system, 52.3.2, a Thermal Runaway system, and 52.3.7, a temperature and humidity maintained operating environment.

5. Violation of any condition contained herein or failure to comply with the record plans shall subject the applicant to a zoning enforcement action in accordance with the remedies set forth in Chapter 40A of the General Laws.

6. The Building Inspector, Fire Chief, Electrical Wiring Inspector, or any member of the Shutesbury Planning Board or Conservation Commission may, after notification by phone or phone message left with the Applicant or site contact person posted on the site's entrance, enter the site for the purposes of inspection and assessment of compliance with this special permit or any permit subject to their jurisdiction.

7. The Applicant has proposed integrated fire suppression and detection systems. The design of these systems shall be in accordance with all applicable codes and requirements, including but not limited to NFPA 70, NFPA 72, NFPA 855, MA 527 CMR 1.00, and UL 9540. These systems shall be approved by the Shutesbury Fire Department. A local disconnect shall be installed.

8. The applicant shall provide an on-site training session for the Shutesbury Fire Department and emergency responders, and shall provide four Class E fire extinguishers for on-site availability and use by the Fire Department.

9. The applicant will continue to ensure that initial wildflower meadow plantings installed after construction of the solar arrays are stabilized and established sufficiently by any necessary replacement of plants, reseeding, or application of soil amendments for as many growing seasons as is necessary to cover at least 90 percent of the ground surface with either the plants initially installed, native plants that have filled in, or a combination. Toward this end the Applicant shall have the soils tested in areas where vegetation growth is presently minimal, and in reliance thereon shall administer soil amendments as needed to adjust soil pH and nutrients in the fall of 2019. In the spring of 2020, these areas shall be reseeded with the wildflower meadow mix.

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	10. In accordance with Section 9.2-3 of the Town of Shutesbury Zoning Bylaw, this special permit may automatically lapse as provided therein. The special permit approval may, for good cause shown, be extended in writing by the Planning Board upon the written request of the applicant received no later than 65 days before the lapse date.
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Details of the hearings and decision are on file in the Office of the Town Clerk at the Shutesbury Town Hall.

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days of filing with the Town Clerk. This Special Permit shall lapse if substantial use or construction has not commenced without good cause within two years from the date issued.

\_\_\_\_\_  
Signature                      Printed Name                      Title

For the Shutesbury Planning Board

I hereby certify that a copy of the original signed decision has been filed with the Town Clerk on \_\_\_\_\_.

\_\_\_\_\_  
Shutesbury Town Clerk

I hereby certify that 20 days have elapsed since this decision was filed with my office, and that no appeal has been filed.

\_\_\_\_\_  
Shutesbury Town Clerk                      Date

Town Seal