

# ZONING BOARD OF APPEALS

TOWN OF GREENFIELD, MASSACHUSETTS  
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## Zoning Board of Appeals Minutes of July 8, 2009 High School Cafeteria 1 Lenox Avenue

Chairman Roy Cowdrey called the meeting to order at 10:30 a.m. with the following members present:

**PRESENT:** Roy Cowdrey, Chairman      Thomas McLellan, Clerk      Susan Welenc  
Mark Maloney      Scott Cote      Scott Conti, Alternate

**ABSENT:** Howard Barnard, Alternate

**ALSO PRESENT:** Mayor William Martin; Robert Pyers, Asst. to Mayor for EDM; Eric Twarog, Senior Planner/GIS Coordinator; Anita Fritz from the Recorder; Jeff Terrell from WHAI; a crew from GCTV; Matthew Wolfe of Madera Energy, Cliff Orvedal of Madera Energy, Ellen W. Freyman, Esq. from Shatz, Schwartz and Fentin, P.C., and members of the public.

### Public Hearing Continued:

**7:00 p.m. Pioneer Renewable Energy, LLC** – Request for special permits to allow: i) the construction of a 47 MW biomass-fired power plant, including ancillary buildings and structures, access roads, fuel storage areas, parking area and utility construction, ii) the height of the structures and buildings to extend above fifty (50) feet, and iii) activities exceeding the noise standards set forth in Section 200-6.8(C2) of the Zoning Ordinance within the Planned Industry (PI) Zoning District.

**MOTION:** Moved by McLellan, seconded by Welenc, and voted 5:0 to close the public input portion of the hearing.

The Board discussed the list of proposed conditions on the project.

It was the Board's consensus that all ten (10) criteria of approval under Section 200-8.3(F) of the Greenfield Zoning Ordinance have been met and that all eleven (11) approval guidelines under Section 200-8.4(E) of the Greenfield Zoning Ordinance have been met. The Board discussed possible motions.

**MOTION** Moved by McLellan, seconded by Cote, and voted 5:0 that in accordance with the preceding findings and the conditions previously stated to allow the applicant to exceed the noise standards of the Greenfield Zoning Ordinance Section 200-6.8(C2) as requested by the applicant with the following condition:

If the noise level projections as specified in the applicant's special permit application and given in the applicant's testimony at the Zoning Board of Appeals meetings/hearings of June 15, 2009 and June 25, 2009 area exceeded by a determination of the Town, the applicant shall come before the Greenfield ZBA to consider additional noise abatement measures.

**MOTION** Moved by McLellan, seconded by Cote, and voted 5:0 that in accordance with the preceding findings to allow the applicant to exceed the Greenfield Zoning Ordinance height requirements as per the applicant's submitted plans.

**MOTION** Moved by McLellan, seconded by Cote, and voted 5:0 to approve the application of Pioneer Renewable Energy, LLC for property located at 37 Butternut Street for a special permit pursuant to Sections 200-4.12(C5), 200-8.3, and 200-8.4 of the Zoning ordinance to allow the construction of a 47 MW biomass-fired power plant, including ancillary buildings and structures, access roads, fuel storage areas, parking area and utility construction with the following conditions:

1. The power plant, including the related project elements, will be constructed and the power plant and attendant activities will be operated in accordance with the plans submitted to the ZBA dated April 17, 2009 and revised May 14, 2009 and in accordance with testimony given by the applicant during the course of the Zoning Board of Appeal's meetings/hearings on June 15, 2009 and June 25, 2009.
2. Painted or treated wood shall not be accepted at the facility. Additionally, construction demolition materials which are currently classified as "solid waste" pursuant to Massachusetts Department of Environmental Protection ("MassDEP") Regulations shall not be accepted at the facility. All fuel, with the exception of diesel fuel used for start-up, back-up, and flame stabilization, must meet the current definition of "Wood Fuel" as defined by MassDEP (310 CMR 7.00).
3. All wood fuel received at the site shall be subject to the applicant's stated Quality Control procedures.
4. Deliveries of wood fuel shall be accepted only between the hours of 7 a.m. and 8 p.m. Monday through Friday, 9 a.m. and 5 p.m. Saturdays and national holidays. Deliveries of wood fuel shall not be accepted on Sundays. No queuing of trucks will be allowed outside of the site gate. An average of 70 tractor trailer truck loads of wood fuel per day calculated on a weekly basis shall not be exceeded.
5. Deliveries of wood fuel to the facility shall access the site via Route 2 and Adams Road south of Butternut St. Deliveries shall not utilize Lovers Lane, Adams Rd. north of Butternut St., High Street, or West Gill Rd (in the town of Gill) as wood fuel delivery routes. Exceptions shall be made for wood fuel generated directly from properties along these streets.
6. All trucks carrying loose material to or from the site must have their load covered.
7. Outdoor chipping and grinding of wood shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. No outdoor chipping shall be allowed on national holidays or weekends.
8. Equipment operating on site shall not utilize noise producing back-up alarms during nighttime hours.
9. The applicant shall resurface Adams Road from the Route 2 intersection to Butternut Street according to the Greenfield Department of Public Works specifications and time frames.
10. The area where ash is collected and stored on site shall be enclosed.

11. **The applicant shall complete the traffic improvements recommended by MDM Transportation Consultants, Inc. in their traffic evaluation report dated November 7, 2008 and as conditioned under the Planning Board's approval of the Butternut Street Extension Definitive Subdivision Plan prior to plant operation.**
12. **The applicant shall submit written documentation to the Zoning Board of Appeals informing them of the date that site improvements are completed.**
13. **Within ten (10) days after the first 6 and 12 months of operation and annually thereafter, the Applicant shall submit a written report on environmental compliance to the Greenfield Mayor, Zoning Board of Appeals, Board of Health, Fire Department, and Department of Public Works and shall post the same on the Applicant's website.**
14. **Prior to the issuance of a certificate of occupancy for the power plant, the Applicant shall have obtained all applicable local, state, and federal permits required for the power plant.**
15. **Current forestry along the perimeter of the site shall remain.**
16. **No antennas, sensors, lighting, cameras, or other visible devices (other than required by state or federal agencies) shall be installed on the stack or structures above the fifty (50) foot level without a special permit from the Greenfield Zoning Board of Appeals.**
17. **No modifications shall be made to the color or appearance of the stack or structures above the fifty (50) foot level other than that required for normal maintenance without a special permit from the Greenfield Zoning Board of Appeals.**
18. **Material accepted at the facility in excess of three (3) cubic yards per load and all loads of wood chips and saw dust shall only be received from contracted suppliers and municipalities complying with all federal and state laws and regulations.**
19. **The applicant, its contracted suppliers and municipalities transporting materials to the facility shall comply with all current and emerging regulations for in-state and interstate transportation of invasive species including but not limited to: US Code Title 7, Chapter 104 (Plant Protection Act), and Massachusetts General Laws Chapter 128, Section 2 and Sections 16 through 31A.**
20. **The applicant shall submit for approval a plan for separate and safe storage of materials suspected or confirmed to be containing invasive plant or animal species that includes an impervious membrane or material and provides reasonable protection against spreading by wind.**
21. **The applicant shall accurately record the volume of water withdrawn from any and all onsite groundwater sources and include this data in all reports to the Greenfield Mayor, Zoning Board of Appeals, Board of Health, and the Department of Public Works.**
22. **All new emission control technologies required by state and federal laws and regulations shall be required to be installed at the expense of the applicant as required by law.**

23. The applicant shall apply for appropriate licenses and permits for the storage of any fuel or potentially hazardous chemicals or gasses in excess of 500 gallons to be stored or consumed onsite.
24. The applicant shall post a bond in the amount of \$400,000 in an account in the name of the Town of Greenfield to be used by the Town of Greenfield if the project goes bankrupt or fails for other unforeseen circumstances.
25. The applicant shall perform street cleaning of Butternut Street and Butternut Street Extension for dust control purposes a minimum of three (3) times per year except during drought conditions determined by the state Fire Marshall at which time the applicant shall control the dust at that time through watering and street cleaning.
26. The primary source of water to the power plant shall be wastewater pumped from the Greenfield Wastewater Treatment plant on Deerfield Street in accordance with a contract to be drawn up at a later date between the Town of Greenfield and the applicant.
27. The Special Permit and all conditions of the Special Permit shall apply to any subsequent owner or operator of the site.

Adjournment:

**MOTION:** Moved by McLellan, seconded by Maloney, and voted 5:0 to adjourn the meeting at 10:57 a.m.

Respectfully submitted,

Eric Twarog, AICP  
Senior Planner/GIS Coordinator