

November 17, 2021

Ms. Martha L. Taylor, AIA  
Planning Director  
Town of Newbury  
12 Kent Way  
Byfield, MA 01922

**RE: Newbury Landfill Solar Project, 75 Boston Road, Newbury, MA  
Newbury Landfill – Record ID: 20-SW36-0009-APP  
Response to Town Planning Board Comments**

Dear Ms. Taylor:

On behalf of ACE Solar and Alliance Newbury I, LLC, Weston & Sampson Engineers, Inc., is pleased to hereby provide an Application for Special Permit for a large ground mounted solar array atop the Newbury Landfill located at 75 Boston Road in Newbury, Massachusetts. This is joint Application between the Town of Newbury, as the landowner, and Alliance Newbury I, LLC, a specific purpose entity established by ACE Solar to develop the project, following the Town's Request for Proposals to develop this project. Following a pre-application review by the Town of Newbury and Pursuant to Article V, § 97-5.F (c).02) of the Town of Newbury Zoning By-Law, please find enclosed:

- 10 copies of the complete application, along with:
  - 10 full size sets of plans (ordinarily we request 9 full sets of plans, but since this is on the landfill, I want to give a copy to the Board of Health as well)
  - 6 reduced size sets of plans, either 11 x 17 or 12 x 18
- 1 copy of the complete application, including a full-size set of plans, to be delivered to the Town Clerk on the filing date, with a cover letter noting that the application was submitted to the Planning Board on November 17, 2021
- Check for the Application Fee in the amount of \$250.00, made out to the Town of Newbury

A Notice of Intent has been filed with the Town of Newbury Conservation Commission and BWP SW 36 Post-Closure Use – Major Application for Post-Closure Use Permit has also been filed concurrently with the Massachusetts Department of Environmental Protection (MassDEP) for this project. Alliance Newbury I, LLC and Town of Newbury in developing this project. An application for Interconnection Service has also been made with National Grid for this project.

if you have any further questions or comments regarding the Application, we will be available during the public hearing to answer any questions that the Board or residents of the Town of Newbury might have.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



Stephen P. Wiehe, PG  
Senior Associate

Attachments

Pc. Newbury Town Clerk  
Eric McLean, PE



RECEIVED

21 NOV 17 PM 1:31

Town Of Newbury  
NEWBURY TOWN CLERK

Office of  
THE PLANNING BOARD  
12 Kent Way  
Byfield, MA 01922  
978-465-0862, ext. 312

RECEIVED

NOV 17 2021

Newbury Planning Board

**TOWN OF NEWBURY  
PLANNING BOARD**

**APPLICATION FOR  
SPECIAL PERMIT  
FOR  
GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION  
(2 ACRES OR MORE)**

1. Date of Application: August 10, 2021
2. Location of Property: Newbury Landfill

Street Address: 75 Boston Rd. Newbury, MA 01951

Assessor's Map and Lot No.: Map R36, Lot 27

3. Zoning District (Check as applicable):

<input checked="" type="checkbox"/>	Agricultural-Residential
<input type="checkbox"/>	Parker River Residential
<input type="checkbox"/>	Residential-Limited Business
<input type="checkbox"/>	Byfield Village Business
<input type="checkbox"/>	Commercial Highway
<input type="checkbox"/>	Commercial Highway A
<input type="checkbox"/>	Light Industrial Byfield
<input type="checkbox"/>	Upper Green Business
<input type="checkbox"/>	Business and Light Industrial
<input type="checkbox"/>	Parker River Marine

4. Zoning Overlay District (if applicable): N/A
5. Name of Applicant: Alliance Newbury I LLC
6. Address of Applicant: Alliance Newbury I LLC.: 1600 Osgood Street # 2043 North Andover, MA 01845 c/o Eric McLean
7. Telephone/Fax Numbers of Applicant: Alliance Newbury I LLC.: c/o Eric McLean Phone: (866) 334-0374

8. E-mail of Applicant: [eric@myacesolar.com](mailto:eric@myacesolar.com),
9. If applicant is not the Owner, state interest of applicant in land. (Attach a copy of any option, purchase agreement, power of attorney, and copies of all trust instruments including schedules of beneficiaries or owners, or, if a corporation, copies of documents evidencing corporation existence which may be applicable.).
- The landfill will continue to be owned by the Town of Newbury. Alliance Newbury I LLC will operate and maintain the solar generating asset.
10. Name, address, telephone number and e-mail of Applicant's Representative or Agent, if any. (Attach signed written authorization from Applicant.)
11. Name of Owner(s) of Record: Town of Newbury, MA, c/o Tracy Blais, Town Administrator
12. Address of Owner(s) of Record: 12 Kent Way, Byfield, MA 01922
13. Telephone/Fax numbers of Owner(s) of Record: Phone: 978.465.0862, ext. 301 | Fax: 978.572.1228
14. E-mail of Owner(s) of Record: administrator@townofnewbury.org
15. Is a Special Permit required from the Zoning Board of Appeals or the Select Board?  
\_\_\_ yes \_\_\_X\_\_\_ no  
If "yes" then specify the type and status of the application.
16. Is a variance required from the Zoning Board of Appeals? \_\_\_ yes \_\_\_X\_\_\_ no  
If "yes" then specify the type and status of the application.
17. Is the property subject to the Wetlands Protection Act and/or the Town of Newbury Wetlands By-Law? \_\_\_X\_\_\_ yes \_\_\_ no  
If "yes" has a Notice of Intent been filed with the Conservation Commission? What is the status?  
A Notice of Intent will be filed with the Conservation Commission.
18. Will the work on the property require DEP or EPA approval? \_\_\_X\_\_\_ yes \_\_\_ no  
If "yes" then describe the reason for the approval. DEP approval required for Post Closure Use.  
Application BWP SW-36 Post Closure Use – Major is being filed with DEP
19. Is an environmental study or document required for this project under state or federal law? \_\_\_ yes \_\_\_X\_\_\_ no  
If "yes" then specify the type of study and agency requiring study.
20. Attach the Newbury Building Commissioner's letter denying a building permit and indicating under what section of Newbury's Zoning By-Law the petition for the special permit is being made;  
  
The petition for special permit is being made under Section 97-5 F
21. Attach a list of abutters, owners of land directly opposite on any public or private way or street, and abutters to the abutters within three hundred (300) feet of the property line of the subject

parcel(s), including abutters in any bordering town, and the planning board of every abutting city or town. This list must be certified by the Town Assessor's office as being accurate.

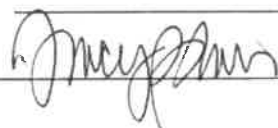
22. Attach nine (9) copies of a narrative briefly describing the proposed project to assist the Board in its review, including information relative to:
- a) The existing and proposed use of the property;
  - b) Size and capacity of the proposed project;
  - c) Description of all appurtenant structures;
  - d) Status of all other required local, state and federal permits;
  - e) Projected increase in traffic during and post-construction;
  - f) Proposed vehicular entrance and egress;
  - g) Proposed parking for maintenance vehicles and visitors to the site;
  - h) Proposed access to each structure for fire and emergency service equipment;
  - i) Proposed methods of screening the premises and parking from abutting property and the street;
  - j) How the proposed project complies with the Town's Zoning By-Laws.
23. Attach nine (9) copies of the documents required under the Town of Newbury Zoning By-Law, § 97-5.F.(6)(c) and (d), including, but not limited to, an Open Space and Agricultural Impact Report, an Operation and Maintenance Plan, a description of financial surety, and a project site plan at a scale of 1" = 40' or less prepared by a Professional Engineer or Architect registered in the State of Massachusetts, containing the information listed under § 97-5.F.(6)(c)(d) and the following:

An open space and agricultural is not applicable to this site which has undergone prior development as a landfill.

- a) Locus Plan at a scale of 1" = 2000' or less;
- b) North Arrow;
- c) Zoning district and dimensional controls;
- d) Address of location;
- e) Names, addresses, and phone numbers of the applicant, owner of record and designer and/or surveyor;
- f) Title Block with title of plan, date of plan, and graphic scale;
- g) Existing property boundaries and easements;
- h) Adjacent streets;
- i) Location and dimensions of existing structures;
- j) Proposed structures including setbacks and dimensions, including appurtenant structures;
- k) Existing and proposed parking spaces;
- l) Abutting land under same ownership, if any;
- m) Existing and proposed wetlands, flood plains and water bodies, if any;
- n) Existing and proposed topography at 2 foot contour intervals;
- o) Existing and proposed driveways, sidewalks, curbs, and curb cuts with proposed dimensions indicated;
- p) Existing and proposed lighting;
- q) Existing and proposed landscape features including trees, signs, fences, walls, plantings and walks;
- r) Existing structures on adjacent properties within 50 feet of the property line;
- s) Existing significant environmental features such as ledge outcrops, scenic views and large trees;
- t) Location of existing and proposed utilities;

- u) Proposed stormwater management system. The stormwater management system shall be designed in accordance with the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy Handbook and Technical Handbook as most recently amended, whether or not the proposed work falls within the jurisdiction of the Wetlands Protection Act and in accordance with the Town's Stormwater Management Plan (SWMP);
- v) Temporary and permanent erosion control measures.

Signature of Applicant:  Eric McLean Date: 11/08/2021

Signature of Owner:  Tracy Blais Date: 11/15/21

\_\_\_\_\_  
Date: \_\_\_\_\_



## Town Of Newbury

Office of  
The Board of Assessors  
12 Kent Way Suite 101  
Newbury, MA. 01951-4799  
(978) 465-0862 x308  
Fax: (978) 465-3064

Frank N. Kelley III, Chairman, Board of Assessors  
Sanford Wechsler, Assessor  
Linda McCamic, Assessor

Jason DiScipio, Principal Assessor  
Stephanie Sergi, Assessor's Clerk

### Memo

To: STEPHEN WIEHE  
Date: November 16, 2021  
RE: 75 BOSTON RD

The following is a list of abutters within 300' of R36-0-27. These listed owners are to the best of our knowledge the owners of record as of November 16, 2021 and are the only abutters listed in Newbury.

### Attached:

1. This cover letter
2. Original request
3. Mailing Labels (2 sets)
4. Mailing List (non-label)
5. GIS Map
6. Abutters List Other Towns (if applicable)

Sincerely,

Stephanie Sergi  
Assessor's Clerk  
Town of Newbury

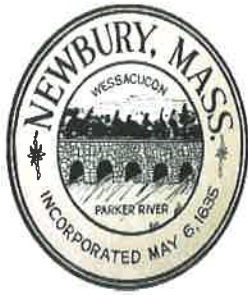
CERTIFIED ABUTTERS LIST

TOWN OF NEWBURY  
BOARD OF ASSESSORS

ADDRESS 75 Boston Rd

PAGE 1 OF 4

11/16/21 SS



**TOWN OF NEWBURY  
BOARD OF ASSESSORS**

12 Kent Way, Suite 101, Byfield, MA 01922

978-465-0862 x308

978-572-1228 fax

[www.townofnewbury.org](http://www.townofnewbury.org)

**REQUEST FOR CERTIFIED ABUTTERS LIST**

**PROPERTY LOCATION:** Newbury Landfill - 75 Boston Rd. Newbury, MA

**ASSESSORS MAP/LOT#:** Map R36 Lot 27

*(If requesting more than one list, please fill out a separate list request for each)*

**CHECK BOX FOR TYPE OF LIST REQUESTED:**

- ☐ 1. CONSERVATION COMMISSION  
within 100 ft.
- ☐ CONSERVATION COMMISSION  
Lot area greater than 50 acres
- ☐ CONSERVATION COMMISSION  
Linear Project greater than 1,000 ft
- ☐ 2. ZONING BOARD OF APPEALS  
within 300 ft.
- ☐ 3. ZONING BOARD OF APPEALS/Wireless Communication  
within 900 ft.
- ☒ 4. PLANNING BOARD  
within 300 ft.

**REQUESTED BY:** Stephen Wiehe -Weston & Sampson

**PHONE NUMBER:** 978-532-1900

**DATE REQUESTED:** 7/16/20; 11/15/21

**DATE PAID:** N/A

**ASSESSOR SIGNATURE:** Stephanie Sergi

**DATE:** 11/16/21

**CERTIFIED ABUTTERS LIST**

**TOWN OF NEWBURY  
BOARD OF ASSESSORS**

**NOTE:** There is a \$20.00 charge per each request. Checks can be made payable to the Town of Newbury.

**ADDRESS** 75 Boston Rd

**PAGE** 2 **OF** 4

11/16/21 SS

23 NEWBURYPORT TP

R47-0-41

LUC: 929

COMMONWEALTH OF MASS  
MASS BAY TRANS AUTHORITY  
10 PARK PLAZA  
BOSTON, MA 02116

82 BOSTON RD

R36-0-22B

LUC: 950

ESSEX COUNTY GREENBELT  
82 EASTERN AVE  
ESSEX, MA 01929

80 BOSTON RD

R36-0-22C

LUC: 950

ESSEX COUNTY GREENBELT  
82 EASTERN AVE  
ESSEX, MA 01929

188 HAY ST

R24-0-1

LUC: 101

FREDERIC K. LITTLEFIELD JR TRU  
LITTLEFIELD FREDERIC K JR  
188 HAY ST  
NEWBURY, MA 01951

178 HAY ST

R24-0-12

LUC: 101

GORDON TRUSTEE ETAL LEE  
GORDON FMLY TR THE  
47 WINSTON LN C/O MATTHEW GORDON  
GARRISON, NY 10524

BOSTON RD

R35-0-10

LUC: 930

NEWBURY TOWN OF  
12 KENT WAY  
BYFIELD, MA 01922

75 BOSTON RD

R36-0-27

LUC: 930

NEWBURY TOWN OF  
SANITARY LANDFILL  
12 KENT WAY  
BYFIELD, MA 01922

69 BOSTON RD

R35-0-9

LUC: 101

PETERS PAULINE E  
PETERS MARK  
50 REGENT ST  
CAMBRIDGE, MA 02140

71 BOSTON RD

R35-0-9A

LUC: 106

PETERS MARK  
PETERS PAULINE E  
50 REGENT ST  
CAMBRIDGE, MA 02140

OFF HAY ST

R24-0-2

LUC: 132

QUILL DONALD R  
QUILL SARAH J  
184 HAY ST  
NEWBURY, MA 01951

131 NEWBURYPORT TP

R36-0-23

LUC: 316

STOWAWAY STORAGE NEWBURY LLC  
131 NEWBURYPORT TURNPIKE  
NEWBURY, MA 01951

BOSTON RD

R36-0-25

LUC: 718

THE MILLEN FAMILY TRUST  
MILLEN NICK  
2 GENOA WAY  
HAVERHILL, MA 01830

OFF HAY ST

R25-0-24

LUC: 950

THE TRUSTEES OF RESERVATIONS  
572 ESSEX STREET  
BEVERLY, MA 01915

81 NEWBURYPORT TP

R24-0-7

LUC: 950

THE TRUSTEES OF RESERVATIONS  
572 ESSEX STREET  
BEVERLY, MA 01915

23 NEWBURYPORT TP

R47-0-41

LUC: 929

COMMONWEALTH OF MASS  
MASS BAY TRANS AUTHORITY  
10 PARK PLAZA  
BOSTON, MA 02116

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ESSEX, MA 01929

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R24-0-1

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LITTLEFIELD FREDERIC K JR  
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NEWBURY, MA 01951

178 HAY ST

R24-0-12

LUC: 101

GORDON TRUSTEE ETAL LEE  
GORDON FMLY TR THE  
47 WINSTON LN C/O MATTHEW GORDON  
GARRISON, NY 10524

BOSTON RD

R35-0-10

LUC: 930

NEWBURY TOWN OF  
12 KENT WAY  
BYFIELD, MA 01922

75 BOSTON RD

R36-0-27

LUC: 930

NEWBURY TOWN OF  
SANITARY LANDFILL  
12 KENT WAY  
BYFIELD, MA 01922

69 BOSTON RD

R35-0-9

LUC: 101

PETERS PAULINE E  
PETERS MARK  
50 REGENT ST  
CAMBRIDGE, MA 02140

71 BOSTON RD

R35-0-9A

LUC: 106

PETERS MARK  
PETERS PAULINE E  
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OFF HAY ST

R24-0-2

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R36-0-23

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NEWBURY, MA 01951

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R36-0-25

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THE MILLEN FAMILY TRUST  
MILLEN NICK  
2 GENOA WAY  
HAVERHILL, MA 01830

OFF HAY ST

R25-0-24

LUC: 950

THE TRUSTEES OF RESERVATIONS  
572 ESSEX STREET  
BEVERLY, MA 01915

81 NEWBURYPORT TP

R24-0-7

LUC: 950

THE TRUSTEES OF RESERVATIONS  
572 ESSEX STREET  
BEVERLY, MA 01915

Town of Newbury  
Abutters List

Subject Parcel ID: 75 BOSTON RD

Subject Property Location: 300'

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
R24-0-1	188 HAY ST	FREDERIC K. LITTLEFIELD JR TR	LITTLEFIELD FREDERIC K J	188 HAY ST	NEWBURY	MA	01951
R24-0-12	178 HAY ST	GORDON TRUSTEE ETAL LEE	GORDON FMLY TR THE	47 WINSTON LN C/O MATTHI	GARRISON	NY	10524
R24-0-2	OFF HAY ST	QUILL DONALD R	QUILL SARAH J	184 HAY ST	NEWBURY	MA	01951
R24-0-7	81 NEWBURYPORT TP	THE TRUSTEES OF RESERVATIO		572 ESSEX STREET	BEVERLY	MA	01915
R25-0-24	OFF HAY ST	THE TRUSTEES OF RESERVATIO		572 ESSEX STREET	BEVERLY	MA	01915
R35-0-10	BOSTON RD	NEWBURY TOWN OF		12 KENT WAY	BYFIELD	MA	01922
R35-0-9	69 BOSTON RD	PETERS PAULINE E	PETERS MARK	50 REGENT ST	CAMBRIDGE	MA	02140
R35-0-9A	71 BOSTON RD	PETERS MARK	PETERS PAULINE E	50 REGENT ST	CAMBRIDGE	MA	02140
R36-0-22B	82 BOSTON RD	ESSEX COUNTY GREENBELT		82 EASTERN AVE	ESSEX	MA	01929
R36-0-22C	80 BOSTON RD	ESSEX COUNTY GREENBELT		82 EASTERN AVE	ESSEX	MA	01929
R36-0-23	131 NEWBURYPORT TP	STOWAWAY STORAGE NEWBUR		131 NEWBURYPORT TURNP	NEWBURY	MA	01951
R36-0-25	BOSTON RD	THE MILLEN FAMILY TRUST	MILLEN NICK	2 GENOA WAY	HAVERHILL	MA	01951
R36-0-27	75 BOSTON RD	NEWBURY TOWN OF	SANITARY LANDFILL	12 KENT WAY	BYFIELD	MA	01830
R47-0-41	23 NEWBURYPORT TP	COMMONWEALTH OF MASS	MASS BAY TRANS AUTHOR	10 PARK PLAZA	BOSTON	MA	01922
					BOSTON	MA	02116

Parcel Count: 14

End of Report

CERTIFIED ABUTTERS LIST

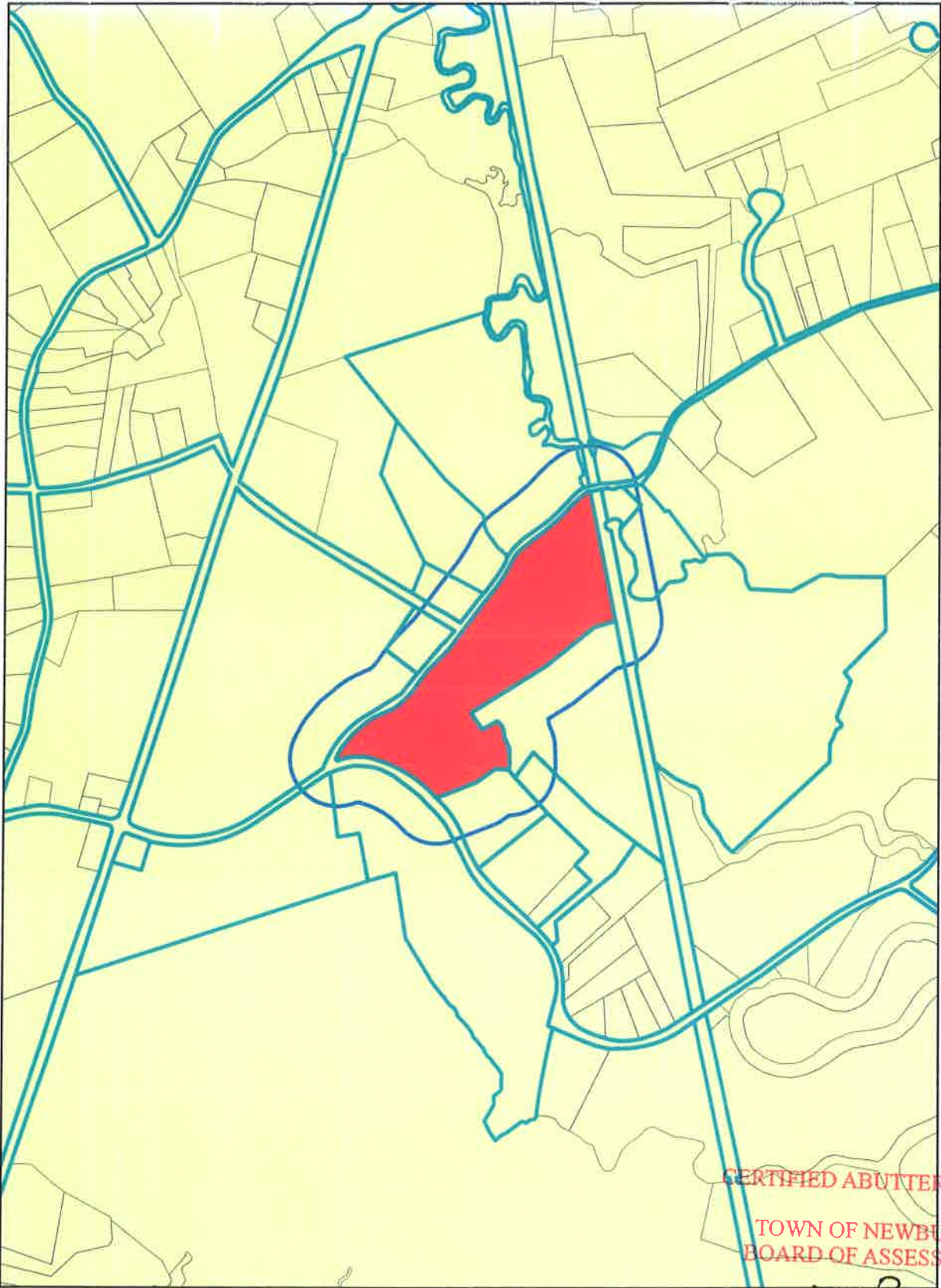
TOWN OF NEWBURY  
BOARD OF ASSESSORS

ADDRESS 75 Boston Rd

PAGE 3 OF 4

11/16/21 SS

# 75 BOSTON RD



CERTIFIED ABUTTERS LIST

TOWN OF NEWBURY  
BOARD OF ASSESSORS

ADDRESS 75 Boston Rd

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Georgetown Planning Board  
1 Library Street  
Georgetown, MA 01833

Groveland Planning Board  
Town Hall Complex  
183 Main Street  
Groveland, MA 01834

Rowley Planning Board  
P.O. Box 714  
Rowley, MA 01969

West Newbury Planning Board  
Town Office Building  
381 Main Street  
West Newbury, MA 01985

Newburyport Planning Board  
Office of Planning and Development  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Rowley Planning Board  
P.O. Box 714  
Rowley, MA 01969

Groveland Planning Board  
Town Hall Complex  
183 Main Street  
Groveland, MA 01834

Newburyport Planning Board  
Office of Planning and Development  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Georgetown Planning Board  
1 Library Street  
Georgetown, MA 01833

West Newbury Planning Board  
Town Office Building  
381 Main Street  
West Newbury, MA 01985

RECEIVED

NOV 16 2021

Newbury Planning Board

LYNNE HENDRICKS WIEHE  
STEPHEN WIEHE  
33 FRANCES DR  
NEWBURYPORT, MA 01850-3432

1147

53-13/10 MA  
26662

Date

11/16/21

Pay To The  
Order Of

TOWN OF NEWBURY  
Two Hundred FIFTY

\$ 250.00

Dollars



Bank of America

ACH R/T 011000138

For NEWBURY LANDFILL SOLAR-SP

*Stephen Wiehe*

1:0110001381: 00466236820911117

Handed Check

November 2, 2021

Ms. Martha L. Taylor, AIA  
Planning Director  
Town of Newbury  
12 Kent Way  
Byfield, MA 01922

**RE: Newbury Landfill Solar Project, 75 Boston Road, Newbury, MA  
Newbury Landfill – Record ID: 20-SW36-0009-APP  
Response to Town Planning Board Comments**

Dear Ms. Taylor:

On behalf of the applicant Alliance Newbury I, LLC, Weston & Sampson Engineers, Inc., provides the following responses to the Town of Newbury Planning Board comments on the BWP SW 36 Post-Closure Use – Major Application for Post-Closure Use Permit filed for the proposed Newbury Landfill Solar Project located at 75 Boston Road in Newbury, Massachusetts. The MassDEP comments were provided via email dated October 13, 2021. The comments are provided below in italicized text with the responses in normal text.

**General Drawing Comments**

General Drawing Comment 1:

*I note that the drawings do not all have the same revision date; I'm wondering whether one uniform date could be put on all the sheets to serve as the official application set.*

Response: All plans are dated 10/28/2021.

General Drawing Comment 2:

*The graphic/line types for the limits of the ACEC and 100-year flood plain are a little difficult to read on both the 1" = 80' and 1" = 60' drawings – it might be helpful to increase the font size.*

Response: The line type scales for the ACEC and 100-year flood plain have been increased on all applicable sheets.

General Drawing Comment 3:

*Is the North Arrow magnetic north or true north or tied to a previously recorded plan?*

Response: North orientation is magnetic, which is based on a survey entitled "Topographic Plan of Land in Shrewsbury, Massachusetts", prepared for ACE Solar 1600 Osgood Street-Suite 2042 North Andover, Massachusetts 01845, prepared by Merrimack Engineering Services, Scale: 1" = 40', dated December 13, 2019, revised January 4, 2021.

General Drawing Comment 4:

*The map and lot number and street address should be included on the plan for all abutting properties.*

Response: The map, lot number, and street address has been added to the plans for all abutting properties. A supplementary exhibit has also been prepared and is attached for reference.

General Drawing Comment 5:

*Is any lighting being proposed? If so, it should be shown on the plans and catalogue cuts should be provided.*

Response: No lighting proposed per ACE.

## **G000 - Cover Sheet Comments**

### Cover Sheet Comment 1:

*The Cover Sheet should include full info for the owner, including address and phone number – this could go in the Site Information box.*

Response: Solar PV system owner information has been added to the site information table.

### Cover Sheet Comment 2:

*The dimensional requirement for lot area is incorrect in the Zoning Information box – the minimum lot area in the R-AG district is 40,000 s.f. for a single-family dwelling, not 80,000 s.f. The 80,000 s.f. is for a two-family lot with no public water supply.*

Response: The dimensional requirements for minimum lot area in the zoning information table has been updated to 40,000 SF.

## **C206 – Proposed Solar PV System Plan Comments**

### Propose Solar PV System Plan Comment 1:

*I see some regrading indicated for a new pad mounted transformer and recloser, but it doesn't appear that the new grades tie into existing – tie-in with existing should be clarified.*

Response: "Tie new grades to existing" has been added to the applicable callout for clarification.

## **Other Application Requirements and Comments**

### Application Comment 1:

*IA copy of the Building Commissioner's Denial letter is needed; I do see the printout of the page from PermitLink, but the letter should also be included.*

Response: A copy of the Building Commissioner's Denial letter is attached.

### Application Comment 2:

*The Certified Abutters List from the Assessor's office should be included.*

Response: The Certified Abutters List from the Assessor's office is attached.

### Application Comment 3:

*A narrative briefly describing the proposed project, in accordance with #22 of the Application, should be included. Some of the required information is in the Stormwater Report, but not all.*

Response: The proposed solar development includes deploying ground-mounted solar on the south facing slopes of both of the closed waste disposal cells. The total capacity of the proposed solar installation is 582.4 kW (DC) and will consist of approximately 1,456 photovoltaic (PV) panels. The PV array supported on concrete ballast blocks will have a low bearing pressure that will not damage or compromise the integrity of the engineered landfill cap. The PV modules will be mounted with fixed tilt. The tilt angles would vary from 20 to 35 degrees, depending on the module orientation. The azimuth of the array varies between 140 and 240 degrees and wraps around the south-facing slopes of each closed landfill cells. Each ballast block will be set on crushed stone placed onto the existing landfill surface in order to level the blocks to a maximum slope of 15 degrees over the length of the ballast block from back to front. The series of panels will be connected using above ground cables, cable trays and conduits that would bring the wiring down to a central equipment pad area located at the southeast corner of the western landfill cell. The aboveground cabling would transition to an aboveground concrete-encased duct bank to traverse the access road to the equipment pad area. Aboveground aerial cabling would be installed on a pole line around the perimeter of the existing transfer station to an electrical utility interconnection point at the existing three phase distribution circuits operated by National Grid along Boston Road. A combination of ballasted and

non-ballasted chain link fence will be used to provide security and separation of any unqualified personnel from any electrical conductors, as required by National Electric Code.

Application Comment 4:

*A one- or three-line electrical diagram is required – see §97-5.F(6)(c)02d)(iv).*

Response: A one-line electrical diagram is attached.

Application Comment 5:

*A public outreach plan – see §97-5.F(6)(c)02g).*

Response: The project applicant and any co-applicant will meet the required Special Permit notification procedures and otherwise inform abutters and the community. This can include notification in the local newspaper, posting notification of the project on the Town's website and providing proper mail notifications to project abutters.

Please let me know if you have any further questions or comments regarding the BWP SW 36 Application for Post-Closure Use Permit filing. I can be reached via email at [mccormab@wseinc.com](mailto:mccormab@wseinc.com) and by telephone at (978) 977 0110 Ext. 2329.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



Brian McCormack, PE  
Project Manager/Team Leader



Stephen P. Wiehe, PG  
Senior Associate

Attachments:



**LEGEND**

- EXISTING**
- PROPERTY LINE (SITE)
  - - - 300' OFFSET FROM SITE PROPERTY LINE
  - PROPERTY LINE (ABUTTER)

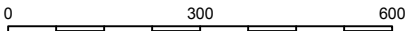
**NOTES:**

1. PROPERTY LINES FROM MASSGIS.
2. AERIAL IMAGERY FROM BING MAPS.
3. PROPERTY INFORMATION FROM NEWBURY MIMAP.

**EXHIBIT**

**300' ABUTTER PLAN**

NEWBURY LANDFILL SOLAR PROJECT  
75 BOSTON ROAD, NEWBURY, MA 01951  
(ESSEX COUNTY)





**Town of Newbury  
Office of  
Inspectional Services  
12 Kent Way  
Newbury, MA 01922  
Phone: 978/465-0862 x309  
Fax: 978/572-1228**

10/14/2021

Town of Newbury  
c/o Martha Taylor  
12 Kent Way  
Byfield, MA 01922

Dear Ms. Taylor:

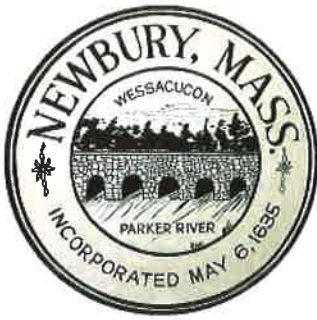
I have received the Town of Newbury's application for a ground mounted solar system at 75 Boston Road, Newbury, MA. I am denying your application based on the Newbury Zoning Ordinance, Section 97-5 F5(a)-(e), requiring a site plan review. Please contact the Newbury Planning Board to proceed.

Also, you will need to contact the Conservation Agent, as the Agent has put a hold on the application pending a filing of a Notice of Intent. Please feel free to contact me if you have any questions.

Sincerely,

Peter Binette  
Newbury Building Commissioner

cc: Thomas Young  
Bill Holt



**Town Of Newbury**  
Office of  
The Board of Assessors  
12 Kent Way Suite 101  
Newbury, MA. 01951-4799  
(978) 465-0862 x308  
Fax: (978) 465-3064

Frank N. Kelley III, Chairman, Board of Assessors  
Sanford Wechsler, Assessor  
Linda McCamic, Assessor

Nate Cramer, Principal Assessor  
Stephanie Sergi, Assessor's Clerk

Memo

To Stephen Wiehe Weston & Sampson

Date: July 21, 2020

RE 75 Boston Rd

The following is a list of abutters within 300' R36-0-27. These listed owners are to the best of our knowledge the owners of record as of July 21, 2020 and are the only abutters listed in Newbury.

Attached:

1. This cover letter
2. Original request
3. Mailing Labels (2 sets)
4. Mailing List (non-label)
5. GIS Map
6. Abutters List Other Towns (if applicable)

Sincerely,

Stephanie Sergi  
Assessor's Clerk  
Town of Newbury

CERTIFIED ABUTTERS LIST

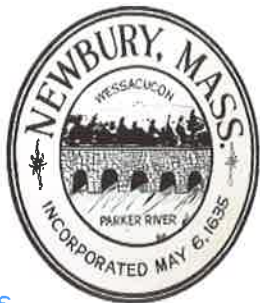
TOWN OF NEWBURY  
BOARD OF ASSESSORS

ADDRESS 75 Boston Rd

PAGE 1 OF 5

7/21/2020 SS

RECEIVED  
JUL 2 0 2020  
TOWN OF NEWBURY  
BOARD OF ASSESSORS



## TOWN OF NEWBURY

### BOARD OF ASSESSORS

12 Kent Way, Suite 101, Byfield, MA 01922

978-465-0862 x308

978-572-1228 fax

[www.townofnewbury.org](http://www.townofnewbury.org)

### REQUEST FOR CERTIFIED ABUTTERS LIST

PROPERTY LOCATION: NEWBURY LANDFILL - 75 Boston Rd.

ASSESSORS MAP/LOT#: MAP R36 LOT 27

(If requesting more than one list, please fill out a separate list request for each)

#### CHECK BOX FOR TYPE OF LIST REQUESTED:

☐ 1. CONSERVATION COMMISSION  
within 100 ft.

☐ CONSERVATION COMMISSION  
Lot area greater than 50 acres

☐ CONSERVATION COMMISSION  
Linear Project greater than 1,000 ft

Stephen Wiehe - Weston &

☐ 2. ZONING BOARD OF APPEALS  
within 300 ft.

☐ 3. ZONING BOARD OF APPEALS/Wireless Communication  
within 900 ft.

☒ 4. PLANNING BOARD  
within 300 ft.

CERTIFIED ABUTTERS LIST

TOWN OF NEWBURY  
BOARD OF ASSESSORS

ADDRESS 75 Boston Rd

PAGE 2 OF 5  
7/21/2020 SS

Sampson

7/16/20

REQUESTED BY: STEPHEN WIEHE

PHONE NUMBER: 978-532-1900

DATE REQUESTED: 7/16/20

DATE PAID: 7/17/20 CK 124

ASSESSOR SIGNATURE: Stephanie Seng  
Assessor's Clerk

DATE: 7/21/2020

**NOTE:** There is a \$20.00 charge per each request. Checks can be made payable to the Town of Newbury.



5160

**R24-0-1**

LITTLEFIELD FREDERICK JR  
188 HAY ST  
NEWBURY, MA 01951

**R24-0-6**

COMMONWEALTH OF MASS  
DIVISION OF FISH + GAME

251 Causeway St #400  
Boston MA 01214-2152

**R35-0-10**

NEWBURY TOWN OF  
12 KENT WAY  
BYFIELD, MA 01922

**R36-0-22B**

ESSEX COUNTY GREENBELT  
82 EASTERN AVE  
ESSEX, MA 01929

**R36-0-25**

MILLEN TE DONNA M  
MILLEN TE KRISTEN N  
32 SPARHAWK ST  
AMESBURY, MA 01913

**Easy Peel Address Labels**

Bend along line to expose Pop-up Edge

**R24-0-12**

GORDON TRUSTEE ETAL LEE  
GORDON FMLY TR THE  
47 WINSTON LN C/O MATTHEW GORDON  
GARRISON, NY 10524

**R24-0-7**

THE TRUSTEES OF RESERVATIONS  
572 ESSEX STREET  
BEVERLY, MA 01915

**R35-0-9**

PETERS PAULINE E  
PETERS MARK  
50 REGENT ST  
CAMBRIDGE, MA 02140

**R36-0-22C**

ESSEX COUNTY GREENBELT  
82 EASTERN AVE  
ESSEX, MA 01929

**R36-0-27**

NEWBURY TOWN OF  
SANITARY LANDFILL  
12 KENT WAY  
BYFIELD, MA 01922

Go to [avery.com/templates](https://avery.com/templates)

Use Avery Template 5160

**R24-0-2**

QUILL DONALD R  
QUILL SARAH J  
184 HAY ST  
NEWBURY, MA 01951

**R25-0-24**

THE TRUSTEES OF RESERVATIONS  
572 ESSEX STREET  
BEVERLY, MA 01915

**R35-0-9A**

PETERS MARK  
PETERS PAULINE E  
50 REGENT ST  
CAMBRIDGE, MA 02140

**R36-0-24**

STOWAWAY STORAGE NEWBURY LLC  
11 FATHERLAND DRIVE  
BYFIELD, MA 01922

**R47-0-41**

COMMONWEALTH OF MASS  
MASS BAY TRANS AUTHORITY  
10 PARK PLAZA  
BOSTON, MA 02116

Allez à [avery.ca/gabarits](http://avery.ca/gabarits)  
Utilisez le Gabarit Avery 5160

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188 HAY ST  
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DIVISION OF FISH + GAME

251 Causeway St #400  
Boston MA 02114-2152

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ESSEX, MA 01929

**R36-0-25**

MILLEN TE DONNA M  
MILLEN TE KRISTEN N  
32 SPARHAWK ST  
AMESBURY, MA 01913

Étiquettes d'adresse Easy Peel  
Repliez à la fin de la feuille afin de révéler le rebord Pop-up

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GORDON TRUSTEE ETAL LEE  
GORDON FMLY TR THE  
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BYFIELD, MA 01922

Pat. avery.com/patents

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Boston MA 02114-2152*

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**CERTIFIED ABUTTERS LIST**

**TOWN OF NEWBURY  
BOARD OF ASSESSORS**

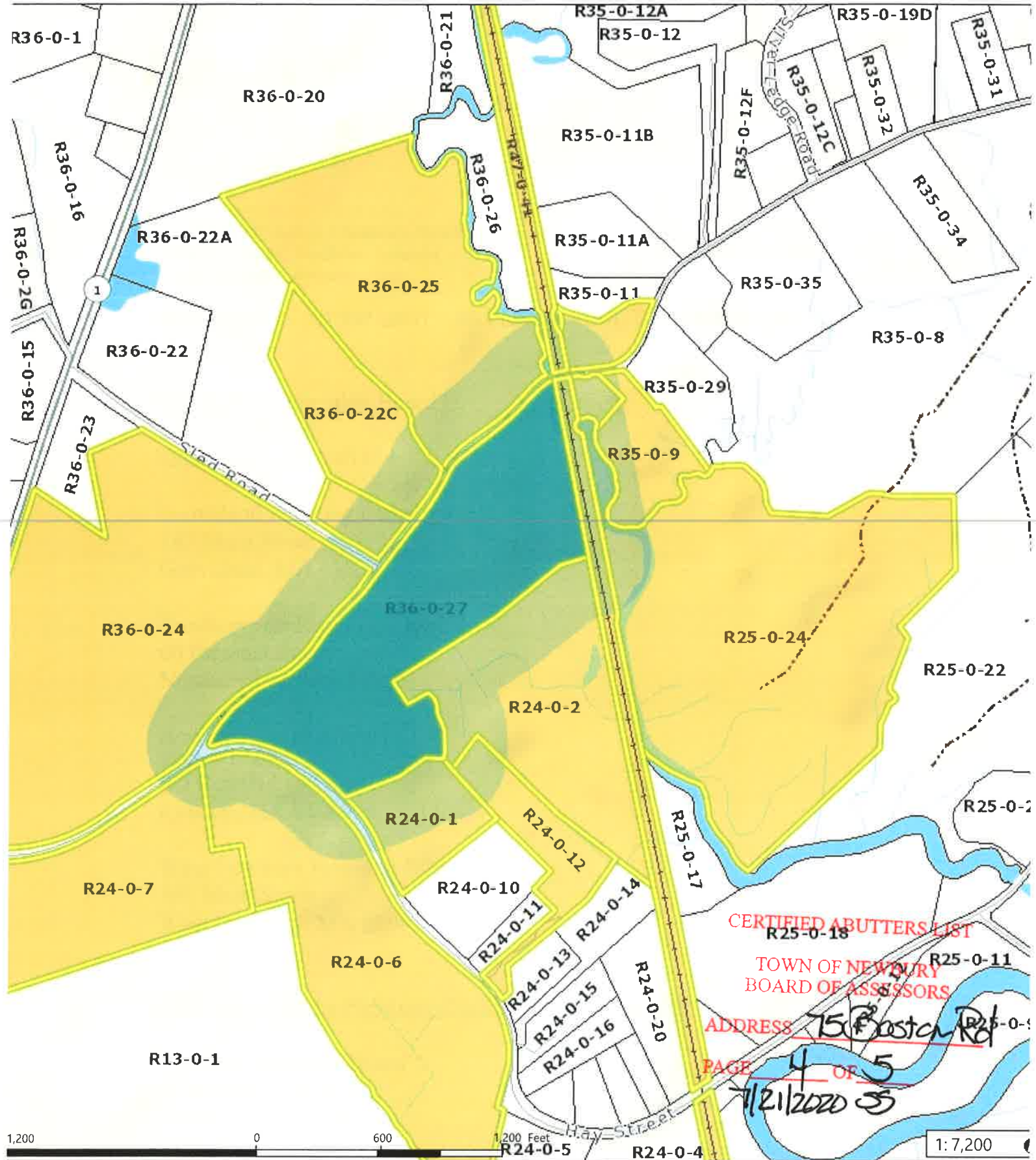
**ADDRESS** 75 Boston Rd

**PAGE** 3 **OF** 5

7/21/2020 SS

# Town of Newbury

07/21/2020



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Newbury & MassGIS/MassGIS. MVPC AND THE TOWN OF NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



Municipal Boundary  
Trails

Roads  
Rail Line

Interstate  
Hydrographic Features

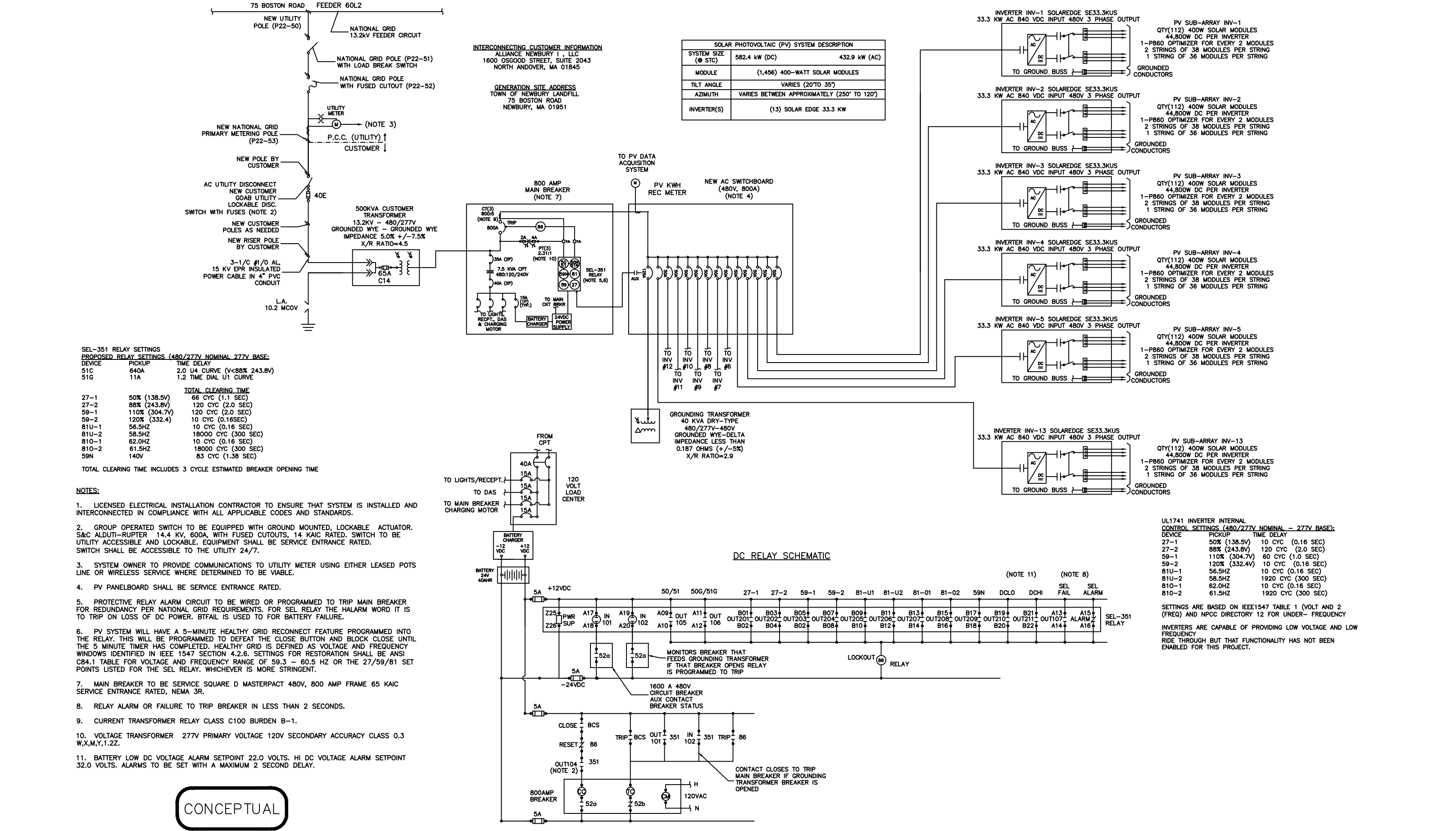
Legend

Major Road  
Streams

Local Road

Parcels

CONFIDENTIAL



CONCEPTUAL



**Town of Newbury  
Office of  
Inspectional Services  
12 Kent Way  
Newbury, MA 01922  
Phone: 978/465-0862 x309  
Fax: 978/572-1228**

10/14/2021

Town of Newbury  
c/o Martha Taylor  
12 Kent Way  
Byfield, MA 01922

Dear Ms. Taylor:

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Sincerely,

Peter Binette  
Newbury Building Commissioner

cc: Thomas Young  
Bill Holt



ACERE-1

OP ID: CH

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Michaud, Rowe And Ruscak Ins. P.O. Box 188 North Andover, MA 01845 Michaud, Rowe & Ruscak	<b>CONTACT NAME:</b> Michaud, Rowe & Ruscak	
	<b>PHONE (A/C, No, Ext):</b> 978 688 8829	<b>FAX (A/C, No):</b> 978 557 2130
<b>INSURED</b> Alliance Clean Energy, Inc. Ace Residential Solar, LLC 1600 Osgood Street North Andover, MA 01845	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Tokyo Marine Specialty	
	<b>INSURER B:</b> Safety Insurance Company	
	<b>INSURER C:</b> Travelers Insurance Company	
	<b>INSURER D:</b>	
<b>INSURER E:</b>		
<b>INSURER F:</b>		
<b>NAIC #</b>		

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.


INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			PPK2204686 PPK2204686 PPK2204686	11/08/2020 11/08/2020 11/08/2020	11/08/2021 11/08/2021 11/08/2021	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000				
	<input checked="" type="checkbox"/> Pollution		MED EXP (Any one person) \$ 20,000				
	<input checked="" type="checkbox"/> Professional		PERSONAL & ADV INJURY \$ 1,000,000				
GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE \$ 2,000,000
<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							PRODUCTS - COMP/OP AGG \$ 2,000,000
OTHER:							\$
B	<b>AUTOMOBILE LIABILITY</b>			5903924	06/28/2020	06/28/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO		BODILY INJURY (Per person) \$				
	<input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS		BODILY INJURY (Per accident) \$				
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		PROPERTY DAMAGE (Per accident) \$				
							\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR			PUB745763	11/08/2020	11/08/2021	EACH OCCURRENCE \$ 5,000,000
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE		AGGREGATE \$ 5,000,000				
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0		\$				
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>			TO BE ISSUED SEPARATELY			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N <input type="checkbox"/>	N / A				E.L. EACH ACCIDENT \$ ***
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ ***
							E.L. DISEASE - POLICY LIMIT \$ ***

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Solar installation

## CERTIFICATE HOLDER

## CANCELLATION

	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MICHAUD ROWE AND RUSCAK INSURANCE ASSOCIATES INC  P O BOX 188 NORTH ANDOVER MA 01845		<b>CONTACT NAME:</b> Carol Hawkins <b>PHONE (A/C, No, Ext):</b> (978) 688-8829 <b>FAX (A/C, No):</b> <b>E-MAIL ADDRESS:</b> chawkins@mrrinsurance.com	
<b>INSURED</b> ACE RESIDENTIAL SOLAR LLC  1600 OSGOOD STREET NORTH ANDOVER MA 01845		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> TRAVELERS INDEMNITY CO OF AMERICA <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 25666	

**COVERAGES** **CERTIFICATE NUMBER:** 494977 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			N/A			EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			N/A			COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <b>DED</b> <b>RETENTION \$</b>			N/A			EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	N/A	6HUB9F43435121	1/20/2021	1/20/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
				N/A			

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Workers' Compensation benefits will be paid to Massachusetts employees only. Pursuant to Endorsement WC 20 03 06 B, no authorization is given to pay claims for benefits to employees in states other than Massachusetts if the insured hires, or has hired those employees outside of Massachusetts.

This certificate of insurance shows the policy in force on the date that this certificate was issued (unless the expiration date on the above policy precedes the issue date of this certificate of insurance). The status of this coverage can be monitored daily by accessing the Proof of Coverage - Coverage Verification Search tool at [www.mass.gov/lwd/workers-compensation/investigations/](http://www.mass.gov/lwd/workers-compensation/investigations/).

<b>CERTIFICATE HOLDER</b>	<b>CANCELLATION</b>
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	<b>AUTHORIZED REPRESENTATIVE</b>  Daniel M. Crowley, CPCU, Vice President -- Residual Market -- WCRIBMA

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Bond No.

Premium: \$XXX.XX

SOLAR INSTALLATION DECOMMISSIONING PLAN  
SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Alliance Newbury I LLC, as Principal, and \_\_\_\_\_ a corporation duly organized under the laws of the \_\_\_\_\_, as Surety, are held and firmly bound unto the \_\_\_\_\_, as Oblige, in the sum of XXXXXXXX (\$ 000.00 ) Dollars lawful money of the United States of America, to be paid to said Oblige, its successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bound Principal is obligated to decommission a certain solar photovoltaic facility located at Tax Map XX, Parcels X and XX, XX Street, Newbury, Massachusetts , and thereupon to restore the property upon which said facility is located in accordance with the terras of the Town of Newbury Planning Board letter dated \_\_\_\_\_ and the requirement for a Surety Bond from the Principal that is referenced in said Planning Board letter (referred to herein as the “agreement”), a copy of which is attached hereto as Exhibit A;

The above mentioned agreement sets forth the terms and conditions of Principal’s decommissioning and property- restoration obligations and said agreement is hereby specifically referred to and made part of this bond, with like force and effect as if herein at length set forth.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above named Principal, its successors or assigns, does and shall well and truly observe, perform, fulfill and keep its obligations as set forth in the above mentioned agreement, for which a bond must be posted, then the above obligation to be void; otherwise to remain in full force and effect.

The bond is subject, however, to die following express conditions:

FIRST: That in the event of a default on the part of the Principal, its successors or assigns, a written statement of such default with reasonable description thereof shall be given to Surety promptly, and in any event, within 60 days after the Oblige shall learn of such default, such notice to be delivered personally or by federal express, or registered mail to Surety.

SECOND: That no claim, suit or action under this bond by reason of any such default shall be brought against Surety unless asserted or commenced within 36 months after the effective date of

any termination or cancellation of this bond or 36 months after Obligee receives written notice of such termination or cancellation, whichever is longer.

THIRD: That this bond may be terminated or cancelled by Surety by 90 days prior notice in writing from Surety to Principal and to Obligee, provided that Surety shall not terminate or cancel this bond after it has received notice or has otherwise become aware that Principal has defaulted under the agreement or that Principal will, with the passage of a time-certain or the giving of notice, be in default under the agreement; and provided further that Principal 'shall not be relieved of its obligations under the agreement (including without limitation the obligation to obtain a bond) on account of such termination or cancellation. Notwithstanding the foregoing, such termination or cancellation shall not affect any liability incurred or accrued under this bond prior to the effective date of such termination or cancellation. Non-renewal or cancellation of the bond in compliance with the terms hereof shall not constitute a default under the bond or be the basis or trigger for a claim. The liability of the Surety shall be limited to the amount set forth in this bond and is not cumulative.

FOURTH: That no right of action shall accrue under this bond to or for the use of any person other than the Obligee, its successors and assigns.

IN WITNESS WHEREOF the above bound Principal and the above Surety have hereunto set their hands and seals, on the XX day of \_\_\_\_\_ -