



GRAFTON
Massachusetts

Ann Morgan <morgana@grafton-ma.gov>

Fw: 79 Old Upton Road Solar Farm

1 message

John Haggerty <jhaggerty@arguscorp.net>
To: "laydonj@grafton-ma.gov" <laydonj@grafton-ma.gov>
Cc: Ann Morgan <MorganA@grafton-ma.gov>

RECEIVED

Fri, Jul 8, 2016 at 1:36 PM

JUL - 8 2016

Joe,

**PLANNING BOARD
GRAFTON, MA**

COPY

I understand there may be a discussion on 79 Old Upton project on Monday at the Planning Board meeting, so I'd like to highlight my letters of April 14th (below) and December 15, 2015 (attached) that contain several issues and questions, which have yet to be addressed or answered. Particularly, the landscaping in place only screens approximately 20% of the project rather than the 100% necessary for the project to be in compliance with the requirement that the project be compatible with the scenic aspects of the neighborhood.

If the developer is proposing to add back the green screening, we'd like to go on record as formally objecting to that change in the plans as it grossly contradicts the efforts to screen this project with natural landscaping.

Would it be possible to have a site walk to address the various questions in my prior letters? Thanks for your assistance.

John

From: John Haggerty
Sent: Thursday, April 14, 2016 1:04 PM
To: bergerr@grafton-ma.gov; laydonj@grafton-ma.gov
Subject: 79 Old Upton Road Solar Farm

Mr. Berger and Mr. Laydon,

The plantings for the screening for 79 Old Upton Road's solar park have started to arrive and are being staged for planting. Since the adequacy of the screening was the basis for the special permit, I'm concerned as to whether the plantings conform with the landscaping plan as approved by the Planning Board. Since most of the trees have not yet been planted, can you inspect to ensure that they have purchased trees that conform with the plan in terms of species; height; width and placement. The approved plan showed a multi-layering of plantings that provided continuous screening and of heights of mostly 8'- 10'. The plan also called for the placements to replicate a natural mature screening rather a linear row, so placement is critical. I've attached a picture of the placement of the initial trees being delivered and strongly suspect that they are not in accordance with the dimensions or placement per

the plans. As for them being the proper species I would need someone to confirm.

Since the adequacy of screening was one of the main requirements for the award of the special permit, I believe strict conformance to the landscaping plan is necessary to avoid a violation of the special plan requirements. Since they are at the junction of planting, I would request that compliance be assured and enforced contemporaneously with the planting, rather than allowing the planting to occur and possibly add to the unnatural look of this project.

As for the issue of my letter of December 15, 2015 (attached), if the panels have been lowered to the proper heights then there is a mistake in the original plans as to grading on which they predicated their assertion that all succeeding rows of panels would be lower than the prior row, when viewed from my house, making the overall screening possible. When viewed from my house there are approximately 1/3 of the panels that are higher than the first row and by several feet, creating additional non-conformance with the approved plan.

There are also other examples of non-compliance with the approved plans, including adding green mesh screening (which still exist on three sides); a stone wall (not originally included in the plan) that may limit the area available where the depth of planting is required and setting up panels a foot higher than the plan that they claim they have fixed.

I believe the above issues and actions continue to constitute a violation of your building permit and the special permit and request that you order construction to cease immediately until compliance with the permits can be determined. I believe this is the only action that can ensure compliance given their track record of ignoring the plans. I also believe a thorough review of the project should be conducted as there may be more non-compliance issues than what can be observed from the road.

Please note that nothing stated herein waives my position that the solar park is not a permitted use in this residential zoning district under the Town's Zoning By-Law

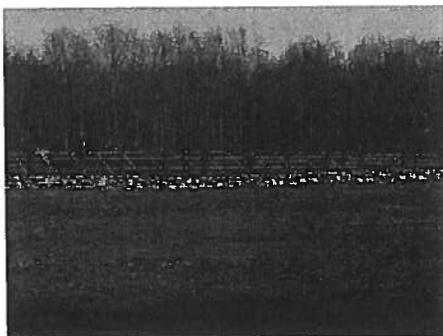
I appreciate your attention to the matter and anxiously await your response.

Thanks.

John

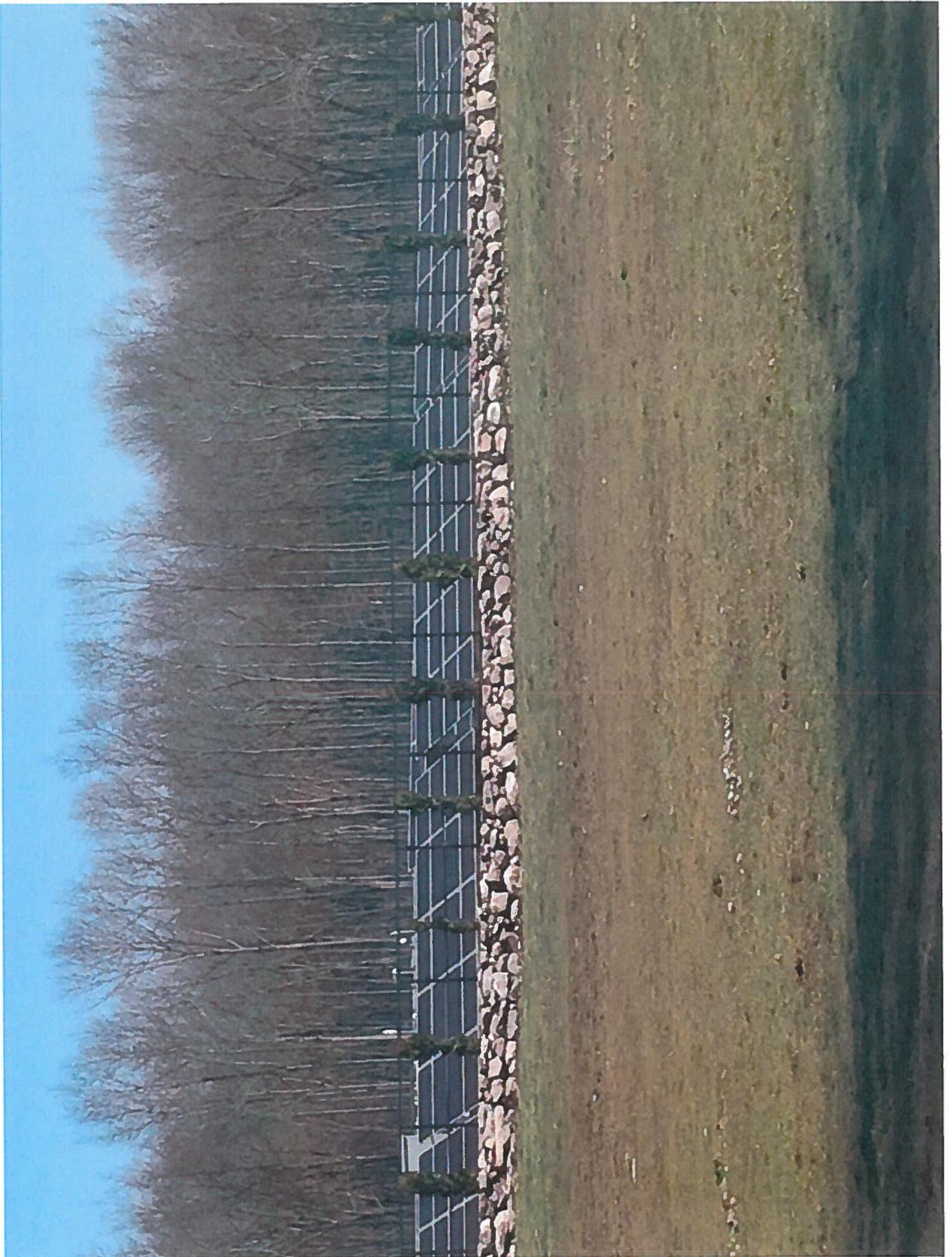
John G. Haggerty

2 attachments



Solar Landscape Pic.JPG
1463K

 **Haggerty ltr to Mr. Berger (1).pdf**
140K





TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD

GRAFTON, MA 01519

Phone (508) 839-5335 ext. 1190 • FAX: (508) 839-4602

www.grafton-ma.gov

Robert S. Berger
Inspector of Buildings
Zoning Enforcement Officer

DATE: 12/15/15

LOCATION OF COMPLAINT: 79 old Upton Road

Complaint Filed By: John Haggerty Phone #: _____

Assessors Map #: 85 Lot #: 2D

Property Owner: Christie Pease

Address: 79 old Upton Road

Tenant(s) if applicable: _____ Phone #: _____

Nature of complaint: Actual construction not in compliance, see attached letter.

Orders Issued: _____

Other Town Departments Notified: _____

Date of Reinspection(s): _____

Signature of Building Inspector: _____ Date: _____

Person who took call: _____

Via Email Only

December 15, 2015

Robert S. Berger, Building Inspector
Town of Grafton
Grafton Memorial Municipal Center
30 Providence Road
Grafton, MA 01519

Dear Mr. Berger,

My wife and I are writing to you in your capacity as the Town of Grafton Zoning Enforcement Officer with regard to the construction of solar panels at 79 Old Upton Road.

The Special Permit was issued after extensive Developer representations and commitments regarding the adequacy of screening to assure compliance with the requirements that the project be in accordance with the scenic and historical nature of the abutting properties. Central to the screening plan is the height of the panels and topography of the land. The approved Special Permit (document SP 2014-9, paragraph F13) stipulated that the top of each panel would not exceed 6'7". In addition, the topography of the land as presented by the Developer was shown to continually slope away from the front row of panels, which was necessary for the screening of 4 acres of panels to be achievable. The attached diagrams illustrate this assumption and are an integral part of the plan submitted to the Planning Board.

Currently, it appears that the racking for all the panels has been installed and the view from our house shows that the first row of panels does not shield the subsequent rows, which will make the intended screening ineffective as proposed.

We have been told that the racking was incorrectly installed at 7'4" and is being lowered, but even with this correction, we believe there may be a problem with the terrain not being in accordance with what was presented.

Since construction of the panels began, we have observed many dump trucks arriving at the location with what appears to be fill for the construction site. None of the plans to the Board called for fill to be brought on the site. Filling the site is significant for two reasons. First, there is a Grading and Erosion Control Plan (C.3.0) that anticipates runoff from this site in its natural state and not after the introduction of fill. Second, Borrego Solar presented an Engineer's View Study (C.2.1) to the Planning Board to support its claim that there would be limited visual impact from the solar panels because the natural terrain sloped down from the road. If that terrain is being altered by the fill that has been brought to the site, it will not only make the visible impact on these panels far greater than what was represented to and relied upon by the Board, but it will also result in an unapproved deviation from the Special Permit.

Consequently, we request that you inspect the site as soon as possible to determine:

- if fill was brought in to alter the terrain;
- monitor that the adjustment of racking and all panels be in accordance with maximum height limitations of 6'7" and
- require survey to determine if actual topography is in accordance with the plans as approved.

We believe the above issues and actions constitute a violation of your building permit and request that you order construction to cease immediately until compliance with the Special Permit can be determined.

I appreciate your attention to the matter and if you have any questions, please don't hesitate to contact me.

Very truly yours,



John & Claire Haggerty
90 Old Upton Road
Grafton, MA 01519

