



TOWN CLERK

Donna M. Girouard
Town Clerk

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 195
www.townclerkdept.grafton.ma.us



Bk: 51542 Pg: 23
Page: 1 of 12 09/25/2013 01:37 PM WD

CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD
Special Permit 2013-4 & Site Plan Approval

PETITIONER: Blue Wave Capital, LLC
One Gateway Center
75 Arlington Street, Boston, MA 02116

OWNER: Knowlton Farms Nominee Trust
Patricia K. Knowlton, Trustee
43 Estabrook Avenue, Grafton, MA 01519

DEED REFERENCE: 43 Estabrook Avenue
Assessors Map 49, Lot 1
Worcester District Registry of Deeds
Book 35401, Pages 337

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton, for a Special Permit to construct a solar electric generating facility (solar farm), on the above referenced property was received and filed in the Office of the Town Clerk on July 10, 2013 at 9:43 AM.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on July 30, 2013.

A true copy,
Attest:
(Seal)

Donna M. Girouard
Town Clerk - Grafton, Massachusetts

A true copy,
Attest:

Donna M. Girouard

Donna M. Girouard, Town Clerk
Grafton, MA

**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2013-4) & SITE PLAN APPROVAL
Construct a Solar Electric Generating Facility (solar farm).**

43 Estabrook Avenue, Grafton

**BlueWave Capital, LLC (Applicant)
Knowlton Farms Nominee Trust, Patricia K. Knowlton, Trustee (Owner)**

RECEIVED TOWN CLERK
GRAFTON, MA.

JUL 10 9 43 AM '13 *DJ*

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the BlueWave Capital, LLC, One Gateway Center, 75 Arlington Street, Boston, MA 02116 (hereinafter the APPLICANT), for a Special Permit and Site Plan Approval under Section 3.2.3.1 to construct a solar electric generating facility (solar farm) on property located at 43 Estabrook Avenue, Grafton MA and shown on Grafton Assessor's Map 49, Lot 1 and owned by the Knowlton Farms Nominee Trust, Patricia Knowlton, Trustee 43 Estabrook Avenue, Grafton, MA 01519 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 35401, Page 337.

I. BACKGROUND

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was submitted on May 14, 2013. The public hearing on the Application was held on June 10, 2013 and continued to June 24, 2013. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 22 and May 29, 2013 and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Michael Scully, Clerk Edward Prisby, and Members Sargon Hanna and Robert Hassinger. At the hearing the following people presented the Application: Trevor Hardy of BlueWave Capital LLC, Richard Waitt, Jr. of Meridian Associates, and Paul Knowlton, Owner. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed. At the time of Decision, Mr. Prisby was absent.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound application package submitted by the BlueWave Capital LLC, received May 14, 2013, and consisting of the following:

- Application for Special Permit, 1 page.
- Application for Site Plan Approval, 1 page.
- Correspondence from Meridian Associates, Special Permit & Site Plan Approval Application, Knowlton Farms Solar Development, 43 Estabrook Avenue, Grafton, Massachusetts; dated May 13, 2013; received May 14, 2013; 3 pages.
- Project narrative and description, prepared by Meridian Associates; no date; 9 pages.

A true copy,
Attest:

Donna M. Girouard
Donna M. Girouard, Town Clerk
Grafton, MA

Decision – Grafton Planning Board
Special Permit (SP 2013-4) / Site Plan Approval; Solar Electric Generating Facility
43 Estabrook Avenue, Grafton, MA
BlueWave Capital LLC (Applicant); Knowlton Farms Nominee Trust (Owner)
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- Request for Waivers, dated May 13, 2013; 1 page.
- Certified Abutters List; dated May 6, 2013; 1 page.
- Certificate of Good Standing signed by the Treasurer Collector's Office on April 25, 2013; 1 page.
- Plan Set, Knowlton Farms Solar Development, 43 Estabrook Avenue; 24" x 36", color; 11" x 17", color; prepared by Meridian Associates; dated May 13, 2013, 9 pages including the following:
 - Sheet 1: Cover Sheet & Locus Context Map
 - Sheet 2: Existing Conditions Plan
 - Sheet 3: Permit Site Plan of Land
 - Sheet 4: Site Detail Sheet
 - Sheet 5: Erosion & Sediment Control Plan
 - Sheet 6: Racking Connection Plan
 - Sheet 7: Racking Detail
 - Sheet 8: Inverter Equipment Plan
 - Sheet 9: Overhead Details
- Stormwater Analysis & Calculations Report for 43 Estabrook Avenue, Grafton, Massachusetts; prepared by Meridian Associates, Inc.; dated May 13, 2013.

- EXHIBIT 2.** Return memorandum, departmental project review comments, Grafton Water District, received May 16, 2013; 1 page.
- EXHIBIT 3.** Return memorandum, departmental project review comments, Board of Assessors, received May 16, 2013; 2 pages.
- EXHIBIT 4.** Return memorandum, departmental project review comments, Board of Health, received May 17, 2013; 5 pages.
- EXHIBIT 5.** Notice of Public Hearing, Grafton Conservation Commission; dated May 17, 2013, received May 22, 2013; 1 page.
- EXHIBIT 6.** Correspondence from Meridian Associates to the Grafton Conservation Commission, Special Permit & Site Plan Approval Application, Knowlton Farms Solar Development, 43 Estabrook Avenue, Grafton, Massachusetts; dated May 14, 2013; received May 14, 2013; 10 pages.
- EXHIBIT 7.** Return memorandum, departmental project review comments, Police Department, received May 28, 2013; 2 pages.
- EXHIBIT 8.** Return memorandum, departmental project review comments, Sewer Department, received May 31, 2013; 1 page.
- EXHIBIT 9.** Return memorandum, departmental project review comments, Conservation Commission, received June 4, 2013; 2 pages.
- EXHIBIT 10.** Correspondence from the Grafton Fire Department, Knowlton Farms Solar Development; dated June 3, 2013; received June 4, 2013; 1 page.

A true copy,
Attest:



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Grafton, MA

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- EXHIBIT 11.** Correspondence from Graves Engineering; Knowlton Farms Solar Development, 43 Estabrook Avenue, Site Plan and Stormwater Management Regulations Review; dated and received May 31, 2013; 5 pages.
- EXHIBIT 12.** Site Visit Report from Graves Engineering; Knowlton Farms Solar Development; dated June 5, 2013, and received June 7, 2013; 3 pages.
- EXHIBIT 13.** Public Hearing Sign In Sheet, June 10, 2013, 1 page.
- EXHIBIT 14.** Correspondence from Meridian Associates, Site Plan and Stormwater Management Regulations Review, Knowlton Farms Solar Development, 43 Estabrook Avenue, Grafton, Massachusetts; submitted by the Applicant at the June 10, 2013 Public Hearing; 6 pages.
- EXHIBIT 15.** PowerPoint Presentation Slide List; Proposed Solar PV Project, Estabrook Avenue, Grafton, June 10, 2013; submitted by the Applicant at the June 10, 2013 Public Hearing; 11 pages.
- EXHIBIT 16.** Stormwater Analysis & Calculations Report for 43 Estabrook Avenue, Grafton, Massachusetts; prepared by Meridian Associates, Inc.; dated May 13, 2013, Revised June 6, 2013; submitted by the Applicant at the June 10, 2013 Public Hearing.
- EXHIBIT 17.** Plan Set, Knowlton Farms Solar Development, 43 Estabrook Avenue; 11" x 17", color; 14" x 36" black & white; prepared by Meridian Associates; dated May 13, 2013, Revision 1 – June 6, 2013; ; submitted by the Applicant at the June 10, 2013 Public Hearing; 6 pages plus the following plan set:
- Sheet 1: Cover Sheet & Locus Context Map
 - Sheet 2: Existing Conditions Plan
 - Sheet 3: Permit Site Plan of Land
 - Sheet 4: Site Detail Sheet 1
 - Sheet 5: Site Detail Sheet 2
 - Sheet 6: Erosion & Sediment Control Plan
 - Sheet 7: Racking Connection Plan
 - Sheet 8: Racking Detail
 - Sheet 9: Inverter Equipment Plan
 - Sheet 10: Overhead Details
- EXHIBIT 18.** Request for Waivers, Applicant: BlueWave Capital, LLC; Knowlton Farms – 43 Estabrook Avenue – Solar Energy Generating Facility; submitted by the Applicant at the June 10, 2013 Public Hearing; 1 page Project Review Memorandum, Assessor's Office, received May 24, 2012, 1 page.
- EXHIBIT 19.** Written Request, Public Hearing Continuance, submitted by the Applicant at the June 10, 2013 public hearing; dated and signed June 10, 2013; 1 page.
- EXHIBIT 20.** Correspondence from Graves Engineering; Knowlton Farms Solar Development, 43 Estabrook Avenue, Site Plan and Stormwater Management Regulations Review; dated and received June 10, 2013; 6 pages.
- EXHIBIT 21.** Return memorandum, departmental project review comments, Historical Commission, received June 14, 2013; 1 page.
- EXHIBIT 22.** Public Hearing Sign In Sheet, June 24, 2013, 1 page

A true copy,
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BlueWave Capital LLC (Applicant); Knowlton Farms Nominee Trust (Owner)
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III. FINDINGS

At their meeting of July 8, 2013 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted 4-0 in favor to make the following Findings:

- F1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3. That the subject site (as identified by the Applicant and shown in EXHIBIT #1 of this Decision) is located within a Residential 40 (R40) zoning district.
- F4. That this Application is for a Special Permit and Site Plan Approval under Section 3.2.3.1 – Public Utility Uses. Applicant is seeking to build a solar generating facility on privately owned land at 43 Estabrook Avenue, Grafton.
- F5. That during the public hearing the Board and Applicant discussed the nature of the application. The current site is 75.3 acres. Presently on site are the Owner's family farm residence, several outbuildings associated with the farming operation and a previously approved cell tower. The site is bordered by the Massachusetts Turnpike (I-90) to the north and Estabrook Avenue to the south. The proposed solar farm has been designed to occupy approximately 25 acres on the western portion of the site abutting the Town owned land parcel known as "Hennessey II". The Owner stated that the proposed use would enable their family to generate revenue to offset the cost of maintaining the rest of the farm land on this site as well as a large parcel immediately across the street also owned and maintained by the Owner.
- F6. That during the public hearing the Board and the Applicant discussed the various review and approvals required by the Conservation Commission including the Town's Stormwater By-law. The Applicant stated that they had worked closely with the Board's peer review engineer, Graves Engineering, to address a number of issues. Graves Engineering submitted a project review letter on June 10, 2013 which outlined the issues and noting how they had been resolved. A revised Stormwater Analysis & Calculations Report was submitted at the June 10, 2013 public hearing (see EXHIBIT #16) which reflects the changes made based on peer review comments. The Applicant stated that they had received all the required approvals from the Conservation Commission which was reported to the Planning Board at the June 24, 2013 hearing. The Board was concerned about erosion control during construction due to the topography of site. The Applicant stated that there would be minimal clearing and stumping as most of the site had been cleared and used for farm fields. With regards to stormwater, the Applicant stated that they plan to build the management system prior to the construction of the solar farm.
- F7. That during the public hearing the Board and Applicant discussed fencing, security and access requirements. The Grafton Fire Department had requested that the roadway be expanded to a width of eighteen (18') feet to accommodate their emergency apparatus in all seasons (see EXHIBIT #10).

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They also raised concerns about maintenance. The Applicant stated that they had revised the plans to reflect the comments of the Fire Department including expanding the access and perimeter roads to reflect an 18 foot width (see EXHIBIT #17). In addition the plans were changed to reflect the turnaround requirements. Based on comments from the Fire Department, it was determined that a single turnaround area designed for public safety equipment access would be appropriate for the site (see EXHIBIT #14 and EXHIBIT #20). The entire site will be surrounded by a seven foot chain link fence and will be remotely monitored continually (24 hours / 7 days a week) for security and maintenance monitoring purposes (see EXHIBIT #1). The Operator will maintain the road year round to ensure all season access to the site as required by the Town's public safety departments. It was further noted that the Applicant had submitted an Operations and Maintenance Plan which addresses some of the maintenance issues discussed at the public hearing (see EXHIBIT #1).

- F8. That during the public hearing the Board and Applicant discussed visual impacts. The Applicant stated that area is bordered on the west by the Town owned land known as "Hennessey II" which is vacant, to the south by vacant land used for farming held by the same property owner as the proposed site, to the north by the Massachusetts Turnpike. The nearest neighbors, excluding the Owner's residence on site, are the homes on Valley View Drive to the east and the frontage house lots along Estabrook Avenue to the south east. The nearest residential structure are approximately 1,500 feet from the solar farm proposed site. To address these concerns the Applicant reviewed sight line information during the public hearing but did not submit a copy of the plan for the record. The Applicant noted that given the topography, distance to residential structures and vacant land surrounding the site on three sides that the visual impact would be minor. The Applicant further noted that the panels will be installed on a system supported by piles and the installation method required little earthwork. The panels will be tilted in a direction that will have minimal visual impact or glare. The Board expressed concern about the views from the Estabrook Avenue frontage. During the public hearing the Applicant agreed to plant a double row of evergreen trees along the Estabrook Avenue frontage of the site.
- F9. That during the public hearing the Board and Applicant discussed the need for some form of surety that could be accessed by the Town in the event that the facility is abandoned or requires decommissioning. The Board noted that the language in the model by-law developed by the Massachusetts Department of Energy Resources (DOER) provided some excellent language to address these issues. The Applicant stated that they were familiar with the model by-law and would be agreeable to conditions that reflect that language.
- F10. That during the public hearing the Board and the Applicant discussed a waiver request for the submission of site plans (see EXHIBIT #18). In their review letter dated May 31, 2013 (see EXHIBIT #11) it was noted that the plan sets were set at 1 inch = 60 feet and that the Zoning By-Law requires a scale of 1" = 40 feet. The Applicant explained that given the size of the project area that the ZBL requirement would force the plan sets to be printed on many more pages to cover the extent of project. Graves Engineering referred the issue to the Planning Board noting that "The plans were legible and we were able to read them. However we defer to the Planning Board if the scale of 1"=60' is acceptable to the Board." (see EXHIBIT #20).
- F11. That during the public hearing the Board and the Applicant discussed proposed connection from the site to the National Grid system. The Applicant stated that National Grid is responsible for making that connection which will run down Estabrook Avenue on above ground poles to the interconnection site at Westboro Road. All materials will be standard based on National Grid's specifications.

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BlueWave Capital LLC (Applicant); Knowlton Farms Nominee Trust (Owner)
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- F12. That during the public hearing the Board and Applicant discussed construction period parking and storage. The Police Department had expressed concerns about ensuring that the public way (Estabrook Avenue) was not impeded at any time (see EXHIBIT #7). The Applicant stated that they were aware of the concerns and will comply noting that the site offers ample space for both during the construction phase. The property owner, Paul Knowlton, added that he has offered the use of his property across the street for both parking and materials and equipment storage
- F13. That during the public hearing the Board and the Applicant discussed the purchase of power generated by the project. The Applicant stated that the 3,000 kW AC project will generate approximately 4.6 kiloWatt hours (kWh) in its first year of operation, and over 80 million kWh over the its expected twenty year life. The energy generated at the site will be sold to municipalities and local government entities in Central Massachusetts. The Applicant stated that they were discussing the Town of Grafton's interest in procuring a portion of the electricity produced (see EXHIBIT #1).
- F14. That during the public hearing the Board and the Applicant discussed the benefits to the Town and the nature of the tax structure for the project. The Applicant stated that the property is currently enrolled in the Chapter 61A – Agricultural Exemption program. Since the use was changing then the property will be removed from that program and the Owner will be responsible for paying the deferred taxes for the time period in which the property was enrolled. Going forward the property will begin generating taxes based on the site uses. The Applicant stated that in addition to the Town being able to procure power at a significant savings, the project will generate tax revenue at approximately \$20-\$40,000.00 per year in personal property taxes based on an acceptable Payment in Lieu of Taxes (PILOT) agreement currently under review with the Town's Assessor.
- F15. That during the public hearing the Board and the Applicant discussed site access during and after construction. The Applicant stated that there will be two 20-foot access gates outfitted with Knox lock boxes as required by the Fire Department; a third gate required by Graves Engineering to access the detention pond for maintenance; and a 30-foot opening in the stone wall which will be replacing a previous access opening to be closed up. The Applicant noted that the stones removed for the new access opening will be used to close up the old access opening which will no longer be used. The Board asked if Estabrook Avenue was designated as a scenic road which would require an additional hearing based on the Town's Scenic Road By-Law. It was determined that it is not a designated scenic road.
- F16. That during the public hearing the Board and the Applicant discussed a past boundary dispute regarding the Hennessey II Town owned land abutting the site to the west. Paul Knowlton responded that they had completed a deed review process which cleared up all disputes, verified the property line and recorded the final determination with the Registry of Deeds.
- F17. That during the public hearing the Board and Applicant discussed correspondence received from the Board of Health (see EXHIBIT #4). The Applicant stated that they had received a copy of the comments and have addressed all the issues in the application (see EXHIBIT #1) and during the public hearing process.
- F18. That during the public hearing the Board received testimony from Patrick Collins of 33 Valley View Drive. Mr. Collins stated that he lived next door to an immediate abutter. He stated that he has spoken with a number of neighbors and that he had heard no concerns about the project, adding they support the good choices made by the Applicant and Owner.

A true copy,
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F19. That during the public hearing the Board received testimony from Steven Sardella of 19 Valley View Drive. He expressed his concerns for safety of the overhead wires through the trees, and was specifically interested in the voltage level flowing through the cables. The Applicant stated that the cables were the standard lines voltage that is already running along the roadways and within residential neighborhoods. He added that the panels are totally safe being the same panels installed on house roofs; and that the entire project is surrounded by a seven foot chain link fence for security. National Grid will install the poles and run the wires along Estabrook Avenue to the interconnection at Westboro Road and that they would be using their industry standards for both materials and installation.

At their meeting of July 8, 2013 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted 4-0 in favor to make the following Findings:

- F20. With regard to Section 1.5.5(a) of the ZBL that based upon the Findings stated within this Decision ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate.
- F21. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.
- F22. With regard to Section 1.5.5(c) of the ZBL that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory.
- F23. With regard to Section 1.5.5(d) of the ZBL that based upon the Findings stated within this Decision screening and buffering with reference to type, dimensions and character are adequate.
- F24. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district.
- F25. With regard to Section 1.5.5(f) of the ZBL that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate.
- F26. With regard to Section 1.5.5(g) of the ZBL, that the proposed sign and its use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is generally compatible with adjacent properties and properties in the district.
- F27. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply.

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- F28. With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies. The site is located with the Water Supply Protection Overlay District.
- F29. With regard to Section 1.5.5(j) of the ZBL that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory.

At their meeting of July 8, 2013 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted 4-0 in favor to make the following Findings:

- F30. That for the reasons stated within the Findings of this Decision, the Special Permit and the Site Plan Approval applications, if granted, are in harmony with the general purpose and intent of the ZBL.
- F31. That for the reasons stated within the Findings of this Decision, the Special Permit and the Site Plan Approval applications, if granted, would not create a nuisance, hazard or congestion.
- F32. That for the reasons stated within the Findings of this Decision, the Special Permit and the Site Plan Approval applications, if granted, would not cause a substantial harm to the neighborhood.
- F33. That for the reasons stated within the Findings of this Decision, the Special Permit and Site Plan Approval applications, if granted, would not derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

At their meeting of July 8, 2013 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted 4-0 in favor to make the following Findings:

- F34. That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F35. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.
- F36. That pursuant to Section 1.3.3.4 of the ZBL, the Applicant requested waivers from the following requirements for preparing site plans, as follows (see EXHIBIT #1 and EXHIBIT #18):
- a. Section 1.3.3.3(d) – Scale of Plan at 1" = 40 feet
 - b. Section 8.2.1 – Traffic Study
- F37. That with respect to the nature of this particular Application (see EXHIBIT #1 of this Decision), the waivers requested, and the resulting site plan is not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL.



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IV. WAIVERS

- W1. At their meeting of July 8, 2013 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted to GRANT the Applicant's request for a waiver from **Section 1.3.3.3 (d) Preparation of Site Plan: Scale of Plan 1 inch = 40 feet** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision. The Planning Board noted that the vote to grant this waiver was based on the lack of objection from the peer review engineer and the Board as well as the absence of specific concerns during the public hearing (see FINDING #F10).
- W2. At their meeting of July 8, 2013 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted to GRANT the Applicant's request for a waiver from **Section 8.2.1 – Traffic Study** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision. The Planning Board noted that the vote to grant this waiver was based on the scope of the project as well as the absence of specific concerns during the public hearing.

IV. DECISION and CONDITIONS

At their meeting of July 8, 2013 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted 4-0 in favor to GRANT this Special Permit and Site Plan Approval with the following conditions:

- C1. This Special Permit and Site Plan Approval specifically authorizes the construction of a solar energy generating facility, improvement of the existing access road, security features and landscaping as described within the EXHIBITS and FINDINGS of this Decision (EXHIBITS #1 and #17).
- C2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
- C3. The access road, gate and security facilities shall be maintained at all times to the satisfaction of the Grafton Fire and Grafton Police departments to ensure that emergency service providers will have adequate access and maneuverability at all times (see FINDING #F7). The access road will be maintained at all times to ensure proper emergency service access including but not limited to snow removal.
- C4. Hours of construction and earthwork proposed shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.

A true copy,
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- C5. All construction period storage and parking shall be on-site and shall not impede traffic along Estabrook Avenue at any time (see FINDING #F12).

At their meeting of July 8, 2013 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted 4-0 in favor to GRANT this Special Permit and Site Plan Approval with the following conditions:

- C6. The Applicant shall install a double row of evergreen trees along the Estabrook Avenue frontage of the site in order to provide additional year round screening (see FINDING #F8). The Planning Board reserves the right to require additional screening measures on the Site (e.g., vegetation, fencing, etc.) along the property boundaries for up to one (1) year after the completion of all site work approved under this Special Permit and Site Plan Approval if, in the opinion of the Board, such measures are necessary to ensure adequate screening and/or buffering of the proposed use from abutting residential property. The Applicant shall be notified in writing of any such determination by the Planning Board. All landscaping will be maintained.

At their meeting of July 8, 2013 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Hanna) voted 4-0 in favor to GRANT this Special Permit and Site Plan Approval with the following conditions:

- C7. Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Special Permit decision (see FINDING #F6).
- C8. As per the requirements of the Grafton Police Department, site fencing is to be clearly and adequately posted with “No Trespassing” signage. The Applicant will submit a “No Trespass” letter to the Grafton Police Department.
- C9. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
- C10. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.
- C11. The Owner / Operator shall submit a notice of proposed date of decommissioning. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. Failure to remove the installation in accordance with the requirements of CONDITION #C12 of this Decision within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation (see FINDING #F9).
- C12. Once the solar photovoltaic installation has reached the end of its useful life or has been abandoned it shall be removed. The Owner or Operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The Owner or Operator shall notify the Planning

A true copy,
Attest:



Donna M. Girouard, Town Clerk
Grafton, MA

Decision – Grafton Planning Board
Special Permit (SP 2013-4) / Site Plan Approval; Solar Electric Generating Facility
43 Estabrook Avenue, Grafton, MA
BlueWave Capital LLC (Applicant); Knowlton Farms Nominee Trust (Owner)
Page 11 of 11

Board by certified mail of the proposed date of discontinued operations and plans for removal. (See FINDING #F9) Decommissioning shall consist of:

- Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

- C13. The Applicant shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Planning Board, but in no event to exceed more than 125 percent of the cost of removal. The Applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. (See FINDING #F9).
- C14. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C15. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C16. By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

cc: Applicant / Owner

- Board of Health
- Conservation Commission
- Assessor

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Donna Girouard, Town Clerk

Date

ATTEST: WORC. Anthony J. Vigliotti, Register