TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
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TOWN CLERK

Donna M. Girouard
Town Clerk

2016 00011848
Bk: 54902 Pg: 302
Page: 1 of 14 02/03/2016 01:56 PM WD

CERTIFICATE OF NO APPEAL

APPROVAL:	PLANNING BOARD Special Permit (2015-13) and Site Plan Approval Construct a Solar Electric Generating Facility
PETITIONER:	Clean Energy Collective (CEC) Solar #1056 LLC 146 West Boylston Street, Worcester, MA 01606
OWNER:	Robert & Karen Kell 207 Providence Road, Grafton, MA 01519
DEED REFERENCE:	207 Providence Road Assessors Map 99, Lot 10 Book 9564, Page 221 Worcester District Registry of Deeds

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton for a Special Permit and Site Plan Approval to construct a solar electric generating facility on property located at 207 Providence Road, Grafton, MA was received and filed in the Office of the Town Clerk on January 12, 2016 at 1:45 P.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on February 1, 2016.

A true copy,
Attest:
(Seal)

Donna M Girouard
Town Clerk – Grafton, Massachusetts

LCO 14

DECISION
GRAFTON PLANNING BOARD

SPECIAL PERMIT (SP 2015-13) & SITE PLAN APPROVAL
Construct a Solar Electric Generating Facility

207 Providence Road, Grafton, MA

Clean Energy Collective (CEC) Solar #1056 LLC (Applicant)
Robert & Karen Kell (Owner)

RECEIVED TOWN CLERK GRAFTON, MA 2016 JAN 12 PM 1 15

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the Clean Energy Collective (CEC) Solar #1056, LLC, 146 West Boylston Street, Worcester, MA 01606 (hereinafter the APPLICANT), for a Special Permit and Site Plan Approval under Section 3.2.3.1 to construct a solar electric generating facility on property located at 207 Providence Road, Grafton MA and shown on Grafton Assessor's Map 99, Lot 10 (portion) and owned by the Robert & Karen Kell, 207 Providence Road, Grafton, MA, Grafton, MA 01519 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 9564, Page 221.

I. BACKGROUND

The above referenced application for a Special Permit / Site Plan Approval (hereinafter APPLICATION) was submitted on August 14, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 27 and September 3, 2015, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on September 14, 2015 and continued to October 26, 2015. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on October 26, 2015.

The following Board members were present throughout the public hearing: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins. At the hearing the following people presented the Application: Greg Carey & Jay Merto, Clean Energy Collective; Richard Riccio, Field Engineering.

II. SUBMITTALS

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

EXHIBIT 1. Application Packet; Special Permit & Site Plan Approval Application Package; prepared by Field Engineering Co., Inc.; dated August 12, 2015; received August 14, 2015; includes the following:

- Part I..... Town of Grafton Special Permit and Site Plan Approval Applications
- Part II..... Certified Abutters List
- Part III ..... Certificate of Good Standing
- Part IV ..... Project Narrative
- Part V ..... Project Proponent Information
- Part VI ..... Operation and Maintenance Plan

- Part VII..... Proposed Site Development Plans (Reduced Scale), 11" x 17", black & white; 12 sheets.
- Plan Set; Site Drawings; Proposed Site Development; prepared by Field Engineering Co., Inc.; black and white; 24" x 36" and 11" X 17"; includes the following:
  - Sheet 1 of 12 .....Title Sheet
  - N-1 .....Notes & Legends
  - EC-1 .....Existing Conditions
  - SL-1.....Site Layout
  - SGD-1 .....Solar Array Grading & Drainage
  - PP-1.....Access Road Plan & Profile
  - PP-2.....Access Road Plan & Profile
  - EROS-1 .....Erosion Control
  - LAND-1 .....Landscape Plan
  - VS-1 .....View Study From Adjacent Fairway
  - VS-2 .....View Study from Silver Spruce Dr.
  - DET-1 .....Site Details
- Stormwater Management System Report, CEC Solar #1056 LLC; Proposed Solar Panel Array Installation, 207 Providence Road, Grafton, Massachusetts; prepared by Field Engineering Co., Inc.; dated August 12, 2015; received August 14, 2015.

EXHIBIT 2. Departmental Comment Form; Samantha Lubke, Treasurer & Collector's Office; dated August 21, 2015; received August 21, 2015; 1 page.

EXHIBIT 3. Departmental Comment Form; Maria Mast, Conservation Agent; dated August 24, 2015; received August 24, 2015; 1 page.

EXHIBIT 4. Departmental Comment Form; Chief Normand Crepeau, Police Department; dated August 24, 2015; received August 24, 2015; 1 page.

EXHIBIT 5. Departmental Comment Form; Drew Manlove, Assessor; dated September 3, 2015; received September 3, 2015; 1 page.

EXHIBIT 6. Correspondence; Reference: 207 Providence Rd Special Permit 2015-13 CEC Solar #1056; prepared by Stephen Charest, Grafton Fire Department; dated September 8, 2015; received September 9, 2015; 1 page.

EXHIBIT 7. Correspondence: Subject: Proposed Site Development , CEC Solar # 1056 LLC, 207 Providence Road, Special Permit and Site Plan Review; prepared by Jeffrey Walsh, Graves Engineering; dated September 10, 2015; received on September 10, 2015; 5 pages.

EXHIBIT 8. Site Plan; SL-1: Site Layout; prepared by Field Engineering Co., Inc.; color; 11" X 17"; dated August 12, 2015; received at the September 14, 2015 public hearing at 9:05 p.m.; 1 page.

EXHIBIT 9. Site Photos; submitted by CEC Solar #1056 LLC; color; 11" X 17"; no date; received at the September 14, 2015 public hearing at 9:15 p.m.; 4 pages.

EXHIBIT 10. Public Hearing Sign In Sheet; September 14, 2015; 1 page.

EXHIBIT 11. Written Request for Continuance of Public Hearing to October 26, 2015 at 7:30 p.m. submitted by the Applicant at the September 14, 2015 public hearing; 1 page.

EXHIBIT 12. Correspondence from Graves Engineering, Inc.; Site Visit Report; prepared by Jeffrey Walsh; dated October 15, 2015; received October 21, 2015; 4 pages.

EXHIBIT 13. Correspondence from Graves Engineering, Inc.; Subject: Proposed Site Development, CEC Solar #1056 LLC, Special Permit and Site Plan Review; submitted by Jeffrey Walsh; dated October 21, 2015; received October 21, 2015; 7 pages.

EXHIBIT 14. Revised Application materials prepared and submitted by Field Engineering Co., Inc.; received October 23, 2015; includes the following:

- Correspondence from Field Engineering, Co., Inc.; re: Grafton, Proposed Site Development, CEC Solar #1056 LLC, 2017 Providence Road Special Permit and Site Plan Review, Response to Comment Second Graves Engineering Letter; submitted by Richard R. Riccio III, P.E.; dated October 23, 2015; received October 23, 2015; 3 pages.
- Revised Plan Set; Site Drawings - Proposed Site Development, CEC Solar #1056 LLC; prepared by Field Engineering Co., Inc.; revised through October 22, 2015; dated October 22, 2015; received October 23, 2015; 13 pages; includes the following:
  - 1 of 13 .....Title Sheet
  - N-1 .....Notes & Legend
  - EC-1 .....Existing Conditions
  - SL-1 .....Site Layout
  - SGD-1 .....Solar Array Grading & Drainage
  - PP-1 & PP-2....Access Road Plan and Profiles
  - EROS-1 .....Erosion Control
  - LAND-1 .....Landscape Plan
  - VS-1 – VS-3....View Studies
  - DET-1 .....Site Details
- Stormwater Management System Report, Addendum2; CEC Solar #1056 LLC; Proposed Solar Panel Array Installation, 207 Providence Road, Grafton, Massachusetts; prepared by Field Engineering Co., Inc.; dated October 22, 2015.

EXHIBIT 15. Correspondence from Clean Energy Collective; re: Community Solar Project – 207 Providence Rd.; submitted by Greg Carey, Community Solar Management; dated October 22, 2015; received October 26, 2015; 1 page.

EXHIBIT 16. Correspondence from Graves Engineering, Inc.; Subject: Proposed Site Development, CEC Solar #1056 LLC, Special Permit and Site Plan Review; submitted by Jeffrey Walsh; dated October 26, 2015; received October 26, 2015; 7 pages.

EXHIBIT 17. Public Hearing Sign In Sheet; October 26, 2015; 1 page.

EXHIBIT 18. Land Lease Option Agreement (Solar Farm) Between Karen Kell, Landlord and Clearn Energy Collective, LLC (or assigns), Tenant – Section 24(a)ii through Section 28, dated May 20, 2015; received January 6, 2015; 3 pages.

III. FINDINGS

At their meeting of January 11, 2016 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. Robbins, seconded by Mrs. Hassinger) voted 5-0 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 and EXHIBIT #13 of this Decision) is located within two zones: Residential 40 (R40) zoning district and the Residential Multi-Family (RMF). The proposed electric generating facility use is allowed with a Special Permit from the Planning Board in both the RMF and R-40 Zoning Districts. A portion of the site is located within the Water Supply Protection Overlay 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 207 Providence Road, Grafton.

F5. That during the public hearing the Board and Applicant discussed the nature of the application. The for a Large Scale Ground-Mounted Solar Photovoltaic Installation to be located at the rear of 207 Providence Road. The Applicant is proposing to construct a fixed-array photovoltaic ("PV") power generation facility on a portion of an existing parcel of land located to the rear of the site. A large portion of the project site is covered by a National Grid Power Line Easement and this portion of the site cannot be used to site solar panels and will only be used for access to the array location. The project will consist of construction of multiple fixed solar panels on an above ground mounting system. Approximately 4,400 solar panels are proposed to be constructed over the area, producing approximately 0.990 megawatts of power. The area beneath the solar panel arrays will be loamed and seeded as necessary to stabilize the ground following installation of the solar panel foundations and structures and maintained in a grassed condition. There will be a gravel access road off Providence Road within the National Grid Power Easement to access the site. A twenty foot gravel access road will traverse the entire site and terminate in a 100' wide cul-de-sac at the far eastern corner of the site to provide adequate turnaround access for emergency vehicles. The access drive will generally follow the location of an existing access road through the power easement where it exists on this property A second gravel access driveway is also proposed off of Providence Road to provide access to the utility poles at the Point of Interconnect to the existing power lines. The site will be enclosed with a chain link fence installed around the perimeter. When fully operational, the site will be an unmanned installation. No water or sewer utilities are required at the facility. The

proposed installation will be tied into the existing power lines along Providence Road via an underground conduit from the proposed site through an access and utility easement on the neighboring property. The underground conduit will terminate at a series of new utility poles which will support the equipment necessary to interconnect with the power grid. (See EXHIBIT #1)

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 had presented their application to the Conservation Commission in a public hearing and had received a Stormwater Bylaw Permit Approval w/Special Conditions (Stormwater Permit #14-001) on August 26, 2014.

F7. The Board and the Applicant discussed stormwater management and erosion control on the site. There was discussion about the slopes on the site and the ongoing review by the Conservation Commission. The Board's peer review engineer had been actively involved in several site visits to address a number of stormwater management design issues and was satisfied that the Applicant had met all the necessary requirements for the Application submitted to the Board (see EXHIBIT #15). The Board noted that any issues raised by the Conservation Commission pertaining to their permitting process that necessitated a change in plans approved as part of this Application would require review by the Planning Board to determine if the permit would require a modification.

F8. 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 and maintained at a minimum width of eighteen (18') feet to accommodate their emergency apparatus in all seasons (see EXHIBIT #8). In addition the Fire Department requested that access road run the whole perimeter of the site and that it be maintained for proper access in all seasons at all time. The entire site will be surrounded by a seven foot chain link fence similar to the fencing system approved in Phase I. 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).

F9. That during the public hearing the Board and Applicant discussed visual impacts. The Applicant reviewed the landscaping plan including the sight distances to the nearest residences to the north, south and west. Other factors under consideration included the existing site conditons and the slope and topography of the site as it related to potential visual impacts. The Applciant submitted a series of graphic models showing the visual impacts taking these factors into effect (see EXHIBIT #9). It was determined that the property abutting to the direct north of the site, the golf course, would have the most potential negative visual impacts. The Board noted that no comments were received from any of the abutters including the owner of the golf course. However, it was noted that proper screening was in the public interest. After review of the submitted material the Board requested that the Applicant revise the landscaping plan to include the following elements:

- Additional trees on the north east side of the site for better screening
- Fencing would be black vinyl coated along the northern side of the site
- Horizontal cross bars for the fence will be removed

The Board further noted that much of the existing vegetation along Providence Road at the site entrance has some large growth vegetation that provided screening to the proposed site. The Applicant noted that they did not plan to remove any vegetation along Providence Road thus

preserving the existing natural screening currently in place. It is noted the Applicant will be using an existing access road built and used by National Grid as part of their access easement with the property owner.

F10. That during the public hearing the Board and Applicant discussed construction period parking and storage. The Applicant stated all construction period staging and parking will be contained on site and that there would be no parking along Providence Road (see EXHIBIT #1).

F11. The Board finds that the peer review engineer, Jeff Walsh of Graves Engineering, submitted a final review report on October 26, 2015 (see EXHIBIT #15). All but two issues were addressed to the satisfaction of the peer review engineer. The two comments for consideration at time of Decision are as follows:

a. ***"Some of the plan sheets (Sheets 3, 4 and 8) were prepared at a scale of 1" = 60' instead of 1" = 40'. The plans were legible and we were able to read them. We defer to the Planning Board if the scale of 1" = 60' is acceptable to the Board. (§1.3.3.3.d)"***

b. *"The stormwater management system has been adjusted to reduce the rate of runoff at this analysis point. Also the level spreader at Detention Basin 1 was extended to reestablish distributed flow at this location. Based upon my discussion with the design engineer on October 15, modifications to the existing drainage swale at the northwest section of the property (near the Kell home and sheds) will be considered and incorporated into the plans. We understand that those revisions are forthcoming.* ***Finally, confirmation from the property owner authorizing this discharge point was not provided but the design engineer responded that the applicant is committed to working with the property owner.*** *We defer to the Planning Board if the applicant needs to submit confirmation from the property owner.*

Sheets 4 and 8 were revised to show that the existing swale near the accessory buildings is to be cleaned and maintained as a grassed swale, and the plans were revised to show grading for an extension of the existing swale. The upstream end of the extension will terminate at the outlet of Detention Basin 1. ***These plan revisions address our technical comments. Again, we defer to the Planning Board if the applicant needs to submit confirmation from the property owner.***

F12. No written or verbal comment from the public was received during the public hearing.

F13. The Board discussed the need to address decommissioning of the site in the event that the Applicant or their Assigns cease operations. The Board finds that the Applicant provided a copy of the Land Lease Option Agreement between the Applicant and the Owner which specifies the terms and conditions for the removal of the solar panels and associated infrastructure (see EXHIBIT #18). The Board finds that the agreement between the Applicant and the Owner adequately addresses their concerns about the future decommissioning of the site and removal of the panels and associated infrastructure.

At their meeting of January 11, 2016, 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. Robbins, seconded by Mr. Hassinger) voted 5-0 in favor to make the following Findings:

F14. 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. The Board finds that the reference to automotive safety, pedestrian safety & convenience and traffic flow and control are not applicable given the nature of the proposed project (see FINDING #F1). With regards to access in case of fire or catastrophe, the Board notes that the issue has been adequately addressed and conditioned as part of this Decision (see FINDING #F8, and CONDITIONS #B1c, #B2d, #D2).

F15. 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. The Board finds that the references to off street parking and loading areas are not applicable to given the nature of the proposed project (see FINDING #F1). When fully operational, this will be an unoccupied facility with no need for off street parking and / or loading areas. The Board notes that after review of the Application material that there would be no significant economic, noise or glare impacts based on the location of the site and the proximity to surrounding residential properties. The Board further notes that no public input (written or verbal) was received during the public hearing (see FINDING #F12).

F16. 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. The Board finds that these items are not applicable given the nature of the proposed project. When fully operational, this will be an unoccupied facility with no need for refuse collection or disposal. Periodic maintenance vehicles will visit the facility as needed for landscape maintenance or if an issue arises regarding the installation.

F17. 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. The Board finds that the screening and buffering of the site are essential to the protection of the viewsheds from the adjacent properties, and in particular. the golf course in particular (see FINDING #F9). The Board notes that this Decision includes Conditions that reflect best practices with regards to design, installation and maintenance of a screening plan for the life of the permit. (See CONDITIONS #B1b, #C1, #D1)

F18. 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. No signs or exterior lighting are proposed (see EXHIBIT #1 and #13).

F19. 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 and have met the requirements of the Zoning By Law (see EXHIBIT #1 and #13).

F20. With regard to Section 1.5.5(g) of the ZBL, that the proposed 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. The solar electric generating facility is located

directly under the high tension wires within the National Grid easement. The surrounding uses to the north, south and west are residential but at such a distance that the impacts are considered minimal. The nearest residence to the solar array is located over 200' from the closest panel. The site will be surrounded by a security fence and will be screened from view by a combination of existing vegetation, proposed trees and shrubs, and the grade changes that exist in the area. The Board further notes that no public comment was received during the public hearing (see FINDING #F12).

F21. 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. The Board finds that the Applicant addressed issues raised regarding stormwater management so far as required as part of this permitting process. It is further noted that the Applicant continues to work with the Conservation Commission to address a number of stormwater and erosion control issues (see FINDING #F6 and #F7). Any permits or order of conditions issued by the Conservation Commission are incorporated into the Conditions of this Special Permit & Site Plan Approval (see CONDITION #A3).

F22. With regard to Section 1.5.5(i) of the ZBL, the site being partially located within the Water Supply Protection Overlay District, 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 portion of the site under consideration for the proposed solar array site is not located with the Water Supply Protection Overlay District.

F23. 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. No material was submitted to address these issues and no public input was received (see FINDING #F13).

At their meeting of January 11, 2016, 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. Robbins, seconded by Mr. Hassinger) voted 5-0 in favor to make the following Findings:

F24. 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.

F25. 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.

F26. 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.

F27. 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 January 11, 2016, 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. Robbins, seconded by Mr. Hassinger) voted 5-0 in favor to make the following Findings:

F28. 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.

F29. 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.

F30. 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):

a. Section 8.2.1 – Traffic Study

F31. That with respect to the nature of this particular Application (see EXHIBIT #1 and EXHIBIT #14 of this Decision), the waiver requested, and the resulting site plan are not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL.

IV. WAIVERS

W1. At their meeting of January 11, 2016, 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. Robbins, seconded by Mr. Hassinger) voted 5-0 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.

V. DECISION and CONDITIONS

At their meeting of January 11, 2016, 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. Robbins, seconded by Mr. Hassinger) voted 5-0 in favor to **GRANT** this Special Permit and Site Plan Approval with the following conditions:

A. <u>Standard Conditions</u>

1. 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 #13).
2. 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.

3. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Decision. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision (see FINDING #F6 & #F7).
4. 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.
5. Except where otherwise modified or amended by this Decision, the Operation and Maintenance Plan submitted by the Applicant submitted as part of EXHIBIT #1 (see attached) of the Application will remain in full force and effect.
6. 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.
7. 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.
8. 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.

B. <u>Conditions to be Met Prior to the Start of Construction</u>

1. Prior to the issuance of the a building permit, the Applicant shall submit a final plan set to be reviewed and approved by the Planning Board or its Agent to include:
    a. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans suitable for recording at the Worcester District Registry of Deeds.
    b. Revised drawing and details to reflect changes to the fencing material and visual screening / landscaping plan as agreed upon during the public hearing (see FINDING #F8). All changes shall be approved in advance
        - Additional trees on the northeastern side of the site for better screening
        - Fencing along the northern portion of the site will be black vinyl coated
        - Horizontal cross bars for the fence will be removed

c. Additional details shall be added to include the requirement to provide the site access gates with an emergency access system preferred by the Grafton Fire Department, typically in the form of Knox Boxes. The Applicant shall coordinate with the Fire Department in advance of revising the plan set to ensure they comply with Town standards and requirements. The Applicant shall receive written approval from the Fire Department that the Applicant has satisfied their requirements. A copy of the written approval shall be submitted to the Planning Board.

d. Additional details shall be added to require that 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.

2. Prior to the commencement of work, the Planning Board shall be provided with the following:
   a. Five (5) full size, 24" x 36", endorsed and recorded plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
   b. An electronic copy of the endorsed and recorded plan set. The electronic copy shall be in a "PDF" compatible format.
3. The Applicant shall provide the Planning Board with written documentation from National Grid granting the Applicant the necessary permissions to cross their easement area for the purposes of construction and post construction maintenance of the site.
4. The Applicant will not commence construction of the solar facilities until the roadway has been completed to the satisfaction of the Town in order to ensure that emergency access requirements are met. The Applicant is responsible for maintaining the access roadway in accordance with Condition #D2 at all times.

C. Conditions to be Met During Construction

1. All trees identified on the approved plan as revised in accordance with this Decision shall be staked and the locations shall inspected by the Town Planner prior to installation. Locations may be amended in the field with the approval of the Town Planner.
2. Hours of construction and earthwork proposed shall only occur Monday through Friday 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.
3. All construction period storage and parking shall be on-site and shall not impede traffic along Providence Road at any time.
4. 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.

D. Conditions to be Met After Construction

1. The Applicant and / or future Operators or their assigns shall ensure that the landscaping is maintained for the life of the permit. In order to ensure a healthy landscape screening and buffering plan as discussed and agreed upon during the public hearing the Applicant will adhere to the following:

- Ensure that the plant material is maintained properly especially during the first three years after installation.
- Replace any plant material that fail to thrive either through death or disease in a timely manner. Replacement material shall be in kind. Any change in plant material must be approved by the Board or its Agent.
- Regular Inspections – the Planning Board or its Agent reserves the right to inspect the site, with particular attention to the landscaping, to ensure continued compliance with this Special Permit and Site Plan Approval.
- Maintain the landscaping and fencing in perpetuity regardless of ownership of the site or management of the facility.

2. 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. The emergency access road must be and remain a minimum width of 20 feet as shown on the plans (see EXHIBIT #14). The access road will be maintained at all times to ensure proper emergency service access including but not limited to snow removal and to ensure that emergency vehicles can travel completely around the back of the solar farm at all times.
3. 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.
4. 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 in accordance with the Land Lease Option Agreement signed by the Applicant and Owner on May 15, 2015 (see EXHIBIT #17 and FINDING #F13). Any revised lease agreements that alter the terms of decommissioning and removal as specified in EXHIBIT #18 shall be submitted to the Board within in 30 days of execution. The Planning Board reserves the right to require modification of this Special Permit and Site Plan Approval if it determines that the revised terms substantially deviate from the intent of the original agreement.
5. The Owner or Operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of but not be limited to:

    - 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.

Attachment: Operation & Maintenance Plan, submitted by the Applicant on August 14, 2015 as part of EXHIBIT #1.

VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to GRANT the Applicant's Special Permit & Site Plan Approval Application for the construction of a solar electric generating facility with Conditions based on the information received at the public hearing and the aforementioned findings.

Sargon Hanna, Chairman	AYE	Linda Hassinger, Member	AYE
Michael Scully, Vice Chairman	AYE	David Robbins, Member	AYE
Robert Hassinger, Clerk	AYE		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

1-12-2016
Date

cc: Applicant / Owner
Conservation Commission
Assessor
Graves Engineering

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 M Girouard
Donna Girouard, Town Clerk

Feb. 2, 2016
Date

A true copy,
Attest:

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