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 00012026
Bk: 54904 Pg: 351
Page: 1 of 13 02/04/2016 10:16 AM WD

CERTIFICATE OF NO APPEAL

APPROVAL:	PLANNING BOARD Special Permit & Site Plan Approval (2015-8)
PETITIONER:	Town of Grafton, Sewer Department 9 Depot Street, South Grafton, MA 01560
OWNER:	Town of Grafton 30 Providence Road, Grafton, MA 01519
DEED REFERENCE:	9 Depot Street Assessors Map 124, Lot 63 Book 36504, Page 63 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 under Section 2.3.3.10 of the Grafton Zoning- By-Laws, for the improvements to the existing Wastewater Treatment Plant and the addition of electric generating by the Town of Grafton, 30 Providence Road, Grafton, MA 01519 was received and filed in the Office of the Town Clerk on July 30, 2015 at 2:02 P.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on August 19, 2015.

A true copy,
Attest:
(Seal)

Donna M Girouard
Town Clerk – Grafton, Massachusetts

(13)

RECEIVED TOWN CLERK
GRAFTON, MA
2015 JUL 30 PM 2 02

DECISION
GRAFTON PLANNING BOARD
SPECIAL PERMIT (SP 2015-8) & SITE PLAN APPROVAL

Improvements to Existing Wastewater Treatment Plant including Addition of new Electric Generating Solar Facilities on site

9 Depot Street, South Grafton, MA

Town of Grafton, Sewer Department (Applicant)
Town of Grafton (Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of the Town of Grafton (hereinafter the APPLICANT / OWNER) for a Special Permit and Site Plan Approval for the improvements to the existing Wastewater Treatment Plant and the addition of electric generating solar facilities at 9 Depot Street, and shown on the Grafton Assessor's Map 124, Lot 63, and owned by the Town of Grafton, 30 Providence Road, Grafton, MA 01519 by deed recorded in the Worcester District Registry of Deeds Book 36504, Page 63.

The above referenced Application for a Special Permit (hereinafter APPLICATION) was submitted on June 19, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 25 and July 2, 2015 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on July 13, 2015. Following public input the hearing was closed on July 13, 2015.

Dana Green and other representatives of CDM Smith and Paul Cournoyer, Superintendent of Sewers / Town of Grafton presented the APPLICATION to the Board.

The following Board members were present during the entire public hearing process: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board. At time of DECISION, the following Board members were present: Chairman Sargon Hanna, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins

I. SUBMITTALS

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

EXHIBIT 1. Application materials submitted by the CDM Smith, received June 19, 2015; includes the following:

- Application for Special Permit, 1 page.
- Application for Site Plan Approval, 1 page.
- Certified Abutters List, signed by the Assessor's Office on 3/31/15, 1 page.
- Special Permit and Site Plan Approval, Grafton Wastewater Treatment Plant (WWTP), prepared by CDM Smith, Inc., dated June 16, 2015; includes the following materials:

- Correspondence from CDM Smith; Site Plan Approval and Special Permit Application: Grafton Wastewater Treatment Plant (WWTP) Improvments, Applicant: Town of Grafton, Sewer Department; 2 pages.
- Application for Special Permit & Site Plan Approval; 2 pages.
- Attachment A – Project Narrative; 14 pages.
- Attachment B – Certification of Flood Storage Impacts; 2 pages.
- Attachment C – Figures; 2 pages.
- Attachment D – Project Plans; 12 pages.
- Attachment E – Abutters Information (under separate cover)
- Attachment F – Request for Waiver of Requirement for Certificate of Good Standing; 1 page.
- Attachment G – Stormwater Report; 7 pages.
- Stormwater Checklist, Massachusetts Department of Environmental Protection Checklist for Stormwater Report; 8 pages.
- Appendix A – Rainfall Data; 1 page.
- Appendix B – Geotechnical Information; 12 pages.
- Appendix C – HydroCAD Model; 21 pages.
- Appendix D – Recharge Volume and Water quality Volume Calculations; 11 pages.
- Appendix E – TSS Removal Spreadsheets;3 pages.
- Appendix F – Operation and Maintenance Plan / Long Term Pollution Prevention Plan; 4 pages.

EXHIBIT 2. Plan Set; Grafton Wastewater Treatment Plant Improvements – 90% Submittal, Not for Construction; prepared by CDM Smith; dated July 2015; 24" x 36", black & white; received July 19, 2015; 13 sheets as follows:

- C1 ..... Civil / Site Legend Notes and Abbreviations
- C2 ..... Overall Site Plan
- C2A ..... Abutters and Property Boundary Plan
- C3 ..... Existing Conditions Plan
- C4 ..... Boring Location Plan
- C5 ..... Site Layout and Materials Plan I
- C6 ..... Site Layout and Materials Plan II
- C7 ..... Site Grading and Drainage Plan I
- C8 ..... Site Grading and Drainage Plan II
- C20 ..... Site Details
- C21 ..... Site Details II
- C22 ..... Site Details II

- SD-E-04 ... Electrical Miscellaneous Details IV

EXHIBIT 3. Email; Departmental Project Review comments, Grafton Water District, received June 23, 2015; 2 pages.

EXHIBIT 4. Departmental Project Review comments, Treasurer / Collector's Office, received June 29, 2015; 1 page.

EXHIBIT 5. Departmental Project Review comments, Fire Department, received June 29, 2015; 1 page.

EXHIBIT 6. Correspondence from Graves Engineering; Grafton Wastewater Treatment Plant (WWTP), Depot Street, Special Permit Review; 2 pages.

EXHIBIT 7. Departmental Project Review comments, Board of Health, received July 9, 2015; 1 page.

EXHIBIT 8. Memorandum from CDM Smith, Request for Waiver from Section 8.2 of Town of Grafton Zoning By-law; dated and received July 13, 2015; 2 pages.

EXHIBIT 9. Public Hearing Sign In Sheet for the July 13, 2015 Public Hearing; 1 page.

EXHIBIT 10. Slideshow Presentation Handout; Grafton Wastewater Treatment Plant Improvements; prepared and presented by CDM Smith at the July 13, 2015 Public Hearing; 8 ½ x 11", color; 4 pages.

II. FINDINGS

At their meeting of July 27, 2015. 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 4-0 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 materials and information submitted and presented in association with the Application.

F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the site improvements shown on the Plans (EXHIBITS #1 and #2)) and maintenance of the Site 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 is comprised of 11.53 acres and is located partly in a Medium Density Residential (R20) zoning district, the Flood Plain District (FP), and the Water Supply Protection Overlay District (WSPOD).

F4. That this Application is for the construction improvements to the existing Wastewater Treatment Plant, addition of electric generating solar facilities, associated parking and infrastructure, as shown on the Plans and described in the EXHIBITS identified within this Decision. The Board further finds

that on October 20, 2014, the Grafton Town Meeting approved (Article 15) the project/use that is the subject of this Application.

F5. That municipal uses voted by Town Meeting are permitted in Medium Density Residential (R-20) zoning districts only upon the issuance of a Special Permit by Planning Board, in accordance with Section 1.5 of the Grafton Zoning By-law (hereinafter ZBL).

F6. That during the public hearing the Board and the Applicant discussed the purpose of requested improvements. The Applicant stated that the U.S. Department of Environmental Protection (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) had issued a new National Pollutant Discharge Elimination System (NPDES) permit to the Town in August 2013. The permit requires the Town to reduce nitrogen and phosphorus discharged from the facility to the Blackstone River. The permit and proposed upgrades to the existing plant will address the requirements to limit nutrient concentrations discharged into the Blackstone River to protect and improve water quality of the Blackstone River and other down-river receiving waters. Nutrient discharge limitation will be accomplished by implementing additional nutrient removal processes along with a number of baseline improvements to the existing facilities to meet the lower discharge concentrations. Compliance with the NPDES permit is not negotiable and the Town will be fined and penalized by the federal government for failure to comply. Proposed improvements presented in this APPLICATION were identified and approved by the Mass DEP as the best alternative to meet the more stringent stated and federal regulations including the nutrient limit requirements of a NPDES Permit and the aging equipment associated with the existing facility (see EXHIBIT #1). The existing facility, given its age and minimal improvements since constructed, cannot meet the new limits set by the NPDES permit. The EPA has issued an Administrative Consent order requiring the facility be able to meet the new limits by April 1, 2018.

F7. That during the public hearing the Board and the Applicant discussed the capacity of the facility. The Applicant noted that the existing facility was built in 1979 and it is currently designed to accommodate a maximum daily intake of 2.4 million gallons per day (mgd). Presently the highest maximum intake (which varies depending on a number of variables) is 1.7 mgd. Approximately 60% of the Town (residential, commercial and industrial sources) is served by the facility and only those connected to the system pay for the service and subsequently improvements to the system. In addition, the facility also treats septage from within the Town. The proposed improvements will not increase the maximum intake capacity but will process the intake in a better way to effect a cleaner end product which is pumped into the Blackstone River. The Board questioned the new capacity asking if that would be enough to allow for additional development of industrial and commercial sites. The Applicant reviewed the projections (see EXHIBIT #1) noting that potential development was taken into consideration and that the projected capacity would be more than adequate. An additional .4 mgd capacity was identified as being available for future large scale commercial, light industrial or industrial developments. The planning process for the improvements included meeting with Town staff as well as representatives from Tufts to discuss the potential build out of the Grafton Science Park. It was further noted that the projected build out analysis and resulting capacity projections have to be demonstrated to the satisfaction of EPA and MassDEP. The Board asked what the Town's options would be if a proposed development would require additional capacity beyond the 2.4 mgd. The Applicant noted that any

capacity projections or needed beyond 2.4 mgd would require approvals and new permitting from EPA and MassDEP. When asked, the Applicant noted that the current equipment and systems at the existing facility were outdated, some of them beginning to fail and other with less than a five year working life left.

F8. That during the public hearing the Board and the Applicant discussed the footprint of the building. It was noted that the original building would remain on the same footprint with a small addition (13 x 25 feet) at the north end of the structure to accommodate the reorganization of space and systems associated with the improvements.

F9. That during the public hearing the Board and the Applicant discussed the proposed electric generating solar facilities proposed for the north western portion of the site. It was noted that the Zoning Enforcement Officer had determined that the proposed solar installation was accessory to the main use on site. The Applicant is proposing to install an array of 572 PV panels of 20.86 square feet each for a combined area of 11.932 square feet. The facility will produce approximately 275 kW of electricity. This electricity will be used exclusively for the operations of the improved Wastewater Treatment Facility and is expected to supply 20-30% of the electrical needs. The solar facilities will not be tied into the grid. The Board asked about the visual impacts to surrounding properties. The Applicant noted that the panels will be situated on a portion of the site behind the abutting commercial properties on Depot Street. Screening has been provided along the northern portion of the array site. The topography of the site is below the grade of Providence Road and is approximately 250 feet from the nearest residence thus reducing the visual impacts. The facility will continue to block views of the solar array from the east and there was cemetery abutting the site to the south. It was noted that the panels will be south facing and will not create a glare impact on the surrounding neighborhood.

F10. That during the public hearing the Board and the Applicant discussed the impacts within the flood plain district. The Applicant noted that the solar panels would be mounted at a height two or more feet above the 100 year floodplain elevation which avoids loss of additional flood storage. The seventy support beams for the panels will be placed within the floodplain which will add to the loss of flood storage. The Applicant reviewed the mitigation computations (see EXHIBIT #1) which will result in a slight net gain in flood storage capacity. Graves Engineering (GEI), the Town's peer review engineer, submitted a project review letter that addressed the issue of impacts to the flood plain (see EXHIBIT #6). In that letter it is noted: "GEI previously reviewed the proposed earth fill and cut volumes presented in the application (with regards to the proposed solar arrays) and found the compensatory storage to be in order."

F11. That during the public hearing the Board and the Applicant discussed potential impacts within Water Supply Protection Overlay District. It was noted that the existing facility was constructed prior to the establishment of the WSPOD and that there is no preexisting WSPOD permit or formal determination. The Applicant stated that no toxic or hazardous waste would be generated on site. They detailed the chemicals and the volume of their storage tanks to be store on the premises (not including chemicals presently being used whose use will be discontinued during the improvements (see EXHIBIT #1). Additional information about storage and spill management was also provided. Graves Engineering (GEI) addressed the issue of impacts to the WSPOD (see

EXHIBIT #6) noting that they had reviewed the Applicant's detailed evaluation (see EXHIBIT #1) regarding compliance and that GEI did not have an issue with the information presented.

F12. That during the public hearing the Board and the Applicant discussed potential impacts to traffic. It was noted that the Applicant had applied for a waiver request to submit a traffic study (see EXHIBIT #8). However, as part of their Application, they did submit a traffic assessment based on their interpretation of Section 8 of the Grafton Zoning By-law (see EXHIBIT #1). The Applicant reviewed this data with the Board. The proposed improvements to the facility will result in the addition of one new employee. It is further projected that the facility improvements will streamline facility trucking operations. The Applicant stated that they expected a decrease in truck traffic to and from the site once the improvements were complete. This was due to the fact that once complete the facility will no longer be processing leachate from the landfill and that those trucks will no longer be accessing the site.

F13. That during the public hearing the Board received testimony from Lisa Lyon of 319 Providence Road who inquiared about the visual impacts and proposed screening. The Applicant noted that the building footprint would not be changing with the exception of a small addition (see FINDING #F8). Site changes will include addition of some exterior processing tanks and the solar array (see FINDING #F9). The Applicant reviewed the proposed landscaping plan showing the installation of new trees along the northern end of the building to replace trees that will be removed to allow for the construction of the new addition. In addition they plan to install a few trees on the south side of the parking lot. No other changes are proposed.

F14. That during the public hearing the Board and the Applicant discussed the time frame for permitting and construction. The Applicant noted that the Town is under order to have the improvements completed and the facility operational by April 2018 (see FINDING #F6). They are expecting to go out to bid in Fall 2015 and to award a bid in January 2016. Construction is expected to be complete in early 2018.

F15. The Board finds that the Town's consulting engineer, Graves Engineering (GEI), conducted a full review of the Application (see EXHIBIT #6). It was noted in that review that GEI had previously reviewed and commented on the documents' conformance with required rules and regulations on behalf of the Conservation Commission and had conducted a site reconnaissance visit on May 14, 2015. The Board finds that there were no outstanding or unaddressed issues or concerns presented in the project review report submitted by Graves Engineering.

At their meeting of July 27, 2015, 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 4-0 to make the following Findings with regard to Section 1.5.5 of the ZBL:

F16. 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 refers to Exhibit #2 in making this determination.

F17. 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 with particular attention to the items in the Finding above, 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 refers to EXHIBITS #1 and #2 and FINDING #F13 in making this determination.

F18. 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 refers to EXHIBITS #1 and #2 in making this determination.

F19. 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 refers to EXHIBITS #1 and #2 and FINDING #F13 in making this determination.

F20. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision and material submitted in Exhibit 15 that signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. The Board refers to EXHIBIT #2 in making this determination.

F21. 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. The Board refers to EXHIBITS #1 and #2 in making this determination.

F22. With regard to Section 1.5.5(g) of the ZBL, that the proposed use of the property (as presented in the EXHIBITS of this Decision and by the Applicant during the public hearing, and further described within the Findings of this Decision) is generally compatible with adjacent properties and properties in the district. The Board refers to EXHIBITS #1 and #2 in making this determination.

F23. 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 refers to EXHIBITS #1 and #2 and FINDING #F10 and #F11 in making this determination.

F24. With regard to Section 1.5.5(i) of the ZBL, and based upon the materials submitted in association with this Application, that said Section that there will not be any significant adverse impact Water Supply Protection Overlay District. The Board refers to EXHIBIT #2 and FINDING #F11 in making this determination.

F25. 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. The Board refers to EXHIBITS #1 and #2 in making this determination.

At their meeting of July 27, 2015, 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 4-0 to make the following Findings:

F26. That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.

F27. 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.

F28. The Board 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. The Board finds that the Applicant submitted waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1 and #7).

F29. That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3.1 of the ZBL.

At their meeting of July 27, 2015, 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 4-0 to make the following Findings:

F30. That the site is located within the Flood Plain District (FP) which requires reviewed based on the requirements of Section 6.4 d) for the Grafton Zoning By-law which specifies the criteria for reviewing Special Permits within the FP zone.

F31. With regard to Section 6.4 d) 1. of the ZBL, that based upon the Findings stated within this Decision, the location and construction of utilities will minimize or eliminate flood damage. The Board refers to EXHIBITS #1, #6 and FINDING #F9 and #F10 in making this determination.

F32. With regard to Section 6.4 d) 2. of the ZBL, that based upon the Findings stated within this Decision, that the method of disposal of sewage, refuse and other wastes, resulting from the use permitted on the site, and the methods for providing adequate drainage will minimize flood damage. The Board refers to EXHIBITS #1, #6 and FINDING #F10 in making this determination.

F33. With regard to Section 6.4 d) 3. of the ZBL, that based upon the Findings stated within this Decision, a good and sufficient case is demonstrated. The Board refers to EXHIBITS #1, #6 and FINDING #F6 in making this determination.

F34. With regard to Section 6.4 d) 4. of the ZBL, that based upon the Findings stated within this Decision, that failure to grant the special permit will result in in exceptional hardship to the Applicant. The Board refers to EXHIBIT #1, and FINDING #F6 in making this determination.

F35. With regard to Section 6.4 d) 5. of the ZBL, that based upon the Findings stated within this Decision, that granting the special permit will not result in increased flood heights, additional

threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws. The Board refers to EXHIBITS #1, #6 and FINDING #F10 in making this determination.

F36. With regard to Section 6.4 d) 6. of the ZBL, that based upon the Findings stated within this Decision, that the special permit is for the minimum construction necessary, considering the flood hazard, to afford relief. The Board refers to EXHIBITS #1, #6 and FINDING #F9 and #F10 in making this determination.

III. WAIVERS

W1. That the Planning Board, at its meeting of July 27, 2015 (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to GRANT a waiver from the application fee requirement. In voting this request, the Board notes that the Applicant is acting on behalf of the Town, and that all application fees for projects submitted to the Planning Board are deposited with the Town.

W2. That the Planning Board, at its meeting of July 27, 2015 (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to GRANT the Applicant's request for a waiver to submit a Certificate of Good Standing. In voting this request, the Board notes that the Applicant is acting on behalf of the Town. The purpose of the Certificate of Good Standing is to determine if applicants are not in arrears with any payments due to the Town and does not apply in this case.

W3. That the Planning Board, at its meeting of July 27, 2015 (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to GRANT the Applicant's request for a waiver from the requirement for a traffic study. In granting this request the Board noted the very small difference in traffic as a result of the proposal and that as a town-owned facility the Town would have the ability to effect the traffic situation in the future. The Board referenced Finding 13 and Exhibits 30 and 31 of this decision.

IV. DECISION and CONDITIONS

At their meeting of July 27, 2015, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to **GRANT** the Special Permit and Site Plan Approval with the following conditions:

C1. This Special Permit specifically authorizes improvements to the existing Wastewater Treatment Plant, electric generating solar facilities, associated parking and infrastructure on the Site as shown on the Plans identified as EXHIBITS #1 and #2 of this DECISION, or as modified by the Conditions of this Special Permit.

C2. Prior to the issuance of the a building permit, the Applicant shall submit a final plan set in large format (24" x 26", 2 sets) and in PDF format to be reviewed and approved by the Planning Board or its Agent to include:

- All conditions of this Special Permit and Site Plan Approval.

C3. Lighting shall be positioned so as not to cast glare off site.

C4. Hours of construction and earthwork 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. All grading and construction shall be performed in accordance with the approved Plans and the Conditions of this Special Permit, 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 from the site and its associated improvements during construction, and after completion.

C5. All site development and improvements shall be inspected at the appropriate stage of construction by the Planning Board or its designee upon request made by the Applicant to the Planning Board or its designee.

C6. Prior to the start of any construction activity on the Site, an initial inspection of erosion control / site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant / Owner, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures.

C7. The Planning Board reserves the right to require additional stormwater management and erosion control / site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant / Owner shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as agreed upon by both the Planning Board and Conservation Commission.

C8. Unless modified by this Decision, the Site shall be developed, constructed and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the Plan identified as EXHIBIT #2 of this Decision or as modified by the Conditions of this Special Permit. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.

C9. Any modification to the use authorized by this Decision, Site, structure(s) and/or site improvements as described within this Decision and as presented to the Board during the public hearing and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it fords that the proposed changes are substantial in nature and of public

concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.5 of the Zoning By-law, and any other applicable regulations.

C10. No building permit(s) shall be issued until all stormwater management structures/system are operational, or other temporary measures for stormwater management and erosion control, are installed and operational to the satisfaction of the Planning Board, Conservation Commission, and their agent(s).

C11. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Water District, Grafton Board of Sewer Commissioners/Sewer Department, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.

C12. The Applicant shall comply with any Order of Conditions and/or permits issued by the Grafton Conservation Commission.

C13. Any modification of this Decision shall be made pursuant to Section 1.5 of the ZBL, and as specified within the Conditions of this Decision.

C14. Any signage and pavement markings shown on the Plans, required by this Decision, or proposed at a later date, shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law and all other applicable regulations. This Decision shall not be construed as approving or authorizing any such signage.

C15. The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the ZBL, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, or conducting any inspections or other work associated with the construction of the subdivision. In accordance with Section 1.5.1.1, any fees or expenses associated with such reviews shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.

C16. Construction activity associated with the use authorized by this Decision shall not commence until the Applicant has recorded this Special Permit at the Worcester District Registry of Deeds and provided the Planning Board and the Building Inspector with a certified copy of such. This requirement is in addition to all other conditions contained in this Decision and relevant to commencing construction activity on the Site.

C17. 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.

C18. 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.

C19. 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.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 4-0 to **GRANT** the Applicant's Special Permit & Site Plan Approval with Conditions for improvements of the existing Wastewater Treatment Plant and the addition of electric generating solar facilities at 9 Depot Street 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	ABSENT	David Robbins, Member	AYE
Robert Hassinger, Clerk	AYE		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

7-30-15
Date

cc: Applicant / Owner
- Graves Engineering
- Building Inspector

A true copy,
Attest:

Donna M. Girouard, Town Clerk
Grafton, MA