

**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION #3 OF SPECIAL PERMIT (SP 2018-8) & SITE PLAN APPROVAL
EXTENSION OF PERIOD TO CONSTRUCT**

Solar Electric Generating Facility

44 Estabrook Avenue, Grafton

**BWC Lake Ripple, LLC (Applicant)
Knowlton Farms Nominee Trust, Patricia K. Knowlton, Trustee (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the BWC Lake Ripple, LLC, 111 Huntington Avenue, Suite 650, Boston, MA 02199 (hereinafter the APPLICANT), for a Special Permit and Site Plan Approval under Section 3.2.3.1 modify its previous decision, SP 2018-8, recorded in the Worcester District Registry of Deeds (Bk: 61311 Pg: 35), as modified by Decision of the Planning Board, recorded in the Worcester District Registry of Deeds (Bk: 61596 Pg: 223), and Minor Modification Approval, dated August 10, 2020, by granting an extension of time to construct a solar electric generating facility (solar farm) on property located at 44 Estabrook Avenue, Grafton MA and shown on Grafton Assessor's Map 49, Lot 6 and owned by the Knowlton Farms Nominee Trust, Patricia Knowlton, Trustee, 44 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 above referenced Application for a Special Permit (hereinafter APPLICATION) was submitted August 18, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 27 and September 3, 2020 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on September 14, 2020. Following public input, the hearing was closed on September 14, 2020. The decision was reviewed at the Board's September 28, 2020 meeting.

The following Board members were present during the entire public hearing process: Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood and Members Linda Hassinger, and Prabhu Venkataraman, Associate Member Vikram Dave. 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 the time of DECISION, the following Board members were present: Chairman Robert Hassinger Vice Chairman David Robbins, Clerk Justin Wood and Members Linda Hassinger and Prabhu Venkataraman, and Associate Member Vikram Dave.

II. SUBMITTALS

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

EXHIBIT 1. Original Application Submission, received August 18, 2020 to include the following;

- Application for a Modification of a Special Permit & Site Plan, signed by David S. Kelley of Meridian Associates for BWC Lake Ripple, LLC (Applicant) and Patricia K. Knowlton, Trustee – Knowlton Farms Nominee Trust (Owner), dated August 13, 2020, and date stamped received by the Planning Board on August 18, 2020, 1 page.

- Letter addressed to Mr. Christopher McGoldrick and members of the Grafton Planning Board, regarding “Request for an Extension for the Special Permit & Site Plan Approval, Special Permit (SP 2018-8) & Site Plan Approval, Knowlton Farms Solar Development, 44 Estabrook Avenue, Grafton, Massachusetts,” dated August 13, 2020 and date stamped received by the Planning Board on August 18, 2020, 2 pages.
- Certificate of Good Standing, signed by Beth Schrottman, dated August 17, 2020 and date stamped received by the Planning Board on August 18, 2020, 1 page.
- Abutters Listing for 44 Estabrook Avenue, Map 49, Lot 6, dated August 15, 2019, signed by Tammy Kalinowski, Office Manager and date stamped received by the Planning Board on August 18, 2020, 1 page.

EXHIBIT 2. Public Hearing Notice, date stamped by the Town Clerk on August 26, 2020, 1 page.

III. FINDINGS

At their meeting of September 28, 2020, 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 David Robbins, seconded by Linda Hassinger) voted five (5) in favor and zero (0) opposed, to make the following findings:

- F1.** That determinations regarding the following FINDINGS are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with this application.
- F2.** That during the public hearing Drew Pearson, representing Estabrook Valley, LLC and BWC Lake Ripple, LLC (Applicant) presented a project update. It was noted the Applicant is requesting a one-year extension as the applicant is awaiting issuance of a building permit.

IV. DECISION and CONDITIONS

At their meeting of September 28, 2020 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 David Robbins, seconded by Linda Hassinger) voted five (5) in favor and zero (0) opposed to **APPROVE** the application for Modification a Special Permit & Site Plan Approval with the following conditions:

- C1.** This approval specifically modifies the approved site plan, recorded in the Worcester District Registry of Deeds (Bk: 61311 Pg: 35), as modified by Decision of the Planning Board, recorded in the Worcester District Registry of Deeds (Bk: 61596 Pg: 223), and Minor Modification Approval, dated August 10, 2020, by modifying Condition # A.6 of the Conditions of Approval contained within the Special Permit (SP 2018-8) & Site Plan Approval Decision, dated August 28, 2018, with respect to the period to construct deadline (as specified in said Decision). This approval allows a one-year extension of the time period in which to complete the project (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to **August 28, 2021**.
- C2.** Unless modified by this Decision, all conditions of the previous Special Permit (SP 2018-8) & Site Plan Approval DECISION for construction of a Solar Facility at 44 Estabrook Avenue recorded in the WDRD and referenced herein, remain in full force and effect.


- C3. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year, on August 28, 2021, or from the favorable outcome of an appeal, whichever is later, 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.
- C4. 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.
- C5. 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 to **APPROVE** the Applicant’s application for the Modification of Special Permit (SP 2018-8) and Site Plan Approval to extend the period to construct the electric generating solar facility at 44 Estabrook Road based on the information in the hearing record and the aforementioned findings, and subject to the aforementioned conditions.

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>David Robbins, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Christopher McGoldrick, Town Planner

10/7/2020

Date

- cc: Applicant / Owner
- Building Inspector
 - Assessor

To Whom It May Concern: This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk’s office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavalley, Town Clerk

Date