

**DECISION
GRAFTON PLANNING BOARD**

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GRAFTON, MA

SPECIAL PERMIT (SP 2019-7) & SITE PLAN APPROVAL
Construct a Solar Electric Generating Facility

2019 AUG 20 AM 8:59

155 George Hill Road, 23 Rear Leland Street and 29 Rear Leland Street, Grafton MA

**Industria Engineering, Inc (Applicant)
James W. and Nancy A. Padula (Owner)**

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Industria Engineering, Inc, 91 Cedar Street, Suite 2 Milford, MA 01757 (hereinafter the Applicant), for a Special Permit and Site Plan Approval under Section 3.2.3.1 (Use Regulation Schedule) of the Grafton Zoning Bylaw (ZBL) to construct a solar electric generating station on property located at 155 George Hill Road, 23 Rear Leland Street and 29 Rear Leland Street, Grafton, MA 01519 (hereinafter the Site), and shown on Grafton Assessor's Map 102, Lot 30 and Map 103 Lots 2 and 4 and owned by James W. and Nancy A. Padula (hereinafter the Owner) by deed recorded in the Worcester District Registry of Deeds in Book 6986, Page 24.

I. BACKGROUND

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was submitted on April 30, 2019. A public hearing was scheduled for June 24, 2019, notice was sent to the Grafton News for publishing and posted with the Town Clerk's Office and abutters were notified by First Class Mail Notice of the public hearing. While the initial legal notice was published on June 6, 2019, the second required posting was not published by the Grafton News. Due to the lack of the second publication of the legal advertisement in the Grafton News, a new public hearing was scheduled for July 8, 2019 and notice was sent to the Grafton News for publishing. The notice was posted with the Town Clerk's Office and abutters were notified by First Class Mail. Notice of the public hearing was published in the Grafton News on June 20 and 27, 2019. The public hearing on the Application was held on July 8 and continued to July 22 and August 12, 2019. At the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on August 12, 2019.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Robert Hassinger, Clerk Justin Wood, Member Linda Hassinger. Member Prabhu Venkataraman was absent at the July 22, 2019 hearing but submitted a Mullin Certification verifying that he watched a copy of the taped hearing thus being eligible to vote at the time of Decision. At the hearing the following people presented the Application: Mike Lotti and Rich McCarthy of Industria Engineering, Inc., and Andy Baum of Summit Engineering.

II. EXHIBITS

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

- Exh 1. Original Application Submission, received April 24, 2019 to include the following:

- a. Application for Special Permit, signed by James W. Padula and Michael Lotti, dated April 23, 2019, date stamped by the Town Clerk on April 30, 2019 and date stamped received by the Planning Board on April 24, 2019, 1 page.
 - b. Application for Site Plan Approval, signed by James W. Padula and Michael Lotti, dated April 23, 2019, date stamped by the Town Clerk on April 30, 2019 and date stamped received by the Planning Board on April 24, 2019, 1 page.
 - c. Certificate of Good Standing, signed by Beth Schrottman, dated April 23, 2019, and date stamped received by the Planning Board on April 24, 2019, 1 page.
 - d. Abutters Listing for Assessors Map 102, Lot 30, Assessors Map 103, Lot 24; dated April 12, 2019 and signed by Ken O'Brien, MAA, Data Collector, and date stamped received by the Planning Board on April 24, 2019, 1 page.
 - e. Letter to the Planning Board regarding "Application for Special Permit / Site Plan Approval and Scenic Road Permit, Photovoltaic Solar Energy Generation and Storage Facility, 155 George Hill Road, Grafton, MA," including narrative and waiver request, from Michael S. Lotti, LSP, Vice President, Industria Engineering, dated April 24, 2019 and date stamped received by the Planning Board on April 24, 2019, 7 pages.
- Exh 2. Plan: plan set entitled "Definitive Site Plan: 155 George Hill Road Solar Facility," dated April 24, 2019, and date stamped received by the Planning Board on April 24, 2019, 16 sheets (24" x 36").
- Exh 3. Report: entitled "Stormwater Management Submittal for Industria Solar Panel Project, George Hill Rd.," prepared by Summit Engineering & Survey, Inc., 710 Main Street, North Oxford, MA, prepared on April 23, 2019 and date stamped received by the Planning Board on April 24, 2019, 83 pages.
- Exh 4. Letter from Stephen L. Charest, Inspector, Grafton Fire Department, to the Grafton Planning Board, dated May 9, 2019 and date stamped received by the Planning Board on May 9, 2019, 1 page.
- Exh 5. Letter regarding "Completeness Review of Special Permit/Site Plan and Scenic Road Applications," to Michael Lotti, Industria Engineering, Inc., from Joseph Laydon, Town Planner and dated April 30, 2019, 4 pages.
- Exh 6. Letter to Grafton Planning Board, regarding "Response to Completeness Review by Town Planner on Application for Special Permit/Site Plan Approval and Scenic Road Permit, Photovoltaic Solar Energy Generation and Storage Facility, 155 George Hill Road, Grafton, MA," from Michael S. Lotti, LSP, Vice President, Industria Engineering, dated May 17, 2019 and date stamped received by the Planning Board on May 17, 2019, 5 pages.
- Exh 7. Plan: plan set entitled "Definitive Site Plan: 155 George Hill Road Solar Facility," dated April 24, 2019, revised May 16, 2019 and date stamped received by the Planning Board on May 17, 2019, 16 sheets (24" x 36").
- Exh 8. Public Hearing Notice, date stamped by the Town Clerk on May 30, 2019, 1 page.
- Exh 9. Emails from Nancy Connors, Health Department, dated May 31, 2019, one email regarding SP 2019-7/SPA and one email regarding SRP2019-1 and date stamped received by the Planning Board on May 31, 2019, 2 pages.
- Exh 10. Email from Brian Szczurko, Department of Public Works, Engineering, dated June 3, 2019 and date stamped received by the Planning Board on June 3, 2019, 1 page.

- Exh 11. Email from Katrina Koshivos, Zoning Board of Appeals, dated June 4, 2019 and date stamped received by the Planning Board on June 4, 2019, 1 page.
- Exh 12. Email from Anne Borgerson, 152 George Hill Road, dated June 4, 2019 and date stamped received by the Planning Board on June 4, 2019, 3 pages.
- Exh 13. Email from Richard and Sandra Bianco, 150 George Hill Road, dated May 23, 2019 and date stamped received by the Planning Board on June 4, 2019, 1 page.
- Exh 14. Letter regarding “155 George Hill Road Solar Facility; Special Permit, Site Plan and Stormwater Management Regulations Review,” from Jeffrey M. Walsh, P.E., Principal, Graves, Engineering, Inc., dated June 13, 2019 and date stamped received by the Planning Board on June 13, 2019, 3 pages.
- Exh 15. Letter regarding “Notice of Intent,” to James and Nany Padula, Owners, from Mary M. Oliver, MAA, Principal Assessor, Town of Grafton, dated June 13, 2019 and date stamped received by the Planning Board on June 13, 2019, 1 page.
- Exh 16. Public Hearing Notice, revised, date stamped by the Town Clerk on June 14, 2019, 1 page.
- Exh 17. Email from Paul Cournoyer, Department of Public Works, dated June 18, 2019 and date stamped received by the Planning Board on June 18, 2019, 1 page.
- Exh 18. Plan: “Draft Site Plan,” Visualization #1, prepared by Summit Engineering & Survey, Inc., dated April 4, 2019 and received by Planning on July 8, 2019, 1 sheet.
- Exh 19. Plan: “Draft Site Plan,” Visualization #2, prepared by Summit Engineering & Survey, Inc., dated April 4, 2019 and received by Planning on July 8, 2019, 1 sheet.
- Exh 20. Public Hearing Sign-In Sheet, dated July 8, 2019, 1 page.
- Exh 21. Public Hearing Continuance form, signed by Michael S. Lotti, dated July 8, 2019, and date stamped received by the Planning Board on July 8, 2019, 1 page.
- Exh 22. Public Meeting Sign-In Sheet, dated July 8, 2019, 2 pages.
- Exh 23. Letter to the Planning Board regarding “Response to Comments on Application for Special Permit/Site Plan Approval and Scenic Road Permit, Photovoltaic Solar Energy Generation and Storage Facility, 155 George Hill Road, Grafton, MA,” from Michael S. Lotti, Vice President, Industria Engineering, Inc., dated July 15, 2019 and date stamped received by the Planning Board on July 15, 2019, 4 pages.
- Exh 24. Plans: plan set entitled “Definitive Site Plan of 155 George Hill Road, Grafton, MA,” prepared by Summit Engineering & Survey, Inc., dated April 24, 2019, revised on May 16, 2019 and July 15, 2019, and date stamped received by the Planning Board on July 15, 2019, 20 sheets (24”x36”).
- Exh 25. Report: entitled “Stormwater Management Submittal for Industria Solar Panel Project, George Hill Rd., Grafton, Massachusetts,” prepared by Summit Engineering & Survey, Inc., dated April 23, 2019, revised June 15, 2019 and date stamped received by the Planning Board on July 15, 2019, 135 pages.
- Exh 26. Letter regarding “155 George Hill Road Solar Facility; Special Permit, Site Plan and Stormwater Management Regulations Review,” from Jeffrey M. Walsh, P.E., Principal, Graves, Engineering, Inc., dated July 19, 2019 and date stamped received by the Planning Board on June 19, 2019, 3 pages.
- Exh 27. Email from Debra Holden-Snyder, 130 George Hill Road, dated July 20, 2019 and date stamped received by the Planning Board on July 22, 2019, 1 page.

- Exh 28. Plans: Site Plan Set, Rendering, dated May 21, 2018, revised July 15, 2019, stamped received by the Planning Board on July 22, 2019, 1 sheet (11 X 17).
- Exh 29. Public Hearing Sign-In Sheet, dated July 22, 2019, 1 page.
- Exh 30. Public Hearing Continuance form, signed by Richard McCarthy, dated July 22, 2019, and date stamped received by the Planning Board on July 22, 2019, 1 page.
- Exh 31. Solar Panel Height and Design Diagram, stamped received by the Planning Board on August 7, 2019, 1 page.
- Exh 32. Plans: plan set entitled “Definitive Site Plan of 155 George Hill Road, Grafton, MA,” prepared by Summit Engineering & Survey, Inc., comprising of 20 sheets dated April 24, 2019, revised on May 16, 2019, July 15, 2019 and August 2, 2019, and date stamped received by the Planning Board on August 7, 2019, 20 sheets (24”x36”).
- Exh 33. Email from Robert Aberg, President of the Grafton Land Trust, dated August 9, 2019 and date stamped received by the Planning Board on August 9, 2019, 1 page.
- Exh 34. Email from Jeffrey Walsh, Graves Engineering, peer review of revised culvert detail, dated August 9, 2019 and date received stamped by Planning Board on August 9, 2019, 1 page.
- Exh 35. Plan: “Trail Re-Configuration at 155 George Hill Road, Grafton MA,” prepared by Summit Engineering & Survey, Inc., dated August 9, 2019, 1 sheet.
- Exh 36. Public Hearing Sign-In Sheet, dated August 12, 2019, 1 page.
- Exh 37. Mullin Rule Certification for the July 22, 2019 public hearing, signed by Prabhu Venkataraman on August 19, 2019; 1 page.

III. FINDINGS

At their meeting of August 19, 2019, 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 Mrs. Hassinger, seconded by Mr. Wood) voted 5 to 0 in **FAVOR** to make the following Findings:

1. 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.
2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work 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.
3. That per ZBL Section 3.2.3.1, the proposed use of a Solar Electric Generating Station is authorized with the issuance of a Special Permit within the Agricultural (A) zoning district.
4. That the Site, as identified by the Applicant and shown in Exhibit #1 of this Decision, consists of the properties at 155 George Hill Road, 23 Rear Leland Street and 29 Rear Leland Street.
5. That the Site, as identified by the Applicant and shown in Exhibit #1 of this Decision, is located within the Agricultural (A) zoning district. The site is not located within the Water Supply Protection Overlay District.

6. That the Site is accessed through frontage at 155 George Hill Road, which is a designated as a Scenic Road.
7. That the current site is 64.5 acres consisting of wetlands, forests, and a hay field. There are no endangered species.
8. That the site is located within the Miscoe, Warren, and Whitehall Watersheds Area of Critical Environmental Concern (see Exhibit 1e).
9. That the Site is classified as recreational land pursuant to Chapter 61B (see Exhibit 15).
10. The Project involves the clearing and grading of approximately 24 acres of the site (see Exhibit 3). The entrance will be a twenty (20) foot wide gravel driveway and will extend 3,050 feet from George Hill Road into the site with a turnaround for large vehicles. The site will be secured with a perimeter chain link fence. The application proposes the Drainage will be managed by four (4) drainage basins along with associated drainage swales (See Exhibits 2, 24, and 32).
11. That during the public hearing the Applicant discussed the components of the proposed solar electric generating facility. The solar electric generating facility will cover approximately 22 acres out of the 24 acres disturbed and generate 4.0 Megawatts and will consist of approximately 10,116 +/- modules along with a 3.5 MW/8.6 MWh energy storage system located on site.
12. That the solar electric generating facility will consist of solar panels that will track the movement of the sun (Exhibit 31).
13. That the Site is classified for recreational use pursuant to Chapter 61B and contains trails connecting to a larger trail network (Exhibits 33 and 35).
14. That ZBL Section 1.3.3.2, requires that the procedure for Site Plan Review be incorporated into the procedure for reviewing Special Permits.
15. That ZBL Section 1.3.3.3 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.
16. 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 (Exhibit #1e):
 - Section 1.3.3.3 (d) (17) – calculation of volume of earth material
 - Section 1.3.3.3 (d) (19) – parking and loading spaces,
 - Section 8.2.1 – Traffic Study
17. That with respect to the nature of this particular Application (Exhibit #1), the waivers requested, and the resulting site plan are not contradictory or inconsistent with the intent and purposes set forth in Section 1.2 and 1.3.3.1 of the ZBL.

18. 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, is adequate.
19. 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 this requirement does not apply to this Application based on the nature of the proposal.
20. 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 do not change. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
21. 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 not applicable to this Application based on the nature of the proposal.
22. 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 are not applicable to this Application based on the nature of the proposal.
23. 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 do not change. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
24. 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.
25. 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.
26. 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.
27. With regard to Section 1.5.5(j) of the ZBL, the Board discussed the impact the proposed development will have on the “protection of important historic, cultural and scenic landscapes.” The Site is located within the ACEC along the eastern side of Grafton and is surrounded by lands used for agriculture and recreation. The proposed solar facility will be located along the eastern property line and will not be visible from George Hill Road due to the preservation of existing trees between the proposal and George Hill Road. The historic layout of George Hill Road and the Nipmuc Trail runs adjacent to the property with trails that extend into the property. The solar

energy generation proposal interrupts published trails through the site and thus severs a connection to a larger trail network on adjacent properties and within the adjacent town of Upton (see Exhibit 33). The Applicant identified existing trails and a proposed new trail on the plan entitled Trail Re-Configuration at 155 George Hill Road, Grafton, MA” and included as Exhibit 35. The re-configured trail will enable trail users to connect to the existing trails on the southern portion of the property within the utility line corridor and thereby maintain a connection to the larger trail network. With the new trail as shown on Exhibit 35, the Board finds that the proposal will not impact significant historic, cultural, and scenic landscapes.

IV. WAIVERS

At their meeting of August 19, 2019 after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on Findings stated within this Decision, the Grafton Planning Board (motion by Mrs. Hassinger, seconded by Mr. Wood) voted 5__0 to **GRANT** the Applicant’s request for waivers from the following Sections of the ZBL:

1. Section 1.3.3.3 (d) (17) Calculations of earth movement: The Board noted that the construction of the solar facility will largely involve the grading of existing material on the site to smooth the land and for the installation of the access road and drainage basins and that the Applicant stated that no earth material shall be removed from the site.
2. Section 1.3.3.3 (d) (19) – parking and loading spaces: The Board noted that there will be no daily traffic associated with the site once construction is complete.
3. Section 8.2.1 – Traffic Study. The Board noted that wavier 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 August 19, 2019, 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 Mrs. Hassinger, seconded by Mr. Wood) voted 5 to 0 to **APPROVE** this Special Permit (2019-7) and Site Plan Approval with **CONDITIONS** as follows:

A. Standard Conditions

1. This Special Permit and Site Plan Approval specifically authorizes the construction of an electric generation station that captures energy from the sun, associated equipment, installation of an access road, and security features as described within the Exhibits and Findings of this Decision.
2. Any changes to the 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(s) 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. Any proposed change deemed substantial in nature shall require a modification of the original Special

Permit and Site Plan Approval application and decision. Any modification shall be made pursuant to Section 1.3.3 of this Bylaw.

3. 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 Bylaw. This Decision shall not be construed as approving or authorizing any such signage.
4. Notice of change of Ownership shall be sent via certified mail to the Planning Board within thirty (30) days of sale.
5. In accordance with ZBL Section 1.5.8, 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 ZBL Section 1.5.
6. 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 a copy of the recording provided to the Planning Board and the Building Department to include the WDRD Book and Page Number and/or Instrument Number within thirty (30) days.
7. Unless specifically modified by this Decision, the solar electric generating station and appurtenant equipment authorized by this Special Permit shall be installed in accordance with, and maintained to conform to, the Conditions stated within this Decision, all applicable requirements of the Grafton Zoning Bylaw, and all applicable Federal, State and Local regulations.
8. By recording this Special Permit Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision. Any inability, failure or refusal by the Applicant to comply with the requirements of this Special Permit Approval, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

B. Conditions to be Met Prior to the Start of Construction

1. Prior to the start of any construction activity on the Site, an initial inspection of the delineated limits of work, erosion control and site stabilization measures shall be performed by agents of the Planning Board in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to the Board. Should there be phased clearing and site work, such as for construction of access road and access point, applicant may install fencing associated with limits of work, erosion control and site stabilization measures for each phase, which shall be inspected by agents of the Planning Board.
2. No construction activity shall occur on the Site until the Applicant/developer has received written authorization from the Planning Board or its agent regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require

additional erosion control and site stabilization measures at any time during the construction process should the Planning Board or their agent(s) deems such measure necessary. The Applicant/developer 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 may be agreed upon by both the Planning Board or its agent.

3. Construction signs shall be posted on George Hill Road warning the public to use caution and watch for construction vehicles during construction following consultation with the Grafton Police Department. The Applicant will coordinate with the Assistant Town Engineer as to the type, installation and location of proposed temporary construction period signs.
4. Prior to the issuance of the building permit, the Applicant shall submit a final plan set to be reviewed and endorsed by the Planning Board with the Conditions set forth in this Decision inscribed on a sheet of the Plans suitable for recording at the Worcester District Registry of Deeds. Said final plan shall also include the trail reconfiguration per Exhibit 35 including cross-section construction details.
5. Prior to the issuance of the building permit, the Planning Board shall be provided with the following:
 - Five (5) full size sets, 24" x 36", endorsed and recorded plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
 - An electronic copy, in a "PDF" compatible format, of the endorsed and recorded plan set.
6. Prior to the issuance of the building permit, the Applicant shall provide the Planning Board with documentation of any agreement between Applicant and/or, National Grid, and the Owner that includes provisions for the eventual decommissioning or abandonment of the solar electric generating facility to cover the cost of removal and remediation of the landscape. If no such agreement is in place that addresses the decommissioning and removal of the solar electric generating facility, 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.
7. The Applicant will not commence installation of the solar facilities until the roadway has been completed to the satisfaction of the Town in order to ensure that the emergency access requirements are met.

C. Conditions to be Met During Construction

1. 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.
2. All storage and parking during construction shall be on-site and shall not impede traffic along George Hill Road at any time.

3. A site walk shall occur with the Town Planner and representatives of the Grafton Land Trust to identify the optimal location of the trail relocation.
4. Construction of relocated trail shall occur during the land clearing stage so that connectivity is maintained prior to securing of the portion of the site that will be secured by fencing for the solar facility.
5. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Local, State and Federal 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 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 services 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 approved plans. The access road will be maintained at all times to ensure proper emergency service access including but not limited to snow removal.
2. Once the solar electric generating station 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 Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of but not limited to:
 - Physical removal of all ground mounted solar panels, 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.
3. The Owner / Operator shall submit notice of proposed date of decommissioning. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric generating facility shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board.
4. The Applicant shall comply with all requirements of Section 1.3.3 – Site Plan Review – of the Grafton Zoning Bylaw. Pursuant to Section 1.3.3.9, all work shown on the approved site plan shall be completed and all related conditions of approval shall be satisfied prior to the issuance of an occupancy permit.

