

**DECISION  
GRAFTON PLANNING BOARD**

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**MODIFICATION #1 OF SPECIAL PERMIT (SP 2018-9) & SITE PLAN APPROVAL  
EXTENSION OF PERIOD TO CONSTRUCT**

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**Solar Electric Generating Facility**

**43 Estabrook Avenue, Grafton**

**Estabrook Valley, LLC (Applicant)**

**Knowlton Farms Nominee Trust, Patricia K. Knowlton, Trustee (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Estabrook Valley, 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 to grant an extension of time to construct a solar electric generating facility (solar farm) on property located at 43 Estabrook Avenue, Grafton MA and shown on Grafton Assessor's Map 49, Lot 1A and owned by the Knowlton Farms Nominee Trust, Patricia Knowlton, Trustee 43 Estabrook Avenue, Grafton, MA 01519 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 35401, Page 337.

**I. BACKGROUND**

The above referenced Application for a Special Permit (hereinafter APPLICATION) was submitted on August 16, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 29 and September 5, 2019 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on September 23, 2019. Following public input the hearing was closed on September 23, 2019.

The following Board members were present during the entire public hearing process: Chair David Robbins, Vice Chair Robert Hassinger, Clerk Justin Wood and Members Linda Hassinger and Prabhu Venkataraman, and 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: Vice Chair Robert Hassinger, Clerk Justin Wood and Members Linda Hassinger and Prabhu Venkataraman, and Associate Member Vikram Dave. Due to Mr. Robbins absence on October 28, 2019 for the review of the decision, Associate Member Dave was appointed to sit on the application by Vice Chair Robert Hassinger.

**II. SUBMITTALS**

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

**EXHIBIT 1.** Unbound Application materials prepared and submitted by the Applicant, received August 16, 2019, including the following:

- Application for a Modification of a Special Permit, signed by David S. Kelley of Meridian Associates for Estabrook Valley, LLC (Applicant) and Patricia K. Knowlton, Trustee – Knowlton Farms Nominee Trust (Owner), dated August 15, 2019, date stamped by the Town Clerk on August 16, 2019 and date stamped received by the Planning Board on August 16, 2019, 1 page.

- Letter addressed to Mr. Joseph Laydon and members of the Grafton Planning Board, regarding “Minor Changes to Special Permit & Site Plan Approval, Special Permit (SP 2018-9) & Site Plan Approval, Knowlton Farms Solar Development, 43 Estabrook Avenue, Grafton, Massachusetts,” dated August 14, 2019 and date stamped received by the Planning Board on August 16, 2019, 2 pages.
- Certificate of Good Standing, signed by Christine Atchue, dated August 13, 2019 and date stamped received by the Planning Board on August 16, 2019, 1 page.
- Abutters Listing for 43 Estabrook Avenue, Map 49, Lot 1, dated August 14, 2019, signed by Tammy Kalinowski, Office Manager and date stamped received by the Planning Board on August 16, 2019, 1 page.

**EXHIBIT 2.** Public Hearing Notice, date stamped by the Town Clerk on August 28, 2019, 1 page.

**EXHIBIT 3.** Email from Katrina Koshivos, Zoning Board of Appeals, dated August 29, 2019 and date stamped received by the Planning Board on August 29, 2019, 1 page.

**EXHIBIT 4.** Email from Nancy Connors, Health Department, dated September 4, 2019 and date stamped received by the Planning Board on September 4, 2019, 1 page.

### **III. FINDINGS**

At their meeting of October 28, 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 5-0 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) present a project update. It was noted the Applicant is requesting a one-year extension as construction is on hold due to a large study of the electrical grid is being done by the regional Independent System Operator (ISO), which should be completed in a couple of months. The plan is to start construction in the first quarter of 2020.

### **IV. DECISION and CONDITIONS**

At their meeting of October 28, 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 5-0 to **APPROVE** the application for Modification a Special Permit & Site Plan Approval with the following conditions:

- C1.** This approval specifically modifies Condition # A.6 of the Conditions of Approval contained within the Special Permit (SP 2018-9) & Site Plan Approval Decision, dated August 28, 2018, only with respect to the period to construct deadline (as specified in said Decision). This approval specifically 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, 2020.**

- C2. Unless modified by this Decision, all conditions of the previous Special Permit (SP 2018-9) & Site Plan Approval DECISION for construction of a Solar Facility at 43 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, 2020, 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 2018-9) and Site Plan Approval to extend the period to construct the electric generating solar facility at 43 Estabrook Road based on the information in the hearing record and the aforementioned findings, and subject to the aforementioned conditions.

<u>Robert Hassinger, Vice Chair</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Vikram Dave</u>	<u>AYE</u>		

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

  
 \_\_\_\_\_  
 Joseph Laydon, Town Planner

11-1-2019  
 \_\_\_\_\_  
 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