

**Minutes of Meeting  
Grafton Planning Board  
April 23, 2007**

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A regular meeting of the Grafton Planning Board was held on Monday, April 23, 2007 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Keith Regan, Robert Hassinger, Peter Parsons and Associate Member Christophe G. Courchesne. Absent from the meeting were Vice-Chair Donald Chouinard and Clerk Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Planning Assistant, Samantha Hobson.

Chairman Regan called the meeting to order at 7:03 p.m.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL - "WOODS AT STONEGATE" SUBDIVISION - ART-LOT ACRES DEVELOPMENT CORPORATION**

Chairman Regan read the legal and opened the public hearing at 7:04 p.m.

Chairman Regan received unanimous consent to suspend the public hearing until there was a representative present from Art-Lot Acres.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL - "GLENWOOD ESTATES I" SUBDIVISION - ABU CONSTRUCTION, INC. (APPLICANT/OWNER)**

**MODIFICATION OF DEFINITIVE PLAN APPROVAL - "GLENWOOD ESTATES II" SUBDIVISION - ABU CONSTRUCTION, INC.**

Chairman Regan read the legal notice and opened the public hearing at 7:05 p.m.

Present for the hearing was Eric Gilmore of Gilmore Building Company, representing Abu Construction, Inc.

Mr. Courchesne joined the Planning Board at 7:06 p.m.

Mr. Gilmore gave the Board a brief review of the status of the two subdivisions, stating that Chiswell Road and Coach House Lane were complete and ready for road acceptance. Glenwood Lane, an extension from the original "Glenwood Estates I" subdivision, was not ready for final paving, due to construction delays and market conditions.

Mr. Gilmore informed the Board that the street light issue brought to their attention was in fact an electric bulb out, that National Grid was aware of the problem and a work order had been issued for its repair.

Mr. Gilmore asked the Board if it would be an issue for the Board to accept two out the three subdivision roads.

Mr. Hassinger stated he was concerned with the old section of “Glenwood Estates I” subdivision being able to come together with the new “Glenwood Estates II” subdivision. Mr. Hassinger also noted there was a memo from the Board of Health stating there were several permits and well applications expiring or close to expiring and wondered how this will impact the subdivision status. Mr. Gilmore stated he would be able to get them extended for a year.

David Whitlock of 13 Glenwood Lane expressed concerns that he lived in a home with a shared driveway off Glenwood Lane and there was still no time frame for final paving of the roadway. Mr. Gilmore explained that because there was not time frame for completing the remaining lots, due to market conditions, that they were not able to partially top coat the roadway. Mr. Gilmore noted that Roger Hammond had stated he would prefer the roadway paved all at once rather than in sections.

Mr. Hassinger remarked that “Glenwood Estates I” was already an issue in 1991 when he joined the Planning Board and he would like to see the subdivision done while he is still alive.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to adopt the draft decision with the draft findings and conditions as discussed and amended, and extend the construction deadline to January 31, 2008. **MOTION** carried unanimously 3 to 0 by roll call vote: Hassinger-aye; Regan-aye; Parsons-aye.

Chairman Regan received unanimous consent to resume the “Woods at Stonegate” Subdivision public hearing.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “WOODS AT STONEGATE” SUBDIVISION – ART-LOT ACRES DEVELOPMENT CORPORATION**

Present for the hearing was Brian MacEwen of Graz Engineering, Inc.

Mr. MacEwen informed the Board that the developer was waiting for the Conservation Commission to issue a Certificate of Compliance and was requesting the maximum extension the Board will allow, to keep from having to reapply for extensions due to the length of time issues could be held up with the Conservation Commission.

Mr. Hassinger noted there was a memo from Linda Dettloff of Conservation stating the developer is not in compliance, has exceeded the amount of wetland alteration for crossing and subdivision that was permitted, and that enforcement is in process. Mr. Hassinger also reminded Mr. MacEwen that a Certificate of Compliance is required for acceptance by the Town and the developer needs some idea of resolution.

Mr. MacEwen informed the Board that Murphy & Associates was handling the Conservation issues, that some replication areas may need to be touched up, and it is uncertain how long the work will take to complete.

Mr. Hassinger also reviewed the current abutter complaint regarding stormwater run-off issues from the existing culvert that crosses North Street.

Mr. MacEwen stated there was a joint review being done by DEP and the Conservation Commission and the timeframe to receive a Certificate of Compliance is typically one full growing season which is about one to one and a half years.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 3 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to adopt the draft decision with the draft findings and conditions as discussed and amended, and extending the construction deadline to April 23, 2008. **MOTION** carried unanimously 3 to 0.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “NORTH GRAFTON ESTATES II” SUBDIVISION – HUCKINS FARM LP (APPLICANT / PROPERTY OWNER)**

Chairman Regan read the legal notice and opened the public hearing at 7:24 p.m.

Mr. Courchesne recused himself due to a conflict of interest.

Present for the hearing representing Toll Brothers, Inc. were Bryan Weiner, Land Development Manager and Charlie Connors.

Mr. Weiner informed the Board that the developer was at the end of the project and down to a final punch list with a defined list of outstanding items left to be completed. Mr. Weiner noted the developer was looking to be placed on the warrant for the Fall, 2007 Town Meeting for acceptance.

Mr. Hassinger asked whether 1 Morgan Drive was in Phase I or Phase II. Mr. Weiner stated it was in “North Grafton Estates I” subdivision.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to adopt the draft decision as drafted, and grant the construction extension to October 31, 2007, coinciding with the extension granted to “North Grafton Estates I” (a/k/a “Bridle Ridge”) subdivision. **MOTION** carried unanimously.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL “MAGNOLIA FARMS”  
SUBDIVISION – MAGNOLIA FARMS, LLC (APPLICANT)**

Chairman Regan read the legal notice and opened the public hearing at 7:26 p. m.

Mr. Bishop informed the Board that Attorney Antonellis had not arrived as yet for the hearing. Mr. Bishop remarked correspondence had been received regarding issues with required fencing never installed above the completed retaining wall and a letter submitted by Scott & Casi Rynkowski concerning fencing needed for a dangerous 12 foot culvert drop along a sidewalk within the subdivision.

Mr. Bishop suggested suspending the hearing until Attorney Antonellis arrived to address the issues.

Chairman Regan received unanimous consent to suspend the public hearing for the “Magnolia Farms” subdivision modification and take **ACTION ITEM 2-G** out of order.

**ACTION ITEM 2-G ANR 2007-5 – CHERYLEE WOOD – 161 MILLBURY STREET**

Brian MacEwen of Graz Engineering, Inc. was present to discuss the ANR plan with the Board.

The Board discussed the ANR plan.

Chairman Regan asked what the intention of the ANR was and Mr. MacEwen stated the ANR was for a common driveway, which will be submitted to the Board as a special permit, for an additional house to be built.

Mr. Hassinger asked Mr. Bishop if all the criteria had been met.

Mr. Bishop stated the ANR plan meets the administrative requirements of the Planning Board.

**MOTION** by Mr. Parsons, **SECOND** by Chairman Regan, to approve ANR 2007-5 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried 2 to 1 by roll call vote: Hassinger-no; Regan-aye; Parsons-aye.

**SECTION 10: FISHERVILLE SMART GROWTH OVERLAY DISTRICT (FSGOD)**

Chairman Regan opened the public hearing.

Present for the hearing were Brook Padgett for the Board of Selectmen and Gene Bernat of Fisherville Redevelopment, LLC.

Chairman Regan asked Mr. Bishop if there had been any updates on the FSGOD.

Mr. Bishop stated he had a conversation with Don Schmidt, specifically on the two issues from the last Planning Board Meeting regarding the mechanism for amending the Design Standards under Section 10.2 Definitions and changing the language regarding the PAA in Section 10.13.A.

Mr. Hassinger questioned the needs for references to dates, stating the reference locks the Board into that approval language.

Mr. Bishop informed the Board that under the statute there are two dates referred to; the date of the letter of eligibility to be referenced back to and the date on the Design Standards, certifying that the Design Standards referred to in the letter of eligibility are the Standards that DHCD approved.

Mr. Hassinger stressed the language was still not very clear and given what he has received from the State previously, he would like to have it absolutely clear.

Mr. Hassinger added he would like the “chicken and the egg” issue fixed by submitting something from the Board of Selectmen to clarify the Design Standards.

Mr. Bernat noted that all the discussion that revolves around the PAA does not exist now and suggested that since there was nothing preventing the Board of Selectmen from naming the PAA, so if the by-law is accepted, the Board of Selectmen can then name the PAA.

Mr. Courchesne stated that the Planning Board did not actually review the Design Standards and will have to use what’s before us, applying Standards we did not substantially review and will have to use them. Mr. Courchesne noted the Standards are a creature of the Board of Selectmen until the PAA is formed.

Mr. Bishop remarked his conundrum was how to have language acceptable for the Board to sign off on and at the same time acceptable to DHCD for their approval.

Mr. Padgett noted that Don Schmidt is the representative of a State government agency (DHCD), who the Town should be able to rely on for direction with this important issue. Mr. Padgett also noted the Town wants to have the Planning Board behind this district acceptance and done to the satisfaction of everyone.

Mr. Bishop suggested he call Don Schmidt again and state the changes the Board would like to make to clarify the language.

Mr. Padgett stated that will be great if Don Schmidt moves forward with the language changes requested, but if he removes a part of it, we will be in trouble within the timeframe left.

Chairman Regan noted the Finance Committee will be looking for a Planning Board recommendation this week.

Mr. Parsons stated he was comfortable with the way it is now, in that the law allows for the amendment.

Mr. Hassinger stated he was not comfortable with the language, since he agreed to a lot the last time and it was not a good idea.

Mr. Hassinger expressed concerns that the Board had never gotten any letter stating if anything was okay, after the Board had been told it was okay. Mr. Hassinger added that there has been no public information on the status of the project and some update information needs to be placed on the Town web site.

Mr. Bernat submitted several volumes of reports from the DEP and the Risk Assessment Scope of the Project and gave the Board a brief status of the Fisherville project, including what has brought him to the current status of the FSGOD.

**MOTION** by Mr. Parsons, **SECOND** by Mr. Hassinger for purposes of discussion,

**DISCUSSION:** Mr. Courchesne stated he would like to see a draft of the report and will need to see the language submitted, since it is only three weeks to Town Meeting.

Mr. Hassinger stated the recommendation needs to be contingent on the language and the letter of eligibility from DHCD.

Mr. Bishop informed the Board he will email and call Don Schmidt on the specific language, specifically Under 10.2 – DEFINITIONS change the definition of Design Standards to: *“The document entitled **FSGOD Design Standards, submitted to DHCD by the Town Of Grafton, dated March 21, 2007, as may be amended in conformance with the provisions of Chapter 40R.** Such Design Standards shall be applicable to all Projects within the FSGOD that are subject to Plan Approval by the Plan Approval Authority.”*

Under 10.13.A GENERAL – Change to *“In order to ensure quality development within the FSGOD and to ensure design that respects the built and natural character of the Town, **the Design Standards, approved by DHCD on (\_date\_), a copy of which shall be filed with the Town Clerk, shall be applicable to all Projects subject to Plan Approval within the FSGOD. In addition to the standards set forth in this Bylaw, the physical character of the Projects within the FSGOD shall comply with such standards, as may be amended in conformance with the requirements of Chapter 40R.**”*

**MOTION** carried 2 to 1 by roll call vote: Hassinger-no; Regan-aye; Parsons-aye.  
Chairman Regan requested a motion on Recommendation.

**MOTION** by Mr. Parsons, **SECOND** by Mr. Hassinger for purposes of discussion, to submit a letter of Recommendation contingent on the acceptance by DHCD of the minor wording changes,

Mr. Hassinger adding: without documenting what the changes are,

**MOTION** carried contingent upon the approval.

Chairman Regan received unanimous consent to return to the suspended “Magnolia Farms” subdivision modification public hearing at 8:18 p.m.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “MAGNOLIA FARMS”  
SUBDIVISION – MAGNOLIA FARMS, LLC (APPLICANT)**

Present for the hearing representing Magnolia Farms, LLC was Attorney Joseph Antonellis.

Attorney Antonellis informed the Board that 4500 feet of sidewalk and curbing has been completed, about 65 stone bounds installed and five new homes have been completed by John Burns. Attorney Antonellis stated that approximately 1000 feet of curbing is left to install, the entire roadway topcoat, and miscellaneous repairs.

Attorney Antonellis stated that Larry Maloney was on vacation, but that he had spoken to him about the fencing concerns on the retaining wall and stated he would install the fencing although it was not written into the decision, but was shown on the plans.

Attorney Antonellis also noted that Mr. Maloney had conveyed some lots to another developer.

Mr. Bishop informed Attorney Antonellis he had received another abutter request for fencing along a dangerous culvert below a section of sidewalk within the subdivision. Attorney Antonellis stated he would have the developer take care of the culvert area also, but presented no time-frame for completion of either fencing issue.

Mr. Hassinger noted there was a memo from the Conservation Commission regarding a wetland permit Order of Conditions expiring at the end of the month.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 3 to 0.

**MOTION** by Mr. Mr. Hassinger, **SECOND** by Mr. Parsons, to adopt the draft decision with the draft findings and conditions as discussed and amended, and to grant a one year construction extension to April 23, 2008. **MOTION** carried unanimously.

Chairman Regan received unanimous consent to take **ACTION ITEM 2-A** out of order.

**ACTION ITEM 2-A – CONSIDER DECISION –RBL – TUFTS  
UNIVERSITY/CUMMINGS SCHOOL OF VETERINARY MEDICINE  
(APPLICANT)**

Chairman Regan inquired about the revised plans received for the RBL

Attorney Robert Sudmyer informed the Board that there was a minor change in the square footage of the building, due to the addition of a boiler, but that it does not increase the footprint of the building.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, with favorable Findings for F-1 through F-18. **MOTION** carried unanimously 3 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the waivers as drafted. **MOTION** carried unanimously 3 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the RBL Project Plan review draft decision as drafted. **MOTION** carried unanimously 3 to 0.

Chairman Regan received unanimous consent to take **ACTION ITEM 2-C** out of order.

**ACTION ITEM 2-C – REQUEST FOR LETTER OF SUPPORT – 43-D  
DESIGNATION FOR CENTECH PARK AND GRAFTON SCIENCE PARK –  
EDC (PETITIONER)**

John LaPoint and Heath Christensen of the Economic Development Commission were present to answer questions and request a letter of support from the Planning Board for the Chapter 43D warrant article on the May Town Meeting Warrant. Mr. LaPoint and Mr. Christensen submitted the actual wording for the 43D warrant article, a summary sheet of frequently asked questions, and maps of the Grafton Science Park and CenTech Park land to be designated to 43D.

The Board discussed the obligations and benefits of opting into the program and the economic benefits for the Town. Mr. LaPoint noted that EDC's budget had been cut leaving them with no Staff to handle the essential paperwork associated with this program, but they would be requesting some support from the various Town Departments, specifically the letter of support from the Planning Board at this time.

**MOTION** by Mr. Parsons, **SECOND** by Mr. Hassinger for the purpose of discussion, to provide a letter of support/recommendation for Chapter 43D.

**DISCUSSION:** Mr. Hassinger inquired if Mr. Bishop felt okay about the recommendation.

Mr. Bishop remarked he thought it was a good idea, in that some specific sites will get marketed by the State and all other applications from the Town go to the top of the list. Mr. Bishop noted however that he had two major concerns: one, of how heavy handed the State will be in overseeing the Town's streamlining process and two, of concerns for the time periods stated, since he does not know exactly what the streamlined permit processing will encompass.

Mr. Hassinger suggested a refinement of the motion to include “on recommendation of the Town Planner.

Mr. Parsons amended his **MOTION**, adding: “on the Town Planners recommendations and concerns”.

**MOTION** carried unanimously 3 to 0.

Mr. LaPoint thanked the Board and remarked that this program offers a chance for Staff to get creative work at marketing these parcels.

Chairman Regan received unanimous consent to take **ACTION ITEM 2-D** next in order.

**ACTION ITEM 2-D – MODIFICATION DETERMINATION – BROOKMEADOW VILLAGE**

Michael Weaver of Guerriere & Halnon Engineering discussed the minor modification with the Board, stating they were requesting approval to change the roadway design of the wetland crossing of Taft Mill Road, which would lower the road by about five feet. Mr. Weaver stated a revised set of drawings, which show all the changes that are proposed, were generated to Graves Engineering for review and the Planning Board’s review.

Mr. Bishop informed the Board that correspondence from Graves Engineering and DPW Superintendent Roger Hammond states that they have no issue with the vertical re-alignment of Taft Mill Road as a minor modification.

**MOTION** by Mr. Parsons, **SECOND** by Mr. Hassinger, to approve the changes submitted as a minor modification.

**DISCUSSION:** Mr. Hassinger requested the developer submit a copy of the plans for the Planning Board to sign since the Definitive plans are already recorded. Mr. Weaver stated that the sheets being modified are not recorded plans.

Mr. Bishop indicated there was sufficient documentation in the file to support the change and approval.

**MOTION** carried unanimously.

Chairman Regan received unanimous consent to take **ACTION ITEM 2-E** next in order.

**ACTION ITEM 2-E – REQUEST FOR DETERMINATION OF COMPLETENESS – “MAPLEVALE ESTATES” SUBDIVISION – PULTE HOMES LLC (PETITIONER)**

Mr. Courchesne recused himself due to a conflict of interest.

Tim Dorman was present representing Pulte Homes LLC and informed the Board there was one outstanding issue they were required to take care of, consisting of putting in place a warranty bond to ensure the landscaping for the Subdivision. Mr. Dorman stated he had submitted a Warranty Bond for \$19,980.00 to the Town Treasurer/Collector

Mr. Hassinger asked if the bond has been reviewed by Town Counsel. Mr. Bishop noted that he had reviewed the bond, which was a pretty standard and straight forward document, and he did not feel it required Town Counsel's review.

Mr. Dorman stated most of the trees have been in place for one to one and one half years, but have only had to replace about twenty shrubs to date.

Mr. Regan raised a concern of the street signs seeming to be different from the rest of the Town's street signs and asked if they had been approved by Roger Hammond. Mr. Regan also noted that the streets did not seem to be marked at the crossroads, a requirement of the Subdivision Rules & Regulations, and stated he would follow up with Mr. Hammond on the sign style/type required.

Mr. Hassinger added that both roads need to be identified at all crossroads.

**MOTION** by Mr. Parsons, **SECOND** by Mr. Hassinger, to make a Determination of Completeness for "Maplevale Estates" Subdivision, with the Warranty Bond in place. **MOTION** carried unanimously 3 to 0.

Chairman Regan received unanimous consent to take **ACTION ITEM 2-F** next in order.

**ACTION ITEM 2-F – REQUEST FOR DETERMINATION OF COMPLETENESS  
– “ADAMS CROSSING” SUBDIVISION – BRENDON HOMES (PETITIONER)**

Charles McGregor, representing Brendon Homes, Inc., informed the Board the remaining items left have all been addressed. The #15 subdrain covers will be dropped in tomorrow morning, there was one dead street tree for the developer to replace, and there was one street light pole that the location was deemed too dangerous to install. Mr. McGregor asked the Board for direction on the dead tree and light pole issues.

The Board determined the developer should submit a surety check to the Treasurer, in an amount to be determined by Roger Hammond, to provide for the replacement of the dead street tree by the Town.

Mr. Hassinger stated that with regard to the light pole, since the Town owns the street lights, it could be donated to the Town in lieu of the light pole change. Mr. Hassinger suggested Mr. McGregor speak with Roger Hammond and Mr. Bishop to oversee this type of exchange.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to make a Determination of Completeness for "Adams Crossing" Subdivision, subject to the satisfactory completions

of the items/issues discussed, including agreements made. **MOTION** carried unanimously 3 to 0.

Chairman Regan received unanimous consent to take **MINUTES OF PREVIOUS MEETINGS** out of order.

### **MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve the minutes of April 9, 2007 with the changes noted. **MOTION** carried unanimously.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to acknowledge receipt of the detailed recording for March 26, 2007, without making a determination on the accuracy of the contents. **MOTION** carried unanimously.

Chairman Regan received unanimous consent to table the Executive Session minutes until entering Executive Session.

Chairman Regan received unanimous consent to take the Staff Report next in order.

### **STAFF REPORT**

**A. Annual Town Meeting** – Mr. Bishop reminded the Board of the Special Town Meeting scheduled for May 14, 2007 at 7:30 p.m., which will include FSGOD, Chapter 43D letter of support, and the report for the Zoning change for the Grafton Water District.

Chairman Regan suggested a Planning Board Meeting be posted for 7:00 p.m. to coincide with Town Meeting.

**B. Miscoe Farms** – Mr. Bishop informed the Board that he had met with Town Counsel Tony Penski and the torch has been passed with regard to this subdivision. Mr. Bishop stated that Town Counsel has been working with the attorney for Framingham Cooperative Bank on releasing funds to complete the remaining work. Two major items remain: the location of Verizon's utility pole on Ms. Dunn's property and the location of her fish pond on Town designated open space.

Mr. Hassinger requested Mr. Bishop ask Town Counsel when and how to take action to request that they vacate the Town's land.

Mr. Bishop remarked that it would be a sequencing process, with relation to removing the pole issue with the as-builts and the addressing the issue of infringing on the Town's open space.

Mr. Hassinger inquired whether the Town has easements and rights-of-way in hand.

Mr. Bishop stated they have not been received yet, but can be obtained through the compensation of the engineering firm for the as-builts.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to move to Executive Session, with the intention of returning to open session for the purpose of adjournment only. **MOTION** carried unanimously by roll call vote.

The Board entered Executive Session at 9:47 p.m.

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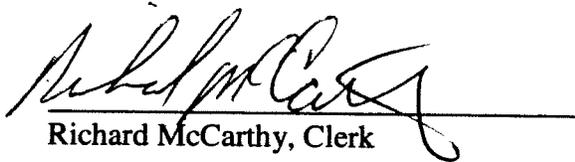
**EXECUTIVE SESSION**

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The Board returned to open session at 9:53 p.m.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to adjourn the meeting. **MOTION** carried unanimously.

The meeting was adjourned at 9:53 p.m.

  
Richard McCarthy, Clerk