

MINUTES OF MEETING
GRAFTON PLANNING BOARD
JANUARY 14, 2008

RECEIVED-TOWN CLERK
GRAFTON, MA.

FEB 6 10 24 AM '08

A regular meeting of the Grafton Planning Board was held on Monday, January 14, 2008 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present to the meeting were Chairman Peter Parsons, Vice-Chairman Robert Hassinger, Clerk Keith Regan, Donald Chouinard and Associate Member Christophe G. Courchesne. Absent from the meeting was Richard McCarthy. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Parsons called the meeting to order at 7:02 p.m.

SP 2008-1 BERNARD & LOIS REED, (APPLICANTS/OWNERS) – 24 OAK STREET – ACCESSORY APARTMENT

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing at 7:03 p.m.

Present for the hearing were applicants/owners Bernard & Lois Reed.

Mr. Bishop briefly reviewed the application submission/requirements with the Board.

Mr. Reed informed the Board the apartment would be replacing the footprint of the existing garage, but with an additional rear jog of 132 square feet. Mr. Reed noted the addition would not change the character of the neighborhood.

Mr. Chouinard and Mr. Hassinger questioned Mr. Reed on the accuracy of the plan submitted for the addition.

Mr. Regan informed Mr. Reed that his plan fell within what the Board has found to be acceptable for an accessory apartment; however a clearer, more definitive professionally drawn plan depicting the actual floor area layout needs to be submitted for the record.

Richard & Valarie Mackoul of 20 Oak Street, Arthur & Louise Nieves of 14 Oak Street, Karen Peck of 25 Oak Street and Elizabeth Sousa of 23 Oak Street expressed favorable comments to the Planning Board in supporting the Reeds accessory apartment addition.

Chairman Parsons designated Mr. Courchesne a voting member for Special Permit SP 2008-1.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to accept the applicant's written request to continue the public hearing to February 11, 2008 at 7:00 p.m. **MOTION** carried unanimously 5 to 0.

Chairman Parsons received unanimous consent to take Item #9, Reports from Planning Board Representatives on Town Committees and CMRPC.

Mr. Hassinger gave a brief report on the CMRPC's first meeting of the new year, stating that the assessment schedule was voted. Mr. Hassinger also noted that some of the funding was earmarked to MARPA and submitted a copy of MARPA's streamlined permitting instructions for the Board's reference. Mr. Hassinger stated that CMRPC was settled into their new home at Union Station on the second floor.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “FERRY RIDGE ESTATES” SUBDIVISION – INDIVIDUAL LOT, L.L.C. – REDESIGN APPROVED DRAINAGE SYSTEM

Chairman Parsons opened the public hearing. Present for the hearing were the developers David Calarese and David Phillips of Individual Lot, L.L.C; their engineer Peter Lavoie of Guerriere & Halnon, Inc. and Jeffrey Walsh of Graves Engineering, Inc.

Mr. Bishop briefly reviewed the status of the redesigned drainage system, and the issue of the sedimentation still flowing off-site into the drainage system.

Mr. Bishop informed the Board that Stephen Lemoine of the South Grafton Water District had submitted a letter stating their concern with sediment flowing from the site with the potential contamination of pesticides, oil, fertilizer, etc., along with photos for the Board to view. Mr. Bishop further noted that Mr. Lemoine had stated he would be present at the hearing with their engineer to discuss the issue and the possibility of rescinding water supply to the subdivision.

Mr. Parsons noted that neither Mr. Lemoine nor his engineer were present at the hearing, and that with regard to the submitted letters there is no evidence provided that there is in fact any contamination of the drainage from the site.

Mr. Hassinger added that the photos submitted show only sediment and do not show any contaminants.

Mr. Regan noted that if the South Grafton Water District will not be providing water to the subdivision, there is a problem.

Mr. Philips informed the Board that they have brought their revised plan to the Planning Board table to review the corrective steps they are trying to make to alleviate the drainage issues/problems and referred the Board to Jeff Walsh from Graves Engineering for his review of the redesigned system.

Mr. Walsh stated he concurred with the five and ten year storm calculations from the original calculations, but that the 100 year calculations didn't work, noting that he is not sure how these calculations got through their review 4 1/2 years ago.

The Board discussed the options to address the offsite run-off problem, specifically the sediment issue and informed Mr. Calarese that he needed to take action on these two specific issues immediately.

Mr. Calarese stated they have been trying to correct the problems but need to fix the drainage pipe problems under the roadway in order for the detention pond and swale to work as designed, as they have implemented many sediment control devices. Mr. Calarese informed the Board that the control devices will not work properly until the drainage can be fixed at the roadway. Mr. Calarese also pointed out that the DPW Superintendent Toma Duhani was in favor of the plan to fix the problem, but that the Board of Selectmen needs to give approval for the street opening.

Mr. Bishop summarized the discussion that Mr. Calarese needed to extend the 18" pipe, obtain the street opening for the pipe, remove the South Grafton Water District pipe from the street drain and put in place the controls for removal of the fine grain sediment.

Mr. Hassinger remarked the Board should support on Mr. Bishop's statement and the developer should try to get the 18" pipe installed before the runoff starts flooding the ball field again.

Mr. Walsh stated the developer will need to experiment with different types of flocculants for use with the best effects and also informed the Board that he concurred with the onsite drainage plan of Guerriere & Halnon.

Chairman Parsons advised the developer to be aggressive with the sediment treatment measures.

Mr. Bishop suggested the developer continue with the redesign of the onsite drainage in order to complete the original section to allow the Planning Board to approve the modification and then present the Board with a plan of the additional drainage changes signed off by the DPW.

The Board expressed concerns that the South Grafton Water District was not represented at the hearing.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to accept the applicant's written request to continue the public hearing to January 28, 2008 at 7:00 p.m. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 2-A – APPROVAL NOT REQUIRED PLAN – (ANR 2008-1) – JAMES MEIVA, DUNN MCKENZIE, INC. – 18 & 20 BRIDLE RIDGE DRIVE

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to approve ANR 2008-1 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

CONSIDER DECISION – SP 2007-12 S.A.M. REAL ESTATE, LLC – CUSTOM WOODWORKING SHOP – 353 PROVIDENCE ROAD

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to make favorable Findings for F-1 through F-14, with the corrections noted. **MOTION** carried unanimously 5 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to make favorable Findings for F-15 through F-24, as drafted. **MOTION** carried unanimously 5 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to grant Waiver W-1, citing no substantial change to the footprint. **MOTION** carried unanimously 5 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to grant Special Permit SP 2007-12 with the findings and conditions as discussed and amended. **MOTION** carried unanimously 5 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

ACTION ITEM 2-C – CONSIDER DECISION – SP 2007-10 DENNIS MONAHAN, (D/B/A D.M. MONAHAN BUILDING & REMODELING – ACCESSORY APARTMENT – 143 MILLBURY STREET

MOTION by Mr. Regan, **SECOND** by Mr. Courchesne, to make favorable Findings for F-1 through F-24, as drafted. **MOTION** carried unanimously 4 to 0 by roll call vote: Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to grant Special Permit SP 2007-10 with the findings and conditions as discussed and amended. **MOTION** carried unanimously 4 to 0 by roll call vote: Hassinger-aye; Parsons-aye; Regan-aye; Courchesne-aye.

CONSIDER DECISION – SP 2007-11 BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION LTD, D/B/A VERIZON WIRELESS – CO-LOCATION – 200 WESTBORO ROAD

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to make favorable Findings for F-1 through F-53, as drafted. **MOTION** carried unanimously 4 to 0 by roll call vote: Mr. Chouinard-aye; Mr. Hassinger-aye; Mr. Parsons-aye; Mr. Regan-aye.

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to grant Waivers W-1 through W-5, as drafted. **MOTION** carried unanimously 4 to 0 by roll call vote: Mr. Chouinard-aye; Mr. Hassinger-aye; Mr. Parsons-aye; Mr. Regan-aye.

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to grant SP 2007-11 with the findings and conditions, as drafted and amended. **MOTION** carried unanimously 4 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Parsons-aye; Regan-aye.

DISCUSSION ITEM 3-A – “OAKMONT FARMS” SUBDIVISION

Mr. Bishop updated the Board on the status of the subdivision, stating that Town Counsel was working out certain payments for takings of sewer lines with regard to property owner Michelina Such.

Mr. Bishop also informed the Board that Town Counsel wished to reaffirm with the Board the stand it had taken with regard to the encroachments on the sewer easements, stating the Board was well within its rights to maintain the present stand. Mr. Bishop noted that Town Counsel had inquired whether the Board wished to reconsider its standing considering the Sewer Department’s position of the encroachments not being an issue with them.

Chairman Parsons received unanimous consent to direct Mr. Bishop to relay a “no deal” response to Town Counsel, stating specifically that the Board was not in favor, they did not want to set precedence for encroachments on easements, and that once the easements are passed off clean, they may do what they want with them after.

DISCUSSION ITEM 3-B – FY 09 BUDGET

Mr. Bishop reviewed the upcoming FY 09 budget figures with the Board, noting that after some moderate Planning Office expenses, the bulk of the funding remaining would be used to digitize the Town zoning map. Mr. Bishop stated that after a final draft is prepared for the Planning Board’s review, there would be about 2 or 3 public meetings prior to the October Town Meeting.

MOTION by Mr. Chouinard, **SECOND** by Mr. Hassinger, to approve the minutes of December 10, 2007, as drafted. **MOTION** carried unanimously.

MOTION by Mr. Chouinard, **SECOND** by Mr. Hassinger, to approve the minutes of the special meeting on December 18, 2007, as drafted. **MOTION** carried unanimously.

STAFF REPORT

Mr. Bishop requested the Board consider taking an emergency action item regarding “Forest Hills” Condominiums that was inadvertently omitted from the meeting agenda.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to take the action item as an emergency item for the convenience of the Town. **MOTION** carried unanimously.

Mr. Bishop informed the Board that Forest Hills LP/Commons Development Group, Inc. had petitioned the Board back in December, 2004 with a request for the release from Condition of Site Plan Approval (building restriction), which the Board voted to release the buildings in Phase VII in exchange for an approved, properly executed tri-party agreement at their Planning Board meeting on November 22, 2004. Mr. Bishop noted that although the agreement was received and determined to be satisfactory, the Board never provided the petitioner with a signed release to be recorded at the Worcester Registry of Deeds; and consequently they are now requesting the Board provide this document.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to direct Staff to prepare the required paper work to be signed and provided to the petitioner. **MOTION** carried unanimously.

Mr. Bishop updated the Board on the “Miscoe Farms” bankruptcy situation with regard to the release of the funds requested by the Town. Mr. Bishop stated that Town Counsel had demanded a check be released to the Town in the amount of approximately \$60,000.00, which would be allocated to the Engineer/Surveyor for work performed and as-builts, subdivision work remaining and peer review costs for Graves Engineering, Inc. Mr. Bishop also noted that there were some remaining abutter issues to be dealt with.

Mr. Hassinger stated he though the process would move along a little faster than it has.

Mr. Bishop informed the Board concerning the ongoing correspondence with regard to the “Magnolia Farms” Subdivision default process with Webster Bank. Mr. Bishop added that his conversation with Attorney Frank Capezzera, representing Webster Bank, indicated the bank was still considering Mr. Moloney to a possibility to finish the subdivision work remaining. Mr. Bishop noted he and Jeff Walsh were reviewing the bid packages submitted for the work remaining.

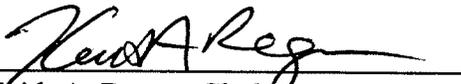
MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to direct Staff to inform Attorney Capezzera that the Board would like the work to move forward and definitely does not want Mr. Moloney to finish the work, based on his previous performance demonstrating that he is not qualified. **MOTION** carried unanimously.

Mr. Regan asked Mr. Bishop about how the Chapter 43-D was progressing and if he is aware of what changes there will be to the Zoning by-laws. Mr. Bishop stated that Town Counsel, Tony Penski was performing an overall review, which should be wrapping up soon.

Mr. Chouinard asked about Riverview Park. Mr. Bishop stated that an application and supporting documents had not been filed, but he expected a filing soon. Mr. Bishop also noted there would be a Stormwater by-law presentation at the Board of Selectmen workshop.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to adjourn the meeting.
MOTION carried unanimously.

The meeting was adjourned at 9:48 p.m.



Keith A. Regan, Clerk