

**Minutes of Meeting
Grafton Planning Board
January 28, 2008**

RECEIVED BY CLERK
GRAFTON PLANNING BOARD
77
FEB 20 9 01 AM '08

A regular meeting of the Grafton Planning Board was held on Monday, January 28, 2008 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Peter Parsons, Vice-Chairman, Robert Hassinger, Clerk Keith Regan, Richard McCarthy and Associate Member Christophe G. Courchesne. Absent from the meeting was Donald Chouinard. Staff present was Town Planner, Stephen Bishop and Assistant Planner, Ann Morgan.

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

**MODIFICATION OF DEFINITIVE PLAN APPROVAL - "CORTLAND
MANOR" SUBDIVISION - OFF CROSBY ROAD AND OAK RIDGE LANE -
ART-LOT ACRES DEVELOPMENT CORPORATION
(APPLICATION/OWNER)**

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

Present at the hearing for the applicant was Brian MacEwen of Graz Engineering.

Mr. Bishop informed the Board the applicant was requesting a procedural construction extension and had one Town memo of concern from the Board of Health with regard to the detention/retention ponds as possible mosquito breeding sites.

Mr. MacEwen informed the Board there were seven items left to be completed in the subdivision, all of which were moving slower than desired due to the economy driven situation.

Mr. Hassinger requested Mr. MacEwen to communicate with the Board of Health on the issue of their memo of concern.

Mr. Regan noted there were no abutters present at the hearing which indicates the subdivision is moving forward on any problems/issues.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to grant the applicant's written request to extend the construction deadline for one year to February 12, 2009. **MOTION** carried unanimously 4 to 0.

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

Chairman Parsons opened the public hearing. Present for the hearing were applicant/owner David Calarese; Project manager David Philips of L.R.C. Construction; Engineer Peter Lavoie of Guerrierre & Halnon Engineering; and Steven Lemoine, Superintendent of South Grafton Water District and his engineer.

Mr. Bishop informed the Board that has been no correspondence from the applicant, oral or written, with Graves Engineering in addressing the issues present at the subdivision onsite and offsite. Mr. Bishop noted there is a critical need to bring all the parties together to resolve the present and ongoing issues present at the site, in order to bring about an overall plan and resolution for the subdivision, onsite as well as offsite.

Mr. Hassinger expressed disappointment in the fact that the Board had requested at their last meeting that the underground drainage pipe be completed as soon as possible, yet it appears that nothing has been started.

Mr. Bishop stated the applicant did go before the Board of Selectmen at their last meeting, but were denied a spot on the agenda due to paperwork not being submitted on the Friday prior to the meeting ensuring them a time on the agenda. Mr. Calarese informed the Board that the Town Administrator had informed him that his information was not filed in time to be placed on the agenda and the Board of Selectmen tabled the item until the required paperwork is filed with their office. Mr. Calarese noted they were told they will need a letter from the Planning Board and the DPW stating their approval of what is being requested and the work being performed.

Mr. Bishop added that after speaking with Town Engineer Stephen Risotti, he had also indicated that he needed some information and to see a plan before he can approve any work to be completed on the roadway drainage.

Mr. Lemoine, Superintendent of South Grafton Water District, informed the Board that the 18" underground pipe in question had been replaced with sections of concrete pipe through the DPW's David Crouse, but that the drainage pipe was flowing directly toward a Town well, possibly resulting in a source of contamination. Mr. Lemoine stated this is a critical situation for the Water District and they are looking for some kind of resolution to the problem.

Mr. Lavoie informed the Board that he had reviewed the original drainage plan, stating it did not work, and that Jeff Walsh of Graves Engineering, Inc. concurred with that statement. Mr. Lavoie added that his plan does work and his analysis does not increase any runoff with the drainage.

Mr. Courchesne noted that it appears to be the applicant's responsibility to analyze the situation, to bring the persons needed together to resolve the problems, and that the responsibility should not fall on Mr. Bishop to bring about a solution.

Chairman Parsons suggested the applicant and his consultant put together a list of specific actions, including the dates to begin the action and the dates they are to be completed. Chairman Parsons also added meetings should be scheduled with the proper Town Boards, requesting to be put on their agendas if necessary, informing them of what you will be doing and a plan of what the work will encompass.

Chairman Parsons received unanimous consent from the Board that they were at the end of their patience and were requesting the applicant begin immediately to gather all the information needed and return to the Planning Board with a checklist of items that will show the progress.

The Board suggested Mr. Bishop be the person to take charge of getting the process moving down the right path and organizing the meetings required to move ahead with a plan of work be approved by the Board of Selectmen, since the drainage infrastructure will be the Town's responsibility.

Mr. Courchesne remarked that the issue needs to be resolved, due to the possible effects on the Town well.

Mr. Bishop acknowledged the issue and the need for someone to co-ordinate a meeting; sitting down with the necessary people to get the problem delineated and moving forward, at least making some progress toward a resolution.

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 4 to 0.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – "GLENWOOD ESTATES I" SUBDIVISION – OFF GLEN STREET – ABU CONSTRUCTION, INC. (APPLICANT/OWNER)

MODIFICATION OF DEFINITIVE PLAN APPROVAL – "GLENWOOD ESTATES II" SUBDIVISION – OFF GLENWOOD LANE & OLD WESTBORO ROAD – ABU CONSTRUCTION, INC. (APPLICANT/OWNER)

Mr. McCarthy recused himself to the audience as an abutter to the subdivisions.

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing at 7:58 p.m. Present at the hearing for the applicant was Kevin Quinn of Quinn Engineering.

Mr. Bishop informed the Board that Mr. Abu's cover letter had stated that all home construction and infrastructure work on Chiswell Lane and Coach House Road are complete, but there are still 3 lots remaining to be built out at the end of Glenwood Lane. Mr. Bishop noted Town Department memos had been received from the Board of Health stating there were 3 expired septic designs that needed to be resubmitted; and the Conservation Commission stating wetland replication had been completed in the spring, 2007, but the success must be evaluated in the spring of 2008 to request a Certificate of Compliance.

Mr. Quinn informed the Board that Mr. Abu had conceded that the remaining three lots may take a while to complete due to the economy, so his intention is to finalize construction and move towards acceptance.

Mr. Bishop also added that a letter had been received from the property owner at 12 Glenwood Lane bringing some unresolved property issues to the attention of Board. Mr. Quinn stated he had not seen the letter and would address the complaints with Mr. Abu.

Angell Whitlock of 13 Glenwood Lane expressed concerns to the Board with regard to the paving of the Common/Shared driveways for homes at 11, 13 and 15 Glenwood Lane, also including the home across the street at number 14 Glenwood Lane.

Mr. Quinn explained to the Board that typically the developer will defer paving a roadway and completing sidewalks when there are still lots left to be sold. Mr. Quinn noted that Mr. Abu is considering the homeowner requests as reasonable at this time and will be finalizing construction.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to close both public hearings. **MOTION** carried unanimously 3 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to accept the applicant's written request to grant a one-year construction extension to January 31, 2009 for both subdivisions. **MOTION** carried unanimously 3 to 0.

ACTION ITEM 2-A – APPROVAL NOT REQUIRED PLAN (ANR 2008-2) – DAVID MASON – BROWNS ROAD & UPTON STREET

Mr. Bishop stated he had informed the applicant and the Board of concerns he had regarding a portion of Browns Road that is not paved, leaving a question as to whether the road has been accepted by the Town. Mr. Bishop noted that after completing some research through the Clerk's office, it appears that Browns Road was accepted at the May, 1993 Town Meeting. Mr. Bishop also reminded the Board that this property is the Chapter 61-A Pease property that was before the Board for acceptance about a month ago.

Mr. Hassinger suggested researching the Planning Board minutes to see if it was on their agenda prior to Town Meeting in 1993, and noting there are two issues in finding resolution: private versus public makes a difference in outcome and to have Town Counsel advise the Board on how to proceed. Mr. Hassinger was also concerned with the Board's window of time to act on the ANR. Mr. Bishop noted the 21 days allowed would be on February 12, allowing the Board to act by their next meeting on February 11, 2008.

Mr. Bishop stated it needs to be figured out if the roadway is adequate and if it is private or public, because with regard to the action of Town Meeting on file, Browns Road is not laid out in a way that is crystal clear.

Mr. Hassinger stated that clearly the standards for a lot on a private road are not met, and the best path is to deny the plan and sort all the information out before the plan comes back before the Board at the February 11 Planning Board meeting.

The Board discussed denying the approval stating the plan could be done as a subdivision, with the roadway frontage serving more than 6 dwelling units and that it does not satisfy the minimum requirements of an ANR plan with the frontage on a private way, as submitted.

MOTION by Mr. McCarthy, **SECOND** by Regan, to deny ANR 2008-2, under Section 3.1.5.1(d) of the Subdivision Rules & Regulations, with the determination of the adequacy of the way being private; that the roadway could serve more than 6 dwelling units, and it was not suitable paved with bituminous concrete at no cost to the Town. **MOTION** carried unanimously 4 to 0.

APPROVAL NOT REQUIRED PLAN – (ANR 2008-3) – FRANCES KOWSKI – 126 MILLBURY STREET

Mr. Bishop informed the Board the applicant was dividing one lot, which appeared to be difficult land in terms of development, into three lots. Ms. Morgan submitted photographs of the ANR lots, showing the terrain of the land.

MOTION by Mr. McCarthy, **SECOND** by Mr. Regan, to approve ANR 2008-3 and to authorize the Town Planner to sign the ANR on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

REQUEST TO SIGN “MAPLEVALE ESTATES” SUBDIVISION AS-BUILT MYLARS

Chairman Parsons received unanimous consent to grant the request to sign the as-built mylars for “Maplevale Estates” Subdivision.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to approve the open session minutes of January 14, 2008, as drafted.

DISCUSSION: Mr. Courchesne noted corrections to the minutes of January 14, 2008.

AMENDED MOTION: **MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to approve the open session minutes of January 14, 2008 with the corrections noted. **MOTION** carried unanimously.

STAFF REPORT

Miscoe Farms: Mr. Bishop informed the Board that the Town has been notified that Framingham Co-operative Bank will release \$60,496.42 from the security bond for the subdivision, which the Town Administrator will make available to the Planning Board to complete the subdivision as soon as the actual release is found. Mr. Bishop also noted that he had been contacted by Ms. Dunn and that she would be dealt with when the Town receives the as-builts and can make a determination.

Magnolia Farms: Mr. Bishop stated that Graves Engineering was developing the Scope of Work review of outstanding items, which will be submitted to the Board for its review. Mr. Bishop added he had sent a letter to Webster Bank and their attorney Frank Cappezera stating the Board's concerns and opposition that they would be entertaining a bid from Mr. Moloney with regard to completing the subdivision. Mr. Bishop noted that Dennis Durante would be overseeing the construction process for the bank and that the Planning Board can reserve its right under Chapter 81U to complete the subdivision under its own process. Mr. Hassinger requested that if Mr. Moloney is awarded the bid by Webster Bank, the Planning Board schedule a hearing right away.

Other Items

Mr. Bishop informed the Board that the Town had not received the \$350,000.00 from the DHCD 40R grant as yet since they had been notified that an additional form that was missing from the package submitted needed to be completed and signed. Mr. Bishop stated he had talked with a representative from DHCD about the grant funding for the Streetscape project and was informed that the Planning Board should take control on implementing a South Grafton Village Master Plan Committee to implement the funding of the project.

Mr. Bishop also reminded the Board of the Citizen Trainer Planning Collaborative being held at Holy Cross College and registrations should be given to Donna in the Planning Office if anyone is interested in attending.

Mr. Bishop stated Tufts University would be presenting their Project Plan Review for the Phase II of the Campus Center in Building #16 at the February 11, 2008 Planning Board meeting for a site plan process.

Mr. Hassinger asked Mr. Bishop if there were any zoning by-law revisions coming up; for spring Town Meeting with regard to Chapter 43D. Mr. Bishop stated he would speak with Town Counsel about getting any of the reviewed material to the Planning Board to see if it is feasible for Town Meeting.

Mr. Hassinger also stated he was concerned about seeing the stormwater process being moved forward and being brought before the Planning Board for its review.

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

The meeting was adjourned at 9:15 p.m.



Keith A. Regan, Clerk