

**Minutes of Meeting
Grafton Planning Board
February 11, 2008**

RECEIVED-TOWN CLERK
GRAFTON, MA.

FEB 29 9 53 AM '08

A regular meeting of the Grafton Planning Board was held on Monday, February 11, 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, Donald Chouinard, and Richard McCarthy. Absent was Associate Member Christophe G. Courchesne. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Parsons called the meeting to order at 7:00 p.m.

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

Chairman Parsons opened the public hearing at 7:01 p.m. Present for the hearing were applicants/owners Bernard & Lois Reed.

Mr. Bishop reminded the Board that the applicant had continued the public hearing in order to provide an additional more detailed revised plan, as requested.

Mr. Reed reviewed the revised plan information with the Board, stating the home was about 1400 square feet and the apartment was 1100 square feet.

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

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to direct Staff to draft a decision, taking into consideration all the information received and the conditions discussed. **MOTION** carried unanimously.

PUBLIC MEETING

TUFTS UNIVERSITY / CUMMINGS SCHOOL OF VETERINARY MEDICINE - 200 WESTBORO ROAD - PHASE II - CAMPUS CENTER - (BUILDING #16)

Mr. Regan read the legal notice and Chairman Parsons opened the public meeting at 7:10 p.m.

Present for the meeting were from Tufts University: Jean Poteete, Senior Campus Planner and Chris Candiello, Project Manager-Construction Department; Dan MacRitchie of Hancock Associates; Paula Thompson of Waterman Design Associates, Inc.; and Attorney Robert Sudmyer of Bowditch & Dewey.

Ms. Poteete informed the Board that the application being submitted by Tufts University is pursuant to Tufts Master Plan Approval and Section 9.6.1.2 of the Grafton Zoning By-law; and is for the construction of an 8,441 square foot lecture hall, including a 1,505 square foot outdoor terrace as additions to the Building #16 Campus Center, off Wildlife Drive. Ms. Poteete added that the lecture hall will be used for DVM teaching, larger campus seminars and for continuing education/public events.

Mr. Hassinger and Mr. McCarthy questioned Ms. Poteete concerning adequate parking facilities on the campus and their distance from the lecture hall, stating their public safety concerns, specifically for public parking on Route 30. Ms. Poteete stated the Tufts campus had over 800 parking spaces on campus, and an assigned parking status when the lecture hall would be scheduled for events. Ms. Poteete also noted that Tufts operates its own police security, who actively oversees all events in addition the daily campus activity.

Chris Candiello, Project Manager, reviewed the building site for the Board, citing specific construction information, along with buffers, landscaping, accessibility and parking.

Dan MacRichie of Hancock Associates addressed the Board with regard to the Graves Engineering review comments and noted that one item had been directed for the Board's discretion concerned with the subsurface recharge system. Mr. MacRitchie noted that he was requesting the Board's approval of delaying the soil testing submittal requirement, which would be delayed until the infiltration system is constructed and would be witnessed by a Planning Board representative.

Mr. Hassinger asked Mr. Bishop if he could address the request with an adequate condition. Mr. Bishop replied the condition would reflect "to the satisfaction of the Planning Board".

Attorney Sudmyer asked what would be required if Graves Engineering signs off on the response comments submitted. Mr. Bishop stated the item would appear as and Action item on the agenda for the Board at their next meeting, noting the Board has 66 days to take action, bringing the deadline to April 3, 2008.

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

Chairman Parsons opened the continued public hearing at 7:52 p.m. Present for the hearing were David Calarese and David Philips of L. R. C. Development and Peter Lavoie of Guerriere & Halnon, Inc.

Mr. Bishop informed the Board that as a result of the Planning Board's direction at their last meeting, he had scheduled a meeting with all of the participants of this subdivision

issue, trying to move forward to some closure for the offsite stormwater. Mr. Bishop noted the meeting included himself, Ms. Morgan, Mr. Calarese, Mr. Philips, Town Engineer Steve Risotti, Conservation Agent Linda Dettloff, Engineer Peter Lavoie of Guerriere & Halnon, Inc., DPW Superintendent Toma Duhani, and Steve Lemoine, Superintendent of South Grafton Water District and their engineers. Mr. Bishop noted that Jeff Walsh of Graves Engineering was unable to attend the meeting, but the group was able to reach an agreeable decision among all present, with Mr. Lavoie working directly with the South Grafton Water District to extend the drainage ditch, directing the stormwater flow away from the Town well area. Mr. Bishop recognized South Grafton Water District's efforts to help remedy the situation by allowing the Ferry Ridge Estates applicant to extend the ditch. Mr. Bishop noted the applicant will need to file a N.O.I. with the Conservation Commission and need review comments from the DPW, Town Engineer, South Grafton Water District and Graves Engineering in order to submit their request to the Board of Selectmen for a road opening.

Mr. Bishop remarked that the only problem not resolved as yet was the significant peer review fee deficiency associated with the "Ferry Ridge Estates" Subdivision peer review account, which will hold up the Graves Engineering review comments for the Planning Board, but otherwise he considered the meeting was a qualified success.

Mr. Bishop added there were still some sedimentation issues, which will eventually be alleviated once the revised drainage plan is put into place.

Mr. Lavoie informed the Board that their post meeting proposal was to replace the 18" pipe with 24" pipe along the drainage ditch; berm up and regrade the swale with check dams to discharge directly into the dead pond located on the land purchased by the South Grafton Water District; and to submit a NOI to the Conservation Commission required for the 100 foot buffer to the wetlands.

Mr. Chouinard asked how much of the pipe would be under the roadway.

Mr. Bishop remarked that it was a concern of the DPW to stay out of the roadway if possible. Mr. Philips noted there appeared to be enough room to run the pipe along the ditch beside the roadway.

Mr. Regan asked about the pipe across the roadway to handle that runoff. Mr. Philips stated they will get letters of support for the Board of Selectmen to grant the roadway opening.

Chairman Parsons reminded the applicant that due to their peer review funds issue, all Graves work is suspended until that issue is resolved.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to accept the applicant's written request to continue the public hearing to February 25, 2008. **MOTION** carried unanimously.

APPROVAL NOT REQUIRED PLAN – (ANR 2008-4) – D & F AFONSO BUILDERS, INC. – WESTBORO RD. & INSTITUTE RD.

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

APPROVAL NOT REQUIRED PLAN – (ANR 2008-5) – DAVID MASON – BROWNS RD. & UPTON ST.

Mr. Bishop informed the Board that the same plan had been submitted and previously denied, being shown as a private way and now being shown as a public way. Mr. Bishop also noted the applicant had submitted additional information at 4:20 p.m. today to support the statement of the road being public.

Mr. Hassinger reminded the applicant that information that has not been submitted on the Friday prior to the Planning Board meeting is not accepted for consideration.

Mr. Bishop also noted that there is no indication of what materials have changed to justify the re-labeling of the road from private to public. Mr. Bishop informed the Board they have a 21 day deadline to make a decision on the submitted ANR plan which will be February 22, falling short of the next Planning Board meeting on February 25. Mr. Bishop stated the Board will have to decide tonight or schedule a special meeting.

Chairman Parsons stated there is not enough information submitted to ascertain whether it is accurate or not and further noting it is the responsibility of the applicant to provide the information for any questionable veracity, not the responsibility of the Planning Board.

Mr. Bishop added that it is not clear whether only a portion of the road was accepted as public or what exactly Town Meeting voted on with regard to the article submitted back in 1993.

Mr. Hassinger stated the Board does not have enough information to make a determination, noting that if it is decided the road is public, there is no information to know if it even meets the public roadway standards.

Mr. Mason informed the Board he had spoken with the Town Clerk and she had stated she had no certified list of Town accepted roads.

Mr. Hassinger stated the Board would need determination from the Town Clerk or Town Counsel interpretation, which would be fairly expensive.

Mr. Mason asked if he could extend the ANR deadline.

Mr. Bishop noted there is no provision within the Subdivision Rules & Regulations to extend the deadline.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to deny endorsement of ANR 2008-5 because when considering adequacy the road could serve more than 6 dwelling units and was not suitably paved with bituminous concrete at no cost to the Town; and specifically no sufficient information necessary to determine whether the road is public or private. **MOTION** carried unanimously 5 to 0.

Chairman Parsons received unanimous consent to take **ACTION ITEM 3-D** out of order.

REQUEST FOR MODIFICATION OF CONDITION #24 OF “BROOKMEADOW VILLAGE” DEFINITIVE SUBDIVISION APPROVAL – BROOKMEADOW VILLAGE, LLC, PETITIONER

Norman Gamache of Guerriere & Halnon, Inc. was present for the petitioner.

Mr. Bishop informed the Board that Brookmeadow Village LLC was initially requesting the Board consider releasing an additional 35 lots, but realized the lot release for the subdivision was restricted within the Condition #24 of the Definitive decision. Mr. Bishop noted that Condition #24 allows a maximum of 20 building permits for construction of single-family dwellings, with not more than 12 occupancy permits for said dwellings, for Phase I, prior to the completion of the improvements to the Route 122/Route122A intersection.

Mr. Gamache stated his client would request the Board consider releasing the 20 building permits and 12 occupancy permits for Phase I and II and considers this as a minor modification to the decision, only allowing the permits to be spread across a larger selection of lots prior to the completion of the intersection work.

Mr. Regan stated he would like to see the intersection fixed before swapping out some of the 20 already released, and not increasing the total number to be released.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to deny the applicant’s written request for a modification to Condition #24 as a minor modification of the “Brookmeadow Village” subdivision Definitive approval because the condition was already a compromise on the part of the Planning Board for the Definitive approval, specifically to ensure the Board’s control over the offsite intersection improvements. **MOTION** carried unanimously.

Chairman Parsons received unanimous consent to take **ACTION ITEM 3-C** out of order.

ACTION ITEM 3-C – “MAGNOLIA FARMS” SUBDIVISION – WEBSTER BANK SCOPE OF WORK

Mr. Bishop discussed the Scope of work developed by Dennis Durante and submitted by Webster Bank for the Board’s approval, also noting the additional items suggested by Jeff Walsh of Graves Engineering to be included in the Scope.

MOTION by Mr. Regan, **SECOND** by Mr. Chouinard, to approve the Scope of Work submitted by Webster Bank with the inclusion of Items 1 through 11 as detailed on the Scope review comments from Graves Engineering; the inclusion of language in the bid document that all work be completed in conformance with the Subdivision Rules & Regulations for Grafton; to amend Exhibit A of the document that the bank “will require” Payment, Performance and Lien Bonds; and that the Board approve the selected contractor qualifications before allowed to conduct work at the subdivision. **MOTION** carried unanimously 5 to 0.

Chairman Parsons received unanimous consent to take **DISCUSSION ITEM 4-A** out of order.

DISCUSSION ITEM 4-A – PROPOSED ZONING AMENDMENTS FOR CHAPTER 43D AND ZONING BY-LAWS

Mr. Bishop informed the Board that \$45,000.00 of the \$150,000.00 43-D grant had been delegated to the legal review by Town Counsel to bring the by-laws into conformance for the new Section 11 addition to the by-laws. Mr. Bishop noted a new notebook containing the changes suggested by Town Counsel was in their mailboxes, to ease in the tracking of the changes.

Chairman Parsons received unanimous consent to have Town Counsel attend the next Planning Board meeting for discussion of the by-law changes submitted to date.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to approve the open session minutes of February 11, 2008 with the changes noted. **MOTION** carried unanimously.

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

The meeting was adjourned at 9:33 p.m.



Keith A. Regan, Clerk