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**Minutes of Meeting
Grafton Planning Board
June 23, 2008**

A regular meeting of the Grafton Planning Board was held on Monday, June 23, 2008 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Christophe Courchesne (arriving at 7:07 p.m.), Vice-Chairman, Keith Regan, Clerk Peter Parsons, and Robert Hassinger. Absent from the meeting was Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Vice-Chair Regan called the meeting to order at 7:00 p.m. due to the delayed arrival of Chairman Courchesne.

ACTION ITEM 1-A - REQUEST FOR ACCEPTANCE OF BOND - LOT RELEASES - ROUTES 122/122A RECONSTRUCTION - "BROOKMEADOW VILLAGE" SUBDIVISION - NORMAND GAMACHE, GUERRIERE & HALNON ENGINEERING, INC., (PETITIONER)

Michael Weaver of Guerriere & Halnon Engineering informed the Board that Brookmeadow Village was requesting a partial release of their current Covenant for Lots 8-13, Lots 37-61 & Lots 87-90; and substituting a Performance Bond for the completion of Phase I-B & Phase II (roadway & utilities); and approval of the reconstruction work on the Routes 122/122A intersection reconstruction with regard to Condition #24 of their Definitive Subdivision Plan Decision.

Mr. Weaver submitted a lot release plan and Intersection Reconstruction schedule to the Board updating them on the status of the Route 122/122A intersection reconstruction. Mr. Weaver noted the previously submitted work schedule had been delayed two days due to conflicts with the asphalt grinder and informed the Board that the drainage system has been installed; base course pavement has been placed; granite curbing installed and cemented; loam spread in the islands; signs installed except one; and temporary striping of the intersection. Mr. Weaver stated the remaining items will be completed by Friday with inspection work being completed and signed off by Graves Engineering, Inc. and the Town of Grafton DPW.

Mr. Hassinger asked about inspection and sign-off by Mass Highway, who designed the plan according to their requirements.

Mr. Weaver stated that Mass Highway had relegated the approvals to the Town's DPW and consulting engineer.

Mr. Hassinger expressed concerns regarding no documented sign-off/inspection approvals from Mass Highway.

Vice-Chair Regan noted he had no problem replacing the Covenant with a Performance Bond, but was not in favor of releasing any building permits without the complete sign-off inspections for the intersection work.

Mr. Bishop reminded the Board that the Mass. Chapter 41A, 81U process of substituting the Performance Bond for a Covenant was a separate issue from the issuance of building permits, and that Town Counsel had reviewed and approved the Performance Bond submitted.

Chairman Courchesne entered the meeting at 7:07 p.m.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the petitioner's written request for acceptance of the subdivision improvements Performance Bond for completion of Phase I-B & Phase II (roadways & utilities). **MOTION** carried unanimously 3 to 0.

Mr. Weaver requested the Board consider releasing the requested building permits with a conditioned approval on the completion of the intersection reconstruction by the end of the week and inspection/sign-off reports from Graves Engineering and Grafton DPW.

The Board expressed concerns for allowing the release of any building permits prior to all of the information being received and the inspections complete, including Mass Highway documentation.

Vice-Chair Regan informed Mr. Weaver that the Board had no problem accommodating with a special meeting once all of the information is received and all inspections completed. Mr. Regan noted that the Board would need to be notified at least 48 hours prior to gather members and meet the requirements of a 48 hour public posting prior to the meeting.

Vice-Chair Regan turned the meeting over to Chairman Courchesne.

ACTION ITEM 2-A – CONSIDER DECISION – SP 2008-2 RIVERVIEW PARK – OFF 176 PROVIDENCE ROAD

Chairman Courchesne stated he would like to make two major points before beginning the decision deliberation:

- 1.) The need for an additional Finding describing the need for and the benefits of granting a special permit, which specifically calls out the need for additional fields as stated in the Recreational Fields Master Plan.

- 2.) Assuming we grant the special permit, what approach do we want to take to the conditions, in order to refrain from establishing Town fields policies within the conditions, but rather adopting or incorporating certain usage policies.

Mr. Hassinger noted the Town has to look for places for these fields and all elements are not required for all field areas looked at, they differ from field site to field site.

Mr. Regan stated some of the proposed conditions were design versus use and need to be addressed.

Chairman Courchesne also suggested referencing the correspondence received from the Recreational Fields Committee and stated he was not sure if these are Town policies.

Mr. Parsons stated he was not in favor of any specified conditions if there are Town policies in place regarding the recreational fields.

Chairman Courchesne remarked it was up to the Town to tell the Recreational Fields Committee what part they play in the Town fields and any conditions set need to be in compliance with all of the Town policies with respect to usage.

Mr. Hassinger requested that Condition #9 regarding no lighting be deleted, and stating this issue would fall under any future modifications that would need to be brought back before the Planning Board.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, for favorable Findings for F1 through F11 and adding a new F12 stating that the Board heard testimony during the public hearing establishing: 1.) the need for additional fields for organized recreational activities within the Town, and 2.) the desirability of improvements to the subject Site for ongoing water-dependent recreational activities. The Board further finds that the Town's Open Space and Recreation Plan, last updated in 2007, and Recreational Fields Master Plan, last updated in May of 2005, which are available for inspection in the Grafton Planning Department Office, support the Site's use for existing water-dependent recreational activities and the proposed organized recreational activities. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, for favorable Findings for re-numbered Findings F13 through F28. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to grant the applicants written request for Waiver W1. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to grant the Special Permit and Site Plan approval for SP 2008-2 Riverview Park with the changes in the Findings and Conditions as discussed and amended.

DISCUSSION: The Board discussed using stronger verbiage to express the intent and the need for Town wide policies.

Mr. Regan withdrew his motion.

AMENDED MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to grant the Special Permit and Site Plan approval for SP 2008-2 Riverview Park with the draft Findings and Conditions as discussed and amended, and adding a new Condition: The Town and all users of the subject Site shall comply with all applicable Town usage policies for recreational fields and facilities, such as without limitation hours of usage and scheduling of games and practices. **MOTION** carried unanimously 4 to 0.

DISCUSSION ITEMS – QUARTERLY POLICY WORKSHOPS

Chairman Courchesne discussed with the Planning Board their willingness to commence quarterly policy workshops to spend on discussing planning policy with regard to the Comprehensive Plan, Zoning issues, etc. Chairman Courchesne stated this will include some good agenda topics for the Board to talk about how they can become more proactive on various important issues.

Chairman Courchesne received unanimous consent to move forward on this effort and discuss potential dates and topics.

STAFF REPORT

Mr. Bishop reviewed his Staff Report with the Board and additionally updated the Board on the Magnolia Farms ongoing project. Mr. Bishop informed the Board that Jeff Walsh of Graves Engineering had informed him that Webster Bank had retained another construction management company to replace Construction Insight. Mr. Bishop noted he had a lengthy voicemail from Attorney Thomas Vangel, representing Webster Bank, discussing the circumstances and the reasons for the changes. Mr. Bishop stated he also noted to Attorney Vangel his concerns on not being notified in a timely manner of these changes.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Parsons, **SECOND** by Mr. Regan, to approve the open session minutes of June 9, 2008 as drafted. **MOTION** carried unanimously 4. to 0.

SP 2008-4 EXCLUSIVE PROPERTIES, LLC (APPLICANT/OWNER) – 309 PROVIDENCE ROAD – MULTI-FAMILY UNITS

Chairman Courchesne opened the public hearing at 7:50 p.m.

Mr. Bishop informed the Board that the applicant had requested a continuance to July 28, 2008 due to incomplete revised plans.

Mr. Regan noted it has been 2½ months since the application package was submitted with no revised plans resubmitted to date.

The Board discussed whether they wished to grant the continuance.

MOTION by Mr. Parsons to deny the applicant's written request for continuance.
SECOND by Mr. Regan for the purpose of discussion.

DISCUSSION: Mr. Regan noted the applicant has been trying to complete the revisions on the plans since March 11, 2008 and has not been able to submit plan revisions. The Board discussed what steps they could take with only four members qualified to vote and appearing to be a split vote between the members, which will fail the motion.

MOTION fails for lack of majority: Parsons-no; Hassinger-no.

MOTION by Mr. Regan to grant the applicant's written request to continue the public hearing to July 28, 2008.

SECOND by Chairman Courchesne who stated he would break protocol to second the motion

MOTION fails for lack of majority: Courchesne-aye; Regan-aye.

The Board acknowledged a stalemate and discussed their further options.

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

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to direct Staff to draft a decision, taking into consideration all of the information received and the conditions discussed; and additionally citing the last paragraph of Section 1.3.3.3 of the Grafton Zoning By-Laws with regard to the applicant failing to provide all information, etc. in a timely fashion.

DISCUSSION: Mr. Regan asked if a withdrawal would be with or without prejudice. Chairman Courchesne noted there are two options on the table for the applicant with the public hearing closed. The applicant can accept the Boards decision on the application as it stands or withdraw the application without prejudice and resubmit.

SP2008-9 IMAD SANDAKLY – 18 PLEASANT STREET – RAISING AND KEEPING OF LIVESTOCK UNDER 5 ACRES (CHICKENS)

Chairman Courchesne opened the public hearing at 8:03 p.m. and stated the applicant had submitted a written request to continue the public hearing to July 28, 2008 due to the submission of an application to the Conservation Commission which will not be heard until July 15, 2008.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to grant the applicant's written request to continue the public hearing to July 28, 2008 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**SP 2008-8 GRAFTON SUBURBAN CREDIT UNION/EDWARD P. LOPES,
(APPLICANT/OWNER) - 86 WORCESTER STREET – MODIFY SITE PLAN
FOR EXISTING SIGN – SECTION 4.4.4-SIGN RELIEF**

Chairman Courchesne opened the public hearing at 8:04 p.m. and stated a written request to continue the public hearing to July 28, 2008 had been received from the applicant.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to grant the applicant's written request to continue the public hearing to July 28, 2008 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**SP 2008-6 GRAFTON CROSSING LLC / REGINALD ANDERSON
(APPLICANT/OWNER) – 135 WESTBOROUGH ROAD – CONVERT EXISTING
COMMERCIAL BUILDING INTO MULTI-USE BUSINESS**

Chairman Courchesne opened the public hearing at 8:05 p.m. Present for the hearing were owner/applicant, Reginald Anderson and his engineer Michael Yerka of Yerka/Bacon Engineering.

Mr. Yerka informed the Board that they had revised the plans by closing up the front of the building, lined up the parking curbs and filled the area with loam & mulch; installed two 3-4 foot high planters three feet off the platform to protect the window service area and restricted the traffic aisle to one way travel. Mr. Yerka also informed the Board they saw no need for the level spreader suggested by Graves Engineering in their review comments.

Mr. Hassinger expressed concerns for the encroachment with the curb and requested whether it was possible to push out the curbing and balance it with the other side.

Chairman Courchesne asked Mr. Yerka about the Graves Engineering comment with regard to not enough clearance with the parking spaces in the front of the building and requested eliminating some of those spaces, leaving only the handicapped parking spaces.

Mr. Bishop noted they were required to have 42 parking spaces and are providing 43.

Mr. Anderson stated he acknowledged the Board's concerns about safety, and pointed out that with regard to the spaces in front of the ice cream window, there was 5 feet to the edge of the cement and there was also indoor ice cream service.

Mr. Parsons suggested the parking be reconfigured.

Chairman Courchesne noted the Planning Board has two options: 1.) to leave the record open for the submission of a revised plan as requested by the Board or 2.) to close the public hearing with the plan consistent with the Graves Engineering comments.

Mr. Hassinger asked Mr. Bishop about who would be affected by the absence of the level spreader and what would be the impact.

Mr. Bishop remarked that it would probably only be a potential problem to the Railroad and there has not been a problem with the area so far.

Mr. Hassinger requested that if the level spreader was not needed at this time, it could be addressed by a condition in the decision if it ever became a problem.

Mr. Bishop suggested an effort be made to remove part of the curbing so that the curbs on both sides of the driveway are aligned and consistent.

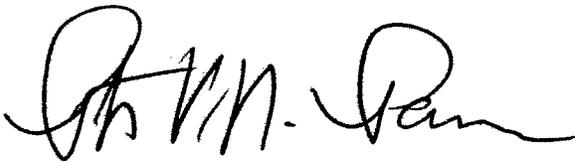
Mr. Yerka noted he would check with the DPW and if the roadway was Town owned he would make the curb uniform.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing, leaving the record open subject to the submission of the requested information, as discussed. **MOTION** carried unanimously 4 to 0.

Mr. Regan suggested the Board may need to request a decision deadline extension for the Brigham Hill Estates Subdivision public hearing before the next Planning Board meeting.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to adjourn the meeting. **MOTION** carried unanimously 4 to 0.

The meeting was adjourned at 8:30 p.m.



Peter Parsons, Clerk