

Minutes of Meeting
Grafton Planning Board
July 14, 2008

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GRAFTON, MA.

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

Chairman Courchesne called the meeting to order at 7:04 p.m.

**ACTION ITEM 1-A - APPROVAL NOT REQUIRED PLAN (ANR 2008-8)
JEFFREY & ELLEN HALL/MICHAEL ARNOLD - 6 & 8 BRIDLE RIDGE
DRIVE**

Attorney William S. Ahalt, present for the applicant, informed the Board the ANR was a land swap agreement between two neighboring property owners to conform to the landscaping and miscellaneous changes affecting their properties.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to endorse ANR 2008-8 and to authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 3 to 0.

**ACTION ITEM 1-B - CONSIDER DECISION - SP 2008-6 GRAFTON
CROSSING/REGINALD ANDERSON - 135 WESTBORO ROAD**

Chairman Courchesne stated the Board would not be able to consider the decision at this meeting, due to the absence of Planning Board members eligible to vote.

**ACTION ITEM 1-C - FERRY RIDGE ESTATES - CONSIDERATION OF
REQUIRING A BOND FOR DRAINAGE SYSTEM CONSTRUCTION AND SOIL
STABILIZATION UNDER CONDITION #17 OF THE DEFINITIVE PLAN
APPROVAL**

Mr. Bishop informed the Board that this decision was in part due to the foreclosure of LRC operations in Millbury and requires the Board to consider requiring a bond for the permitted drainage system construction and soil stabilization to be done at "Ferry Ridge Estates" Subdivision, with regard to their Definitive Plan decision condition #17. Mr. Bishop noted he had authorized Graves Engineering to supply a construction estimate for the onsite and offsite drainage work to be completed which was approved in May, 2008 by the Board.

Mr. Regan asked if there was already an erosion control bond in place for the subdivision and if LRC was aware that this bond will be required to perform this work. Mr. Bishop stated there was only a basic bond for approximately \$16,200.00 for basic erosion issues, that he had tried twice unsuccessfully to contact the developer, and that there was no activity currently at the site, as all the equipment had been pulled out.

Mr. Hassinger asked why the Board is going ahead to set a bond amount under the present circumstances. Mr. Bishop noted that there is a potential bankruptcy situation and this was an attempt of get their attention to deal with the conditions present at the site.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to require the developer of “Ferry Ridge Estates” Subdivision to post a bond for the approved drainage system construction and soil stabilization, based on correspondence from Graves Engineering, Inc. and the Board’s exercised rights with regard to Condition #17 of the Definitive Plan approval, and additionally noting that the bond may be subject to increasing costs and be further amended by the Planning Board, as required.

Chairman Courchesne also wished to note that the Planning Board was somewhat forced into this requirement due to Condition #17 and the major changes to the drainage system at the developer’s request.

MOTION carried unanimously 3 to 0.

**ACTION ITEM 1-D – DETERMINATION OF COMPLIANCE WITH
CONDITION #24 AND REQUEST FOR BOND REDUCTION –
“BROOKMEADOW VILLAGE SUBDIVISION – BROOKMEADOW VILLAGE,
LLC, (PETITIONER)**

Present for the action item was applicant/owner Greg Burrill and Normand Gamache of Guerriere & Halnon Engineering, Inc.

Mr. Gamache informed the Board that his client was requesting the Board’s approval of the calculated bond estimate of \$901,535.00 for “Brookmeadow Village” Subdivision for Phase 1-B and Phase 2 and allowing the release of 35 lots for building.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to set the bond amount of \$901,535.00 for the “Brookmeadow Village” Subdivision Phase 1-B & Phase 2, adding with the Planning Board’s right to adjust the amount if required.

DISCUSSION: Mr. Hassinger expressed concerns for enough contingency for the subdivision with the current economic building/housing situation.

Mr. Burrill explained to the Board that he had built in a 121% contingency to the calculated bond amount, making it more than adequate.

MOTION carried unanimously 3 to 0.

Mr. Gamache requested the Board hear the record of completion of Routes 122/122A Intersection reconstruction, as a requested condition of the Board for the release of 20 Building permits and 12 Occupancy permits. Mr. Gamache noted his client was unable to entertain lots for possible sale until they are released by the Planning Board and requested they sign the Release of Lots form he has prepared.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to accept a Performance guarantee in the amount of \$901,535.00 for Phases 1-B & 2 and to authorize a partial release of Covenant for the 35 lots. **MOTION** carried unanimously 3 to 0.

Mr. Gamache requested that the Board find his client in compliance with the Route 122/122A intersection reconstruction as required under Condition #24 of the Definitive Subdivision approval.

Mr. Gamache informed the Board that Graves Engineering had inspected the site and stated in their opinion that the site has been substantially completed in accordance with the plans along with the same certification by Guerriere & Halnon Engineering. Mr. Gamache noted that Mass Highway will not be commenting on the plans and Grafton DPW has not signed off on the plan, since the DPW Director had added some specific requirements that were not included on the original plans.

Mr. Regan noted the Board had stated at the last meeting that they would require a sign-off from Graves Engineering and the Grafton DPW before compliance for the intersection reconstruction would be acknowledged.

Mr. Burrill discussed with the Board the obstructions he had faced in the process of trying to be in compliance with the approved plan from Mass Highway, including having to request the Board of Selectmen intervention on his behalf with the DPW director.

Mr. Hassinger asked Mr. Bishop if he had any discussion/correspondence with the DPW director on the sign-off for the intersection. Mr. Bishop remarked that he had not had any direct conversation with the DPW director, but did have a conversation with Town Engineer, Steve Risotti and it was his understanding that Mr. Risotti concurred with Graves Engineering that the developer is in substantial compliance with the plan.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to find the developer in compliance with the Route 122/122A Mass Highway intersection reconstruction plan, as required in Condition #24 of the "Brookmeadow Village" Subdivision Definitive decision. **MOTION** carried unanimously 3 to 0.

Mr. Hassinger asked whether the Board should direct correspondence to the Town Administrator stating they had found the developer in compliance for the intersection reconstruction.

Chairman Courchesne received unanimous consent to move forward with the public hearings scheduled.

**“BRIGHAM HILL ESTATES” SUBDIVISION – DEFINITIVE SUBDIVISION
PLAN APPROVAL – 29-LOT FLEXIBLE DEVELOPMENT OFF 15 BRIELLE
ROAD & 153 BRIGHAM HILL ROAD**

Chairman Courchesne opened the public hearing at 7:47 p.m. Present for Brigham Hill LLC was Attorney Mark Donahue.

Attorney Donahue informed the Board that he was prepared to extend the date for the Planning Board decision deadline, that he would like to review with the Board the public concept of the design plan, and the Board’s comments on the general design. Attorney Donahue noted that this desire was predicated on the assurance that the Planning Board had adopted the Mullin Rule.

Chairman Courchesne expressed concerns that several months of hearing continuance had passed without any substantive progress on the applicant’s part, but with the extension of the decision date, the Board is willing to move forward.

Mr. Hassinger was concerned that the application was not actually complete when it was filed, causing the delays in the hearings.

Attorney Donahue noted the applicant has been seeking a full Board to be present at their hearing and has requested continuances as necessary, adding also that responding to the review comments from Graves Engineering will take at least six weeks, including meetings scheduled with the DPW and Sewer Department to ensure written comments for the Board. Attorney Donahue stated they would request to continue to October in order to have time to do the plan revisions and forward them to Graves Engineering for review comments

Mr. Regan stated he would like to see the applicant to come back in September and if more time is needed, it can be requested.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger for the sake of Discussion, to grant the applicant’s written request to continue the public hearing to September 8, 2008 at 7:30 p.m. and the Decision deadline to November 13, 2008.

DISCUSSION: Mr. Hassinger noted the application has been open for a long period of time, adding that the applicant should be ready when the application is submitted instead of dragging out the hearing for the Board and public. Mr. Hassinger stated he would prefer the process of the applicant withdrawing and coming back before the Board when they are ready.

Attorney Donahue explained to the Board that at the first hearing their engineer could not be present to answer any questioning and that he himself would not be able to answer any specific plan questions or inquiries; and adding that there was not a complete Board presence at the continued hearing date.

MOTION carried unanimously 3 to 0.

Chairman Courchesne recused himself to the audience for the next three public hearings.

SP 2008-10 METRO PCS MASSACHUSETTS, LLC, (APPLICANT) – TUFTS UNIVERSITY TRUSTEES, (OWNER) – CO-LOCATE THREE ADDITIONAL ANTENNAS, ASSOCIATED WIRES & GROUND EQUIPMENT – 200 WESTBOROUGH ROAD

Mr. Hassinger read the legal notice and Vice-Chair Regan opened the public hearing at 8:03 p.m.

Present for the hearing were Attorney Francis Parisi, representing the applicant, Terri Feuersanger, Site Acquisition Specialist for Metro PCS Massachusetts, LLC and Recording secretary Marianne Kusa-Ryll.

The Board informed Attorney Parisi there were two members absent and that Chairman Courchesne had recused himself, leaving only two voting members present, but that the Board would be invoking the Mullin rule allowing the absent members to view the recorded meeting and be eligible to vote. The Board also informed Attorney Parisi they had the option to continue without taking testimony.

Attorney Parisi stated he wished to risk going forward and would rely on the absent members invoking the Mullin rule.

Ms. Feuersanger reviewed the 77-foot co-location with the Board and Ben Orichi, RF Engineer for Metro PCS pointed out the coverage problems for the area on the propagation maps. Attorney Parisi noted this is the company's first location in Grafton, and since they were a new company, they would be added many more locations throughout New England.

Mr. Regan asked about the antennas and was told they were 4-feet tall and would make no change to the esthetics of the tower as they are internally mounted.

Mr. Hassinger asked about how they could serve their needs with a co-location 30-feet below the actual tower height of 110-feet granted in the original tower permit. Attorney Parisi explained they would prefer the higher height, but since they were a new company they were trying to secure more sites, even at lower co-locations.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to close the public hearing.
MOTION carried unanimously 2 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 2 to 0.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “BRIDLE RIDGE” (A/K/A “NORTH GRAFTON ESTATES I”) SUBDIVISION – HUCKINS FARM, LP, (APPLICANT/OWNER) – EXTEND CONSTRUCTION DEADLINE

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “NORTH GRAFTON ESTATES II” SUBDIVISION – HUCKINS FARM, LP, (APPLICANT/OWNER) – EXTEND CONSTRUCTION DEADLINE

Mr. Hassinger read the legal notice and Vice-Chair Regan opened the public hearings together at 8:25 p.m.

Chairman Courchesne remained recused.

Present at the hearing was Attorney Mark Kablack representing the applicant/owner.

Mr. Bishop briefly reminded the Board they had been given a copy of the Graves Engineering detailed review summary of ongoing items, including the equestrian trail, which was still in the process of construction and working out viable solutions to the issues.

Attorney Kablack noted that the subdivisions have been built out, roadways completed and as-builts have been submitted, with the one major problem remaining being the equestrian trails. Attorney Kablack stated they were currently looking to handle the erosion problems with a swale system specifically handling the trails, and added that “North Grafton Estates I” Subdivision was primarily complete and that most of the trail system work and erosion problems were associated with the “North Grafton Estates II” Subdivision.

Attorney Kablack stated his client was now in the process of addressing the Graves Engineering review comments on the submitted as-builts, finishing up the trails system, and looking to request Town acceptance soon.

Mr. Hassinger inquired about what the status was on the previous public hearing issues with the electrical/transformer problems. Attorney Kablack stated he had not heard any recent news on the problem and stated that it has been determined the transformer grids have been built in conformance with the electrical plan and that there is no deficiency with the electrical service.

Attorney Kablack also noted that Bryan Weiner was no longer working with Toll Brothers, Inc.

Mr. Regan asked what was happening with the status of the relocation of the trails.

Attorney Kablack stated they were currently relocating some of the trail system with re-landscaping, relocating driveways, etc., acknowledging there are problems in trying to finish trails after the lots have been sold.

Heidi Johnson of 94 Old Westboro Road expressed concerns regarding a drainage issue from the subdivision property, which had destroyed their two horse rings through severe erosion. Ms. Johnson submitted photographs to the Planning Board of the property erosion, a trench, which they dug themselves to divert the runoff, and the present conditions at the site. Ms Johnson stated the water issue needed to be addressed and that she needs to see the approved plan for the drainage system for the subdivision for this area. Ms Johnson also added that they had tried to dig trenches themselves in an effort to redirect the water flow away temporarily and has had no response to correspondence to the developer with regard to this problem. Ms. Johnson stated she wanted to be compensated for the destroyed rings by the developer.

Attorney Kablack informed the Board that he would send someone out to inspect the area discussed. Attorney Kablack also noted the problem appeared to be a natural sheeting of water and that he is not seeing any erosion gullies from the property in the pictures submitted.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to close the public hearing. **MOTION** carried unanimously 2 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed and leaving the vote open for the remaining member to vote. **MOTION** carried unanimously 2 to 0.

STAFF REPORT

There was no discussion on the Staff Report submitted.

Mr. Bishop informed the Board the Riverview Park decision will be revoted at the July 28th Planning Board meeting, stating that he had received a verbal commitment from Mr. McCarthy that he would be present to vote.

Mr. Hassinger asked about the status of the Associate Member vacant position notices that should be running in the newspaper, noting that the filling of that position would help alleviate the shortage of voting members at meetings.

The bills were circulated and signed.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to approve the open session minutes of June 23, 2008 with the correction noted. **MOTION** carried unanimously.

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

The meeting was adjourned at 8:59 p.m.

A handwritten signature in black ink, appearing to read "Peter Parsons", written over a horizontal line.

Peter Parsons, Clerk