

Minutes of Meeting
Grafton Planning Board
September 8, 2008

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A regular meeting of the Grafton Planning Board was held on Monday, September 8, 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, Clerk Peter Parsons, Robert Hassinger and Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

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

ACTION ITEM 1-A – REQUEST FOR ENDORSEMENT OF TRIPARTITE BOND AGREEMENT – RONALD ETRE, ETRE BUILDERS, INC., PETITIONER

Chairman Courchesne received unanimous consent to approve and sign the Tripartite Bond agreement for “Peters Estates” Subdivision.

ACTION ITEM 2-B – DETERMINATION OF COMPLETENESS RECOMMENDATION FOR “GLENWOOD ESTATES II” SUBDIVISION (STREET ACCEPTANCE PETITIONED FOR OCTOBER/2008 TOWN MEETING)

Mr. Bishop informed the Board that all Town Department sign-offs were in the Determination of Completeness package in their mailboxes.

Mr. Hassinger stated he recalled some abutter concerns for the subdivision at a past Planning Board meeting. Ms. Morgan remarked that an abutter had expressed concerns for the paving of the street connecting the common driveways within “Glenwood Estates I” Subdivision.

Mr. Regan asked if the Determination of Completeness application was for both “Glenwood Estates I” and “Glenwood Estates II” Subdivisions and was told the package was just for “Glenwood Estates II”. Mr. Regan also noted that prior to acceptance the Board should require lines painted at the stop signs within the subdivision and directed Mr. Bishop to inform the DPW of the requirement. Mr. Regan stated that in driving through the subdivisions some of the stop signs have lines and some do not, but they should all be uniform having lines.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to make a Determination of Completeness for “Glenwood Estates II” Subdivision, subject to the satisfactory completions of the items/issues discussed, including any agreements made. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-C – CONSIDER DECISION – SP 2008-12 ROBERT & PATRICIA LEDOUX – 130 FERRY SREET

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to make favorable Findings for F-1 through F-15, as drafted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to make favorable Findings for F-16 through F19, as drafted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to make favorable Findings for F-20 through F-34, as drafted. **MOTION** carried unanimously 5 to 0.

Mr. Hassinger noted adequate explanation should be made by the Board as to why we are granting 5 waivers.

After discussion, Chairman Courchesne received unanimous consent to direct Staff to make reference to Finding 3 for Waiver 1; to Finding 11 for Waiver 2; and Finding 13 for Waivers 3, 4, & 5.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to grant Waivers W-1 through W-5, as drafted, with the addition of the Finding references made by Chairman Courchesne. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to grant SP 2008-12 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

DISCUSSION ITEM 2-A – CONCEPT PLAN FOR PROPOSED 2-LOT SUBDIVISION – 151 WORCESTER STREET – ELIAS HANNA, PETITIONER

Michael Loin of Bertin Engineering Associates, Inc. reviewed the concept plan with the Board, stating the plan was for a proposed 2-lot subdivision in keeping with the “green” environmental-friendly, non-intrusive theme. Mr. Loin stated that in keeping with the “green theme” to keep impervious surfaces to a minimum with a reduced-width 20-foot wide roadway, which would be deed restricted and meet the stormwater regulations and a hammerhead turnaround bulb cul-de-sac meeting safety & fire requirements. In response to questions, it was determined that a number of waivers would be required, including having less than the 110-feet of access frontage for the roadway and being closer than 600-feet from the nearest intersection.

Mr. Hassinger stated he was hesitant to approve these types of waivers, since they have not all been successful in the past.

Mr. Regan asked about exploring variances for the lot.

Chairman Courchesne noted there seemed to be a large amount of waivers to be granted and referred the applicant to the Town's Affordable Housing needs, suggesting the need for public benefit as a balancing factor for the proposed project.

The Board also noted to the applicant that the area allows duplex or detached 2-family in the zoning district, so he may want to consider this and other benefits to the Town in addition on preparing a plan.

DISCUSSION ITEM – 2-B – POSSIBLE PURCHASE OF PELL FARM BY TOWN

Mr. Hassinger recused himself to the audience as an abutter of the property.

Mr. Regan, being a member of the Community Preservation Committee, gave the Board an overview of Pell proposal, which consists of whether to pursue the Town's purchase of the 150-acre Pell Tree Farm property on George Hill Road for preservation of the land for conservation and open space. Mr. Regan explained that the property is on both sides of Soap Hill Road, abuts the Upton town line; and that the Pell family has received offers from developers for housing subdivisions. Mr. Regan added that the Trust for Public Land has negotiated a tentative price of \$2.1 million, with the condition the Pells would retain the right to cut Christmas trees there for the next 10 years. Mr. Regan noted that the CPC can bond \$1.2 million toward the purchase price and the Town has applied for state grants, but a land management plan needs to be in effect in order to qualify for the grants and there is a closing date for an agreement by February, 2009. Mr. Regan added that there are many advantages to the land purchase with its total of 150 acres. It is identified in the Grafton Open Space & Recreation plan, is located in the ACEC, is located on one of Grafton's scenic roads, contains existing trails connecting to Upton conservation land and the harvesting of Christmas trees for another 10 years. Mr. Regan also noted there were some issues related to the purchase with regard to the use of the land, depending on conservation restrictions associated with some of the grants and liabilities associated with the tree farm condition.

John Koshivos of 4 Brielle Road informed the Board the Pell Farm land purchase was a great deal for the Town and they could develop some of the land as one acre house lots when the economic situation improves to recoup their investment.

Chairman Courchesne stated he would like to see this item scheduled on the Boards agenda for further discussion.

Mr. Hassinger returned to the Planning Board.

STAFF REPORT

Mr. Bishop stated he wished to note that he and the Building Inspector had met with the Industrial Communications applicant for the cell tower at 160 R Upton Road with regard to the third carrier installed on the tower. Mr. Bishop stated that the Building Inspector

had closed down the carrier, since they had installed their equipment without the proper permitting and will not allow the service to resume until they submit application to the Planning Board for required co-location permitting.

Mr. Bishop also informed the Board that he would not be submitting a warrant article with regard to the zoning map for the October Town Meeting, due to the lack of sufficient time for review of the map and that Applied Geographics was still working on the visual perspective of the color enhancement to the parcel information. Mr. Bishop noted he hoped to have everything ready for the May 2009 Town Meeting.

Mr. Bishop informed the Board that he, Ann Morgan, Robert Berger, and Natalie Lashmitt had met with the State and been awarded \$20,000.00 to complete the access software application, specifically to create a training manual. Mr. Bishop noted this feather in the cap of the Building Inspector, Robert Berger, who has put together this permit tracking software.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Parsons, **SECOND** by Mr. Regan, to approve the open session minutes of August 11, 2008, as drafted. **MOTION** carried unanimously.

Mr. Hassinger asked about the 43D checklist from the Board of Selectmen. Mr. Bishop stated there were adjustments to the checklist being discussed from Tufts to Town Counsel to reflect their issues and to layout administratively how the document will go forward. Mr. Bishop noted that the checklist was done at the request of the Town Administrator to explain the process and to be used as a tool for the Board of Selectmen to understand the process.

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

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

Chairman Courchesne recused himself to the audience due to a conflict of interest.

Mr. Parsons read the legal notice and Vice-Chair Regan opened the public hearing at 7:49 p.m.

Mr. Bishop suggested the Board include both public hearings together, since the subdivisions are connected.

Mr. Parsons read the legal notice for “North Grafton Estates II” also.

Vice-Chair Regan informed the public this was a rehearing of the subdivisions due to a “procedural snafu” with regard to the last hearings.

Mr. Bishop informed the Board that the developer had submitted Equestrian Trail plans and drainage calculations today, but that they had not yet been reviewed by Graves Engineering.

Present for the hearing representing Huckins Farm, L.P. was Attorney Mark Kablack, who informed the Board that they have completed all of the required improvements/revisions to the subdivision and are now finishing up all of the erosion revisions needed to reconstruct some of the equestrian trails. Attorney Kablack wished to note that they had reviewed the erosion complaint made by the abutter with the horse stables at the last public hearing and determined/confirmed that nothing actively happening was being caused by the subdivision. Attorney Kablack stated that “North Grafton Estates I” (a/k/a “Bridle Ridge”) subdivision was actually 100% complete and set for Determination of Completeness submission.

Mr. Hassinger asked Attorney Kablack if the developer had offered any help to the horse stable abutter with the erosion problems, even if it wasn’t through their fault. Attorney Kablack stated that nothing has stood out as causing the problem, but they will keep an open conversation with them.

Mr. McCarthy asked Mr. Bishop if he had received any phone calls in the Planning office concerning stormwater issues with the 6 inches of rain that fell over the weekend. Mr. Bishop stated there were no calls/complaints.

Frank Smith of 49 Bridle Ridge Drive informed the Board that the house lots to his left and right are very sloped to the horse farm property and seem to have a significant amount of water running off their properties to the horse farm. Mr. Smith also wished to note that with regard to Attorney Kablack’s statement on street lights installed, does that mean the light is actually on. Mr. Smith stated that there has been a streetlight directly across the street from his driveway that has never been turned on and would like to see it on, not necessarily for himself, but for all the safety of all the children within the subdivision.

Mr. Hassinger expressed concerns that he has heard complaints for a long time regarding this issue within subdivisions.

Attorney Kablack informed the Board that Mass Electric has checked out the subdivision and found the electrical to be adequate and everything in working order.

Mr. Hassinger stated that supports the complaint, noting that several years are much too long to wait for streetlights to be turned on.

Mr. Smith also expressed concerns for a horse trail that runs on his neighbor's property which has significant drainage issues in addition to the already present drainage issues related to the subdivision. Mr. Smith stated that he felt six years is long enough for all of these issues to be still present within the subdivision.

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

Mr. Hassinger expressed concerns for a positive follow-up with the extension, specifically with the streetlight issue prior to the onset of early evening darkness. Mr. Hassinger stated he would like a report on the inventory of all the streetlights within the two subdivisions.

Mr. Bishop noted that the Board can condition the extension pending their satisfactory review of the requests being satisfied.

The Board discussed their options on crafting an extension decision incorporating their streetlight requirements to be certified and inspected prior to setting the extension date.

Mr. Hassinger suggested the Board require the inventory to be submitted for the Planning Board workshop on September 15 and reminded Attorney Kablack the Board did not want any feedback which points the finger at Mass. Electric for the problem.

The Board informed Attorney Kablack they wanted a streetlight inventory report submitted to them by their workshop meeting on September 15, including what lights are on, what lights are not on and why they are not on.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to start drafting a decision for the construction deadline extension and determining options available to the Board to condition the extension as necessary. **MOTION** carried unanimously 4 to 0.

Chairman Courchesne returned to the Board at 8:15 p.m.

ZBL 2003-3 CITIZEN PETITION ARTICLE FOR OCTOBER, 2008 ANNUAL TOWN MEETING – PROPOSED AMENDMENT TO THE GRAFTON ZONING BY-LAW – ADULT DAY CARE – SUZANNE TURCOTTE, PETITIONER

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing at 8:15 p.m.

Present for the hearing was Suzanne Turcotte.

Chairman Courchesne stated the Board was looking to receive some input on this petition as were the Board of Selectmen as stated in their review comments.

Mr. Bishop noted that Town Counsel had provided their comments/direction on the presentation of this petition.

The Board indicated they had not received a copy of the letter in their mailboxes and had Mr. Bishop read aloud the correspondence from Town Counsel. Town Counsel stated they were requested to give their opinion re: “Adult Day Care” as presented by petitioner:

Request of the Town of Grafton to amend the Grafton Zoning By-Laws to add a new definition (Section 2) entitled Adult Day Care.

Also to amend “use regulation schedule” & add in public and semi public use to include a new subsection #4 entitled Adult Day Care.

Definition: Adult Day Care

A facility or home whether conducted for charity or profit, which is advertised, announced or maintained, for the expressed or implied purpose of providing 3 or more individuals, with supervision, socialization & guidance necessary as it relates to the aging process. Accommodations are for less than a 24 hour basis & daytime respite to families of elders with safety concerns & need for social integration.

Mr. Bishop noted that Town Counsel’s letter states that this service as stated does not fall into the regulated area and may fall into several of the uses already allowed by the by-law.

Mr. Hassinger stated that the original submitted Citizens Petition which does not state what districts it would be allowed in and what the uses will be, will not work as an article at this Town Meeting.

Suzanne Turcotte of 94 George Hill Road, petitioner of the proposed article, informed the Board that she had tried to look at the present definitions in the by-law to come up with a definition. Ms. Turcotte stated she researched with the Commonwealth of Mass Executive Office of Elder Affairs on the requirements, noting there was no licensing required since the service would not require medical responsibilities.

Mr. Hassinger explained to Ms. Turcotte that she was deficient in the presentation of the proposed article and that such submissions for Town Meeting approval should be written with the help of the Planning Board or the Planning Office.

Chairman Courchesne suggested Ms. Turcotte apply for a special permit, being use specific, as has been reviewed by Town Counsel already, giving some direction on how to proceed and what the applicant can request.

Brian Turcotte of 94 George Hill Road stated that he approached the Building Inspector about the Adult Day Care use and was told that he would love to allow it, but that it doesn’t exist in the right zone. Mr. Hassinger remarked he had a problem with that statement.

Ms. Turcotte informed the Board that she did not want to point fingers at any given person, but felt she was not given any direction on how to proceed with the petition and just exactly what steps she needed to go through.

Chairman Courchesne directed Ms. Turcotte to avail herself of the legal counsel already given by Town Counsel and pursue the proposed use through the special permit process requirements. Chairman Courchesne also noted that the special permit process will most likely be much swifter than the Town Meeting submission.

Mr. Parsons expressed concerns to Ms. Turcotte as to whether she had a clear understanding of exactly what the process requires and how she needs to proceed for the special permitting.

Ms. Turcotte stated that basically she had looked at the requirements for Child Day Care and reworded them to Adult Day Care. Mr. Hassinger noted that there is no use regulation schedule associated with the Adult Day Care as there is with the Child Day Care.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to recommend that the Board takes no position on the substance of the petitions potential use. **MOTION** carried unanimously 5 to 0.

The Board directed Staff to report to the Board of Selectmen that the proposed amendment was technically deficient they were unable to amend the petition to bring it into compliance.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “NICHOL’S WAY”
SUBDIVISION – MAGILL ASSOCIATES, INC. (APPLICANT/OWNER) –
EXTEND CONSTRUCTION DEADLINE**

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing at 8:42 p.m.

Present for the hearing representing Magill Associates, Inc. were Attorney Joseph Antonellis and Attorney Robert Knapik.

Attorney Antonellis informed the Board that Attorney Knapik works with him in handling his subdivision submission applications and will be reviewing this application with the Board.

Attorney Knapik stated he had spoken with the Town Planner about plans for this subdivision being submitted and reviewed by Graves Engineering back in 2005, who referred to a few minor drafting errors and the required clarification of some information on the plans. Attorney Knapik wished to note that the applicant, in changing engineers

lost track of the original intended submission of the plans for acceptance and informed the Board their intent was to resurrect these plans and resolve the deficiencies by submitting a full Determination of Completeness application package. Attorney Knapik asked the Board to consider an extension of time to complete this information.

Michael Rourke of 54 Hudson Avenue asked the Board not to consider extending the construction deadline to allow the addition of more homes, due to the length of time that has passed since the subdivision was originally constructed and the economic situation for home sales.

Attorney Knapik explained to the Board that the subdivision was fully constructed and that the extension was for clarification purposes only to finish up administrative matters with regard to the subdivisions acceptance by the Town.

Mr. Hassinger asked when the subdivision was originally approved and was told October 5, 1998.

Mr. McCarthy asked if the Town was still holding a bond on this subdivision. Mr. Bishop noted there was still security being held for the subdivision.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to grant the applicant's written request to extend the construction deadline for one year to June 1, 2009. **MOTION** carried unanimously 5 to 0.

Mr. Rourke of 54 Hudson Avenue asked the Board what the Board's motions meant for the subdivision.

Chairman Courchesne explained to Mr. Rourke that the extension request was for the administrative process only and the Board had granted the applicant a one-year extension to complete that process.

**“BRIGHAM HILL ESTATES” SUBDIVISION – BRIGHAM HILL LLC,
(APPLICANT/OWNER) – DEFINITIVE PLAN APPROVAL – OFF 15 BRIELLE
ROAD & 153 BRIGHAM HILL ROAD**

Chairman Courchesne opened the public hearing. Present at the hearing representing Brigham Hill LLC was Attorney Mark Donahue, Engineer Paul Grasewicz of Graz Engineering and Kevin Rabbitt of K. B. Rabbitt & Associates.

Attorney Donahue reviewed the subdivision with the Board stating the Board had approved the Concept plans C & D in October, 2006 for 29 lots with two access roadways for 21 lots off Brielle Road and 8 lots off Brigham Hill Road. Attorney

Donahue noted they were requesting 2 waivers; one of the dead end roadway and one for the curbing.

Mr. Grasewicz also reviewed the plan with the Board, pointing out the three roadways within the subdivision; White Flower Lane, with a length of 600 feet, which ran into Colony Circle, a short cul-de-sac about 550 feet long; and at the end of Colony Circle, an emergency access gravel roadway up to Patriot Way, about 600 feet long. Mr. Grasewicz note there will be Town sewer and water served by a pump station and gravity feed for the sewer and a proposed plan to loop the water piping and tie into the main line that comes off the water tank.

Mr. Hassinger asked if there would be a section of Brigham Hill Road without Town water connection and Mr. Grasewicz answered there would be a section of about 2,000 feet.

Mr. Grasewicz also noted they were working on the revision of the emergency access roadway due to the comments of the DPW Director would stated he wanted the roadway paved rather than the proposed gravel with gates to prevent access. Mr. Grasewicz stated they had received a letter from the Town Engineer in June requiring the roadway be paved for snow plowing and maintenance issues. Mr. Grasewicz informed the Board that there were also several disagreements with the DPW Director on the decision not to proceed with some of the proposed modifications originally discussed for Brigham Hill Road.

Mr. Regan and Mr. Hassinger expressed concerns that the special permit conditions should be referenced as to what was stated/recommended for any of the proposed modifications.

Attorney Donahue stated that all of the requests made by the Wastewater Treatment facility and the Grafton Land Trust for the trail easements have all been done, but decided to get a sense of the Planning Board's feelings on the specific items associated with the DPW Director prior to meeting with the Town Engineer.

Mr. Hassinger expressed concerns that the mitigation on the thru traffic flow to the subdivision was requested to satisfy the Planning Board's concerns and it was decided that the gravel would work better for the access roadway required by the Board. Mr. Hassinger remarked he thought the Board needed to have a conversation with the DPW Director.

Mr. Grasewicz informed the Board that most of the work is on the drawing board for fixing the access road and they need to move forward with a recommendation for closure on the stormwater assessments.

MOTION by Mr. Parsons, **SECOND** by Mr. McCarthy, to grant the applicant's written request to continue the public hearing to October 27, 2008. **MOTION** carried unanimously 5 to 0.

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

The meeting was adjourned at 9:22 p.m.

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

Peter Parsons, Clerk