

**Minutes of Meeting
Grafton Planning Board
September 22, 2008**

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A regular meeting of the Grafton Planning Board was held on Monday, September 22, 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, Robert Hassinger and Richard McCarthy. Staff present was Town Planner, Stephen Bishop. Absent from the meeting were Clerk Peter Parsons and Assistant Planner Ann Morgan.

Chairman Courchesne called the meeting to order at 7:01 p.m.

**ACTION ITEM 1-A - APPROVAL NOT REQUIRED PLAN - ANR 2008-9
DEBRA TOURTELLOTTE - 31 WESSON STREET**

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to approve ANR 2008-9 and authorize the Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-B - APPROVAL NOT REQUIRED PLAN - ANR 2008-10
TOWN OF GRAFTON - DISCOVERY DRIVE**

Mr. Bishop informed the Board that the ANR was reviewed by the Engineering Department for the Board of Selectmen and represents 1,440 feet of Discovery Drive, an easement for an infiltration basin, and an easement for snow removal and town vehicle turnaround. Mr. Bishop added that the purpose of the plan was to satisfy the requirements for recording at the Registry of Deeds.

Mr. Regan expressed concerns of proceeding for a road acceptance through a different process that is usually reserved as a recommended article with Town Meeting acceptance.

Mr. Hassinger noted he did not understand what the purpose of the plan was. Mr. Bishop stated the plan was required to be signed off by the Planning Board or order to be recorded at the Registry of Deeds.

Chairman Courchesne asked if there was a correspondence transmittal associated with the plan explaining the intent. Mr. Bishop noted there was only an application submitted with the plan.

Mr. Regan questioned why this was not a Town Meeting process.

Mr. McCarthy asked who Murray Engineering was, who had drawn up the plan and if the legal description had been reviewed by the Town Engineer and Town Counsel.

Chairman Courchesne asked if Town Counsel believes this plan is required for road acceptance and requested that Town Counsel provide advice to the Board on accepting the plan.

Mr. Bishop noted that the Registry of Deeds will not accept the plan unless it is signed off by the Planning Board.

Mr. Regan stated that if the roadway is a subdivision road, it requires the Town Meeting process and since Graves Engineering did not review the roadway, the Board does not know whether it was constructed to the Town's standards.

Chairman Courchesne remarked that the Board cannot be sure if the submitted plan has been prepared for the Town or for Tufts and this request for action falls outside of the traditional ANR approval, specifically for a road acceptance process.

Chairman Courchesne received unanimous consent to direct Staff to provide documentation and criteria necessary for the Board to render a decision. Chairman Courchesne noted that since the Board has 21 days to act on the application, the plan can be placed on the Board's October 6th meeting agenda, thereby allowing time for receipt of more documentation/criteria and additionally Town Counsel's advice to the Planning Board.

ACTION ITEM 1-C – REQUEST FOR MINOR MODIFICATION – INSTALL ATM – SAVERS COOPERATIVE BANK – 96 WORCESTER STREET

Neil Dixon of Dixon/Salo Architects, Inc., John Andrews of Andrews Survey & Engineering, Inc. were present to discuss the minor modification with the Board.

Mr. Dixon informed the Board that due to the timely replacement of the existing ATM terminal and customer pressure, Savers Cooperative Bank would like to replace their existing indoor walk-up ATM terminal with a drive-thru installation. Mr. Dixon noted the new ATM unit will be located directly adjacent to the existing drive-through canopy, within the area which is presently grass and landscaping. Mr. Dixon added that they did not anticipate any traffic increase since most of the customers would be Savers Bank customers.

Mr. Hassinger noted there was no locus on the plan, which is generally required.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to make the determination that the change is a minor modification and to grant the applicant's written request for the minor modification of a drive-up ATM outside the Savers Cooperative Bank. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-D – CONSIDER DECISION – MODIFICATION OF DEFINITIVE PLAN APPROVAL – “BRIDLE RIDGE” (A/K/A “NORTH

**GRAFTON ESTATES I”) SUBDIVISION & “NORTH GRAFTON ESTATES II”
SUBDIVISION – EXTEND CONSTRUCTION DEADLINE**

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

Vice-Chair Regan asked Staff for an update on the status of the street light situation discussed at the last meeting, which was to be addressed at the workshop meeting last Monday.

Mr. McCarthy noted there were 4 lights out within the subdivisions when he drove through after the last meeting.

Mr. Bishop noted Condition #2 in the decision noted the applicant is required to appear before the Planning Board on or before December 30, 2008 to review the status of the project, specifically the activation of all the streetlights referred to in Finding F-4.

“BRIDLE RIDGE” (A/K/A “NORTH GRAFTON ESTATES I”

MOTION by Mr. McCarthy, **SECOND** by Mr. Hassinger, to find favorable Findings for F-1 to F-5. **MOTION** carried unanimously 3 to 0.

MOTION by Mr. McCarthy, **SECOND** by Mr. Hassinger for the purposes of discussion, to grant the applicant’s written request to extend the construction deadline with the Findings and Conditions as discussed and amended, to September 22, 2009.

Mr. Hassinger expressed concerns as to whether the condition will work in resolving the problem, referring to the problems previous subdivisions have had in resolving street light issues. Mr. McCarthy noted the Board does not know the reasons why the street lights are not energized and who may be at fault. Mr. Bishop stated that an electrician was in the Planning Office last week verifying the energized street lights and their locations and reported all to be okay.

MOTION carried unanimously 3 to 0.

“NORTH GRAFTON ESTATES II”

MOTION by Mr. McCarthy, **SECOND** by Mr. Hassinger, to find favorable Findings for F-1 to F-6. **MOTION** carried unanimously 3 to 0.

MOTION by Mr. McCarthy, **SECOND** by Mr. Hassinger, to grant the applicant’s written request to extend the construction deadline, with the Findings and Conditions as discussed and amended, to September 22, 2009. **MOTION** carried unanimously 3 to 0.

ACTION ITEM 1-E – CONSIDER DECISION – MODIFICATION OF DEFINITIVE PLAN APPROVAL – “NICHOL’S WAY SUBDIVISION – EXTEND CONSTRUCTION DECISION

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to grant the applicant’s written request to extend the construction deadline for one year to September 8, 2009. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-F – REVIEW DRAFT PLANNING BOARD REPORT – ZBL 2008-3 – CITIZEN’S PETITION FOR “ADULT DAY CARE”

The Planning Board discussed the draft report prepared by Mr. Bishop.

Chairman Courchesne noted that one item was missing with regard to Town Counsel’s advice to the Planning Board that the uses are currently viable by the uses of the Zoning By-Laws.

Mr. Regan stated that Ms. Turcotte is bringing the petition to Town Meeting for a vote.

Mr. Hassinger suggested the Board further note the defectiveness of the article, the deficiencies of the effective language in advertising the public hearing, and how the Board did not have enough information to adequately support the article being presented at Town Meeting. Mr. Hassinger added that he felt the deficient article will be published in the same form on the warrant, resulting in the same inadequate notice to the voters.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the draft report with the addition of three points: that the article was sent to Town Counsel for their advice/direction on the article as presented; the inadequacy of the legal notice advertisement and information to the Planning Board, resulting in their inability to make a determination on the article; and the inadequate/deficient information being placed on the warrant for Town Meeting. **MOTION** carried unanimously 4 to 0.

STAFF REPORT

The Board determined the report was informational as stated.

Mr. Bishop wished to add an update about the “Magnolia Farms” Subdivision, stating the contractor was actively working on the remaining issues left to complete in co-operation with Webster Bank.

Mr. Bishop also noted he had finally spoken to David Calarese concerning the “Ferry Ridge Estates” Subdivision, informing him of the Town’s intentions of using the Site Stabilization Bond to try to bring some stabilization to the site.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to approve the open session minutes of September 8, 2008 as drafted. **MOTION** carried unanimously.

CORRESPONDENCE

The Board briefly discussed the Attorney General's response to the Zoning By-Law changes submitted.

Chairman Courchesne requested the Board take up the Pell Farm acquisition under the agenda as Ongoing items. Mr. Bishop responded that the Planning office had not received any correspondence to place on the agenda.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, requesting the Board take up the Pell Farm acquisition as an emergency item. **MOTION** carried unanimously.

Mr. Hassinger recused himself to the audience due to a conflict of interest as an abutter.

Mr. Regan discussed with the Board acquisition details for the Pell Farm land with regard to the Community Preservation Commission's (of which he is a member) offer of partial funding along with local and state funds.

The Board continued to discuss the possible/projected financing, limited development potential, open space value, and the effects of a possible Conservation Restriction. It was also noted that this property is identified in the Open Space & Recreation Plan.

Chairman Courchesne received unanimous consent to endorse the Town's acquisition of the Pell Farm property on George Hill Road.

Mr. Hassinger returned to the Planning Board.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – "MAZZA FARMS" SUBDIVISION – ABU CONSTRUCTION, INC. (APPLICANT/OWNER) – EXTEND CONSTRUCTION DECISION

Mr. Regan read the legal notice and Chairman Courchesne opened the public hearing at 8:04 p.m. Christopher Keenan of Quinn Engineering was present representing Abu Construction, Inc.

Mr. Keenan informed the Board that the subdivision is substantially complete and his client is in the process of submitting a Determination of Completeness for the May Town Meeting.

There were no public comments. Mr. Hassinger pointed out that the Board of Health's memo wished to note that there has not been a Certificate of Compliance issued as yet for the wells and septic of the unsold homes. Mr. Bishop added that this would not be required until the homes are sold. Mr. Keenan also noted they had sign-offs from the Fire Department and the DPW.

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

MOTION by Mr. McCarthy, **SECOND** by Mr. Regan, to direct Staff to draft a decision, taking into consideration all of the information received and all of the findings and conditions discussed. **MOTION** carried unanimously 4 to 0.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “DENDEE ACRES”
SUBDIVISION – DENIS M. & DOLORES R. DESROSIERS,
(APPLICANTS/OWNERS) – EXTEND CONSTRUCTION DEADLINE/MODIFY
OPEN SPACE PLAN/EXTEND THE PERIOD OF PLAN ENDORSEMENT**

Mr. Regan read the legal notice and Chairman Courchesne opened the public hearing at 8:08 p.m. Present for the hearing were the applicants/owners Denis & Dolores Desrosiers, their attorney Wayne LeBlanc and developer Francis Noel, Jr.

Attorney LeBlanc reviewed the approved Definitive Plan with the Board, explaining that a small portion of the Desrosiers existing property was protruding into the Open Space which required a slight modification to the Definitive plan in moving the lot line. Attorney LeBlanc also noted that with regard to Condition #36, requiring plan endorsement within six months of approval, the Desrosiers had been unable to contract a developer to take over the subdivision until now. Attorney LeBlanc added that since the construction deadline was also expiring with regard to Condition #34, they wished to extend the construction deadline for one year.

Attorney LeBlanc stated that his client is trying to resolve the Planning Board items, have the plans endorsed, and is working with the DCHD to obtain the Affordable Housing criteria needed for the subdivision for which they have filed an application.

Mr. Bishop informed the Board that the applicant has covered all the issues with regard to the Definitive Subdivision approval; has begun the transition at DHCD which is a 6 to 8 week turnaround for the application and requirements; and that the open space/conservation restriction can be handled by a deed transfer and specific language for a condition in the decision.

Chairman Courchesne stated there were two outstanding items that needed to be resolved as soon as possible; the Affordable Housing local action units application approval and outstanding taxes owed to the Town detailed in the Town Treasurer's memo. Attorney

LeBlanc informed the Board that his client was trying to resolve the problem of the outstanding taxes with the final purchase and sale agreement closing in about 15 days.

Mr. Regan asked about the endorsement timeframe. Attorney LeBlanc stated that Norman Hill of Land Planning was preparing the plan.

The Board expressed concerns about endorsing the plans without the Local Action Units letter of eligibility and requested some safeguards within the conditions of the decision for these issues.

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

Mr. Hassinger asked if there were mylars that needed to be viewed. Mr. Bishop stated there was only one mylar to be reviewed. Mr. Hassinger noted the public hearing should be left open for the Graves Engineering review comments on the new mylar. Mr. Regan suggested Graves Engineering do a prior to endorsement review on the mylar.

AMENDED MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing, leaving the record open subject to a prior to endorsement review by Graves Engineering, Inc. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 4 to 0.

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

The meeting was adjourned at 8:37 p.m.

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

Peter Parsons, Clerk