

**Minutes of Meeting  
Grafton Planning Board  
October 6, 2008**

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A regular meeting of the Grafton Planning Board was held on Monday, October 6, 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, Robert Hassinger and Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan. Absent from the meeting was Clerk Peter Parsons.

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

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

Present to discuss the ANR plan were Town Engineer Stephen Risotti and Town Counsel Ginny Sinkel Kremer.

Mr. Bishop informed the Board that the ANR plan was created in response to unusual circumstances for the construction of Discovery Drive.

Mr. Risotti explained to the Board that he was here to request the Boards endorsement of the ANR plan for the road acceptance of Discovery Drive, which was driven by the agreement the Town entered into with Tufts University, specifically stating the acceptance process would be within four years of the signed agreement. Mr. Risotti reminded the Board that the construction of the project was started in 2004, falling into a tight budget with the management finances, and eventually being overseen by the Town's Engineering Department with regard to the road and infrastructure. Mr. Risotti stated the roadway and infrastructure are in compliance with the approved Definitive Plan.

Mr. Regan asked if the ANR plan matches the Subdivision plan. Mr. Risotti stated it was the same metes and bounds as the Subdivision plan. Mr. Regan asked if there were any other omissions other than the street trees. Mr. Risotti added that the Board of Selectmen had directed him to obtain the Planning Board's approval, a requirement to get the plan registered at the Registry of Deeds, and to proceed with the Town's acceptance of the roadway.

Mr. Hassinger stated he needed to hear the legal side of this request.

Attorney Kremer informed the Board that the reason the road acceptance is before them in the form of an ANR plan is because there is a slight change in the curvature of the road, which does not result in any new subdivision of land. Attorney Kremer added that the Registry of Deeds needs to have an accurate plan on file reflecting the slight curvature of the road, which is reflected in the ANR plan.

Mr. Bishop noted that the changes in the alignment of the road are within the original easement and that no new lot lines are being created.

Attorney Kremer also reminded the Board that the Board of Selectmen's perspective is such that the road layout needs to be done at least 7 days prior to Town Meeting and signed off by the Planning Board before the plan can be filed with the Registry of Deeds, allowing the road acceptance by the Town.

The Board discussed the "unusual issues" of easements being accepted before the roadway; not using an ANR to modify a Definitive plan; and approving an ANR plan of a roadway which is creating lot frontage.

Attorney Kremer added that the roadway approval had been negotiated by the Town Administrator and the Board of Selectmen and was not a subdivision under the Subdivision Control law. Attorney Kremer also noted that the clock for the ANR approval runs out after tonight and there will be repercussions for the Town if the roadway is not accepted this year

Chairman Courchesne stated that what is before the Board is not a sign-off a subdivision, but a ministerial act endorsing what has already been granted and sees no reason why this ANR process can't be done to solve a situation which does not fit neatly into any other process.

Mr. Hassinger expressed concerns that the Board will now create the possibility of a subdivision by approving the ANR plan creating lot frontage.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to approve ANR 2008-10 and to authorize the Town Planner to sign the ANR plan on behalf of the Planning Board. **MOTION** carried 3 to 1 by roll call vote: Hassinger-no; Courchesne-aye; Regan-aye; McCarthy-aye.

Chairman Courchesne requested that since Town Counsel was present, she could speak to some of the issues surrounding the Attorney General's response to the Zoning By-Law changes that were submitted at the May, 2008 Town Meeting.

Attorney Kremer stated that Attorney Penski is the person who has the expertise in reviewing the By-Laws and the Town did not adopt all of the language he had suggested in reviewing the Town By-Laws.

Mr. Hassinger expressed concerns of the new guidance from the Attorney General's office without a reason and added that the Board had spent a lot of time going over the proposed changes with Town Counsel. Mr. Hassinger also wished to note that he viewed the fact that none of this language had been picked up with the review of Town Meeting warrant.

Chairman Courchesne received unanimous consent to take the Determination of Completeness for “Mazza Farms” & “Nantucket Place” first.

**CONSIDER DETERMINATION OF COMPLETENESS – “MAZZA FARMS / NANTUCKET PLACE”**

Mr. Bishop informed the Board that the items detailed in the DPW Director’s memo have been addressed according to the Town Engineer, Stephen Risotti. Mr. Bishop also noted there were a couple of trees deferred which made no sense and interfered with the trail system according to Kenneth Holberger.

Mr. Regan asked why the developer was filing for a Modification of Definitive for an extension of the construction deadline if he is filing for a Determination of Completeness. Mr. Bishop stated that the process had an unclear timeline and the developer thought it prudent to file for the extension.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to make a Determination of Completeness for “Mazza Farms” Subdivision, subject to the satisfactory completions of the items/issues discussed, including any agreements made. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-B – CONSIDER DECISION – MODIFICATION OF DEFINITIVE PLAN APPROVAL – “MAZZA FARMS” SUBDIVISION**

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to grant the applicant’s written request to extend the construction deadline for one year to October 6, 2009. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-C – CONSIDER DECISION – MODIFICATION OF DEFINITIVE PLAN APPROVAL – “DENDEE ACRES” SUBDIVISION**

Mr. Bishop reviewed the Decision highlights with the Board, specifically noting the conditions regarding a “Units Approval Letter” for the Affordable Housing requirements documented in Conditions #3 & #4 of MRSP 2004-18 and evidence from the Town Treasurer that property taxes are current.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, for favorable Findings for F-1 through F-7. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to grant the applicant’s written request to modify the Definitive Plan Approval by modifying the Open Space plan, extending the period of endorsement, and to extend the construction deadline to November 24, 2009. **MOTION** carried unanimously 4 to 0.

**SP 2008-13 EXCLUSIVE PROPERTIES, LLC, (APPLICANT/OWNER) –  
ADDITIONAL 4 MULTI-FAMILY UNITS – 309 PROVIDENCE ROAD**

Mr. Regan read the legal notice and Chairman Courchesne opened the public hearing at 7:58 p.m. Present for the hearing were owners Ronald Henault & James Collette and their engineer John Grenier of J. A. Grenier Associates.

Mr. Regan noted to the applicant/owners that there were only 4 members present for the hearing and that the Mullin rule could be invoked providing a recorded version of the live-feed of the Planning Board meeting is available for the member to view.

Mr. Grenier proceeded to discuss the proposed plan to add an additional 4 multi-family units to the rear of an existing 3 multi-family unit site at 309 Providence Road. Mr. Grenier noted the parcel was within the R-MF zoning district, the Water Supply Overlay District, that the proposed expansion will meet requirements for ingress and egress, parking density and open space, and they were requesting a waiver from the Traffic Study. Mr. Grenier stated he had addressed the issues in the Graves review letter and added he would look into the Board of Health comments regarding supplementing newer technology for the infiltration system.

Mr. Hassinger suggested that due to the large amount of controversy regarding detention basins, the new rain garden technology promotes a better way of moving in the right direction.

Robert Cadrin of 15 Harding Street expressed concerns of damage to his well, due to the large amount of ledge in the area which may be removed through blasting.

Mr. Regan asked about the open space required by the by-law and if any Affordable Housing options had been considered. Mr. Grenier stated the back yard area is classified as open space and two other areas about 25 feet from the rear stairway and that the applicants have no interest in designating any units for affordable housing consideration. Chairman Courchesne suggested one or all of the units could be submitted for consideration for affordable housing.

Mr. Bishop noted that in order to adjust the stormwater overflow, the applicant was seeking permission from Mass Highway to tie into their drainage system. Mr. Grenier added that Mass Highway would not like to approve this request until all of the plans and changes are complete. Mr. Hassinger was expressed concerns for what rules apply under the new stormwater management due to the high water ground water in this area.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to grant the applicant's written request to continue the public hearing to November 10, 2008 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

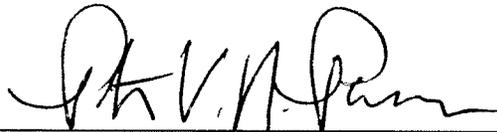
**STAFF REPORT**

Mr. Bishop informed the Board that with regard to the “Ferry Ridge” Subdivision, the homeowners are settling with their insurance companies and much progress has been made in bringing the properties back to a reasonable homeowner state.

Mr. Regan requested the Planning Board be posted for the Town Meeting on October 20, 2008 for 7:30 p.m.

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

The meeting was adjourned at 8:36 p.m.

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

Peter Parsons, Clerk