

**Minutes of Meeting  
Grafton Planning Board  
December 8, 2008**

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GRAFTON, MA.

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

Chairman Courchesne called the meeting to order at 7:02 p.m.

**ACTION ITEM 1-A – CONSIDER DECISION – MODIFICATION OF DEFINITIVE  
PLAN APPROVAL – “MAGNOLIA FARMS” SUBDIVISION – DELETE  
REQUIREMENT TO CONSTRUCT EQUESTRIAN TRAIL**

Mr. Courchesne reviewed the development of the draft decision. He noted that the Board had closed the public hearing on November 24<sup>th</sup> but had requested that additional materials be submitted by staff for consideration. In particular the Board had requested any information pertaining to trails in the area and the status of the easements on site. The last item was of particular concern during the hearing process as there was testimony received requesting that the Board not only delete the requirement to construct the equestrian trails but also to rescind the pedestrian / equestrian trails approved as part of the definitive subdivision approval. Mr. Courchesne noted the applicant had only applied for the relief pertaining to the construction of the equestrian trails and that the hearing was advertised as such. Staff provided information to the Board regarding the easements and Ken Holberger, President of the Grafton Land Trust, submitted some general trail information including an email outline of his research and a map. The Board reviewed this information.

Mr. Courchesne noted that the Board was not in a position to rescind the easements which have already been granted to the Town but have not as yet been adopted at Town Meeting. Mr. Hassinger asked if there was any information to indicate that the laying out of the easements were developed as part of a larger trail system in the area. Review of the material submitted by Mr. Holberger indicated that there were some future possible connections to area trails. Mr. Regan asked if the trail system submitted by Mr. Holberger was in the Open Space and Recreation Plan. Mr. Bishop stated no they weren't and that Mr. Holberger's information had evolved over a period of time and through his research and do not represent official, Town of Grafton-designated trails.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to make favorable Findings for F-1 to F-12. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the Modification of the Definitive Plan Approval with the Findings and Conditions, as discussed. **MOTION** carried unanimously 4 to 0

### **DISCUSSION ITEM 1-A – SCHEDULE & TOPICS FOR 2009 WORKSHOPS**

Mr. Courchesne asked the Board to schedule two workshops for 2009 to address various planning topics. The Board set the date of March 2, 2009 as the first workshop. Agenda items will include discussion draft revisions to the subdivision rules and regulations along with potential Town Meeting items. The Board will schedule the next workshop for 2009 at the March workshop.

### **STAFF REPORT**

**Zoning Map** - Mr. Bishop stated that the draft digital format of the zoning map will be presented at the January 12, 2009 Board meeting. A timeline for public review and comment will also be reviewed in January with the goal of presenting the map to the May 2009 Town Meeting. Mr. Courchesne asked that the required public hearing for the map be placed on the agenda for the March 2009 workshop.

Mr. Hassinger asked that, as part of the public review period, that the draft map be posted on the Town web site and that it would have to be formatted into a vector PDF for easy upload and printing capabilities. Mr. Bishop stated that he would look into the matter.

**South Grafton Villages Streetscape Program** – Mr. Bishop stated that he had recently presented an overview of the draft RFP to the Economic Development Commission. The Commission voted unanimously to support the program and are forwarding correspondence stating such to the Board of Selectmen. Mr. Bishop further noted that he would be presenting the program at the December 16, 2008 Selectmen's meeting requesting authorization to proceed with the RFP. Mr. Regan asked if the Temporary Assistant Town Administrator had been briefed on the subject to which Mr. Bishop stated yes.

### **MINUTES OF PREVIOUS MEETING**

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the open session minutes of November 24, 2008 as drafted. **MOTION** carried unanimously.

### **CORRESPONDENCE**

**Town Counsel** - Mr. Bishop reviewed correspondence received from Town Counsel regarding the outstanding litigation items relevant to the Planning Board. Mr. Hassinger questioned the rationale of placing Avalon Bay on the Planning Board list as a potential litigation case. Mr. Bishop noted that he was the first point of contact for the Town and that Town Counsel may have included this item on the Board list as a result of that. Mr. Courchesne added that this case may involve a potential zoning by law issue which may involve the Board.

**Blackstone Valley Chamber of Commerce** – Mr. Bishop reviewed a letter from the Chamber and noted that it was originally addressed to the Board of Selectmen who forwarded it to the

Planning Board and the Economic Development Commission for their recommendation. The Chamber is asking towns to sign a Regional Economic Development Council Participation Agreement.

Mr. Regan asked if this agreement requires a monetary commitment from the Town. Mr. Bishop noted that there would be a \$1.00 per resident fee to support the efforts of the new Council.

Mr. Courchesne stated that the Board is not in a position to recommend the committing of town funds to projects such as these. Through Mr. Courchesne the Board opted to forward their support to the Town and the Economic Development in their efforts to promote local and regional economic development. The Board took no action regarding the request of the Selectmen to forward a recommendation on the Chamber proposal.

**Ferry Ridge Subdivision** – Mr. McCarthy asked if the Town had received any response from LRC regarding the letter sent from Town Counsel giving the developer a time frame in which to address the outstanding site issues. Mr. Bishop stated no. Mr. McCarthy pointed out that the deadline for response had passed that that the felt that Town should proceed to the next step of procuring the bond to complete the work. Mr. Bishop stated that Town Counsel is reviewing the options available to the Town with regards to filing an injunction.

Mr. Regan asked if there was a plan in place when the Town does receive the money. Mr. Bishop reviewed the outline of items that the money would be applied to including emergency items such as replacing the pipe across Ferry Street, dredging of on-site dams, use of flocculent, and addressing a number of on and off site sediment issues.

Mr. Hassinger asked that the issue be placed on the next meeting agenda for an update. Mr. Courchesne requested that Mr. Bishop present the issue to the Board of Selectmen at their December 16<sup>th</sup> meeting to review the status and raise their level of awareness. The Board directed Mr. Bishop to coordinate that effort.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “HIGFIELDS ESTATES”  
SUBDIVISION – MAGILL ASSOCIATES, INC. (OWNER / APPLICANT); EXTEND  
PERIOD TO CONSTRUCT AND RELOCATION OF WATER BOOSTER STATION**

Mr. Bishop noted the Applicant / Owner had submitted a written request to continue the public hearing for reasons outlined in the correspondence.

Attorney Joseph Antonellis was present representing his client, Magill Associates, Inc. Mr. Antonellis reviewed the progress to date on the relocation of the water booster station and noted that several location and construction issues were still being coordinated with the Grafton Water District. He stated that he expects the work to be complete in the near future.

Mr. Courchesne asked for public comment. No additional testimony was offered.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to approve the applicant's written request to continue the public hearing to January 26, 2009 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**DEFINITIVE SUBDIVISION PLAN APPROVAL – “BRIGHAM HILL ESTATES”  
SUBDIVISION – BRIGHAM HILL LLC (OWNER / APPLICANT)**

Present for the Applicant were Paul Grasewicz of Graz Engineering LLC and Attorney Mark Donohue. Mr. Donohue presented an overview of the work completed since the previous public hearing.

Mr. Grasewicz reviewed the three specific waivers requested by the Applicant. The regulations require the use of granite bounds. The Applicant is requesting to use granite monuments to mark all the roadway easements but is asking to use concrete in all other locations. Mr. Hassinger asked if the monuments were protected by language in the by laws to which Mr. Grasewicz responded yes. Mr. Hassinger further asked if ferrous metal would be installed in the monuments for the purposes of future detection. Mr. Grasewicz stated yes. Mr. Hassinger further asked if the Board had the authority to grant a waiver from this requirement. Mr. Bishop responded that the granting of waivers from this requirement falls within the discretion of the Board.

Mr. Grasewicz presented the second waiver request whereby the Applicant would be permitted to place bounds monuments in specific locations where the lots abut an easement as opposed to marking every intersecting lot line. It is the Applicant's position that given the lot configuration at the point where all the lots meet the drainage easement that the requirement would result in the installation of an excessive number of monuments. Mr. Grasewicz presented a revised bounds map that showed the new proposed bounds locations to mark the drainage easement. Mr. McCarthy asked what type of material would be used for the monuments. Mr. Grasewicz stated that these would be constructed of concrete.

The third waiver request presented by Mr. Grasewicz was in regards to the marking the bounds on the perimeter of the subdivision. Mr. Grasewicz reviewed the perimeter property lines noting the property to the south is owned by the Grafton Land Trust and the property to the west is owned by the Commonwealth of Massachusetts. Both properties are used for conservation purposes. The Applicant is asking that they be relieved from the requirement to set bounds along these property lines given the nature of the abutting property uses and the extent of the property lines. The remaining eastern perimeter property lines are marked by stone walls which would have to be disassembled to install the monuments. The Applicant is requesting that the Board allow them to mark the boundary with signs posted every 200 feet in order to avoid disassembling stone walls as well as using drillholes in the stone walls at all changes of direction of the property line.

Mr. Regan and Mr. Courchesne both noted that taking down stone walls to install monuments wouldn't make any sense. Mr. Regan asked if the Board has faced this issue before and what the past practice had been. Mr. Bishop noted that he was not aware of other projects that presented this request. Mr. Grasewicz noted that this topic has been the source of review and interpretation

by Graves Engineering which is reflected in their review comments to the Board. Mr. Grasewicz stated that he was of the opinion that regulations were not clear on this matter and that the Board had the discretion to consider additional options for the marking of bounds.

Mr. Hassinger asked that Mr. Grasewicz submit documentation to clearly outline the Applicant's position and rationale for this request so that it can serve as future reference for this project and other projects that may follow. Mr. Bishop added that the Planning Board should add this item to its review of the subdivision rules and regulations.

In his closing comments, Mr. Grasewicz noted that subdivision would be built in one phase and that fencing and a gate would be installed along the emergency access road.

Mr. Courchesne asked for public comment. No additional testimony was offered.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing for the purposes of discussion.

**DISCUSSION** - Mr. Courchesne asked if there were any further comments from the Board. Mr. Regan requested that the Applicant submit revised plans to reflect the proposed requests presented during the hearing along with the final review comments from Graves Engineering.

**MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, 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.

**SP 2008-13 SPECIAL PERMIT / SITE PLAN APPROVAL – FOUR (4) MULTI-FAMILY UNITS; 309 PROVIDENCE ROAD - EXCLUSIVE PROPERTIES, LLC (APPLICANT / OWNER)**

Present was John Grenier of J. M. Grenier Associates representing Exclusive Properties, LLC (applicant / owner).

Mr. Bishop reviewed that status of the project since the last public hearing on this project. He noted that the Applicant had submitted revised plans earlier in the day. These materials have not been distributed to the Board due to the last submission time. In addition, Graves Engineering had not had the opportunity to review the revisions and provide comments.

Mr. Grenier reviewed that status of work completed to date. He noted that they had presented their plans before the Conservation Commission the week of December 1, 2008 and received comments about pavement width of the driveway access. He stated that the new plans reflect a 24 foot driveway and that they had addressed all the comments from Graves Engineering received to date.

Mr. Grenier stated that the Applicant is expecting the Conservation Commission to submit a letter to the Building Inspector regarding the lot coverage review requirement set out in the by laws as the project is in the Water Supply Protection Overlay District. Mr. Bishop stated that the Building Inspector had submitted a letter with a favorable finding to the Board.

Mr. Courchesne asked if the Fire Department had reviewed the plans again with particular regard to turn around clearance in the parking area. Mr. Bishop said they had not been contacted to date.

Mr. Regan noted that the Applicant is requesting a waiver from the Traffic Study requirement and asked if the Applicant had considered what benefits could be offered in lieu of the waiver request. Mr. Courchesne added that the Applicant had been asked to consider and analyze the opportunity to develop one unit as an affordable rental unit. Mr. Grenier stated that they had reviewed the numbers and that based on the small number of units being developed (4) that it was not financially feasible to develop an affordable rental unit.

Mr. Grenier stated that the Applicant has not explored any other benefit options to offset the waiver request.

Mr. Courchesne stated that Board may want to consider a donation to the Grafton Affordable Housing Trust in lieu of the development of a rental unit and that this item would be directly connected to the waiver request. Upon consultation with his client who was sitting in the audience, Mr. Grenier stated that they would be agreeable to donating the actual cost of conducting a traffic study to the Grafton Affordable Housing Trust. He proposed that they will solicit the cost of a traffic study from a qualified firm and then propose an in kind cash donation to the Trust. Mr. Regan noted that the purpose of this proposal was to mitigate the impacts of the project and that any proposal should be proportionate the extent of the impact. Mr. Courchense stated that traffic studies can range in scope and cost and requested that research on the range of traffic study costs be provided.

Mr. Hassinger asked if the Applicant had received a copy of the correspondence from the Cadrins' at 15 Harding Street outlining their request for pre and post development well testing for the purposes of mitigating and impacts that result from construction activities. Mr. Grenier stated that they had not seen the letter but that his client would take care of this matter and that it was in his client's best interest to conduct this work. Mr. Hassinger reiterated that the Applicant would be responsible for pre and post construction testing as well as impact mitigation in the event that the Cadrin's well is negatively impacted.

Mr. Courchesne noted that the Board would want to see the final review comments from Graves Engineering based on the additional plan revisions received.

Mr. Courchesne asked for public comment. No additional testimony was offered.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to approve the applicant's written request to continue the public hearing to January 12, 2009 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**SP 2008-17 SPECIAL PERMIT / SITE PLAN APPROVAL – 8000 SQUARE FOOT STORAGE FACILITY - WASHINGTON MILLS, NORTH GRAFTON, INC. (APPLICANT / OWNER)**

Mr. Bishop stated that since the last hearing date the Board had received the requested information which included a revised set of plans along with Graves Engineering final review comments. All outstanding items have been addressed to the satisfaction of Graves Engineering. In addition, the Building Inspector had submitted a favorable determination regarding the lot coverage review requirement as the property is located within the Water Supply Protection Overlay District.

Mr. Courchesne asked for public comment. No additional testimony was offered.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing for the purposes of discussion.

**DISCUSSION** - Mr. Courchesne asked if there were any further comments from the Board. Hearing none, Mr. Courchesne called for a vote on the motion.

**MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **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.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “HILLVIEW ESTATES” SUBDIVISION – DAVID BROSSI / HILLVIEW ESTATES, INC. (OWNER / APPLICANT); EXTEND PERIOD TO CONSTRUCT**

Mr. Regan read the legal notice and Chairman Courchesne opened the public hearing at 8:10 p.m. Present for the hearing was David Brossi of Hillview Estates, Inc. (owner / applicant).

Mr. Brossi stated that he is requesting the extension of period of time to construct for one year in order to complete outstanding construction items.

Mr. Regan asked how many lots were involved and if any had been built to date. Mr. Brossi stated that there were five single family house lots served by the subdivision road and that none of them had been built upon. He further stated that he planned to have the road accepted by the Town prior to any house construction.

Mr. Courchesne asked for public comment. No additional testimony was offered.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to close the public hearing for the purposes of discussion.

**DISCUSSION** - Mr. Courchesne asked if there were any further comments from the Board. Hearing none, Mr. Courchesne called for a vote on the motion.

**MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to direct staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed with regards to the applicant's request for a one year extension for the period to construct.

**MOTION** carried unanimously 4 to 0.

**ADJOURNMENT**

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

The meeting was adjourned at 8:20 p.m.

  
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Peter Parsons, Clerk