

**Minutes of Meeting  
Grafton Planning Board  
January 12, 2009**

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A regular meeting of the Grafton Planning Board was held on Monday, January 12, 2009 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 Associate Member Bruce Spinney III. Staff present was Town Planner, Stephen Bishop. Absent from the meeting were Clerk Peter Parsons, Richard McCarthy 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 2008-11 –  
BROOKMEADOW VILLAGE, LLC – BROOKMEADOW LANE & TAFT MILL  
ROAD**

Michael Weaver of Guerriere & Halnon Engineering, Inc. was present to discuss the ANR plan with the Board.

Chairman Courchesne interrupted the agenda item to introduce and welcome new Associate Member Bruce Spinney III to the Planning Board, also wishing him well with his new endeavor.

Mr. Weaver continued and informed the Board the plan was a minor configuration of 6 lots. Chairman Courchesne asked Mr. Bishop if the plan meets the review requirements and Mr. Bishop stated the plan meets the required frontage.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to endorse ANR 2008-11 and authorize the Planner to sign the ANR plan on behalf of the Planning Board. **MOTION** carried unanimously 3 to 0.

**ACTION ITEM 1-B – APPROVAL NOT REQUIRED PLAN – ANR 2008-12 –  
HILLVIEW ESTATES, INC. – AVALON WAY**

Mr. Weaver also discussed ANR 2008-12 with the Board.

Chairman Courchesne asked Mr. Bishop if the plan meets the review requirements and Mr. Bishop stated the plan meets the required frontage.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Regan, to endorse ANR 2008-12 and authorize the Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 3 to 0.

**ACTION ITEM 1-C – CONSIDER DECISION – DEFINITIVE PLAN APPROVAL  
– “BRIGHAM HILL ESTATES” SUBDIVISION**

Mr. Bishop suggested the Board extend rendering a decision at this meeting, allowing more time to review and digest the material within the decision. Mr. Bishop noted there was also additional information in their mailboxes concerning the subdivision, the latest Town department comments received and the final revised set of plans as requested by the Board at the close of the public hearing. Mr. Bishop suggested the Board review particularly Findings F-10, F-14, & F-16 to be sure they state all the information received on these issues.

Mr. Regan suggested the Board will need an approval mechanism since there is no time line shown, such as a building permit or Certificate of Occupancy as a trigger for prior to endorsement conditions. Mr. Regan stated he would like to see a condition set up to ensure the street light situation is taken care of when a portion of the subdivision is completed or when a specified number of building permits have been issued.

Chairman Courchesne stated Condition C-4, dealing with prior to endorsement conditions, should begin with language regarding the use of a building permit or certificate of occupancy as a trigger for specific conditions being met within a timeline. Mr. Bishop remarked that he would come up with some language to deal with what the Planning Board is suggesting. Mr. Regan gave an example of the condition stating that by the time the 15<sup>th</sup> building permit or certificate of occupancy is pulled, the street lights should be installed and working within the subdivision. Mr. Hassinger noted he would be open to discussion if a developer had additional ideas on handling this issue.

Chairman Courchesne raised concerns that the language in Condition C-5 be revised to require evidence that the open space and trail easements have been transferred to the Grafton Land Trust prior to plan endorsement.

Mr. Bishop also discussed with the Board Condition C-8 regarding the requirement of all silt fencing being black-coated material and Condition C-14 dealing with the bond language.

Chairman Courchesne received unanimous consent to table the decision to the next Planning Board meeting.

**ACTION ITEM 1-D – CONSIDER DECISION – SP 2008-17 WASHINGTON  
MILLS, NORTH GRAFTON, INC.**

Chairman Courchesne received unanimous consent to defer the decision to the next Planning Board meeting due to the lack of voting members present.

**ACTION ITEM 1-E – CONSIDER DECISION – MODIFICATION OF  
DEFINITIVE PLAN APPROVAL – “HILLVIEW ESTATES” SUBDIVISION**

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to make favorable findings for F-1 and F-2. **MOTION** carried unanimously 3 to 0.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to grant the applicant's written request to extend the construction deadline for one year to January 12, 2010. **MOTION** carried unanimously 3 to 0.

**ACTION ITEM 1-F – REQUEST FOR DETERMINATION FOR PROJECT PLAN REVIEW – TUFTS UNIVERSITY, PETITIONER**

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

Present at the hearing to discuss the request with Board were Jean Poteete, Senior Campus Planner; Dr. Mary Rose Pardee, Large Animal Hospital; and Jack MacDonald, Tufts Project Manager.

Ms. Poteete informed the Board that The Cummings School of Veterinary Medicine at Tufts University has submitted a project plan and narrative pursuant to Section 9.6.1.2 A & 9.6.1.2 B of the Grafton Zoning By-Law requesting the Board delegate the project plan review to the Building Inspector. Ms. Poteete noted that project, which is less than 5,000 square feet and educational in use, falls under the Dover Amendment through the Amended Master Plan permitting process. Ms. Poteete stated Tufts wishes to construct a 3,318 square foot Hospital for Large Animal (HLA) Isolation Ward to increase the hospital's current capacity to contain and treat infected animals and enhance the environment for teaching infectious disease medicine. Ms. Poteete added the building is a stand-alone facility, adjacent to the Large Animal Hospital off Jumbo's Path which runs off of Willard Street.

Mr. Hassinger expressed concerns to Mr. Bishop as to whether the Planning Board has the authority to delegate project plan reviews to the Building Inspector. Mr. Bishop stated that this process was instituted through the Master Plan process under the Dover Amendment, as Planning Board consideration for projects of educational use under 5,000 square feet.

Mr. Regan suggested the request be taken under advisement until the Board has more members present for discussion and consideration, and coordinate with Mr. Bishop on being placed on the Board's next agenda.

Chairman Courchesne returned to the Planning Board.

**ACTION ITEM 1-G – ZONING MAP WARRANT ARTICLE**

Mr. Bishop presented the Board with the new digitized color-coded zoning map, stating it presents great benefits to the Town and all zoning areas are more readily identifiable. Mr. Bishop noted the project has been a 3-year process to get the present stage and stated

the new map will be placed at the public library and the town hall for public viewing and input over the next two months. Mr. Bishop also requested the Planning Board to support a warrant article for the new zoning map.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Regan, for the Planning Board to take the lead on the new zoning map and request the Board of Selectmen to place this item on the Town Meeting warrant.

**DISCUSSION:** Chairman Courchesne noted the map is long overdue and certainly needed and Mr. Hassinger asked how the Town will make color copies available. Mr. Bishop stated they were working on those issues and to also make the new map available on line. Mr. Regan remarked there was a lot of work behind the scenes and the map was long overdue.

**MOTION** carried unanimously 3 to 0.

**DISCUSSION ITEM 2-A – “NORTH GRAFTON ESTATES I & II”  
SUBDIVISIONS – UPDATE**

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

Attorney Mark Kablack was present representing Huckins Farm, Limited Partnership and informed the Board he was providing an interim report on the subdivisions, which is a condition required in the subdivision construction extension decisions. Attorney Kablack stated that all street lights were working in both subdivisions, specifically the light in front of Mr. Smith’s house, which was actually found not to be connected. Attorney Kablack added that they have also been plagued by seasonal delays and drainage wash-outs on the trails for “North Grafton Estates II” which are about 80% complete. Attorney Kablack promised they will be finishing up the remaining 20% of the work as soon as the weather permits.

Mr. Hassinger asked if everything within the subdivisions is built and sold and was told yes.

Attorney Kablack reminded the Board he will be back before them in a few months to request a Determination of Completeness for both subdivisions.

Chairman Courchesne returned to the Planning Board.

**STAFF REPORT**

Mr. Bishop noted he did not have any specifics to highlight, and his report was a sense of where we are currently on ongoing items.

Mr. Hassinger noted that he had attended a presentation of the CMRPC regarding “walkable communities”, for which he asked Jonathan Church to touch base with Mr. Bishop on the topic and ideas discussed, since the Board had discussed interest in exploring this idea for the Town.

### **MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the open session minutes for December 8, 2008, as drafted. **MOTION** carried unanimously 3 to 0.

### **SP 2008-18 VERIZON WIRELESS (BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION LTD. & CELLCO PARTNERSHIP), (APPLICANT/CO-APPLICANTS) – ROGER J. ELLIS, (OWNER) - WIRELESS FACILITY CO-LOCATION – 160 R UPTON STREET**

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

Vice-Chair Regan read the legal notice and opened the public hearing. Present for the hearing were Attorney James Valariani representing Verizon Wireless and Recording Secretary Marianne Kusa-Ryll.

Vice-Chair Regan informed Attorney Valariani that there were two members absent, Chairman Courchesne had recused himself from the hearing and it was his decision as to whether he wished to take testimony or continue the hearing to another meeting. Attorney Valariani asked if Mr. Courchesne would reconsider remaining on the Board and was told that he would not return. Attorney Valariani informed the Board he would prefer to have absent members invoke the Mullin rule and continue with the hearing as he had his radio Frequency Technician and RF Engineer with him to present testimony if required by the Board.

Vice-Chair Regan designated Mr. Spinney as a voting member for the co-location permit.

Mr. Regan asked Attorney Valariani to explain the situation to the Board as to what led Verizon Wireless to activate their co-location antennae without the proper permitting secured from the Planning Board. Attorney Valariani informed the Board that they had planned to co-locate as usual on an existing monopole owned by Industrial Tower & Wireless and there seemed to be some oversight in the permitting procedures that resulted in the antennae being activated without a permit. Attorney Valariani stated he did not know who was at fault, but they had been confident there was no problem with their co-location. Attorney Valariani noted that he takes full responsibility for what has transpired and stated he should have investigated the co-location situation further before Verizon was allowed to activate their antennae.

Attorney Valariani added that all information has been submitted, including affidavits to correct the town reference error. Mr. Hassinger questioned about the generator

information and if they anticipated any problems due to the steep area leading to the site. Mr. Hassinger noted he was interested in the Building Inspector's explanation of what had taken place, since it was the Board's understanding that there was no activation allowed to the antennae. Mr. Hassinger suggested leaving the hearing open for the absent members to give their input and for a response from the Building Inspector.

Attorney Valariani repeated to the Board that he is accepting responsibility for the oversight and he is responsible for not advising his client to disconnect from the site until permitting had been approved. Attorney Valariani asked if the Board had any questions for the RF technician and engineer present and was told there were no questions from the Board.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Sweeney, to grant the applicant's written request to continue the public hearing to Monday, January 26, 2009 at 7:30 p.m. **MOTION** carried unanimously 3 to 0.

Chairman Courchesne returned to the Planning Board.

**DEFINITIVE PLAN APPROVAL "HANNA DRIVE" SUBDIVISION – SARGON HANNA, APPLICANT – 151 WORCESTER STREET – 3-LOT SUBDIVISION**

Michael Loin of Bertin Engineering was present for the applicant and informed the Board that they were in the process of submitting an application for a special permit for a revised set of plans, specifically for a detached two-family in a Residential (R-20) zoning district.

The Board discussed with Mr. Loin the possibility of not taking testimony due to two Board members being absent, or preference to withdraw the present plan and submit the special permit. Mr. Loin noted that he was revising the two single family houses to a duplex, also needing the definitive approval for the subdivision roadway; and the special permit for the detached two-family.

Mr. Hassinger asked Mr. Loin if he was familiar with the minimum length allowed for a cul-de-sac roadway. Mr. Loin acknowledged he would need to submit a request for a waiver of the roadway length also.

Mr. Regan stated he would prefer the applicant start fresh with a new submission. Mr. Bishop noted that Mr. Loin had requested the application fees be waived if the plan is resubmitted, due to the definitive application costs already submitted. Mr. Bishop suggested the Board could vote to waive the fees for resubmission of a new Definitive plan application, with the special permit, legal ad and peer review fees remaining the applicant's responsibility.

Chairman Courchesne received unanimous consent for a preference of the applicant resubmitting new applications and starting fresh with a new public hearing before the

Planning Board and adding the saw no problem in waiving the Definitive application fees.

Mr. Loin explained to the Board that they had encountered wetland issues with the Conservation Commission and Ecco Tech, resulting in reflagging the wetlands and a lot of abutter opposition. Mr. Loin added there were no deep cuts, less run off with more slope stabilization, making the revised plans less intrusive for the neighborhood. Mr. Loin noted that they had returned to the Conservation Commission, with revised plans to move away from springs, wetlands, etc, and received acceptance from the Conservation Commission and Grafton Land Trust. Mr. Hassinger suggested this information be documented when the new public hearing comes before the Planning Board again.

Chairman Courchesne announced the application would be withdrawn and asked if anyone in the audience wished to speak to the application before it is withdrawn. There was no one who wished to speak.

Mr. Loin requested to formally withdraw the application without prejudice and request the Planning Board waive the Definitive plan application fee.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Regan, to grant the applicant's request to withdraw the Definitive Plan Approval application for the "Hanna Drive" Subdivision, waiving the Definitive plan application fee only and leaving the applicant responsible for the legal ad fee and the peer review fees with Graves Engineering. **MOTION** carried unanimously 3 to 0.

**SP 2008-13 EXCLUSIVE PROPERTIES, LLC, (APPLICANT/OWNER); 4 MULTI-FAMILY UNITS TO AN EXISTING 3 MULTI-FAMILY UNIT SITE – 309 PROVIDENCE ROAD**

Present for the hearing were applicant/owners Ronald Heneault and James Collette, and their engineer John Grenier of J. M. Grenier Associates.

Mr. Grenier informed the Board that in response to the Board's request for mitigation in lieu of the waiver request for the Traffic Study; his client has offered to provide a \$3,000.00 donation to the Town of Grafton, earmarked for the Affordable Housing Trust.

Mr. Grenier also noted that in response to the Board's request for all of the correspondence from Graves Engineering had been addressed and would address the memo from the Fire Chief.

Chairman Courchesne asked if there were any public comments on the application and there were no public comments.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing subject to receiving revised plans from the applicant. **MOTION** carried unanimously 3 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 3 to 0.

**SITE PLAN 2008-2 CHENG-DU RESTAURANT – KUO RUNG TANG,  
(OWNER/APPLICANT) – 387 PROVIDENCE ROAD**

Chairman Courchesne stated the site plan review was a public meeting and not a public hearing.

Present for the public meeting was owner/applicant Kuo Rung Tang and his engineer Paul Ciesluk of Guerard Survey Co. & Assoc. Inc.

Mr. Ciesluk reviewed the proposed project plans with the Board stating it was located on 40,000 square feet of Office and Light Industry (OLI) property at the intersection of Providence Road and Milford Road was the site of the former Romanelli's Restaurant. Mr. Ciesluk stated the owner intends to remove the existing building and pavement to build a new building with associated parking, but will be leaving the existing barn on the property in tact. Mr. Ciesluk noted that since the lot does lie within the Water Supply Protection Overlay District, the impervious area concerns will be addressed and meet all stormwater requirements. Mr. Ciesluk also added that the building footprint will be 3,960 square feet, a seating capacity of 96 people, an outdoor patio area, 42 parking spaces including 2 handicap spaces, and be ADA compliant. Mr. Ciesluk informed the Board that a traffic study was recently conducted for other developments in the immediate area and that a variance has recently been granted by the Zoning Board of Appeals to allow parking area within the required 50 foot setback of the Zoning By-Laws.

Chairman Courchesne noted there was a Town Department comment letter from the Historical Commission noting the building has historical significance and is architecturally important, requesting the Board to require the owner to take 8" by 10" photos of all elevations of the building and barn, with salvage of as many architectural elements as possible for the Commission.

Chairman Courchesne also noted there was correspondence from Town Engineer Stephen Risotti regarding compliance with the impervious area runoff, recharge, Town drainage compatibility, and submittal of an Operation & Maintenance Plan to the Building Inspector, Town Engineer and Conservation Commission.

Charles Bolack of Hawthorne Street submitted copies of a John F. Kennedy Inauguration ticket, stating that a historical plaque will be placed at this site acknowledging that four persons embarked from this building in January of 1961 to the official inauguration ceremonies.

Mr. Hassinger asked about the dumpster location and possible screening. Mr. Guerard stated there is a 7-foot stockade fence proposed for the screening requirements.

Mr. Bishop informed the Board that since a portion of the project is within the Water Protection Overlay District, the Building Inspector needs comments from the Conservation Commission in addition to the Town Engineer comments received. Mr. Bishop noted these comments will need to be reviewed, discussed and addressed with the DPW by Guerard Engineering, specifically concerning the overflow to the Town drainage system.

Mr. Hassinger also added that all new sign data will need to be submitted by the next Planning Board meeting to be reviewed.

**SP 2008-19 MEI PING HUANG SITU (D/B/A WONG'S RESTAURANT, (APPLICANT) – YUE CHEONG REALTY TRUST, (OWNER) – SECTION 4.4.4 ZBL – SIGN RELIEF**

Mr. Regan read the legal notice and Chairman Courchesne opened the public hearing.

Present for the public hearing was applicant Mei Ping Huang Situ and David Glispin of Sunshine Signs.

Mr. Glispin informed the Board that his client was replacing a pre-existing, non-conforming sign with a new sign that exceeds the area allowed in a Residential district and noted that the Zoning Board of Appeals had granted a finding that the sign to be constructed at 62 Upton Street is not more detrimental than the current sign. Mr. Glispin stated the sign was a 4-foot by 4-foot double faced internally illuminated fixture extending 96" to the top of the sign and allows a 4-foot ground clearance beneath the sign.

Chairman Courchesne designated Mr. Spinney as a voting member for Special Permit SP 2008-19.

John Deal of 60 Upton Street expressed concerns to the Board that as a direct abutting neighbor, he is opposed to the sign as proposed, as a larger sign it will illuminate his three bedrooms of his home, and does not see the need for the height proposed.

Dave Glispin of Sunshine Signs stated his client is within the By-Laws of the Town of Grafton and has a right to advertise his business.

George Witman of 36 George Hill Road expressed concerns to the Board that an internally lit sign does not fit the character of the Town in that area.

David Casello of 58 Upton Street informed the Board that he has lived at this address for his entire life and that the sign is way too big and bright for the rural area, stating that the current sign already shines into his second floor bedroom.

Walter Wojnar of 9 King Street stated that he regularly travels to Wong's Restaurant, coming from the center of Town down Upton Street, he can't see the entrance well due to the sign not having enough visibility, and that the owners of restaurant should be able to maintain their business with adequate signage.

John Deal of 60 Upton Street noted that he frequently patronizes the restaurant himself and just sees more options than this bigger, brighter sign.

Mr. Hassinger added that it is usually local clientele using the restaurant, knowing the location and not a case of persons seeking out the location. Mr. Hassinger suggested there were several possibilities to consider and that illumination is restricted on the residential side. Mr. Hassinger stated he would like to know the actual size and height of the existing sign.

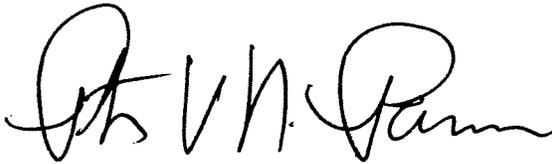
Chairman Courchesne noted there were a couple of options for the applicant: one, to close the public hearing and the second, to extend the hearing to allow the applicant to provide the information discussed and requested.

Susan Costello of 58 Upton Street expressed concerns to the Board dangerous visibility as the owner of a daycare service, having to pull in and out of the driveway along with parents picking up and dropping off children; and the loss of even more visibility with the addition of a larger sign.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to grant the applicant's written request to continue the public hearing to January 26, 2009. **MOTION** carried unanimously 3 to 0.

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

The meeting was adjourned at 9:49 p.m.



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Peter Parsons, Clerk