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**Minutes of Meeting
Grafton Planning Board
February 9, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, February 9, 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, Clerk Peter Parsons, Robert Hassinger and Associate Member Bruce W. Spinney III. Absent from the meeting was member Richard McCarthy. Staff present was Town Planner, Stephen Bishop 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 2009-1) - JEAN CHAMBERLAIN - UPTON STREET & MORONEY ROAD

Normand Gamache of Guerriere & Halnon, Inc. was present for the applicant to discuss the plan with the Board.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to endorse the ANR plan and authorize the Town Planner to sign the plan on behalf of the Planning Board.

DISCUSSION: Mr. Reagan noted the Board should add a disclaimer to the plan on what may or may not be a buildable lot. Mr. Gamache noted there was similar language printed on the plan.

MOTION carried unanimously 4 to 0.

ACTION ITEM 1-B - APPROVAL NOT REQUIRED PLAN (ANR 2009-2) - THE TRUST FOR PUBLIC LAND - PELL PROPERTY - GEORGE HILL ROAD & SOAP HILL ROAD

Normand Gamache of Guerriere & Halnon, Inc. was present for the applicant to discuss the plan with the Board.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to endorse the ANR plan and authorize the Town Planner to sign the plan on behalf of the Planning Board.

DISCUSSION: Mr. Regan stated that the Planning Board had previously waived the requirement to delineate wetlands on the plan.

MOTION carried unanimously 4 to 0.

ACTION ITEM 1-C – CONSIDER BOARD OF SELECTMEN MEMO

Chairman Courchesne informed the Board they needed to either schedule a joint meeting with the Board of Selectmen to reappoint a new Planning Board member or leave Mr. Regan's position open until the May elections

Mr. Bishop noted interested parties need to file with the Town Clerk at least 15 days prior to their election papers submission.

Mr. Hassinger noted that the Charter states that the position has to go on the ballot for Town Election unless it is filled prior to Town Election. Mr. Hassinger suggested getting a notice out in time before the closing date and to schedule a joint meeting with the Board of Selectmen. Mr. Hassinger also reminded the Board that nothing will be in effect until the date the resignation is received by the Board of Selectmen.

Chairman Courchesne suggested the Board get comments to the Board of Selectmen to start the process.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, that the Planning Board recommend the Board of Selectmen post a notice for a vacancy on the Planning Board as soon as possible with the aim to have a closing date to be able to schedule a joint meeting for the first week in March, thus enabling the Board of Selectmen to appoint someone to this position. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-D – CONSIDER DECISION – SP 2008-19 – MEI PING HUANG SITU (D/B/A WONG'S RESTAURANT) – 62 UPTON STREET

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to make favorable Findings for F-1 through F-29. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to grant Special Permit SP 2008-19 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-E – CONSIDER DECISION – SP 2008-13 – EXCLUSIVE PROPERTIES – 309 PROVIDENCE ROAD

Chairman Courchesne stated this decision would need to be tabled to the next meeting due to the lack of enough voting members present.

Mr. Bishop noted the Board would need Mr. McCarthy present to vote the decision and that the decision deadline is April 12, 2009.

Mr. Hassinger stated the Board has two choices in the present situation of declining membership: A., wait for the meeting two weeks from tonight or B., contemplate a

special meeting. Chairman Courchesne noted his preference was to schedule something so the Board can post a special meeting and he will communicate to coordinate with Mr. McCarthy to make sure he is available for the meeting. Chairman Courchesne stated he would work out a contingency plan for the remaining decisions, despite the fact that he will be recused from the Verizon Wireless decision.

ACTION ITEM 1-F – CONSIDER DECISION – VERIZON WIRELESS (BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION LTD. & CELLCO PARTNERSHIP) – CO-LOCATION – 160 R UPTON STREET

Chairman Courchesne recused himself due to a conflict of interest.

Present for Verizon Wireless were Attorney James Valeriani, Attorney Michael Giamio, and Recording Secretary Marianne Kusa-Ryll.

Attorney Valeriani asked if he could approach the Board with some procedural questions before the Board moves on with the agenda.

Vice-Chair Regan stated he would entertain the questions if they were truly procedural in nature.

Attorney Valeriani asked if Mr. Spinney and Mr. McCarthy will be present at the next meeting and reminded the Board that the hearing was closed but left open for the submission of any actions of the Building Inspector. Attorney Valeriani noted that a Cease & Desist was issued by the Building Inspector, and requested the Planning Board bring the one remaining aspect of the hearing to a close and to vote the decision by the end of February. Attorney Giamio also noted he was in discussion with the Building Inspector and Town Counsel and would be starting a dialog with Town Counsel depending on the Planning Board ruling.

Vice-Chair Regan stated the Board will complete their Findings when all of the members are present and they will try to accommodate with a special meeting if necessary. Vice-Chair Regan also noted that all testimony is closed with regard to the special permit and is only open for substantive information on the Cease & Desist.

Chairman Courchesne returned to the Planning Board.

STAFF REPORT

Mr. Bishop informed the Board of classes being offered by the Citizen Planner Training Collaborative on Saturday, March 21, 2009 and to submit any registration forms to the Planning Office as soon as possible if attending.

Mr. Bishop updated the Board on the Request for Proposals for the South Grafton Streetscape program, stating the office has sent out 30-plus RFPs to date.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the open session minutes of January 26, 2009, as drafted. **MOTION** carried unanimously 4 to 0.

CORRESPONDENCE

Mr. Bishop informed the Board that the Board of Selectmen have received requests from Abu Construction, Inc. for “Glenwood Estates II” Subdivision, Chiswell & Coach House Roads; and “Mazza Farms” Subdivision, Nantucket Place, for street acceptances for the May/2009 Town Meeting. The Board of Selectmen’s request for Planning Board recommendation will be placed on the March 2 Planning Board Workshop agenda, along with the hearing for the Zoning Map and a Citizens Petition. Mr. Bishop also reminded the Board that there are still a number of items to be addressed with regard to Glenwood Lane, which is included in the “Glenwood Estates I and II” Subdivision, and he continues to keep the lines of communication open with the Glenwood Estates residents to successfully address all of the issues.

Mr. Hassinger informed the Board that he has attended the sessions for appointment to the Committee for selection of a new Town Administrator; there are some interesting candidates and familiar names.

Mr. Regan announced that he will also be retiring from the Community Preservation Committee and if anyone is interested they typically hold one meeting per month.

Chairman Courchesne suggested placing all of Mr. Regan’s committee vacancies on the agenda for discussion at the next meeting.

Chairman Courchesne received unanimous consent to take agenda item 10-D out of order.

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

Paul Ciesluk of Guerard Survey Co. & Associates, Inc., representing Cheng-Du Restaurant, requested the Board continue the public hearing for 2 weeks until February 23, 2009.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to grant the applicant’s written request to continue the public hearing to February 23, 2009 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

PUBLIC MEETING

PROJECT PLAN REVIEW - TUFTS UNIVERSITY/CUMMINGS SCHOOL OF VETERINARY MEDICINE (APPLICANT) – HOSPITAL OF LARGE ANIMAL (HLA) ISOLATION WARD

Chairman Courchesne recused himself due to a conflict of interest.

Present for the meeting were Jean Poteete, Senior Campus Planner, Dr. Mary Rose Parody and Attorney Robert Sudmyer.

Ms. Poteete reviewed the Isolation Ward plan with the Board, stating the plan was for the construction of a stand-alone 3,318 square foot Hospital for Large Animal (HLA) Isolation Ward to accommodate teaching/treating infectious disease isolation patients. Ms. Poteete also reviewed the various safety precaution aspects of the building and strict protocol for procedures maintained within the facility.

Mr. Bishop informed the Board that Graves Engineering had no real concerns with the project other than the site plan requiring a legitimate engineering stamp.

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

PUBLIC HEARINGS

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “GLENWOOD ESTATES I” SUBDIVISION –ABU CONSTRUCTION, INC. (APPLICANT/OWNER) – EXTEND CONSTRUCTION DEADLINE

Carl Hultgren of Quinn Engineering was present representing Abu Construction, Inc.

Chairman Courchesne opened the public hearing, stating the previous hearing was left with the understanding of further resolution from Quinn Engineering regarding the ongoing issues raised by the residents during the hearing on February 9.

Mr. Bishop noted he has had ongoing conversations with Mr. Hanna, specifically today addressing issues central to his concerns. Mr. Bishop stated there were some issues considered out of street work and more items/issues relating to “Glenwood Estates I” than “Glenwood Estates II”. Mr. Bishop added that Mr. Abu was not aware that the electrical connections were still open and said he would take care of that problem right away. Mr. Bishop also related to the Board that Mr. Abu acknowledged that he is still trying to address all of the concerns as raised by the residents that need attention.

Mr. Hassinger suggested the Board review the Definitive Plan from 1986 to see exactly what was called for within the subdivisions with regard to curbing, sidewalks, etc. and any discrepancies can be addressed with the developer.

Mr. Hultgren asked the Board if anyone had any questions as to what was part of Glenwood I or Glenwood II and there were no questions on distinguishing the two separate subdivisions. Mr. Hultgren stated Quinn Engineering would refer all of the residents concerns to Mr. Abu adding that Mr. Abu is committed to resolving all of the problems/issues discussed and that he would be in touch with the residents who had specific issues/concerns.

David Whitlock of 13 Glenwood Lane expressed concerns of the distinctions between “Glenwood Estates I & II”, stating that he has been in his home for 2 ½ years and has seen no progress.

Mr. Hassinger explained this is why the Board decides whether to grant an extension to a developer for a subdivision, so that he will have the extended period of time to complete the problems/issues within the subdivision.

Mr. Regan suggested the Board may want the developer to report back in six months, which would be in the summertime rather than the winter for a better progress report outcome.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing. **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.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “CORTLAND MANOR” SUBDIVISION – ART-LOT ACRES DEVELOPMENT CORPORATION (APPLICANT/OWNER)

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing. There was no one present to represent the developer.

Mr. Bishop noted he was told by a representative of Graz Engineering that no one would be at the hearing to represent Developer Jon LeClaire.

Chairman Courchesne asked the public for comments.

Nancy Reed of 144 Millbury Street stated she had sent a letter of complaint to Jon LeClaire, copied to the Planning Board, concerning drainage from a detention pond onto her property. Ms. Reed noted she was reluctant to offer testimony since there was no one present representing LeClaire Builders. Chairman Courchesne stated all testimony would still be filed on public record for the subdivision. Ms Reed added that the drainage problem would have to be checked when it is raining, as that is when her basement receives all of the runoff. Ms. Reed also submitted photos showing the water draining

onto her property and stating they have been in their home for 30 years and never had any drainage problems before this.

Mr. Bishop informed the Board that any issues raised will be addressed and he will send our peer review engineer out to check on the problem.

Robert Reed of 144 Millbury Street asked the Board to look into the problem and find a way to have the drainage re-routed away from his property.

Mr. Hassinger suggested also reviewing the Conservation Commission's comments with regard to the Definitive plan for this subdivision.

Nancy & Robert Reed of 144 Millbury both added that they have contacted Mr. LeClaire several times about the drainage problem, but that he has done nothing to remedy it.

Mr. Bishop stated he has had conversations with Graves Engineering on what review needs to be done and he will research what is happening and how the drainage system is set up for the subdivision. Mr. Bishop informed the Reeds that he will maintain communication with them as to what the problem is and what can be done to remedy it.

Peter Dennis of 17 Cortland Way expressed concerns to the Board of some of the developer services diminishing in frequency, specifically with regard to plowing and sanding with the very icy conditions on the roadway hills within the subdivision.

Mr. Regan stated within the extension the Board grants to the developer, they will consider all of these issues including street lighting and snow removal.

Mr. Hassinger informed the homeowners that when there is no response from the developer in the case of snow removal & icy conditions, the Town may be contacted to take the appropriate action and bill back to the developer.

The Board stated unanimously they were disappointed that there was no one at the hearing to represent the developer to discuss the issues/problems associated with the subdivision. Mr. Bishop noted that he was specifically told that Mr. LeClaire's engineer would not be at the hearing to represent him. The Board requested their displeasure be relayed to the developer concerning this matter.

Jennifer Paluzzi of 19 Cortland Way expressed concerns to the Board that the developer's house and business were up for sale, the status of the subdivision is unknown, and the safety of the school-age children trying to get school buses on snow clogged streets. Ms. Paluzzi also added that the street light at her home is on all day and night. The Board referred homeowners to contact the Board of Selectmen's Office for all safety issues of snow and school children problems.

Chairman Courchesne informed the homeowners the Board was taking preliminary steps to make sure they will be able to access the developer's Bond if the need arises that the Town will become responsible for the subdivision. Chairman Courchesne also stated the Board hoped to have some answers to the many questions and issues discussed at this hearing by continuing the hearing.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to continue the public hearing to February 23, 2009 at 7:30 p.m. **MOTION** carried unanimously 4.to 0.

MODIFICATION OF SP 2008-6 REGINALD ANDERSON / GRAFTON CROSSING, LLC. (APPLICANT/OWNER) 135 WESTBORO ROAD – SIGN LOCATION

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing and designated Mr. Spinney as a voting member. Present for the hearing was applicant/owner Reginald Anderson.

Chairman Courchesne asked if there were any comments from the public and there were no responses.

Mr. Anderson discussed the sign dimensions and location with the Board.

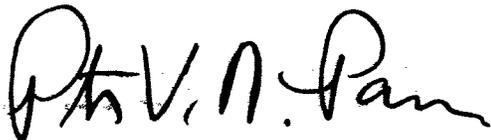
Mr. Regan asked if the proposed sign meets the By-Laws. Mr. Bishop stated the proposed sign has been reviewed by the Building Inspector and meets the size requirements, adding that the modification is for location only and not dimensional relief.

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

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to direct Staff to draft a decision taking into consideration on the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 8:50 p.m.



Peter Parsons, Clerk