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**Minutes of Meeting
Grafton Planning Board
February 23, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, February 23, 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. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Courchesne called the meeting to order at 7:05 p.m.

ACTION ITEM 1-A - CONSIDER DECISION - MODIFICATION OF DEFINITIVE PLAN APPROVAL - "GLENWOOD ESTATES I" SUBDIVISION - EXTEND CONSTRUCTION DEADLINE

Chairman Courchesne stated that this construction extension has been conditioned with a project status report to the Planning Board in the month of August, 2009, allowing the Board to take any necessary action if the problems/issues of the subdivision are not being resolved and a timely manner.

Chairman Courchesne noted that there were 4 members eligible to vote including Mr. Parsons invoking the Mullin rule.

MOTION by Mr. Hassinger, **SECOND** by Mr. Regan, to approve the Findings and Conditions as drafted and amended and to extend the construction extension deadline to February 23, 2010. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-B - CONSIDER DECISION - PROJECT PLAN REVIEW - TUFTS UNIVERSITY - HLA-ISOLATION WARD

Chairman Courchesne recused himself due to a conflict of interest.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve the Project Plan Review with the Findings and Conditions as drafted and amended. **MOTION** carried unanimously 3 to 0.

ACTION ITEM 1-C - CONSIDER DECISION - MODIFICATION OF SP 2008-6 - REGINALD ANDERSON/GRAFTON CROSSING, LLC SIGN

Chairman Courchesne noted that the plan needs to be revised and resubmitted showing that the sign is not located in the travel way as discussed at the Planning Board meeting and addressed in Condition #1.

Mr. Regan added that the Board should probably state a window of time in which this will occur, such as prior to any permits being issued.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve the sign as a modification with the Findings and Conditions as drafted and amended, specifically adding the language for a time frame prior to any permits being issued. **MOTION** carried unanimously 5 to 0.

DISCUSSION ITEM - 2-A - COMMITTEE APPOINTMENTS TO REPLACE KEITH REGAN

The Board briefly reviewed the member requirements of the Town Owned Land Committee, the Community Preservation Committee and Chairman Courchesne asked if any members present were interested. Mr. Spinney volunteered, adding with the provision that he qualifies for the appointment.

Community Preservation Committee

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to appoint Mr. Spinney to the Community Preservation Committee. **MOTION** carried unanimously 4 to 0.

Mr. Bishop stated a letter should be sent to the Town Clerk's office so that Mr. Spinney can be sworn in.

The Board discussed the Grafton Center Study Committee, noting that Mr. Hassinger is the only member left with Mr. Regan leaving. Mr. Hassinger also noted this particular committee is a sub-committee of the Planning Board, which allows the Chairman to appoint a new member. Mr. Spinney volunteered to take Mr. Regan's place on this committee provided it did not require frequent meetings.

Chairman Courchesne designated Mr. Spinney as a member of the Grafton Center Study Committee.

Chairman Courchesne volunteered to take Mr. Regan's place on the Town Owned Land Committee.

MOTION by Mr. Regan, **SECOND** by Mr. Hassinger, to designate Mr. Courchesne to the Town Owned Land Committee. **MOTION** carried unanimously 4 to 0.

Chairman Courchesne requested Staff draft a letter to the Board of Selectmen informing them of the change to allow him to be sworn in at the Town Clerk's office.

Chairman Courchesne, on behalf of the Board, thanked Mr. Regan for his eight years of service to the Town on the Board and various Committees and wished him success in his future endeavors.

STAFF REPORT

Mr. Bishop reminded the Board of the workshop scheduled on Monday, March 2, 2009 which will be including a public hearing on the new Zoning Map, a Citizen petition on prohibiting perchlorate; and two Subdivision road acceptance recommendations.

Mr. Bishop also reminded the Board of the Special Planning Board meeting scheduled for Wednesday, February 25, at 7:00 p.m. for an Executive Session and two decisions on the agenda.

Mr. Bishop stated he had sent out over 70 RFPs to date on the South Grafton Streetscape Project, and held a briefing at the Municipal Building with 45 to 50 persons attending. Mr. Bishop noted the RFP deadline is March 6, at which time he will be working with the Town Administrator, Board of Selectmen, and designated Committee to move forward on the project. Mr. Bishop added that Phil Gauthier has expressed a desire to work on the project.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Parsons, **SECOND** by Mr. Regan, to approve the open session minutes of February 9, 2009 with the changes noted. **MOTION** carried unanimously 4 to 0.

CORRESPONDENCE

Chairman Courchesne reminded the Board that the Planning Board is scheduled for their Finance Committee Budget review on Saturday, March 14, 2009 from 12:30 to 1:00 p.m. Chairman Courchesne stated he will be attending along with Mr. Bishop and encourages any other members to attend.

Mr. Hassinger updated the Board on the Town Administrator Search Committee progress, stating they had three sessions of interviews, resulting in interviewing nine people, and two more scheduled for Thursday. Mr. Hassinger noted that following the interviews, the Committee will be making a recommendation to the Board of Selectmen on their final selection of candidates.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “HIGHFIELDS ESTATES” SUBDIVISION – MAGILL ASSOCIATES, INC. – EXTEND CONSTRUCTION DEADLINE – MODIFY LOOP ROAD CULVERT

Chairman Courchesne opened the public hearing. Attorney Joseph Antonellis was present representing Magill Associates, Inc.

Attorney Antonellis informed the Board his client is seeking a construction deadline extension as he has just begun construction of the loop road, which has required the revision of some lot lines. They are also ready to begin working on the water line through the culvert. Mr. Antonellis noted that the review letter from Graves Engineering had not yet approved the design and stated they would not install the water line through the culvert until Graves Engineering issues a review letter. Attorney Antonellis remarked that they were also coinciding a public hearing with the Conservation Commission at this time.

Chairman Courchesne informed Attorney Antonellis that the Board will need Mr. McCarthy to invoke the Mullin rule to be eligible to vote, since Mr. Regan will be resigning on March 1, 2009. Chairman Courchesne noted Mr. Parsons was not eligible to vote due to two missed meetings in December and January. Attorney Antonellis stated he believed there had been no testimony on those hearing dates, which would make Mr. Parsons eligible. Chairman Courchesne stated they would check to see the testimony and continuance dates.

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 as discussed and amended. **MOTION** carried unanimously 3 to 0.

**SP 2009-1 SARGON HANNA, (APPLICANT/OWNER) – “HANNA DRIVE”
SUBDIVISION DEFINITIVE PLAN APPROVAL – DETACHED TWO-FAMILY
DWELLING IN R-20 ZONE / CONSTRUCTION OF ROADWAY – HANNA
DRIVE**

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing. Present for the hearing were owner/applicant Sargon Hanna and his engineer Michael Loin of Bertin Engineering.

Mr. Loin informed the Board they had withdrawn the original Definitive plan and resubmitted new applications and plans for a Special Permit required for the detached 2-family dwelling in a Residential 20 zoning district concurrent with a revised Definitive Subdivision Plan for the roadway Hanna Drive. Mr. Loin noted they had reduced the impact to the area significantly with the revision to the plans. Mr. Loin reviewed the subdivision details with the Board stating that the roadway length would be 100.1 ft. to the center line of the cul-de-sac with an 18 foot width; only one lot will be serviced by the private road; that it will be serviced by town water and sewer; there are 2+ acres being designated as open space; there is a minimal impact on municipal services; that the revised plan allows the existing house/garage and shed to be located on the same parcel; that the roadway drainage meets storm water regulations; and the proposed roadway will

have minimal impact on the surrounding abutters. Mr. Loin also noted they were requesting seven waivers to the Subdivision Control Law.

Mr. Loin added that they were waiting for a response to their most recent submitted revisions, they had submitted a landscape plan with evergreens along the abutting property lines, but no additional vegetation in the rear area; and built-up rail road tie steps have been added to access the slope to the open space land. Mr. Loin stated that there is a 40 foot turning radius with regard to adequacy for the Fire Department tower truck.

Mr. Hassinger asked if any soil testing had been performed yet and Mr. Loin stated no due to weather conditions, but that they can make arrangement to perform them this week if requested.

Mr. Regan asked if there should have been a request for a waiver of the intersection distance, which needs to be 600 feet.

Arthur Davison of 36 Hingham Road expressed concerns for safety issues with the driveway coming in off two busy lanes of traffic from Worcester Street.

Chairman Courchesne asked Mr. Loin if there had been any kind of analysis done with regard to affordable housing values, since there have been significant waiver requests from the Subdivision Rules & Regulations. Chairman Courchesne suggested the applicant look to see if some significant benefit can be provided in exchange for so many waiver requests. Chairman Courchesne also noted the Board will require feedback from the Land Trust for the value and acceptance of the open space as useful and beneficial.

Stephen Qualey of 147 Worcester Street informed the Board that his first concern was for his property containing two springs, which he hopes to reclaim and use, being disturbed or changed by this project. Mr. Qualey noted his second concern was for the parcel being donated to the Town as open space ending up as a stupid thing. Mr. Qualey stated he did not see the proposed roadway entrance/exit as turning out well, but that his main concern was for the wetlands.

Mr. Hassinger noted there was a letter from Jennie Glispin of 157 Worcester Street who submitted a letter of concern for her well which is 300 feet away, stating she fears the project will deplete her well. Mr. Loin stated he would look at and review the situation.

Mr. Hassinger asked Mr. Bishop how we have dealt with the open space in the past. Mr. Bishop stated there is a clear disposition on open space requiring it to be given prior to the Definitive endorsement.

MOTION by Mr. Parsons, **SECOND** by Mr. Regan, to grant the applicant's written request to continue the public hearing to March 9, 2009 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

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

Chairman Courchesne received unanimous consent to take Action Item 9-E out of order. Paul Ciesluk of Guerard Survey Company, representing the Cheng-Du Restaurant, informed the Board they needed to request a continuance to the first meeting in March.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the applicant's written request to continue the public hearing to March 9, 2009 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**SP 2009-2 SOUTH GRAFTON WATER DISTRICT, (APPLICANT/OWNER) –
NEW 2600 SQUARE FOOT PUMP HOUSE BUILDING, ACCESS DRIVE &
DRAINAGE FACILITIES – 360 PROVIDENCE ROAD**

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing. Brian Gillis and Mark Devine of Coler & Colantonio, Inc. were present for the hearing.

Mr. Gillis informed the Board that the South Grafton Water District was upgrading their existing public water supply facility with a new building, access drive and drainage facilities and reviewed the plans as submitted. Mr. Gillis noted that a Notice of Intent was filed with the Conservation Commission, Graves Engineering reviewed the site and they were waiting for a DEP number. Mr. Gillis added that the proposed drainage system is in compliance with the state stormwater management policies and requirements of the Water Supply Protection Overlay District; and that a waiver is being requested for Section 8.2 of the Zoning By-Law requiring a traffic study.

Mr. Parsons asked if there was any emergency generator and what fuel would be stored. Mr. Devine stated the generator was a natural gas generator and the feed was from the street with no fuel storage, due to the project being within the Water Protection Overlay District.

Mr. Gillis informed the Board that they are also requesting sign relief for a 3-foot by 4-foot free-standing sign of 12 square feet. The sign is on a stone pillar, with the intent of maintaining the feel of the area and blending in with the neighborhood and similar signage located across the street.

Chairman Courchesne designated Mr. Spinney as a voting member for these special permits.

Mary Ellen Elkinson of 356 Providence Road expressed concerns of trucks coming and going to and from the building.

Robert Lemoine, a Commissioner of the South Grafton Water District, informed the Board there would be one truck a year coming to the building and one pickup truck daily,

noting that the employees use their own vehicles and are compensated, so there are no additional vehicles other than the secretary.

Mr. Parsons asked if the applicant had seen the input from the Board of Health's comment letter stating the new well should be certified. Mr. Lemoine answered that they have been mandated by the DEP to provide filtration treatment for the well that is already there.

Chairman Courchesne noted application will also need to be made for vehicle access from Mass Highway and the hearing will have to be left open for Graves Engineering review response, sign comments and issuance of a DEP number.

Chairman Courchesne asked the will of the Board – to continue or close the public hearing.

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to grant the applicant's written request to continue the public hearing to March 9, 2009 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – "CORTLAND MANOR" SUBDIVISION – ART-LOT ACRES DEVELOPMENT CORPORATION (APPLICANT/OWNER) – EXTEND CONSTRUCTION DEADLINE

Chairman Courchesne opened the public hearing. Brian MacEwen of Graz Engineering was present for the applicant.

Mr. MacEwen stated he spoke with the Town Planner regarding the results of the site visit report from Graves Engineering regarding the issues from abutters and stated that a letter had been received by the Board from the developer acknowledging the work/issues that needed to be completed.

Mr. Hassinger wanted to know why the swale was not constructed. Mr. MacEwen stated that a subcontractor had handled parts of the subdivision work and could be where the problem was.

Chairman Courchesne noted the plan still should have been completed as designed and it was not.

Mr. MacEwen explained to the Board that the developer is not able to go in and put a swale in with the condition of the soil and land at this time, but will have to wait for the spring season when the earth is workable, probably around June.

Mr. Spinney stated that Mrs. Reed need something to divert the spring rains from draining onto her property and basement.

Mr. Bishop noted the developer will need something temporary to secure and divert the water until it can be remedied permanently.

Chairman Courchesne informed Mr. MacEwen the Board was looking for a commitment from Mr. LeClaire, since testimony received shows many phone calls and letters left unanswered and no attempts to remedy the problems/issues.

Mr. Hassinger wished to note that a letter sent rather than Mr. LeClaire's attendance at the public hearing showed a lack of interest on his part.

Mr. MacEwen stated he could notify Mr. LeClaire to issue a letter giving a date certain of when he will address the problem. Mr. MacEwen also added that in defense of the project, the Planning Board's consultant was on site for all of the drainage infrastructure work and that Mr. LeClaire has had other drainage issues that he has taken care of in the past in good faith.

The Board informed Mr. MacEwen that they have enumerated a number of issues that need to be addressed to complete the subdivision, specifically those items that remain safety issues. Mr. MacEwen asked the Board in which direction they were moving – to deny or to reapply.

Chairman Courchesne stated the Board was seeking something stronger than a letter from Mr. LeClaire and would consider a six month extension with the intention of allowing a review of the progress being made on resolving problems, specifically issues discussed.

Mr. Hassinger suggested the continuation process to move forward in order to allow the Board to be able to take action if necessary, to see the developer's response, and to prompt the developer to address the specific issues right away.

Mr. Parsons stated he agreed with Mr. Hassinger to extend the public hearing and have the applicant come before the Board with an interim plan to handle the outstanding issues. Mr. Parsons added that if this occurs, the Board can then extend the deadline in good faith with the applicant.

William Dagilis of 23 Cortland Way expressed concerns that the developer does not take care of the roads, stating that he holds the Town responsible as well as Mr. LeClaire. Mr. Dagilis informed the Board that the developer sands sometimes, but never salts, resulting in extremely icy, slippery dangerous roadways.

Chairman Courchesne informed Mr. Dagilis that the Board is prepared to address these problems, but the process is long term and not for immediate results. Chairman Courchesne added that immediate response to safety issues should be directed to the Board of Selectmen's office on a daily basis.

Mr. Dagilis stated he was here to push the Planning Board to move forward and do something about the ongoing problems for winter weather.

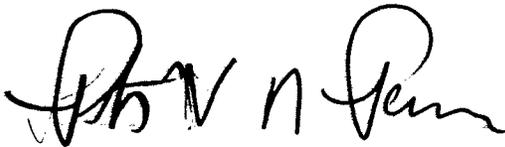
The Board informed Mr. Dagilis that they need residents to come forward at meetings with input of problems/issues being dealt with and that the Board has a process that could lead to default.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the applicant's written request to continue the public hearing to March 9, 2009 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

Chairman Courchesne stated that on behalf of the Board and himself, he would like to thank Keith Regan for his 8 years of service on the Planning Board, and his participation on many other Commissions and Committees for the Town.

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

The meeting was adjourned at 9:30 p.m.



Peter Parsons, Clerk

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