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

A regular meeting of the Grafton Planning Board was held on Monday, March 9, 2009 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Christophe Courchesne, Clerk Peter Parsons, Robert Hassinger, and Associate Member Bruce W. Spinney III. Absent from the meeting was Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

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

**ACTION ITEM 1-A - APPROVAL NOT REQUIRED PLAN - ANR 2009-3
ROCCO ADDEO, JR. - 120 MILFORD ROAD**

Mike Weaver of Guerierre & Halnon, Inc. was present to discuss the ANR plan with the Board. Chairman Courchesne asked Mr. Bishop if the plan met the ANR requirements and was told yes.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to endorse ANR 2009-3 and authorize the Town Planner to sign the ANR plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

Chairman Courchesne noted the record should reflect this vote as Mr. Spinney's first official vote as a Planning Board member.

**ACTION ITEM 1-B - CONSIDER DECISION - "HIGHFIELDS ESTATES"
SUBDIVISION - MAGILL ASSOCIATES, INC., (APPLICANT/OWNER) -
MODIFY LOCATION OF WATER BOOSTER STATION & EXTEND
CONSTRUCTION DEADLINE**

Chairman Courchesne noted the Modification decision was twofold: modifying the location of the water booster station and extending the construction deadline.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to make favorable Findings for F-1 through F-3, as drafted and to grant the modifications with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 3 to 0.

STAFF REPORT

Mr. Bishop updated the Board on the Streetscape Project, stating the deadline for proposals was Friday, March 6th at noon. Mr. Bishop stated 15 proposal packages were received and noted he and Ms. Morgan would be very busy reviewing the proposals and making a selection. Chairman Courchesne thanked Mr. Bishop for the hard work in

bringing this critical project together. Mr. Bishop added that hopefully they will have someone selected by the end of March or early April and be ready to go.

Mr. Bishop noted all else concerning the Staff Report was status quo.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve the open session minutes of February 23, 2009 with the change noted. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to approve the open session minutes of February 25, 2009 as drafted. **MOTION** carried unanimously 4 to 0.

Executive Session minutes of February 25, 2009 – Chairman Courchesne noted he would abstain from voting on the Executive Session minutes due to a conflict of interest. Mr. Hassinger stated he wished to discuss the minutes prior to approval. The minutes were tabled to the end of the meeting at which time an Executive Session would be called.

ONGOING ITEMS

Chairman Courchesne requested nominations for Vice-Chair to serve until the May elections and reorganization.

Nomination by Mr. Parsons, **SECOND** by Mr. Spinney, for Robert Hassinger as Vice Chairman.

Mr. Hassinger accepted the nomination.

Voted as follows: for Mr. Hassinger: Unanimous 3 to 0.

Robert Hassinger was elected Vice-Chairman.

Chairman Courchesne reported that the Affordable Housing Committee is interested in pursuing the possibility of rehabilitating a property in tax title located at 395 Providence Road, and continuing to look at the Hennessey and Webber properties. Chairman Courchesne noted the Committee is also submitting a By-Law on the Trust as a warrant item for the May, 2009 Town Meeting.

Mr. Bishop stated he wanted to update the Board on one aspect of the Subdivision Rules & Regulations, noting that Newburyport and Ipswich are towns that have been identified as requiring a maintenance bond. Mr. Bishop remarked that he should have the information wrapped up by the second meeting in April, but will have the language available for the Board's review by at the first meeting in April.

Chairman Courchesne inquired whether Mr. Spinney had been able to connect with the Community Preservation Committee yet and hoped that he would be able to be present for their Finance Committee hearing to discuss the warrant articles.

Mr. Bishop also reminded the Board that the Planning Board's meeting with the Finance Committee is scheduled for Saturday, March 14 from 12:30 to 1 p.m.

Chairman Courchesne stated the Board will take a 5 minute break before beginning the public hearings scheduled for 7:30 p.m.

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

Chairman Courchesne opened the public hearing at 7:30 p.m. Present for the hearing were Applicant/Owner Jon LeClaire, his attorney Lawrence Army, his engineer Paul Grasewicz of Graz Engineering, and his Project Manager Ricky Lukasevich.

Attorney Army addressed the Board, stating he is representing Mr. LeClaire and is prepared to discuss all of the issues/problems forwarded to Mr. LeClaire, resulting from testimony presented by homeowners at the previous public hearings.

Attorney Army listed the first problem as the construction of a missing drainage swale which is shown on the Definitive plan. Attorney Army stated they were scheduled to begin work on the swale, but due to the change in weather conditions, they need to wait for the weather to clear up.

Chairman Courchesne stated Brian MacEwen remarked at the last hearing that the swale could not be completed until probably June, due to weather conditions of the soil until then. The Board continued to press for a committed time frame for the swale work and was told they would take care of this problem as soon as possible.

John LeClaire stated a bulldozer was being delivered to the site tomorrow and Paul Grasewicz noted he will be on site tomorrow to determine whether they can lay a load of stone in one area which may help temporarily to divert some of the runoff. Mr. Grasewicz informed the Board that once they can get in there and begin the work, it should only take about 2 weeks.

Mr. Hassinger asked why the swale was not put in originally. Mr. Grasewicz stated it was not noticed as missing until he did a site walk through the subdivision.

Attorney Army continued with item number two being a light sensor on a pole on White Birch Lane. Attorney Army stated they have contacted an electrician, who said he will

be there this week. Mr. Hassinger wanted to know if they could count on the sensor being fixed this week and was told yes.

Attorney Army noted the third issue was the plowing and sanding complaints, which they felt were unfounded since Mr. LeClaire plows and sands with a mixture of sand and salt combined on all storms.

Chairman Courchesne stated the Board has taken testimony contrary to those statements at all of the public hearing from a variety of homeowners within the subdivision.

Mr. LeClaire informed the Board his trucks are sent out as soon as the Town goes out, for plowing and sand and salting mix. Chairman Courchesne stated the Board has received many bonified comments from homeowners regarding the unsafe, icy conditions existent throughout the winter within the subdivision. Mr. Hassinger added that many had a particular concern for large patches of ice remaining for long periods of time, and presenting hazardous conditions for cars, school buses and those on foot, specifically school age children. Mr. Hassinger asked Mr. LeClaire if he could try to do more to try and remedy this problem and Mr. LeClaire stated he would try to sand and salt more.

Richard Spector of 5 Autumn Harvest Court reinforced his concerns for the dangerous roadways, which he stated the Board members have seen, and requested extra measures of sanding and salting to make sure the problem is addressed.

Christopher Rogers of 2 Autumn Harvest Court informed the Board he has lived in the subdivision for 3½ years, with this year being the worst for roadway conditions of snow and ice. Mr. Rogers noted that in his opinion, once you leave the roadways within the subdivision, the roads are in significantly better condition.

Attorney Army stated Mr. LeClaire would sand and salt more often to try and make the roadways clearer.

Attorney Army noted the next issue on his list was potholes and promised they would be filled with cold patch as soon as they are able to perform roadwork due to weather conditions. Chairman Courchesne suggested that a substantial part of the roadway problems was being caused by the construction delays which allow the roadways to break down over time without the top coat down. Chairman Courchesne stated that in fairness to the residents that have lived within the subdivision for a number of years, the developer should consider finishing the roadways. Mr. Spinney also noted that if there is no end in site for the completion of the subdivision, then the developer will be in the same situation again next year if the roadways are not finished.

Chairman Courchesne stated he wished to clarify that the developer is not planning to bring the infrastructure up to date by putting the topcoat on the roadway or complete the subdivision in the foreseeable future.

Attorney Army informed the Board that these were extraordinary times with nothing going on in the construction industry, and it is not that the developer does not want to, but that it is the current situation.

Mr. Hassinger stated he acknowledges these are hard times for the construction industry, but has seen Mr. LeClaire distancing himself from homeowners and their problems/issues, specifically that this is the third public hearing held for this subdivision and the first time anyone has been present to address the problems.

Mr. Parsons added that from all perspectives, if the roadway was taken better care of, maybe the homeowners would be more understanding.

Attorney Army also added that they will be cleaning all of the catch basins as soon as the snow is gone and noted that Mr. LeClaire has always done well by the Planning Board in the past.

Richard Spector of 5 Autumn Harvest Court stated he lived on the cul-de-sac of #3, #5 & #7 with a common driveway and expressed concerns for the incomplete work left within the area. Mr. Spector informed the Board there was a dug up area that has been carved out for the sidewalk, the drainage is washing away most of the material there and there is no promise of when this work will be completed. Attorney Army explained that the utility company dug up this area when they installed the gas lines, and supposedly filled it all in. Ricky Lukasevich stated the grading has been done on the cul-de-sac area, and the sidewalks, bounds, etc. need to be installed for the road to be completed, but there are not piles of dirt or debris around and the area is certainly walkable without the sidewalks, since it is a low traffic cul-de-sac.

Christopher Rogers of 2 Autumn Harvest Court informed the Board that there were no piles of dirt or safety issue concerns about the road and he can live with the sidewalk construction being held up, but is more concerned with the winter conditions of the roadway.

Mr. Spector added that the point he is trying to make is that there needs to be a timely manner of completing the remaining problems and issues within the subdivision.

Mr. Spector also wished to add that with regard to all of his drainage issues; he was never informed by Mr. LeClaire that he believed the problems were from the extensive grading being performed at 67 Potter Hill Road. Mr. Spector noted that Mr. Grasevich stated he would come to check out his property to determine where this drainage issue seems to come from.

Chairman Courchesne encouraged all parties to work together to resolve the problems that have been discussed.

Peter Dennis of 17 Cortland Way informed the Board that he has been in his home for 61 months, loves the house and the expectation of the neighborhood, and is pleased with the representation from Mr. LeClaire at this hearing. Mr. Dennis stated however that he has some concerns with how the neighborhood looks, the “For Sale” signs, and the issue of no topcoat on the roadway. Mr. Dennis asked that for the record, if the Planning Board has access to the subdivision funds, they would get the topcoat done now. Mr. Hassinger explained that it is not that easy and bonds taken by default of the developer are usually reserved as the ultimate solution, since with a default everyone loses. Mr. Dennis requested if it was possible for the Board to require a time line from the developer, since some of the homeowners have been living in the subdivision for seven years with no resolutions to the problems/issues.

Chairman Courchesne stated the Board needs to undertake a creative decision with conditions relating to the issues discussed. Chairman Courchesne asked Attorney Army if they had any further input to be considered and was told no.

Mr. Hassinger suggested the public hearing remain open to see how the weather cooperates and to see how well the developer is taking care of the problems/issues.

Chairman Courchesne asked Mr. Bishop when the deadline was for the Modification of the Definitive Plan Approval. Mr. Bishop stated the Definitive Plan Approval expired on January 28, 2009 and the Modification application was filed on January 8, 2009.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to grant the applicant’s written request to continue the public hearing to April 13, 2009 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “PETERS ESTATES”
SUBDIVISION – ETRE BUILDERS, INC. (APPLICANT/OWNER)**

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing at 8:25 p.m.

Ronald Etre was present for the hearing and updated the Board on the status of the subdivision, stating the underground work, some sidewalks, interior curbing, the retention pond, and the drainage are done. Mr. Etre stated he has one home completed, but no sales at this point.

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to close the public hearing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to grant the applicant’s written request for a one-year construction extension to March 9, 2010. **MOTION** carried unanimously 4 to 0.

**SP 2009-1 SARGON HANNA, (APPLICANT/OWNER) – “HANNA DRIVE”
SUBDIVISION – DETACHED TWO-FAMILY DWELLING IN AN R-20 ZONE
AND HANNA DRIVE ROADWAY**

Chairman Courchesne opened the public hearing and noted there was a request from the applicant to continue the public hearing to the next Planning Board meeting.

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

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

Chairman Courchesne opened the public hearing. Paul Ciesluk of Guerard Survey Company & Associates, Inc. was present for the applicant.

Mr. Ciesluk informed the Board that all of the Graves Engineering comments have been acknowledged and the final revised plan has been submitted today.

Mr. Bishop informed the Board that with regard to unwitnessed soil testing, Graves Engineering has deferred to the Board. Mr. Ciesluk stated he had emailed Town Engineer Steve Risotti with regard to the soil testing, who responded to him stating that he was required to put a comment about the soil evaluation on the plan. Mr. Bishop noted the issue appears to be resolved as stated in correspondence dated March 2, 2009 from the acting Town Engineer Brian Szczerko, but with Graves Engineering deferring to the Board whether you want a follow-up from Graves Engineering.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 4 to 0.

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 and amended. **MOTION** carried unanimously 4 to 0.

**SP 2009-2 SOUTH GRAFTON WATER DISTRICT, (APPLICANT/OWNER) –
NEW PUMP HOUSE BUILDING, ACCESS DRIVE & DRAINAGE FACILITIES
IN R-20 ZONE – 360 PROVIDENCE ROAD**

**SP 2009-3 SOUTH GRAFTON WATER DISTRICT, (APPLICANT/OWNER) –
SECTION 4.4.4.2 SIGNS SPECIAL CASES/RELIEF**

Chairman Courchesne opened the public hearing. Present for the hearing were Brian Gillis, Project Engineer for Coler & Colantonio, Inc., and Stephen Lemoine and Robert Lemoine of South Grafton Water District.

Mr. Gillis informed the Board they had provided response comments to the Graves Engineering review along with revised plans, submitted to the Planning Office this morning. Mr. Gillis noted that with regard to comment #4, the contractor has requested that the Planning Board condition their approval based upon sufficient soil testing, witnessed by the Board, prior to construction. Mr. Gillis also added that the applicant does not wish to make any changes to the sign plan submitted and the waiver request for a safety concern regarding visibility for the passing traffic.

Mr. Hassinger stated the Board typically requires a compelling reason to grant a waiver for a larger sign in a residential zone. Mr. Hassinger also questioned how the control over the soil testing would work and what was required. Mr. Gillis explained they were under a DEP order with certain criteria to follow and meet, and additionally Stephen Lemoine has boring logs to refer back to using a conservative rate to figure out the testing results. Mr. Hassinger requested this process be documented in the decision so that it can be tracked. Mr. Bishop noted that a condition can be put in the decision that Graves Engineering certifies all requirements for the soil testing.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to close both public hearings. **MOTION** carried unanimously 3 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to draft decisions for both applications, taking into consideration all the information received and the findings and conditions discussed.

DISCUSSION: Mr. Hassinger stated he would like to look at the size and location of the sign before voting the decision.

MOTION carried unanimously 3 to 0.

Chairman Courchesne recused himself from the Executive Session and left the meeting for the evening.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to enter into Executive Session to consider the Executive Session minutes of March 25, 2009 for which the matter under consideration has not been resolved; with the intention of returning to open session for the purpose of adjournment only. **MOTION** carried unanimously 4 to 0.

The Board entered Executive Session at 9:00 p.m.

EXECUTIVE SESSION

MOTION by Mr. Spinney, **SECOND** by Parsons to adjourn the meeting. **MOTION** carried unanimously 3 to 0.

The meeting was adjourned at 9:05 p.m.



Peter Parsons, Clerk

