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**Minutes of Meeting
Grafton Planning Board
April 13, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, April 13, 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, Robert Hassinger, and Bruce W. Spinney III. Absent from the meeting were Clerk Peter Parsons and Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

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

Chairman Courchesne noted there was only a 3-member Board present this evening and the Board would make their best effort to get through the agenda items.

ACTION ITEM 1-A - APPROVAL NOT REQUIRED PLAN - ANR 2009-4 - KEVIN DECAIRE - HIGH STREET

Mr. Bishop discussed the ANR plan with the Board, noting that the plan meets the requirements for ANR approval.

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

ACTION ITEMS 1-B & 1-C - CONSIDER DECISIONS - SP 2009-2 SOUTH GRAFTON WATER DISTRICT - PUMP HOUSE BUILDING AND SP 2009-3 SOUTH GRAFTON WATER DISTRICT - SECTION 4.4.4.2 SIGN RELIEF - 360 PROVIDENCE ROAD

ACTION ITEM 1-D - CONSIDER DECISION - SP 2009-4 GRAFTON LAND TRUST SECTION 4.4.4 - SIGNS-SPECIAL CASES/RELIEF

ACTION ITEM 1-E - CONSIDER DECISION - SP 2009-5 COLLEEN HALLORAN - 13 DEPOT STREET - SECURITY GUARD APARTMENT

Chairman Courchesne announced the Board would be unable to address these agenda items due to a lack of the required number of voting members, and would place the decisions on the next Planning Board agenda.

ACTION ITEM 1-F - REQUEST FOR BOND REDUCTION FOR "GLENWOOD ESTATES II" SUBDIVISION - ABU CONSTRUCTION, INC., PETITIONER

Mr. Bishop submitted his bond reduction calculations to the Board stating the existing bond being held by the Town is \$330,280.08 and after deduction of the outstanding work with the 20% required retainage, the maximum amount of the reduction allowed would only be \$4,128.00. Mr. Bishop also informed the Board that the roadways are not being recommended by the Board of Selectmen for acceptance at Town Meeting since DPW has identified specific outstanding items to be addressed.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to deny the applicant's written request for bond reduction at this time based on correspondence from Graves Engineering, the requirements of the Subdivision Rules & Regulations, and the outstanding items identified by the Department of Public Works. **MOTION** carried unanimously 3 to 0.

DISCUSSION ITEM 2-A – ASSOCIATE MEMBER POSITION

Mr. Bishop informed the Board two letters of interest had been received for the Associate Member position: Richard Spector of 5 Autumn Harvest Court; and Stephen Qualey of 147 Worcester Street. Mr. Bishop noted the Associate Member appointment was scheduled to take place at the Board of Selectmen meeting on April 21, 2009, which has also been posted as a joint meeting for the Planning Board.

Chairman Courchesne stated there was not a lot of information available from either applicant and encouraged the submission of additional information. The Board also discussed the lack of a candidate for the remaining seat on the Planning Board and reviewed the write-in acceptance of a candidate that would be followed at Town Meeting.

STAFF REPORT

Mr. Bishop updated the Board on a few items stating that at their last meeting the Board of Selectmen had awarded the contract for the Streetscape project to VHB. Mr. Bishop noted that VHB had a good track record in hiring and pricing and had strengthened their traditional engineering skills to strong expertise in Planning and Landscape Design. Mr. Bishop also noted that the Board of Selectmen are ready to appoint persons to the Streetscape Committee, for which they have already received 9 letters of request.

Mr. Bishop remarked that he had received the Subdivision language back from Town Counsel for the three main policy issues, but there would also be discussion on recommended fee increases. Mr. Bishop noted the Planning Board will have the opportunity to take action at the April 27th Planning Board meeting, which has advertised for the Subdivision Rules & Regulations proposed amendments hearing.

The **BILLS** were circulated and signed.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to approve the open session minutes of March 23, 2009 as drafted. **MOTION** carried unanimously 3 to 0.

CORRESPONDENCE

Mr. Bishop noted he had placed a copy of the draft Town warrant in the member's mailboxes for their early review, specifically the proposed zoning amendment articles.

Chairman Courchesne expressed concerns of the inaccuracy of the warrant stating that the Planning Board had submitted these articles, which is an outright false statement. Chairman Courchesne noted he plans to appear himself and possible with Mr. Bishop at the public hearing on Wednesday, April 22 before the Finance Committee.

PUBLIC MEETING

SITE PLAN 2009-1 JENINE M. GRABAU (APPLICANT) – TODD & JENINE GRABAU (OWNERS) – FAMILY DAY CARE HOME SERVICE

Mr. Hassinger read the legal notice and Chairman Courchesne opened the public meeting at 7:30 p.m. Todd and Jenine Grabau were present for the meeting.

Todd Grabau gave the Board a brief overview of the Family Day Care service and anticipated traffic flow, and stating that they will be operating under the Massachusetts State and Local regulations and laws. Mr. Grabau stated his driveway can easily accommodate 8 cars, that the day care child count includes two of their own children, with only 4 additional children being dropped off; and that he is before the Board only to fulfill the requirements of the By-Laws.

Chairman Courchesne noted that since there were no structural changes to the home, the Board would just be approving the Day Care.

Mr. Hassinger asked Mr. Grabau if he had read the Board of Health comments and he stated he had read them. Mr. Grabau informed the Board that he had already had his Title 5 inspection done and his well tested for the State, which had already been signed off on. Mr. Grabau expressed concerns that the Board of Health comments had singled out certain sections of the State law requirements and not cited the entire law. Mr. Hassinger also asked the applicant if he understood the limitations typically placed on this type of approval. Todd and Jenine Grabau both stated they realized they would be limited to six children and would need to reapply for a modification if they wished to increase the number of children allowed and that the approval was not transferrable with the property.

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

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed.

DISCUSSION: Chairman Courchesne noted Staff would need to consider the specific condition discussed, stating that the limiting was not all that pertinent.

MOTION carried unanimously 3 to 0.

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

Chairman Courchesne inquired if there had been any evidence of progress at the subdivision.

Mr. Bishop stated he had been out to the subdivision on Friday and there was no progress or indication of any type of activity at the site. Mr. Bishop noted he had left Jon LeClaire a message on his voicemail and remarked that Mr. LeClaire was aware from the previous hearing that he was to make a response to the Board at this meeting. Mr. Bishop stated there has been no communication received at the Planning Office since the last hearing.

Mr. Hassinger requested Staff move forward in preparing the necessary process for default by the developer.

Richard Spector of 5 Autumn Harvest Court informed the Board that Graz Engineering had prepared an as-built drainage plan in response to Jon LeClaire's claims of drainage problems coming from home reconstruction on Potter Hill Road. Mr. Spector added that Mr. Grasewicz had also stated that the drainage work was not only inferior, but the runoff was affecting public streets. Mr. Spector stated the Paul Grasewicz and Brian MacEwen both stated this problem posed safety issues down the road. Mr. Spector informed the Board that he tried to reach Mr. LeClaire at his home, but was unable, although there were signs of Mr. LeClaire at his home this evening.

Mr. Bishop noted that he would notice Mr. LeClaire that the Board was scheduling a public hearing to consider him in default and give him a reasonable amount of time to respond.

Chairman Courchesne received unanimous consent to leave the public hearing open until advice is received from Town Counsel.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to initiate proceedings for default of this subdivision and to move forward expeditiously. **MOTION** carried unanimously 3 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to continue the public hearing to April 27, 2009 at 7:30 p.m. **MOTION** carried unanimously 3 to 0.

**SP 2009-1 SARGON HANNA, (APPLICANT/OWNER) – “HANNA DRIVE”
SUBDIVISION – 151 WORCESTER STREET – DETACHED TWO-FAMILY
DWELLING IN A R-20 ZONING DISTRICT CONCURRENT WITH
DEFINITIVE SUBDIVISION APPROVAL**

Mr. Bishop informed the Board that he had spoken with Engineer Mike Loin of Bertin Engineering this afternoon when he was only aware that Mr. Parsons would not be attending the meeting. Mr. Bishop noted that Mr. McCarthy's call did not come into the Planning Office until 6:30 p.m. that he would not be attending the meeting this evening due to an emergency.

Chairman Courchesne informed Mr. Hanna that he needed at least four members, and preferably five, to be eligible to vote the decision. Chairman Courchesne recommended the applicant request to continue the public hearing to the next meeting.

Elias Hanna of 58 Brigham Hill Road entered the meeting and explained to the Board that Mr. Loin had contacted him and stated there was a huge traffic back-up due to an accident, causing Mr. Loin to be delayed in arriving at the hearing. Chairman Courchesne informed Mr. Hanna that the hearing would need to be continued due to two members being absent.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to grant the applicant's written request to continue the public hearing to April 27, 2009 at 7:30 p.m. **MOTION** carried unanimously 3 to 0.

Mr. Hassinger read the legal notice for the ZBL proposed amendments and Chairman Courchesne opened the public hearings.

**ZBL 2009-2 PROPOSED AMENDMENT TO MAKE MINOR SUBSTANTIVE
CHANGES FOR INSTITUTIONAL SIGNS UNDER SECTIONS 2.3 & 4.4.4.2 (2)
OF THE GRAFTON ZONING BY-LAWS.**

Mr. Bishop informed the Board that this proposed amendment has a history, specifically most recently of the Masons seeking to locate signage at various points of entrance to the Town. Mr. Bishop noted that upon review of the language of the submitted amendment, there appears to be a lack of consistency in what is being proposed.

Chairman Courchesne questioned if the proposed amendment is properly before the Board and why it erroneously states that the Planning Board is submitting this article for Town Meeting.

The Board determined that the proposed amendment seeks to amend Section 2.3 by deleting “erected and maintained by the Town” from the definition of Institutional Directory Sign; and in Section 4.4.4.2 (2), to change the title from “Alternative Location for a Directory Sign” to “Alternative Location for a Directional or Institutional Sign” and also replace the words “directory sign” with the words “directional or institutional sign”. The Board acknowledged that the amendment intends to clarify the language responsible for the confusion that arose due to the Town’s denial of a fraternal organization application to place informational signs within public ways.

Stephen Qualey of 147 Worcester Street expressed concerns to the Board that there appears to be text in conflict with the title of the by-law. Mr. Qualey stated he was a Mason, had spoken with the Building Inspector concerning the locating of the signs within the Town and there seemed to be confusion as to whether the signs were classified as “directory” or “directional”.

Mr. Hassinger stated that his son was also a Mason and had asked about the signage within the Town. Mr. Hassinger noted he told his son this was an easy process and instructed him to go to Town Hall and speak with the Building Inspector. Mr. Hassinger did not realize how involved it would become and stated that the Town has traditionally always had organization signs at Town entrances.

Through further discussion, the Board concluded that the change with regard to Section 2.3 was fairly clear, but could not adequately support the changes to Section 4.4.4.2, noting they would cause further confusion.

Chairman Courchesne wished to note that with regard to this issue, this was a purely procedural document and that no one had submitted any information directly to the Planning Board for their review.

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to direct Staff to draft a report stating that although the Board would favor supporting changes with regard to Section 2.3, they did not feel that the proposed amendments accomplished what was intended and consequently voted not to support the amendments as written. **MOTION** carried unanimously 3 to 0.

ZBL 2009-3 CITIZEN’S PETITION TO AMEND THE GRAFTON ZONING BY-LAWS REFERENCING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS)

Present to discuss the proposed amendment with the Board were Attorney Joseph Antonellis and Edward Lopes representing the Grafton Suburban Credit Union.

Mr. Bishop informed the Board that the proposed amendment would add a definition for Changeable Electronic Variable Message Signs (CEVMS) and would amend section 4.4.2.1 of the ZBL to permit these signs in all districts where illuminated signs are allowed, and also having to meet all dimensional and location standards.

Attorney Antonellis informed the Board that he had done some research with the National Transportation Safety Board and provided testimony with regard to guidelines integrating this type of sign along the highway, public safety messages, regulation of intensity and color, and allowances for the regulation and prohibition of certain types of signs and signs within specific areas. Attorney Antonellis also noted the signs would need to meet proposed standards for message duration, transition time, brightness, flashing & scrolling and temperature & time information.

The Board received testimony regarding concerns on multiple color signs and concerns regarding the intensity of the lighting.

Christina Qualey or 147 Worcester Street informed the Board that she was particularly bothered by the bright, multi-colored signs, specifically with regard to driving distraction and requested the Board consider these issues in approving these types of signs.

Mr. Bishop noted the article was reviewed by Town Counsel for compliance with state laws and found to be satisfactory.

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

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney to direct Staff to draft a report, taking into consideration all the information received and discussed. **MOTION** carried unanimously 3 to 0.

ZBL 2009-4 PROPOSED AMENDMENTS TO THE GRAFTON ZONING BY-LAWS OF EXPLICIT CRITERIA THAT WOULD FUNCTION AS THE INSPECTOR OF BUILDINGS YARDSTICK FOR DETERMINATION IN THE NON-CONFORMING NATURE OF A SINGLE FAMILY OR TWO-FAMILY RESIDENTIAL STRUCTURE UNDER SECTION 3.4.2.

Mr. Bishop noted the article has been reviewed by Town Counsel for compliance with state laws and found satisfactory.

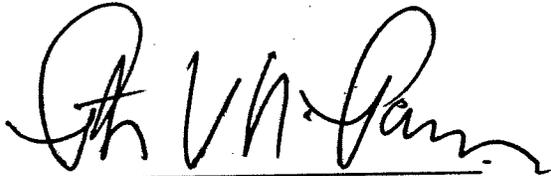
The Board discussed the purpose of the article of streamlining the review process for the Building Inspector in making determinations on changes to non-conforming single and two-family residential structures. The Board noted that this process would also eliminate the owners having to appear before the ZBA for a determination. The Board also discussed the effect the proposed changes may have on abutter opportunity to be heard.

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

MOTION by Mr. Hassinger, **SECOND** by Mr. Spinney, to direct Staff to draft a report, referring to the testimony and review, and the Board's unanimous vote in support of this article. **MOTION** carried unanimously 3 to 0.

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

] The meeting was adjourned at 9:37 p.m.

A handwritten signature in black ink, appearing to read "Peter Parsons", written over a horizontal line.

Peter Parsons, Clerk