

RECEIVED-TOWN CLERK  
GRAFTON, MA.

05  
MAY 20 9 15 AM '09

**Minutes of Meeting  
Grafton Planning Board  
April 27, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, April 27, 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, Richard McCarthy and Bruce W. Spinney III. Absent from the meeting was Peter Parsons. 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 REQUEST FOR DETERMINATION REGARDING A  
PUBLIC HEARING FOR SITE PLAN 2009-2 – JOHN & ERIN HAND – 17  
MAGNOLIA LANE – FAMILY DAY CARE HOME**

John Hand was present at the meeting and gave the Board a brief overview of the application, specifically requesting a waiver of the public hearing at the Board's discretion. Mr. Hand reminded the Board that Erin was already licensed by the State and would be taking in up to six children.

Mr. Hassinger expressed concerns regarding not scheduling a public meeting for the next Planning Board meeting, specifically since it had been required with the last application for Family Day Care.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to make the determination that a public meeting be scheduled for the next Planning Board meeting, with a Legal notice in the Grafton News and no abutter notification required. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-B – ANR 2009-5 LAND PLANNING, INC. – KEITH HILL  
ROAD – LAND PLANNING, INC. (APPLICANT) - (STASIA RAWINSKI  
CONVERTIBLE TRUST-A993)**

Mr. Bishop informed the Board that the ANR plan met all the requirements for approval not required with more than enough frontage and lot area for both lots.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to endorse ANR 2009-5 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-C – CONSIDER DECISION – SP 2009-2 SOUTH GRAFTON  
WATER DISTRICT – PUMP HOUSE BUILDING – 360 PROVIDENCE ROAD**

**ACTION ITEM 1-D – CONSIDER DECISION – SP 2009-3 SOUTH GRAFTON WATER DISTRICT – SECTION 4.4.4 /SIGN RELIEF – 360 PROVIDENCE ROAD**

Chairman Courchesne received unanimous consent to defer these decisions for the South Grafton Water District to the next Planning Board meeting due to the absence of Mr. Parsons from the Board.

**CONSIDER DECISION – SP 2009-4 GRAFTON LAND TRUST – SECTION 4.4.4 / SIGN RELIEF – LOCATE 3 SIGNS**

Mr. Hassinger asked Mr. Bishop if this decision was duplicated from the last sign decision for the previous Land Trust sign request. Mr. Bishop noted that it was basically the same except for the added Condition #3 addressing the view consideration requested by the abutter at 75 Potter Hill Road.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Hassinger, to make favorable Findings for F-1 through F-32, as re-numbered. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Spinney, to grant Special Permit (SP 2009-4) with the draft Conditions and Findings as discussed and amended. **MOTION** carried unanimously 4 to 0.

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

Chairman Courchesne noted that included in the decision was language in Condition C-2 that the permit does not run with the land and is only specific with this application; so if the applicant chooses not to purchase the property, there is no permit in effect.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to make favorable Findings for F-1 through F-26, as drafted. **MOTION** carried unanimously 4 to 0.

Chairman Courchesne asked if the decision contained language stating that the Board found the Site Plan approval requirements in compliance with the Zoning By-Laws.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Spinney, to add the Finding to the decision that the Board found the Site Plan approval in compliance with the Zoning By-Laws. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to grant Waivers W-1 through W-4, as drafted. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to grant Special Permit (SP 2009-5) with the draft Findings and Conditions as discussed and amended. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-G - CONSIDER DECISION – SITE PLAN 2009-1 JENINE GRABAU – FAMILY DAY CARE – 140 UPTON STREET**

Mr. Hassinger requested reference be made in the decision to the Board of Health comments that were received.

Chairman Courchesne noted Staff should add Findings clarifying the Board of Health comments to include reference to the on-site well and regarding compliance of the Site Plan with the Zoning By-Laws. Chairman Courchesne also informed Staff he would like the Site Plan Finding added to the decision template.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Spinney, to make favorable Findings for F-1 through F-12, including the Finding added, as drafted. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Spinney, to grant Waivers W-1 through W-4, as drafted. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Spinney, to grant the Site Plan approval for Site Plan 2009-1 with the draft Findings and Conditions as discussed and amended. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-H – REVIEW PLANNING BOARD PROPOSED ZONING AMENDMENTS REPORTS**

**ZBL 2009-2 INSTITUTIONAL DIRECTORY SIGNS**

The Board discussed the proposed draft amendment concerning 4.4.4.2 (2), stating it was confusing and not really accomplishing the goal, specifically noting the sponsorship for the amendments was unclear.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Hassinger, to recommend that the amendment be referred to the Planning Board for further study and consideration at a future Town Meeting for the reasons discussed. **MOTION** carried unanimously 4 to 0.

**ZBL 2009-4 PROPOSED AMENDMENT TO ZBL, SECTION 3.4.2.4**

The Board discussed the amendment and concluded that the report accounts the history of the amendment, eliminates the time and expense requiring the applicant to appear before the Zoning Board of Appeals, and does not deny the rights of abutters to be heard.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to approve the report and to recommend the adoption of the article. **MOTION** carried unanimously 4 to 0.

**ZBL 2009-3 CITIZENS' PETITION TO AMEND THE GRAFTON ZONING BY-LAWS REFERENCING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS)**

The Board reviewed and discussed the proposed amendment information, noting it would add a definition for Changeable Electronic Variable Message Signs (CEVMS) and amend Section 4.4.2.1 allowing these illuminated signs providing they met dimensional & location standards, duration of message, transition time, brightness, flashing & scrolling and temperature & time information.

The Board also heard testimony proposing the recommendation of this amendment from Attorney Joseph Antonellis, representing Grafton Suburban Credit Union, and trying to integrate the current noncompliance in a cooperative way with the Building Inspector.

The Board also discussed the challenges of enforcement and the obvious need for non-criminal disposition in handling any of these zoning violations. The Board wished to note that this type of sign would be eliminated in the official Historic Districts, would not oppose the Chief of Police access request as long as compliance is voluntary, and that lighting intensity & color choices issues are not adequately addressed for any signs in the Zoning By-Law.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to approve the report as discussed and recommend the adoption of the article. **MOTION** carried unanimously 4 to 0.

Chairman Courchesne received unanimous consent to return to the remainder of the agenda items after taking the public hearings.

**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 7:50 p.m. There was no one present representing the applicant/owner at the hearing.

Mr. Bishop informed the Board they had copies of the last Revised Engineer's Construction Cost Estimate done by Graves Engineering in 2005, which estimates that after costs and the 20% contingency inflation, the bond has about one and one-quarter million left for completing the subdivision. Mr. Bishop stated that he intended to contact Mr. LeClaire regarding the process the Planning Board will be starting with regard to the subdivision, the outstanding items and the notifying of the Bond company of the Board's

intentions. Mr. Bishop noted that past practices have included a full public hearing, but that it is not required by statute and not supported by Town Counsel.

Mr. McCarthy stated in his opinion a public hearing is a waste of time and expense in light of what has transpired in the current hearing process.

Mr. Bishop suggested putting Mr. LeClaire on notice, informing him of the Planning Board's decision and at the next meeting declaring him in default if the notice is not addressed. Mr. Bishop noted the next meeting is not for three weeks, so if he is noticed by Certified mail and First Class mail, he has plenty of time to contact the Planning Office with his intentions for the subdivision.

Chairman Courchesne suggested Staff attach a copy of all the minutes pertaining to the recent meetings for "Cortland Manor" Subdivision and the discussions of outstanding items from the abutters. Mr. Bishop noted there has been no correspondence from Mr. LeClaire since the hearing he was present with his attorney discussing the issues remaining and needing attention. Mr. Bishop also noted it is reasonable to continue the public hearing to the next meeting, while giving notice to the developer that the Planning Board will be considering default at the next meeting, and also adding that Mr. Parsons will be back on the Board.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Spinney, to continue the public hearing to May 18, 2009. **MOTION** carried unanimously 4 to 0.

**SP 2009-1 SARGON HANNA, (APPLICANT/OWNER) / DEFINITIVE  
SUBDIVISION APPROVAL - "HANNA DRIVE" SUBDIVISION - 151  
WORCESTER STREET**

Chairman Courchesne asked Mr. Loin if he had any further testimony to add at this time. Mr. Loin stated he would be submitting requested information on the outstanding items identified during the public hearing.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to close the public hearing, leaving the record open for the submission of information on the outstanding items identified during the public hearing. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 4 to 0.

**CONSIDER PROPOSED AMENDMENTS TO THE RULES AND  
REGULATIONS GOVERNING THE SUBDIVISION OF LAND: GRAFTON, MA**

Mr. Hassinger read the legal notice and Chairman Courchesne open the public hearing.

**SECTION 2: GENERAL**

The Board discussed and approved an increase in the fees with regard to Preliminary Plans, Definitive Plans Preliminary, Engineering Review required deposits, and Inspection fees.

**SECTION 3: SUBMISSION & APPROVAL OF PLANS**

The Board discussed and approved changes to Sections 3.1.5.1 (d), 3.1.1, Added Section 3.2.1.3, Added Section 3.2.4.5, 3.3.1.1 (a), Added Section 3.3.1.4, 3.3.3.19, 3.3.4.1, 3.3.4.1 (d), and 3.3.7.4.

**SECTION 4: DESIGN REQUIREMENTS**

The Board discussed and approved changes to Sections 4.1.2.1 (b) and 4.3.

**SECTION 5: CONSTRUCTION REQUIREMENTS**

The Board discussed and approved changes to Sections 5.2.1.6 (a), 5.4.1.1, Added Section 5.13.3, and 5.16.

**SECTION 6: ADMINISTRATION**

The Board discussed and approved changes to Sections 6.4.1 and Added Section 6.5.3.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, to close the public hearing and to adopt the changes to the Subdivision Rules & Regulations as discussed and amended. **MOTION** carried unanimously 4 to 0.

Chairman Courchesne received unanimous consent to return to the tabled agenda items.

**DISCUSSION ITEM 2-A – OAKMONT FARMS**

Chairman Courchesne recused himself due to a conflict of interest.

Mr. Bishop informed the Board he had received a call from Mary Ann Cotton of the Board of Selectmen concerning the present status of the subdivision with regard to the Planning Board. Mr. Bishop noted Ms. Cotton had been contacted by residents of the subdivision complaining of no progress on completing outstanding items and Town acceptance of the subdivision. Mr. Bishop stated that in going back over the history of the subdivision, the developer, J. T. Callahan & Sons, Inc., have two outstanding items: easements & encumbrances and the settling of the Michelina Such sewer easement. Mr. Bishop remarked that he had met with Ms. Cotton and six residents, discussing the opportunity to get Mr. Callahan, who is stating that the town has abandoned the subdivision, back to the discussion table on taking care of the outstanding issues and

reinstating a construction deadline with the Planning Board. Mr. Bishop noted the construction deadline had expired on December 1, 2007 and Mr. Callahan had not answered multiple requests to bring the subdivision back into compliance. Mr. Bishop informed the Board there were only 4 properties out of 158 homes with an easement/encumbrance issue and that the Sewer Department had already stated they had no issue with the fences on the easements. Mr. Bishop stated he was trying to work with the Board of Selectmen in addressing these outstanding issues and was looking for some direction from the Planning Board to offer a proposal to the Board of Selectmen, who are seeking a solution for the homeowners.

Chairman Courchesne returned to the Planning Board.

### **STAFF REPORT**

Mr. Bishop stated that Jean Poteete had put together a Mass. Biotech report and obtained Platinum Status for the Town of Grafton as a Bio-ready Community.

Chairman Courchesne thanked Mr. Bishop and stated the Board was grateful for whatever can be secured for the Town.

### **MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Spinney, to approve the open session minutes of April 13, 2009 as drafted. **MOTION** carried unanimously 4. to 0.

### **COMMITTEE REPORTS**

Chairman Courchesne wished to note that the Affordable Housing Committee is moving forward on the property located at 395 Providence Road, stating that the Board of Selectmen have agreed to pay the back taxes due and renovating the property into Townhouses with one unit of affordable housing.

Mr. McCarthy reported that the School Building Committee will be sponsoring a public forum in a month to draw on public input for solutions and ideas with regard to properties located on Old Westboro Road and Milford Road. Mr. McCarthy noted they hoped to have a solution for MSPA by November, then to the Planning Board and approval by the State.

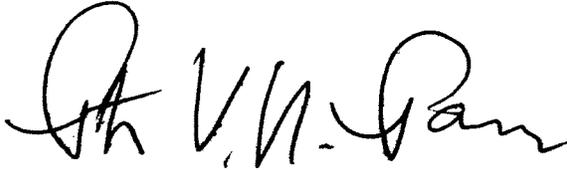
Chairman Courchesne ended by thanking Mr. McCarthy for his years of service on the Planning Board and wished him well.

Mr. McCarthy stated it's been fun and thanked the Board and the Planning Board staff.



**MOTION** by Mr. McCarthy, **SECOND** by Mr. Spinney, to adjourn the meeting.  
**MOTION** carried unanimously 4 to 0.

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

A handwritten signature in black ink, appearing to read "Peter Parsons", written in a cursive style.

---

Peter Parsons, Clerk

