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**Minutes of Meeting  
Grafton Planning Board  
June 8, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, June 8, 2009 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chairman, Robert Hassinger, Clerk Peter Parsons, and Associate Member Stephen Qualey. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m. and immediately made an announcement that a written request for the continuance of the Special Permit 2009-6-Hilltop Properties, LLC public hearing had been received today. Chairman Spinney stated the hearing would be continued to the January 22, 2009 Planning Board meeting.

Chairman Spinney received unanimous consent to take Action Item 1-D out of order.

**ACTION ITEM 1-D – CONSIDER DECISION – SITE PLAN 2009-2 JOHN & ERIN HAND – 17 MAGNOLIA LANE – FAMILY DAY CARE HOME**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to make favorable Findings for F-1 through F-12 as drafted. **MOTION** carried unanimously 3 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant Waivers W-1 through W-4 as drafted. **MOTION** carried unanimously 3 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant Site Plan 2009-2 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 3 to 0.

**ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – ANR 2009-7 CHRISTOPHER & PATRICIA METHOT – 3 SALISBURY STREET**

Brian MacEwen of Graz Engineering and applicants Christopher & Patricia Methot were present to discuss the plan.

Mr. Bishop presented the ANR plan to the Board stating that both lots meet the frontage requirements. Mr. Bishop also noted he spoke with Town Counsel regarding the driveway and that they agree that it meets the requirements for ANR endorsement.

Mr. Hassinger questioned the accuracy of the plan, since he recalled there had been disputes with the Town in the past over the actual lot lines.

Mr. MacEwen wished to note for the record that he had researched the multiple plans filed with the Registry of Deeds and stated that this plan was based on the monumented

Hawk Land Survey Plan, who had been hired by the Town of Grafton to clarify the actual lay out of the lots for the record. Mr. Hassinger asked about a Planning Board disclaimer on the plan regarding its accuracy, and Mr. MacEwen stated it was not necessary since the Board is only endorsing that the lots have the required frontage.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve ANR 2009-7 and to authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 3 to 0.

Chairman Spinney received unanimous consent to take Action Item 1-C out of order.

**ACTION ITEM 1-C – REQUEST FOR BOND REDUCTION FOR “MAGNOLIA FARMS” SUBDIVISION – WEBSTER BANK, N.E., PETITIONER**

Chairman Spinney opened the public hearing.

Attorney Kathleen Connolly of Murtha Cullina LLP, representing Webster Bank, N.A. and Kevin Quinn of Quinn Engineering were present at the hearing.

Attorney Connolly informed the Board she had several discussions with Mr. Bishop regarding the manner of calculating the Bond reduction. Attorney Connolly discussed with the Board the differences in their method of calculation and submitted a calculation chart to the Board showing how the balances were determined. Attorney Connolly also reminded the Board that that the Bond Reduction Agreement states the Planning Board cannot unreasonably withhold the amount being held for surety. Attorney Connolly noted she was requesting a reduction to the bond amount of \$706,690.48 and that the traditional calculation from Graves Engineering was to \$801,288.36.

Mr. Hassinger asked about the type of surety was being held and was told a tripartite agreement between the Town, Webster Bank, N.A., and Magnolia Farms LLC. Mr. Bishop noted that Town Counsel approved the language of the agreement when it was received. Mr. Bishop also added the developer has the right to request any amount of reduction they wish, and the Board can either agree or disagree with the request. Mr. Hassinger expressed concerns whether the amount being held includes the retention wall problem or the Sewer Department issue and was told it did not include those items.

Kevin Quinn stated that Old Castle Precast is obtaining the design documents and will be issue a statement on the stability of the wall, and the expense, if any repair work is required.

Attorney Connolly expressed concerns to the Board that the Sewer Department issue is neither a Planning Board issue nor a Webster Bank issue and the Bank should not be held responsible to remedy this situation. Attorney Connolly reminded the Board that Webster Bank has already paid out \$73,000.00 in actual monies unrelated to the bond to accomplish additional work for the subdivision.

Mr. Hassinger asked Mr. Bishop who is actually responsible for the issue with the Sewer Department. Mr. Bishop stated that he sees the issue as between the property owner and the Sewer Department. Mr. Hassinger expressed concerns of the Sewer Department being unwilling to sign off on the subdivision until this problem is resolved.

Mr. Hassinger suggested he would be in favor of granting the bond reduction to \$801,288.36 without prejudice, until the issues get resolved within the subdivision and would allow the petitioner to request a further reduction at that time.

Attorney Connolly respectfully requested the bond reduction in the amount presented to the Board.

Mr. Parsons suggested the petitioner take the necessary steps in the resolution of the wall and closure on the Sewer connection problem before returning for an additional bond reduction request.

Chairman Spinney stated he wished to err on the side of caution, requesting the petitioner come back to the Board with more substantial evidence on closure of the major issues and that he would be willing to grant the Planning Board calculated amount at this time..

Mr. Bishop noted that there is an open hearing for Magnolia Farms on the agenda and the Board could discuss this issue further at that time.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to reduce the amount currently being held for surety to \$801,288.36, based on correspondence from Graves Engineering, Inc. and the requirements of the Subdivision Rules & Regulations. **MOTION** carried unanimously 3 to 0.

Chairman Spinney received unanimous consent to proceed with the public hearings and return to the agenda later in the meeting.

**SP 2009-6 HILLTOP PROPERTIES, LLC (APPLICANT/OWNER) – “HILLTOP PLAZA” – 116 MILFORD ROAD**

Chairman Spinney stated he would not be opening the hearing since a written request for continuance of the hearing to June 22, 2009 had been received today.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the applicant's written request to continue the public hearing to June 22, 2009 at 7:30 p.m. **MOTION** carried unanimously 3 to 0.

**SP 2009-7 CHARLOTTE & DARRYL BUDGE, (APPLICANT/OWNER) – ACCESSORY PROFESSIONAL OFFICE – 169 WORCESTER STREET**

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing. Applicants/Owners Charlotte & Darryl Budge were present for the hearing.

Charlotte Budge informed the Board she would be conducting a massage and body work service from the accessory professional office, by appointment only, with a gap of about 2 hours between appointments. Ms. Budge added there would be no significant increase in traffic flow.

Mr. Qualey questioned the applicant on the statement of a part time business with 13 hour work days, and if there would be any signage. Ms. Budge explained that that stretch was of staggered appointments and not necessarily for 13 straight hours, and there is no proposed signage.

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

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “MAGNOLIA FARMS”  
SUBDIVISION – WEBSTER BANK, N.A. (APPLICANT) – EXTEND  
CONSTRUCTION DEADLINE**

Chairman Spinney opened the public hearing. Attorney Kathleen Connolly of Murtha Cullina LLP, representing Webster Bank, N.A. and Kevin Quinn of Quinn Engineering were present for the hearing.

Chairman Spinney asked Attorney Connolly if she had seen the email from Joseph Campisi dated June 7, 2009. Attorney Connolly stated she had not and that the communication link had somehow changed from the original link with Mr. Bishop.

Joseph Campisi of 14 Magnolia Lane informed the Board that Mr. Bishop had suggested he direct his emails through him at the Planning Office with regard to any issues associated with the homeowners within the subdivision. Mr. Campisi noted many of the problems could be easily taken care of, but that there seemed to be some long term issues associated with the subdivision, such as the retaining wall. Mr. Campisi complained that the replanted bushes were of poor quality and could have been better quality without a lot of additional expense. Mr. Campisi also informed the Board that a friend visiting his home who is a Geotechnical engineer expressed concerns that the problems with the wall may not be evident right away and may have to be monitored for a while.

Mr. Quinn stated that he had a local engineer from Old Castle Engineering inspecting the wall and will be making a determination on the state of the wall within weeks, not months.

Mr. Hassinger asked Mr. Bishop if there is a reason to keep the hearing open. Mr. Bishop stated that the progress continues to move forward and he sees not reason to keep the hearing open.

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

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant a six month construction extension deadline. **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 Spinney opened the public hearing. There was no one present representing the developer, nor any homeowners.

Mr. Bishop informed the Board that he had finally tracked down the bond company, and emailed the responsible party for the Travelers Indemnity Insurance Company. Mr. Bishop wished to note the return receipt signed by Jon LeClaire for the certified letter that was sent to him regarding the potential default status for “Cortland Manor” Subdivision was received, but with no further correspondence or contact from Jon LeClaire or Art-Lot Acres Development Corporation.

Mr. Bishop suggested the Planning Board defer action to the next Planning Board meeting, allowing him time for some contact/feedback from the bonding company, and then take a formal vote at that time to find Mr. LeClaire in default if there is no contact or correspondence. Mr. Bishop stated it will be advantageous in trying to realize who we are dealing with and what is the actual amount of the bond, and also pointing out that Art-Lot Acres Development Corporation is a LLC which probably does not have a lot of assets associated with it.

Mr. Hassinger expressed concerns that a bonding company should notify the Town concerning any changes in the bonding or ownership status.

Mr. Bishop reminded the Board that a default starts a time-consuming process of itemizing every item and all associated costs. Mr. Bishop noted that if he hears nothing he will get authorization to contact Town Counsel and this will definitely ramp up the efforts to move the process along.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Parsons, to continue the public hearing to June 22, 2009 at 7:30 p.m. **MOTION** carried unanimously 3 to 0.

Chairman Spinney received unanimous consent to return to the agenda items.

**DISCUSSION ITEM 2-A – CORRESPONDENCE FROM HEATH CHRISTENSEN REGARDING VACANCY ON THE PLANNING BOARD**

Chairman Spinney reminded the Board about the joint meeting on Tuesday, June 16, 2009 at 7:30 p.m. with the Board of Selectmen for the appointment of Heath Christensen to one of the Planning Board's one-year vacancies.

**STAFF REPORT**

Mr. Bishop noted there was no Staff Report.

**BILLS**

The Bills were circulated and signed.

**MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Parsons, **SECOND** by Mr. Hassinger, to approve the open session minutes of May 18, 2009 as drafted. **MOTION** carried unanimously 3 to 0.

**CORRESPONDENCE**

There was no correspondence.

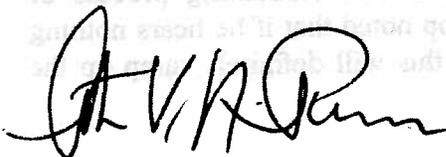
**REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC**

Mr. Bishop informed the Board that the first meeting of the Streetscape program will be held on June 18, 2009, which will officially have the process up and running.

Mr. Hassinger noted that he will be on the CMRPC ballot as Vice-Chair.

**MOTION** by Mr. Parsons, **SECOND** by Mr. Hassinger, to adjourn the meeting. **MOTION** carried unanimously 4 to 0.

The meeting was adjourned at 8:21 p.m.



Peter Parsons, Clerk