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**Minutes of Meeting
Grafton Planning Board
June 22, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, June 22, 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, Heath Christensen 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.

ACTION ITEM 1-A – CONSIDER DECISION – SP 2009-7 CHARLOTTE & DARRYL BUDGE – 169 WORCESTER STREET

Chairman Spinney stated he was appointing Mr. Qualey as a voting member for this decision.

MOTION by Mr. Qualey, **SECOND** by Mr. Hassinger, to make favorable findings for F-1 through F-28. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant Waiver W-1 & W-2 as drafted. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant SP 2009-7 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-B – PLANNING BOARD ENDORSEMENT OF RELEASE OF COVENANT – “PETERS ESTATES” SUBDIVISION – ETRE BUILDERS, INC., PETITIONER

Mr. Bishop briefly recapped the Tripartite agreement being held as surety for Peters Estates and informed the Board that Ron Etre had delayed the release of Covenant due to the housing economic situation. Mr. Bishop stated that Mr. Etre has potential buyers and with all paperwork submitted and a surety bond in place, is requesting the Planning Board release the Covenant.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to endorse the Release of Covenant for “Peters Estates” Subdivision. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-C – RELEASE OF TREE BOND – “MAPLEVALE ESTATES” SUBDIVISION – PULTE HOMES, (PETITIONER)

Mr. Bishop informed the Board that Pulte Homes was requesting the release of the remainder of the Tree Bond, which had been reduced to \$6,750.00 after the replacement of the 10 trees requiring replacement. Mr. Bishop noted he had walked the site with Mark Mastroianni of Pulte Homes and recommended the Board release the Tree Bond.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the applicant's written request to release the Tree Bond being held for "Maplevale Estates" Subdivision. **MOTION** carried unanimously 4 to 0.

There were no Discussion Items on the agenda.

STAFF REPORT

Mr. Bishop informed the Board that the revised Subdivision Rules & Regulations were almost complete and would be distributed at the next Planning Board meeting.

Mr. Bishop stated that the "Abby Woods" Subdivision application was being resubmitted and he has directed the applicant to comply with the new, revised Subdivision Rules & Regulations.

Mr. Bishop remarked that the Planning Office was rolling out public information about the floodplain and that the digital maps are being incorporated into the Town GIS system. Mr. Bishop added that there was a need to do outreach concerning FEMA's research along the Blackstone River concerning the zone changes and to make the public aware of the need to take advantage of the flood insurance rates prior to the maps becoming approved. Mr. Bishop also stated a direct link with FEMA was being set up through the website for the information available. Mr. Hassinger added there can be additional coverage in the Grafton News, Grafton Times and on cable.

Mr. Bishop informed the Board that Mr. Qualey has submitted a request to the Board of Selectmen for the remaining one-year member position on the Board and a Joint meeting with the Planning Board has been scheduled for 7:00 p.m. on July 7, 2009 to make the member appointment.

The Board requested the Associate Member position be advertised right away to be filled as soon as possible.

Mr. Bishop noted an engineer from Graz Engineering was looking for the Planning Board's endorsement of the "Brigham Hill Estates" plans sometime in July.

Mr. Bishop also wished to inform the Board about the submission of a 40 B application to the Zoning Board of Appeals for "Providence Road Commons", located at 195 Providence Road under the name of Ricky Lukasevich at 75 Fitzpatrick Road. Mr. Bishop noted the address is that of Jon LeClaire and stated outreach would be made to the

ZBA concerning Mr. LeClaire's track record, specifically the unfinished subdivisions permitted through the Planning Board.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve the open session minutes of June 8, 2009, as drafted. **MOTION** carried unanimously 4 to 0.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES & CMRPC

Mr. Hassinger noted he would now be the Vice-Chair at the CMRPC rather than the Chairman. Mr. Hassinger also stated that playbacks of the Planning Board meetings are now available on Verizon, but that the live feed is not scheduled to be available until the end of July.

Mr. Bishop updated the Board on the first meeting of the Fisherville & Farnumsville Streetscape Program, stating it was well-attended and the overall concept went very well. Mr. Bishop added he will be posting a schedule shortly, including public meetings and that Gene Bernat is a full and active member of the Commission. Mr. Bishop remarked that there were some timelines with the funding, but that they were working to maintain the project within the timelines.

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.

Mr. Bishop informed the Board that he has located the responsible party at Travelers Indemnity Insurance with regard to the surety bond held by Jon LeClaire for “Cortland Manor” Subdivision and that it is a valid instrument. Mr. Bishop noted this was a necessary step in the default process, and that he would now recommend that the Board take a vote to find the developer in default. Mr. Bishop added that this will help to put more pressure on Travelers Indemnity and move things along at a more rapid pace. Mr. Bishop stated he requested an estimate from Graves Engineering of the hard costs associated with the subdivision and was given the ball park figures of \$7,000.00 to \$9,000.00. Mr. Bishop pointed out he will need to find the funding for this expense, some of which may come from present projects and a request to the Finance Committee. Mr. Bishop informed the Board that Travelers Indemnity will most certainly require a detailed budget from the Town to secure the bond.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to find “Cortland Manor” Subdivision in default, after consideration of all the information and testimony received and discussed. **MOTION** carried unanimously 4 to 0.

Mr. Bishop stated he will notify Mr. LeClaire of the default vote and status by first class mail and certified mail, and copy Travelers Indemnity on the notification.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to take the necessary steps to move the process expeditiously along to secure the entire surety bond for the Town to work towards completion of the subdivision. **MOTION** carried unanimously 4 to 0.

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 deny the applicant’s written request to extend the construction deadline for “Cortland Manor” Subdivision for the reasons discussed, specifically for finding the applicant in default. **MOTION** carried unanimously 3 to 0.

Chairman Spinney announced that any persons with safety concerns or incomplete work within the “Cortland Manor” Subdivision should contact the Board of Selectmen’s Office.

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

Chairman Spinney opened the public hearing. Present for the hearing were applicant/owner Rocco Addeo and his engineer Mike Weaver of Guerriere & Halnon, Inc.

Mr. Weaver discussed the voting situation with the Board regarding the new member and was told Mr. Christensen was not eligible to vote on the application. Chairman Spinney stated Mr. Parsons, Mr. Hassinger, Mr. Qualey and himself were eligible to vote.

Mr. Weaver briefly summarized the project for the Board and reviewed the outstanding issues from the last hearing. Mr. Weaver noted there were six concerns the Board wished to be addressed:

The traffic review engineer had experienced personal problems and was delayed on finishing up the review comments;

The hours of operation will be 5:00 a.m. to 12:00 a.m., depending on the type of business;

The screening concerns were two-fold: headlight screening from the parking area to prevent light shining across the street which will consist of low 2 to 3 foot shrubs added; Conservation Commission requests additional screening around the basin itself, which would also be 2 to 3 foot high shrubs;

The uses being considered for the buildings are from the 3.2.3.1 ZBL Use Regulation Schedule: 1.) Retail establishments; 3.) Other retail establishments; possible uses from sections 5 through 9; and sections 13 or 15;

Use of the stretch energy code for energy efficiency has been applied for, but the applicant cannot guarantee that he will be able to meet all the requirements in the code. Energy efficiency will be adhered to as much as possible within the project;

Regarding the illumination of the sign: the sign will be internally illuminated with a standard lexan cover over 5 or 6 standard bulbs, similar to the sign at 377 Providence Road;

Level of service at the Milford Road intersection: a revised analysis of the initial inspection was provided for Graves Engineering request for the need to compare with the existing and the proposed, but there was no significant delay.

Chairman Spinney inquired about the Sewer Department's concerns with regard to the forced mains and was told a response letter had been sent to Chuck Bohoboy addressing the concerns. Mr. Bishop noted that no response letter from the Sewer Department had been received yet. Mr. Weaver stated he would check on that issue.

Mr. Hassinger asked if the applicant had seen the email from the Oakmont Farms subdivision with concerns for the project, many concerned with the presence of alcohol establishments. Mr. Hassinger asked the applicant if the project included any licenses to be issued by the Board of Selectmen for alcohol. Mr. Weaver noted that a liquor store is permitted under the retail establishments use and if a restaurant has a bar area within the restaurant, they would need to be licensed to serve alcohol.

Dana Wilson of 16 Seaver Farm Lane informed the Board that she found the whole application disheartening, and was not happy about what was taking place with the building project. Ms. Wilson stated she had lived there for 8 years and experienced how difficult retail was just down the street, with a beautiful plaza not occupied to date. Ms. Wilson asked the Board if they would consider residential or office space instead of retail and questioned if the developer will be posting a bond or developing the area as he moves along. Ms. Wilson also suggested the Board require the parking behind the buildings, no neon signage and shrubbery more than three feet high to handle the headlights of the traffic.

Paresh Patel of 15 Violet Lane expressed concerns to the Board regarding the traffic and safety for the school bus stop, which makes 4 stops each day, and that the Board should

consider regulating the Upton traffic by requiring a dedicated left-hand turn into the plaza for the safety of the school children.

Mr. Hassinger suggested Mr. Bishop inquire about the dedicated turn lane due to school bus concerns.

Mr. Hassinger also suggested Mr. Addeo work with the Planning Board and abutters to regulate the concerns for a liquor store, restaurant serving alcohol, or bars. Mr. Hassinger noted that if certain establishments were not allowed, it would require an agreement between the Planning Board and the applicant.

Philip Parton of 60 Buttercup Lane informed the Board that he had tested the results of the shrubbery landscaping to block the headlights and that found it will help considerably. Mr. Parton also discussed his agreement with having a Performance bond in place for the plaza and submitted samples from around the Town of some preferred and some undesirable rural signage.

Mr. Parsons urged the abutters to come forward with positive testimony so that in addressing the concerns of the high vacancy rates, there is a commitment from both the applicant and homeowners as to what type of stores should be at this establishment. Mr. Patton stated he had no objection to retail that is appropriate to the neighborhood, but that his main concern was the alcohol establishments and that he is trying to make the best of the current situation.

Mr. Addeo thanked all present for their comments and added that since he lives in the area his goal is to keep the project looking good and welcomes everyone's input. Mr. Addeo added that his plan is to retain a percentage of signed leases and then construct the building, noting that he may be delayed to wait for the economy to pick up before continuing with the remainder of the project. Mr. Addeo stated there will not be a bar, but there may be a liquor store or restaurant with a bar within its premises.

Mr. Weaver noted additionally that the plan is to construct the center corridor and the building to the west, then adding on in the future, but that all of the infrastructure will be completed and the second building will just tie in with completed building.

Mr. Patel informed the Planning Board that the residents around the area had already discussed with Mr. Addeo that establishments such as a day care center, doctor's offices, an ice cream shop, etc. were in keeping with the suggestions of a residential nature for the area.

Scott Rosenhahn of 2 Seaver Farm Lane expressed concerns for the problems of start and stop construction being stretched out for years; for the Board not to allow any type of restaurant that could serve liquor for all the reasons stated; for the Board to approve a sign compatible with the residential nature of the area with restrictions on the hours illuminated; for the Board to consider the approaching possibility of the resurgence of the

railroad use crossing Milford Road, causing traffic backups, specifically within the residential developments, with the increased flow of traffic.

Raymond Henson of 13 Seaver Farm Lane requested the Board consider sidewalks along Milford Road to accommodate foot traffic with the increasing vehicle traffic along the roadway.

Al Sanborn of 38 Cherry Lane inquired about Mr. Addeo's statement of not allowing a bar as a use within the buildings. Mr. Addeo clarified the statement as not a bar alone, but a bar within a restaurant would be allowed. Mr. Sanborn asked the Board if a condition could be written into the decision referring to the agreement, including any future owners of the project. Mr. Sanborn also noted that constructing one building at a time made sense and asked if there was a time limit on beginning a second building. Mr. Sanborn questioned the extensive time frame of operating hours, expressed concerns for the parking to be placed behind the buildings rather than in the front and inquired about the allowed hours of construction work.

Mr. Bishop suggested the Board could make a determination on many of these issues when the decision is drafted and discussed.

Dana Wilson of 16 Seaver Farm Lane expressed concerns of the Board dedicating 5 acres to commercial real estate, with the fact that many retail stores have not survived the economy in the Town already and urged the Board to consider approving the area for office space rather than commercial buildings.

Mr. Hassinger stated that he realized there were nearly 400 homes & condos within the area, and would like to see more of a village center concept being pedestrian friendly and more focused on the residential aspect.

Ms. Wilson stated there were no sidewalks on Milford Road and they have been requested for a long while.

Chairman Spinney stated the Board would not be closing the public hearing due to outstanding correspondence regarding the traffic study review and the Sewer Department. Chairman Spinney asked Mr. Addeo about the possibility of the parking being moved to the back of the buildings and was told by Mr. Weaver that the parking is located in the front for good engineering concerns, architectural esthetics, and he did not see that changing on the plans.

Mr. Addeo wished to note that as a neighbor living on Milford Road, he had endured the 4 to 5 years of construction associated with the Hilltop Farms Condominiums being built and was a friendly neighbor. Mr. Addeo restated his position on the uses, noting there was no bar intended, but that he will entertain the prospect of a restaurant that may have a bar within for its patrons. Mr. Addeo remarked that he has been approached by persons with interest specifically in a daycare, an ice cream shop, a donut shop, dentist or doctor's

offices, and specifically has a pizza shop and 2 hairdressers interested already. Mr. Addeo emphasized there will be no gas station.

Mr. Weaver recapped his client's position stating that they will try to keep within the proposed uses discussed, but that he needs tenants and is under certain time constraints. Mr. Weaver added they will consider modifying the sign with external illumination; set fixed hours of illumination; make the parking as esthetically pleasing as possible; blend the landscaping with the surrounding neighborhood to make it attractive; and try to make the uses as residential-friendly as possible

Mr. Qualey expressed concerns to Mr. Weaver for the buildings have sprinkler systems or interior fire walls for the safety of firefighters, specifically with the common space areas.

Mr. Rosenhahn complained that the bus drops the children off directly across the street and will create a traffic safety hazard with them trying to cross the street to the stores to buy candy, ice cream, etc.

Mr. Spinney noted that the traffic study includes pedestrian traffic also.

Michael Braun of 4 Seaver Farm Lane asked if Mr. Addeo will exclude any bars, will he also consider excluding a liquor store.

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

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

The meeting was adjourned at 9:15 p.m.



Peter Parsons, Clerk