

**Minutes of Meeting
Grafton Planning Board
September 14, 2009**

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A regular meeting of the Grafton Planning Board was held on Monday, September 14, 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, Members Heath Christensen and Stephen Qualey, Associate Member Sadie Miller. 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-D – “HILLTOP PLAZA” CONSIDER DECISION

Mr. Rocco Addeo was present at the meeting. Mr. Spinney announced that the Board did not have enough eligible voting members to discuss or vote on the draft decision and that the board would not be taking up this item during the meeting.

**ACTION ITEM 1-C – DETERMINATION OF COMPLETENESS - “HARDING ACRES”
SUBDIVISION – GEORGE PRUNIER**

Mr. Prunier was present at the meeting. Mr. Bishop provided the Board with an overview of staff report on the Determination of Completeness review. He noted that the applicant had submitted all the required material and that the project had been completed in conformance to the approved plan.

The Board reviewed and discussed comments submitted by the Brian Szczurko from the Town's engineering department with particular regard to ADA compliance issues. The Board determined that the plan met the requirements as set forth in the Subdivision Rules and Regulations and that ADA compliance was not specified in the rules. Mr. Prunier noted that this project was approved in 1998 and that it meets all the requirements in effect at the time of approval. Mr. Hassinger noted that while the Board's regulations don't specifically address ADA compliance it should be of concern to the town and that some department should be responsible for reviewing the plans prior to the Town accepting the project. It was noted that the Building Inspector is the ADA compliance officer but that the Board's regulations do not require compliance review as part of the Determination of Completeness process. Mr. Spinney stated that the Board should notify the Selectmen of their concern regarding this issue and that the Board could further discuss adjustments to the regulations during a workshop.

Mr. Hassinger noted that the Grafton Water District had reviewed and approved the plan and then asked if the Fire Department had reviewed the plans. Mr. Prunier noted that Fire Department review was not required for this project since there is no alarm system as described by the Subdivision Rules and Regulations.

Mr. Spinney and Mr. Hassinger asked about the easements to the detention basins, in particular access to the basin on Lot 2. Mr. Bishop stated that Graves Engineering had reviewed the plans and found that detention basins and the easements were developed according to the approved

plan. The Board discussed the need for practical access to the basin for maintenance purposes in light of slope of the existing easement. Mr. Prunier stated that the property owners of Lot 2 rejected his proposal to revise the easement so that the Town could have access over their driveway. Mr. Szczurko noted that while the slope was steep, the necessary equipment could access the basin in the event of an emergency. Mr. Prunier noted that the as built plans show that the slope in the easement is actually reduced from the approved plan. He presented the Board with a set of color aerial photographs showing the easement and basin for the purposes of review.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to determine that the applicant has satisfied the requirements of the Grafton Subdivision Rules and Regulations for a Determination of Completeness; and to further direct staff to notify the Board of Selectmen about the Board's concerns regarding departmental review of ADA compliance. **MOTION** carried unanimously 4 to 0.

PUBLIC HEARING ITEM 9A – “WOODS AT STONEGATE” SUBDIVISION – BOARD TO CONSIDER DEFAULT

Mr. Hassinger read the public meeting notice. Mr. Bishop provided a project overview noting that the developer, Jon LeClaire, has declared bankruptcy and that he has been actively working with the bond company to develop a plan to get the project finished. Presently there are a number outstanding work items that need to be addressed including wetlands replication, the development of as built plans, easements, acceptance plans, surveying, final site clean up and other items to be resolved with Conservation Commission. There is approximately \$266,000 in bond money that can not be accessed for these items until the Board takes action to begin default proceedings. Mr. Bishop noted that the bond company, Traveler's Insurance, appears to be willing to work cooperatively with the Town at this point in time.

Several residents appeared before the Board to discuss other items of concern in particular plowing, sanding and general safety issues until such time as the project is complete and the Town accepts the road as a public way. The Board noted that residents should address the Board of Selectmen directly on these issues since they relate to public safety and they are the only board who has authority to direct town services in a private development. In response to the outstanding wetland replication and Conservation Commission issues, the Board noted that the residents would need to contact the Conservation Agent to find out where the Commission was in their efforts to come to resolution of the outstanding items.

Mr. David Crowley, 180 North Street, stated that there were some serious water problems due to the fact that the developer had installed an 8" culvert across the street that causes water to drain directly onto his property which is not a part of the subdivision. He noted that water is now diverted from the street, into the culvert and directly onto his property. Mr. Hassinger stated he should contact the Selectmen to which Mr. Crowley noted that he has already done so in the past with no resolution. Mr. Bishop noted that Mr. Crowley should submit copies of the material to the Planning Board and the Conservation Commission.

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

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen to find the developer in default. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-B – “MAZZA FARMS” SUBDIVISION – RELEASE OF BOND

Mr. Bishop stated that the developer has requested the release of the remaining bond. The roadway had been accepted at the May 2009 Town Meeting and the Subdivision Rules and Regulations state that the bond shall be released upon acceptance. Mr. Bishop noted that this was the final administrative action required.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to release the bond. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-A – 377 PROVIDENCE ROAD – REQUEST RELEASE FOR EROSION CONTROL BOND

Mr. Bishop stated that the developer has requested the release of the remaining erosion and sedimentation control bond for the Brookmeadow Crossing which is the commercial development. This bond is not associated with the Brookmeadow Village subdivision project.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to release the bond. **MOTION** carried unanimously 4 to 0.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to approve the open session minutes of August 10, 2009 as drafted. **MOTION** carried unanimously 4 to 0.

STAFF REPORT

Mr. Bishop provided the Board with updates on the following projects:

Fisherville & Farnumville Streetscape Project – the Ad Hoc Committee has been meeting regularly and is ready to make a presentation to the general public. Mr. Bishop noted that the Planning Board should host the meeting. The Board set the meeting date for October 7, 2009 at 7:00 p.m. at the South Grafton Community House. Mr. Bishop added that the Ad Hoc Committee recently met with Mr. & Mrs. Collette who own both Collette Motors and Valley Plaza, two adjoining lots that have significant curb cuts along their frontage. The meeting was productive and the Ad Hoc Committee will continue to reach out to property owners in the

project area. The next regularly scheduled meeting of the Ad Hoc Committee is on Thursday, September 24, 2009 at 5:00 p.m. at the South Grafton Community House.

Oakmont Farms – the matter has been turned over to Town Counsel who is coordinating with Maryland office of Traveler's Insurance. This is the same company but different office that he is working with to resolve issues relating to the two defaulted LeClaire projects, Cortland Manor and Woods at Stonegate.

Mr. Hassinger stated that he wants the Board to have full review and updates on how the project will be completed. Mr. Bishop noted that he would be following the practice set up for Magnolia Farms whereby the bond will remain intact until it can be adequately demonstrated that they have met completion benchmarks set out early in the process. Mr. Spinney added that it was important for the Town to retain as much control and authority as possible to ensure the project gets completed.

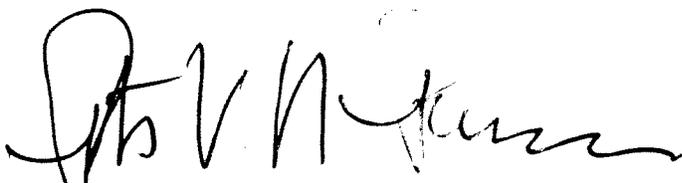
Ms. Miller asked if any of the bond money could be used to defray the administrative costs. Mr. Bishop stated that state law is not clear on this matter but that it could be negotiated up front. The Board further discussed how the bond could be used to cover contingencies until the project is completed.

Brownfields Grant – Mr. Bishop noted that DEP will be managing the administration of the recently awarded 1.2 million dollar grant to the Town.

ADA Compliance – The Board continued its earlier conversation about how to address compliance for future projects. Mr. Hassinger noted that the Board needs to investigate what the options are and if the Subdivision Rules and Regulations should be revised. It was added that the federal laws change and that the regulations would have to stay current with whatever the Board decided to include. Mr. Bishop noted that this issue had, to the best of his knowledge, never come up before but that he would do some research on the topic and would require review by Town Counsel. Mr. Spinney noted that this would be a good topic to review at a Planning Board workshop.

New Associate Member – The Board welcomed Ms. Sadie Miller as the newest member of the Board.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christiansen, to adjourn the meeting. The meeting was adjourned at 8:30 p.m. **MOTION** carried unanimously 4 to 0.



Peter Parsons, Clerk