

**Minutes of Meeting
Grafton Planning Board
March 22, 2010**

RECEIVED-TOWN CLERK
GRAFTON, MA.
J
MAY 26 8 58 AM '10

A regular meeting of the Grafton Planning Board was held on Monday, March 22, 2010 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, Stephen Qualey and 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. and received unanimous consent to take Action Item 1-B out of order.

**ACTION ITEM 1-B – CONSIDER DECISION – SPECIAL PERMIT SP 2010-2
CLEAR WIRELESS LLC – 20 INDIAN PATH – WIRELESS
COMMUNICATIONS FACILITY CO-LOCATION**

Mr. Christensen recused himself from this agenda item.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to make favorable findings for F1 through F-55. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant Special Permit SP 2010-2 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – ANR 2010-4 –
BROOKMEADOW VILLAGE, LLC – BROOKMEADOW LANE & KLONDIKE
ROAD**

Normand Gamache of Guerriere & Halnon, Inc., representing Brookmeadow Village, LLC, informed the Board that they were shifting the side line angles of 24 previously approved subdivision lots for better re-alignment and noting there were no changes to the lots themselves as approved.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to endorse ANR 2010-4 and to authorize the Town Planner to sign the plans on behalf to the Planning Board. **MOTION** carried unanimously 5 to 0.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Qualey, **SECOND** by Mr. Christensen, to approve the open session minutes of March 22, 2010 as drafted. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

Mr. Bishop informed the Board he had received a memo from the Board of Selectmen concerning public hearings to review Town Meeting petitions for roadway acceptances for Glenwood Lane in “Glenwood Estates I & II” Subdivisions; Magnolia Lane in “Magnolia Farms” Subdivision; and Appaloosa Drive, Bridle Ridge Drive, Morgan Drive and Saddle Hill Circle in “North Grafton Estates I and II” Subdivisions. Mr. Bishop noted that none of these subdivisions have been before the Planning Board for a Determination of Completeness as yet, with only “North Grafton Estates I and II” filing any paperwork with the Planning Office on March 19. Mr. Bishop added that the Board has a 45 day window to make a determination whether the subdivision meets all the requirements in addition to the punch list of items to be reviewed and signed off on by the peer review engineer as completed.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to unanimously direct Staff to respond with a letter to the Board of Selectmen stating the current disposition of these subdivisions, specifically outlining the reasons why the required items are not complete and who is at fault. **MOTION** carried unanimously 5 to 0.

Mr. Bishop also remarked on the Fisherville Park project progress, noting VHB will be filing a N.O.I. with the Conservation Commission in early spring with a public hearing around the end of April for the Site Plan requirement for Municipal use. Mr. Bishop added there were also two items on the Town Warrant for Use Easement and the CPC vote for requested funds.

Mr. Bishop stated that a contractor has been selected for the remaining work within the “Cortland Manor” subdivision, who will be reporting progress back to the Planning Board. Mr. Bishop added that the same model for the scope of work for the “Woods at Stonegate” subdivision was being used with Travelers Insurance soliciting contractor bids.

Mr. Bishop informed the Board that the “Oakmont Farms” subdivision was making slow progress, due to lack of acknowledgement from the bonding company’s attorney. Mr. Hassinger requested Staff relay to Town Counsel that the Planning Board’s patience is growing thin.

The Board acknowledged Ms. Miller’s articles published in the Grafton News and briefly discussed the value of using the Master Plan as a mechanism to practically look at what approach is needed for some of the problems plaguing the Town.

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “HIGHFIELDS ESTATES” SUBDIVISION – MAGILL ASSOCIATES, INC. (APPLICANT/OWNER) – EXTEND CONSTRUCTION DEADLINE

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing. Attorney Joseph Antonellis was present representing Magill Associates, Inc.

Attorney Antonellis reviewed the subdivision status for the Board, noting that of the total 160 lots; only 55 lots remained along with the completion of Manor Hill Road and cul-de-sac Fox Pointe. Attorney Antonellis noted the drainage and utilities were complete, the gravel and base were set for the roadways and the Conservation agent and EcoTech agent had walked the site and found all drainage/detention ponds working. Attorney Antonellis stated he would not be submitting the Conservation Restriction until the subdivision is pinned.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the applicant's written request for a one-year construction extension. **MOTION** carried unanimously 5 to 0.

Chairman Spinney received unanimous consent to take the remaining public hearings out of order.

RZN 2010-1 CITIZEN PETITION ARTICLE FOR MAY 2010 ANNUAL TOWN MEETING – PROPOSED AMENDMENT TO THE GRAFTON ZONING MAP – REZONE ENTIRE PARCEL AT 109 CREEPER HILL ROAD TO INDUSTRIAL

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing. Present for the hearing was petitioner Mark Troiano of 109 Creeper Hill Road.

Chairman Spinney asked Mr. Troiano for what purpose he wanted to change the zoning of his parcel to all Industrial, since there was no explanation or use submitted with the petition. Mr. Troiano stated he wanted the property to grow, making the piece of land more viable, and to perform more recycling. Mr. Hassinger expressed concerns of why Mr. Troiano wished to change the zoning if there is no specific use to warrant the change. Chairman Spinney informed Mr. Troiano that there has not been enough information submitted for the Board to consider a decision, adding that there were also memos of concern from the Board of Health and the Conservation Commission for a lack of information. Mr. Hassinger noted that the request resembled spot zoning, in that the petitioner was trying to rezone one lot for economic benefit. Mr. Hassinger also stated that he recalled some abutter sensitivity to Mr. Troiano's workings on the site in the past, so the Board would need a better case presented of why the change is needed.

After discussion, the Board unanimously agreed that Mr. Troiano would need to present a better case to the Town as to why the current zoning is not adequate and what exactly the uses will be if the proposed amendment is granted.

Mr. Troiano requested to continue the public hearing, to allow him time to put together a plan and additional information. Mr. Bishop noted that the Finance Committee public hearings on the warrant articles were not until April 21 & 22 and April 26 & 28, which would allow time to continue this hearing to the April 12th Planning Board meeting if Mr. Troiano can have his information ready for then.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to continue the public hearing for RZN 2010-1 to April 12, 2010 at 7:30 p.m.

DISCUSSION: Ms. Miller suggested Mr. Troiano contact the Planning Office for additional technical support on the information required. Mr. Bishop wished to note that he had already had previous discussions and a meeting with Mr. Troiano to give him the direction he needed for this submission.

MOTION carried unanimously 5 to 0.

ZBL 2010-1 PROPOSED AMENDMENT TO THE GRAFTON ZONING BY-LAWS – AMEND SECTION 4.4.2.1 – CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS)

Mr. Parsons read the legal notice and Chairman Spinney opened the public hearing.

Mr. Bishop informed the Board that he had put in their mailboxes a copy of last year's edition of the proposed by-law along with the Planning Board's report of a positive recommendation with considerations. Mr. Bishop wished to note that the article was not a Citizen's petition, but a warrant article forwarded to the Planning Board by the Board of Selectmen requesting a hearing be conducted and recommendations forwarded to them.

Mr. Hassinger stated he would like it explained to him why the definition had changed from the last proposed amendment and what it all means. Mr. Hassinger asked for confirmation as to who sponsored the article as it was not apparent from the transmittal from the Town Administrator. He was informed that it was proposed through the Board of Selectmen.

The Planning Board unanimously stated that, from its perspective, the sponsorship was still unclear.

Edward Lopes, CEO of Grafton Suburban Credit Union, informed the Board that the document put forth tonight to the Town contains different language from the Citizen's Petition submitted from the business sign owners group, specifically noting that he believed the original submission a year earlier called for a four minute duration per message instead of the five in the current proposal. At either time, he believed that the message duration was much too long and should be more in the 30-second range. Mr. Lopes noted that this document may have been derived from their original Citizen's Petition, but it was his understanding that the Town Administrator was putting together a

more comprehensive By-Law, and after his discussion with him that a member of the Board of Selectmen would be present at the hearing. Mr. Lopes added that his comments reflect the business groups anticipation that the amendment is not what they had hoped for and that as discussed with the Planning Board, the time delay is not satisfactory.

Mr. Qualey pointed out that the Police Chief had suggested a 2 minute time delay at last years hearing. Mr. Qualey suggested a 30 second delay with 2 parties agreeing to display messaging in an emergency, such as an Amber alert. He also stated that these signs might be more acceptable if limited to the Community Business districts.

Mr. Lopes added that the Town Administrator had agreed to put something more comprehensive together to bring the business owners together, but that does not seem available as yet

Robert Berger, Town of Grafton Building Inspector/Zoning Enforcement Officer, informed the Board that this issue has been around for over a year and that he would like to see it move forward, specifically with the input of the townspeople as to whether they like the By-law or not and if the 2 minute delay would suffice.

Mr. Hassinger noted that since the current By-Law does not permit these signs, Town Meeting action is needed to enact any change.

Mr. Hassinger asked Mr. Berger to explain to him why the Town Administrator is deciding on zoning enforcement and was told that he could not comment on that. Mr. Hassinger added that the Planning Board has to speak to policy as well as the language.

Chairman Spinney received unanimous consent that based on what has been heard tonight, the process and product is lacking. Chairman Spinney stated the Board can close the hearing tonight or wait for the information required in the next two weeks. Mr. Bishop reminded the Board that the proposed amendment will already be before Town Meeting as a warrant article.

MOTION by Mr. Parsons, **SECOND** by Mr. Christensen, to close the public hearing.

DISCUSSION: Richard Anderson of Gaudette Insurance wished to note that he had met with the Town Administrator, who had stated that he would be leading this effort and everything was all set. Mr. Anderson added that there seems to be no leadership as discussed with this proposed amendment.

MOTION carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, that assuming this is the article, to recommend the Board vote against for all the reasons discussed.

DISCUSSION: Mr. Parsons added that if someone wants to see this by-law amended, they need to create a by-law to meet the approvals needed.

Chairman Spinney wished to note again, as the Planning Board noted at the hearing last year, that someone can come before the Planning Board for direction on how to proceed forward, but that it will not be taken up as a cause by the Planning Board.

Mr. Bishop stated that he will draft a report for the next meeting, which the Board can discuss further.

MOTION carried unanimously 5 to 0.

**MRSP 2009-12 D & F AFONSO BUILDERS, INC. (APPLICANT/OWNER) –
“VILLAGE AT INSTITUTE ROAD” – OFF INSTITUTE ROAD AND
WESTBORO ROAD**

Chairman Spinney opened the public hearing, continued from February 22, 2010. Present for the meeting were Michael Weaver and Normand Gamache of Guerriere & Halnon, and Applicant/owner Dominic Afonso.

Mr. Bishop stated there was correspondence in their mailboxes from Guerriere & Halnon regarding soil borings taken from Institute Road and a site visit report received today from Graves Engineering, Inc. concerning support for the soil borings.

Mr. Weaver reviewed the project for the Board and noted they had not responded yet to the latest Graves Engineering review letter. Mr. Weaver wished to note that at the last meeting there was much discussion concerning the belief that Institute Road was poorly constructed and in poor condition; but was found through the soil borings that it is in good condition and was constructed properly. Mr. Weaver also addressed the issues of cuts and fills, which he stated were not excessive or drastic, adding they were trying to maintain as much of the existing site as possible. Mr. Weaver stated that with regard to the entrance to the State property directly across from the site, it appears that it is more of a driveway and not an access roadway. Mr. Weaver added that the State has offered to work with them to have the road accepted as a public way.

Mr. Qualey remarked that his main concerns were that Institute Road is not a Town road and the Planning Board does not allow subdivisions off of non-public ways; and secondly the overall width and condition of the road. Mr. Weaver responded that Graves Engineering was very pleased with the condition of the roadway.

Mr. Christensen stated that he frequently travels the roadway and the steepness and blind corner do not seem very safe, nor are the shoulders adequate.

The Board asked Mr. Weaver and Mr. Gamache whether they had inquired about the roadway or tried to get any information regarding the roadway. Mr. Gamache stated that

he had made 2 or 3 calls to the DPW inquiring about the status of the road and approximately when it was paved. Mr. Gamache added that most of the information obtained has come from Matt Pearson of the Grafton Water District, relating to the previous installation of a new water main and that the Assistant Engineer had stated the road was paved under a Town contract.

Mr. Hassinger re-stated that he will not vote on the Special permit or Preliminary Plan until the road is made public, and additionally he will need to know the acceptance process used to make the determination. Mr. Weaver responded he will continue to work with the State, but Mr. Hassinger cautioned that it was for the Town to determine, not the State, and that it will not be an easy process. Mr. Hassinger suggested discussion with Town Counsel to find out what the Town would require to make the road acceptable.

Mr. Gamache requested the Board to extend the public hearing, allowing time to do more research in order to provide the Board with additional information.

Robert Carroll of 72 East Street noted that he had witnessed the installation of water lines along Institute Road.

After some discussion, the Board unanimously agreed that they will not be considering any other issues at this time and that the applicant's main issue is to work on Town acceptance of Institute Road, specifically through understanding the process and getting to that point.

MOTION by Mr. Qualey, **SECOND** by Mr. Parsons, to grant the applicant's written request to continue the public hearing to April 26, 2010 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:29 p.m.


Peter Parsons, Clerk

Stephen Qualey, (Reorganization)

