

**Minutes of Meeting
Grafton Planning Board
April 12, 2010**

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A regular meeting of the Grafton Planning Board was held on Monday, April 12, 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, Heath Christensen, Stephen Qualey and Associate Member Sadie Miller. Absent was Clerk Peter Parsons. 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 - REQUEST FOR "DETERMINATION OF COMPLETENESS" FOR "NORTH GRAFTON ESTATES I" (A/K/A "BRIDLE RIDGE") AND "NORTH GRAFTON ESTATES II" SUBDIVISIONS

Present to discuss the "Determination of Completeness" submission were Jeff Walsh of Graves Engineering, Inc. and Assistant Town Engineer Brian Szczurko. Also in attendance were Attorney Mark Kablack representing Toll Brothers, Inc. and Eric Carlson, Project Manager for Toll Brothers, Inc.

Chairman Spinney informed the audience that this agenda item was an Action Item of the Board public meeting item and not a public hearing where testimony is heard and documented. Chairman Spinney also noted that the Planning Board's primary job is determine, through this process, that the subdivision is in compliance with the Town's Subdivision Rules & Regulations and that all of the applicable Town Departments have signed off stating all issues have been satisfied. Chairman Spinney asked Mr. Walsh to outline what has been reviewed and addressed with the project as a whole.

Jeffery Walsh of Graves Engineering, Inc. informed the Board that Graves Engineering has reviewed the original plans submitted, suggested revisions, observed the infrastructure construction up to the binder course, including drainage; and returned for the finalization of the roadway topcoat pavings. Mr. Walsh added that he has reviewed the As-Built and Road Acceptance plans and the information on the plans reflects what is on the site. Mr. Walsh noted that he has overseen horse trail construction and issued a finalized punch list on April 7, 2010 with a few minor issues, including crack sealing on the roadways.

Chairman Spinney asked Mr. Szczurko to speak to the suggestion of illegal connections to the catch basin from 30 Morgan Drive. Mr. Szczurko acknowledged the connection, noting that it is not illegal, but just not well regulated by the Federal government and noted that he is currently working on a process to maintain control over what gets connected into the Town's infrastructure.

Chairman Spinney asked about the status regarding the electrical, sewer, fire cisterns, and drainage basins as noted in resident email. Mr. Walsh informed the Board that he visited the subdivision on Friday observing all of the street lights were working and that all electrical conduit and work is typically performed and inspected by National Grid before power is connected to the subdivision. Mr. Walsh added that there is no sewer due to on site septic systems; the fire cisterns were being flushed and prepared by the Fire Department, at which time a sign-off will be issued to the developer; and the drainage basins were working as designed.

Chairman Spinney received unanimous consent to table **ACTION ITEM 1-A** to take the public hearing scheduled for 7:30 p.m.

RZN 2020-1 CITIZEN PETITION ARTICLE FOR MAY 2010 ANNUAL TOWN MEETING – PROPOSED AMENDMENT TO THE GRAFTON ZONING MAP – REZONE ENTIRE PARCEL AT 109 CREEPER HILL ROAD – MARK TROIANO, PETITIONER

Chairman Spinney opened the hearing and asked if anyone was present representing the re-zoning article. There was no one present.

Mr. Bishop remarked that, based on the input of the Planning Board, he had discussed with Mr. Troiano the need to submit additional information to substantiate his request for the zoning change. Mr. Bishop noted that Mr. Troiano had informed him that there was no current benefit for the change at this time, but that he was anticipating improving his land value and use for the future.

The Board unanimously agreed that the request appeared to be spot zoning.

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

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to direct Staff to draft a Planning Board report, based on all the information received and discussed. **MOTION** carried unanimously 4 to 0.

Chairman Spinney received unanimous consent to return to **ACTION ITEM 1-A**.

Chairman Spinney allowed input from residents of the “North Grafton Estates I & II” subdivisions which pertained to concerns regarding noise, drainage, electrical and detention basin failure. An original signed copy of the residents’ grievances and various drainage photos were presented to the Board at this time.

After discussion the Board agreed unanimously that all items had been properly addressed by Mr. Walsh, Mr. Szczurko and Mr. Bishop, including the explanation of the

confusion thought to be drainage basin failure, which actually was the emptying of the fire cistern into the basin in order to clean it out.

Mr. Hassinger also noted that in discussion it was apparent that there was no sign-off in the Determination of Completeness package from the DPW. Mr. Szczurko informed the Board that he had done a walk through, that the basins appeared to be functioning properly, but he had not yet issued a completeness letter to the developer.

MOTION by Mr. Qualey, **SECOND** by Mr. Christensen, to defer the Board's "Determination of Completeness" recommendation to such time the Board has received all the Town Department sign-offs, but no later than the next Planning Board meeting. **MOTION** carried unanimously 4 to 0.

Chairman Spinney received unanimous consent to take ACTION ITEM 1-C out of order.

ACTION ITEM 1-C – CONSIDER DECISION – SP 2010-1 GARY HENRICH – 115 PLEASANT STREET – COMMON DRIVEWAY

Chairman Spinney stated the Board was waiting for the receipt of two additional items regarding this permit. Mr. Bishop noted the Planning Office had received today an email from the Town Engineer signing off on the applicant's request for grading within the Town right-of-way and the recording of the abutter easement for the common driveway stormwater flow at the Registry of Deeds.

Chairman Spinney appointed Ms. Miller as a voting member for the decision.

MOTION by Mr. Christensen, **SECOND** by Mr. Hassinger, to make favorable Findings for F-1 through F-34. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to grant Waiver W-1.

DISCUSSION: Mr. Hassinger suggested an explanation be added to the Waiver.

MOTION AMENDED by Mr. Christensen, **SECOND** by Mr. Hassinger, to grant Waiver W-1 and that the discrepancy in the waiver request was adequately addressed in the application. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to grant Special Permit SP 2020-1 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-B – PLANNING BOARD REPORT – CEVMS

Mr. Bishop discussed the draft report prepared regarding the CEVMS proposed amendment ZBL 2010-1 with the Board. The Board expressed three additional concerns

to be noted in the report: allowing in all districts, regulating the advertising relates to business, and the original approval was based on a compromise among all of the elements as then presented.

MOTION by Mr. Hassinger to approve the draft report with the additional information discussed.

DISCUSSION: Mr. Qualey asked if the regulating request would affect the Town advertisements. Mr. Bishop stated that request would be made specific to commercial advertising. Chairman Spinney wished to emphasize that this proposed amendment has been repeated three times with no level of specificity yet if it passes at Town Meeting this time.

SECOND by Mr. Qualey. **MOTION** carried unanimously 4 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 4 to 0.

STAFF REPORT

Mr. Bishop informed the Board they had a copy of the confidential letter from Town Counsel to Travelers Insurance regarding the Oakmont Farms default subdivision. Mr. Bishop noted that Town Counsel will file the necessary paperwork as the Statute of Limitations approaches in August.

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

The meeting was adjourned at 9:23 p.m.


Peter Parsons, Clerk
Stephen Qualey (Reorganization)