

RECEIVED TOWN CLERK  
GRAFTON, MA.

JUN 29 11 50 AM '10  
MAC

**Minutes of Meeting  
Grafton Planning Board  
June 14, 2010**

A regular meeting of the Grafton Planning Board was held on Monday, June 14, 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 Stephen Qualey and Heath Christensen. Present for the Board of Selectmen were Mary Ann Cotton, Brook Padgett and David Ross. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 6:30 p.m.

**MOTION** by Mr. Christensen, **SECOND** by Mr. Hassinger, to enter Executive Session in accordance with the provisions of MGL Chapter 39, Section 23B (3), with the intention of returning to open session to continue with the Planning Board meeting agenda. **MOTION** carried unanimously 4 to 0 by roll call vote: Qualey-aye; Hassinger-aye; Spinney-aye; Christensen-aye.

**MOTION** by Mr. Padgett, **SECOND** by Mr. Ross, to enter joint Executive Session with the intention of returning to the open session Planning Board meeting agenda. **MOTION** carried unanimously 3 to 0 by roll call vote: Padgett-aye; Cotton-aye; Ross-aye.

\*\*\*\*\*  
\*\*\*\*\*

**EXECUTIVE SESSION**

\*\*\*\*\*  
\*\*\*\*\*

The Planning Board and Board of Selectmen returned to open session at 7:04 p.m.

Board of Selectmen Peter Adams joined his Board at this time.

**ACTION ITEM 1-A – INTERVIEW CANDIDATES FOR THE PLANNING BOARD**

Chairman Spinney received unanimous consent to interview the Associate Member candidate first. The applicant, George Stifo was not present at the meeting and the Associate Member item was tabled to later in the meeting.

James Walsh, one of the candidates present indicated that he was open to the Associate Member position as a starting point with the Planning Board.

Chairman Spinney asked the candidates to step out to the hallway while the Boards performed the interviews individually with each candidate. The Boards heard from and

interviewed David Robbins, Peter Parsons, and James Walsh, and acknowledged that candidate Kenneth Grew was not present at the meeting.

**MOTION** by Mr. Christensen to suggest Mr. Walsh for the Associate Member position.

**DISCUSSION:** The Associate Member position was tabled at this time.

**MOTION** withdrawn.

Chairman Spinney received unanimous consent in favor of Mr. Robbins for the open Planning Board member seat.

Chairman Spinney also received unanimous consent of the Board of Selectmen members in favor of Mr. Robbins appointment to the Planning Board.

**MOTION** by Mr. Hassinger, **SECOND** by Brook Padgett, to appoint David Robbins to the one-year open Planning Board seat. **JOINT MOTION** carried unanimously 8 to 0 by roll call vote: Qualey-aye; Hassinger-aye; Spinney-aye; Christensen-aye; Padgett-aye; Adams-aye; Cotton-aye; Ross-aye.

After joint discussion, Chairman Spinney received unanimous consent to re-advertise the Associate Member position, with the rationale that the one person who had specifically applied for this position was not present at the meeting.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to direct the Board of Selectmen to re-advertise the Associate Member position. **JOINT MOTION** carried unanimously 8 to 0.

The Board of Selectmen adjourned at 7:40 p.m.

**SP 2010-5 GARY CUNNINGHAM / SUNSHINE SIGN COMPANY, INC.**  
**(APPLICANT) – NORMAN J. PERREAULT, JR. (OWNER) – 4 CARROLL**  
**ROAD – SECTION 4.4.4.2-SIGNS – SPECIAL CASES/RELIEF**

Mr. Qualey read the legal notice and Chairman Spinney opened the public hearing at 7:42 p.m. Present for the hearing were Kevin LaDuke of Sunshine Sign Co., Inc. and owner Norman Perreault of Perreault Nursery.

Mr. LaDuke informed the Board they were requesting approval to install a new freestanding sign exceeding two square feet which will be replacing two existing freestanding signs from 20 years ago. Mr. LaDuke added that the new sign was not illuminated and would condense the current signage to one sign. Mr. Perreault noted that he had received a Cease & Desist order from the Zoning Enforcement Officer for the spinners and various accessory signage on the property.

Mr. Hassinger expressed concerns of Planning Board consistency in allowing signage exceeding the 2 square feet allowed in R-20 zones and recalled the denial of requests from other applicants in the past.

Brian Marino of 12 Morgan Drive, also a business owner in Grafton, expressed his support for the request, citing that Mr. Perreault is close to other commercial properties and that he is supporting the organizations within the Town by allowing them to place temporary signs on his property.

Mr. Hassinger noted that the Planning Board had recently decided against extending the commercial district because it was creeping into the residential district.

Robert Berger, Grafton Zoning Enforcement Officer, informed the Board that Mr. Perreault stated he was granted a variance 20 years ago for the current signage. Mr. Berger noted that this was prior to the current Zoning By-Law so there would be no records and that the signage is pre-existing / non-conforming.

Mr. Bishop noted that since the current signage is pre-existing / non-conforming, denial of this special permit application for relief will not get rid of the 2 large existing signs, but if the Board grants relief for the new sign, it will replace the current 2 signs with the cleaner look of the one new sign.

Mr. Hassinger wished to note that the decision should reflect that the Planning Board was making a less burdensome decision on the situation.

**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. Qualey, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-B – REQUEST FOR RELEASE OF SURETY – “MAGNOLIA FARMS” SUBDIVISION – KATHLEEN CONNOLLY, ESO., (PETITIONER)**

This action item was tabled to a future meeting at the petitioner’s request.

**ACTION ITEM 1-C – BOARD OF SELECTMEN CHARGE – DESIGNATE PLANNING BOARD MEMBER TO THE SIGN BY-LAW STUDY COMMITTEE**

Chairman Spinney stated he would entertain a motion for Stephen Qualey.

**MOTION** by Mr. Christensen, **SECOND** by Mr. Qualey, to designate Stephen Qualey to the Sign By-Law Study Committee.

**DISCUSSION:** Mr. Hassinger wished to note that as a previous member of this committee, he would encourage anyone stepping forward to be prepared for many a difficult situation and that much time is involved.

**MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-D – APPROVAL NOT REQUIRED PLAN – ANR 2010-5 – STANLEY C. & BEVERLY C. OSTERGARD – 48 WESSON ROAD**

Mr. Bishop reviewed the plan with the Board and stated the plan meets area and lot frontage requirements.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve ANR 2010-5 and to authorize the Town Planner to endorse the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-E – REQUEST FOR “DETERMINATION OF COMPLETENESS” – “NORTH GRAFTON ESTATES I” (A/K/A “BRIDLE RIDGE”) AND “NORTH GRAFTON ESTATES II” SUBDIVISIONS – MARK KABLACK, ESO., PETITIONER**

Mr. Bishop informed the Board that he was still receiving email correspondence up until 6:00 p.m. from Acting Town Engineer Brian Szczurko regarding the status of the outstanding items punch list. Mr. Bishop added that Mr. Szczurko had also emailed him that another sinkhole had appeared at 15 Morgan Drive, but that the outstanding items identified at the last Planning Board meeting had been resolved according to correspondence from Graves Engineering and Dave Crouse of the DPW. Mr. Bishop cautioned the Board that the 45 day deadline on the Completeness finding would be expiring prior to the next Planning Board meeting and that they would need to make a determination at this meeting. Mr. Hassinger asked Mr. Bishop if he had spoken with Town Counsel about the ability to extend the deadline. Mr. Bishop stated he had not discussed that with Town Counsel and was unsure if the deadline could be extended. Mr. Bishop noted that since all outstanding items have been resolved with the exception of the newest sinkhole, he would suggest the Board either issue a “Determination of Incompleteness” or make a “Determination of Completeness with the stipulation of adequate bond surety being held by the Town for the remaining outstanding items. Mr. Bishop also pointed out that the construction deadline for these two subdivisions would be expiring on June 18.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to issue a Determination of Incompleteness for the “North Grafton Estates I” (a/k/a “Bridle Ridge”) and “North Grafton Estates II” subdivisions, due to outstanding items and the absence of final sign off from the Superintendent of Streets as submitted.

**DISCUSSION:** Attorney Kablack reviewed the Determination of Completeness submittals with the Board and noted that his client was trying to achieve this status, but items continue to be added to the outstanding issues punch list, which is hindering the final sign off of the DPW/Engineering department. Attorney Kablack stated that his client intends to end the process, but has experienced unique circumstances and would propose an agreement with the applicant to extend the 45 day timeframe for the Determination of Completeness in order to complete the final issues and obtain a sign off.

Mr. Hassinger noted that the Planning Board could consider waiving the construction extension requirements if Toll Brothers can complete the work and obtain a sign-off from the DPW/Engineering Department prior to June 18, 2010

Attorney Kablack informed the Board his intention is to submit a request for an extension to the 45 day deadline for the Determination of Completeness from the Planning Board and to also submit a new Determination of Completeness application package which will include sign-offs from Graves Engineering and the DPW/Engineering departments for the next Planning Board meeting.

Mr. Hassinger wished to **WITHDRAW** his current **MOTION** in order to expand on the content.

Mr. Christensen also wished to **WITHDRAW** his **SECOND** to the **MOTION**.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to issue a Determination of Incompleteness for the “North Grafton Estates I” (a/k/a “Bridle Ridge”) and “North Grafton Estates II” subdivisions, due to outstanding items with no DPW sign-off, and additionally pending the results of DPW’s review on the quality of the roadway; with the applicant willing to submit and complete a new application package for the Planning Board meeting on June 28, 2010.

**MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to waive the notice requirements for the Grafton News associated with the submission of a new application for Determination of Completeness for June 28, 2010. **MOTION** carried unanimously.

**ACTION ITEM F – SETTLEMENT AGREEMENT – “WOODS AT STONEGATE” SUBDIVISION**

Mr. Bishop informed the Board that the Settlement Agreement was a replica of the agreement used for the “Cortland Manor” Subdivision and has been reviewed by Town Counsel and Staff. Mr. Bishop stated that this agreement will hold Travelers responsible for the completion of the “Woods at Stonegate” Subdivision with one caveat of needing additional clarification on the “scope of work” concerning the amount of work within the

sediment basin. Mr. Bishop added this relates to an issue with the Conservation Commission of replication on private property

Mr. Hassinger expressed concerns with the process of voting to sign-off on an agreement conditionally rather than deferring action to the next meeting to see if there is some progress on resolution. Mr. Bishop suggested the Board have the agreement in place with all items agreed upon and just needing clarification on the issue which will be budgeted as a line item in the “scope of services” for the Planning Board’s protection. Mr. Bishop remarked that this is an opportunity to commit Travelers to completing the work.

**MOTION** by Mr. Qualey, **SECOND** by Mr. Christensen, to endorse the Settlement Agreement, having Staff retain the agreement until all clarifications for the “scope of services” are in place. **MOTION** carried 3 to 1 by roll call vote: Qualey-aye; Hassinger-no; Spinney-aye; Christensen-aye.

**ACTION ITEM 1-G – CONSIDER DECISION – SP 2010-4 JEAN LAFLAMME – 109 ADAMS ROAD – ACCESSORY APARTMENT**

Mr. Christensen noted corrections needed within the Finding F-9 paragraph.

**MOTION** by Mr. Christensen, **SECOND** by Mr. Hassinger, to make favorable findings for F-1 through F-24, as drafted. **MOTION** carried unanimously 4 to 0.

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

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

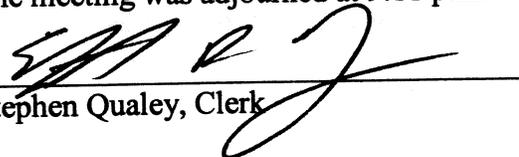
**MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Christensen, **SECOND** by Mr. Qualey, to approve the open session minutes of May 24, 2010 as drafted. **MOTION** carried unanimously 4 to 0.

The Board discussed the possibility of scheduling some workshops, allowing them to have more discussions on actual planning ideas.

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

The meeting was adjourned at 9:11 p.m.

  
Stephen Qualey, Clerk