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GRAFTON, MA.

**Minutes of Meeting  
Grafton Planning Board  
August 9, 2010**

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A regular meeting of the Grafton Planning Board was held on Monday, August 9, 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, Heath Christensen, David Robbins and Associate Member James Walsh III. 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 PLANNING BOARD DETERMINATION FOR A MINOR MODIFICATION TO AN EXISTING VERIZON WIRELESS COMMUNICATIONS FACILITY MONOPOLE STRUCTURE – SP 2007-4 – 20 INDIAN PATH – JAMES A. VALERIANI, ESQ., PETITIONER**

Mr. Robbins recused himself, stating that he worked for Verizon.

Attorney Valeriani informed the Board that Verizon Wireless is seeking to remove one existing 4 foot antenna from each of the three antenna sectors and replace them with two new Lte antennas that are 6 feet and one new Lte antenna that is 4 feet long. Attorney Valeriani stated that Verizon additionally is seeking to remove the other three existing four-foot pcs-broadband antennas; replace them with new four-foot pcs antennas; and if the cable routing inside the monopole is maximized, running a number of new cable runs up the side similar to the exterior cable runs existing for a current carrier. Attorney Valeriani clarified that there will be the same number of antennas on the monopole, but the cables will increase from 12 to 18, possibly resulting in external cables.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to determine that the applicant's written request is a minor modification to Special Permit SP 2007-4. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the minor modification with the condition that the cables be routed as much as possible out of sight. **MOTION** carried unanimously 5 to 0.

**MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the open session minutes of July 26, 2010 as drafted. **MOTION** carried unanimously 5 to 0.

**STAFF REPORT**

Mr. Bishop informed the Board that he is continuing to work with the EPA on the grant with the challenge of choreographing the work of the DEP's LUST program and the cleanup of the bunker oil on site. Mr. Bishop also noted that he is trying to create a support team with DEP working out of Boston rather than Washington, D.C. Mr. Bishop stated that shortly he will be discussing with the Planning Board the proposed zoning language concerning the development of a by-right mixed use development, which will take some time since it will be a substantial departure from the existing zoning. Mr. Bishop remarked that he will continue to keep the Planning Board apprised on the project's developments.

Chairman Spinney asked Mr. Bishop to discuss the Staff planning ideas for the Town. Mr. Bishop responded that with the economy slow down there may be an opportunity to review and restructure the Comprehensive Plan, adding there is the ability to tap into the CMRPC for input and if the Mill Villages project works out well, incorporating something with the New England Villages and North Grafton areas of the Town. Mr. Bishop noted the Board should discuss how to move forward strategically to address the issues facing the Town.

Mr. Bishop pointed out that there will be a seminar conducted by Bowman & Penski regarding the new Open Meeting Law, to be held at the Police Department conference room on September 2, 2010 at 7:00 p.m. Mr. Hassinger noted that he would be attending representing two other committees. Chairman Spinney stated that he would attend representing the Planning Board.

Chairman Spinney recognized and welcomed the new Associate Member James Walsh, who then gave a brief background of himself.

Mr. Christensen asked about any ongoing consideration with Dr. Samels enthusiasm for the setup of a college campus. Mr. Bishop responded that Dr. Samels, who is The Education Alliance's president and CEO, has made an initial proposal to the Board of Selectmen for Grafton to partner with colleges to bring in higher education related development, to allow the possibility of stimulus funding for the Fisherville project.

**SP 2010-6 PAUL & LINDA GENTILOTTI (APPLICANTS/OWNERS) – 7 SIVER  
SPRUCE DRIVE – ACCESSORY APARTMENT**

Chairman Spinney opened the public hearing. Paul and Linda Gentilotti were present for the hearing.

Chairman Spinney noted there was correspondence from Building Inspector Robert Berger regarding concerns of what process is to be followed to ensure compliance with the applicable building codes if a special permit is to be granted to an applicant. Mr. Berger's comments state that there is a question as to whether his office can reasonably determine that the building code/standard has been achieved and by what means the work requires correction. Chairman Spinney added that the Board could not grant a special permit on work that has not been permitted or deemed to building code by the Building Inspector.

Mr. Gentilotti informed the Board that he was told by Mr. Berger that he needed to go through the permitting process with the Planning Board. Mrs. Gentilotti noted that at the last hearing, the Planning Board stated that they needed to speak with the Building Inspector regarding how they should proceed.

Mr. Bishop stated that the Board is faced with a “chicken-and-egg situation” of inspections needing to be approved for the Board to move forward on a special permit approval.

Mr. Gentilotti expressed concerns with the Board’s problem with an approval, since there were no abutters against the accessory apartment and another similar apartment had been constructed at 223 Magill Drive with no problem.

Chairman Spinney suggested the Board could close the public hearing, leaving the record open for the Building Inspector’s recommendations. Mr. Hassinger stated that was not a good idea without having some discussion with the Building Inspector and wished to note that he was disappointed that he was not present since he had questions for him. Mr. Hassinger pointed out that this case has many parts to consider: 1.) that the apartment has already been built with no clear proof that it complies with the building code; 2.) the applicant’s package submission is not adequate with the information required to make a determination on the accessory apartment with relation to the existing home; and 3.) there is no person for which the accessory apartment is to be permitted for. Mr. Hassinger noted that there is also the issue that the Building Inspector is required to ensure that any addition meets the state’s building code. Mr. Hassinger suggested the applicant consider withdrawing their special permit application and settling all permits with the Building Inspector first and then return to the Planning Board for approval.

The applicant questioned why the Board would not approve the apartment as built and stated he would return to the Building Inspector’s Office to determine what was required to obtain the needed permits.

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

**DISCUSSION:** Chairman Spinney noted the draft decision should consider the dilemmas the Board is facing with this application.

**MOTION** carried unanimously 5 to 0.

Chairman Spinney explained to Mr. & Mrs. Gentilotti that a draft decision would be prepared and voted on within the next 90 days, and that the record was closed to any further information being submitted from the Building Inspector.

**SITE PLAN 2010-1 GRAFTON SCHOOL BUILDING COMMITTEE (RICHARD MCCARTHY, CHAIR), APPLICANT – TOWN OF GRAFTON, OWNER – NEW HIGH SCHOOL, 400 PARKING SPACES, ATHLETIC FIELDS AND ASSOCIATED SITE WORK – 30 PROVIDENCE ROAD**

Chairman Spinney opened the public hearing. Present for the hearing were Brian Postlewaite, Daniel Ruiz, and Anthony Iacovino of Symmes, Maini & McKee Associates (SMMA); Thomas Murphy & Stuart Lesser of Joslin Lesser; and Donna Stock, Grafton School Building Committee.

Mr. Postlewaite reviewed the list of the items that had been copied to the Planning Board consisting of Graves Engineering review comments dated August 5, 2010; correspondence from David Crouse, Grafton Highway Superintendent; a draft Order of Conditions and correspondence from the Conservation Commission; and correspondence regarding an email received from Scott Ricker, Access Advocate for Site Accessibility. Mr. Postlewaite added that he would review the traffic concerns and the discussion with the Fire Chief today.

Mr. Robbins asked how the calculated trip generation counts compare with the actual counts and just how the figures are calculated. Mr. Postlewaite explained that trip generation calculations are based on extensive data compiled in Trip Generation published by the Institute of Transportation Engineers, which results from many studies submitted by different sources.

Mr. Postlewaite also informed Mr. Hassinger that in response to his requested information for the Municipal Center trip generation based on both office and retail, correspondence was distributed to the Board with the calculated figures. Mr. Postlewaite noted that the A.M. peak trip generation for office building was 96 and retail use was 62; P.M. peak trip generation for office building was 92 and retail use was 170.

Mr. Hassinger expressed concerns that there will be far more trip generations with another school and more buses, student driving and parent drop-offs and pick-ups and asked if any consideration was given to possibly rerouting some of the exiting traffic to pass through the Municipal Center/Brigham Hill Road exit and to the proposed traffic light. Mr. Postlewaite answered that a feasibility study was performed combining the Police and Municipal Center with the school traffic, and found that due to the level of maturity of students driving, it was not the safest design for the project.

The Board continued discussion on whether there would be adequate parking with the plan as designed. Mr. Postlewaite explained that the plan allows for the maximum amount of parking for the site while keeping within the MA CHPs allowances.

Jeffrey Luxenborg of Joslin & Lesser informed the Board that they were required to meet a 2% allowance on parking while still trying to keep within the green theme. Mr. Luxenborg noted that the 2% was estimated at approximately \$1.5 million dollars.

Peter Adams of 100 Brigham Hill Road stated that with regard to the Highway Superintendent's comments, there was an angled sidewalk still on the plans which will hinder snow plowing efforts. Mr. Adams expressed added concerns for successful snow plowing with nowhere to put the snow, losing parking spaces to snow storage, and Town expenses for overtime for snow removal and hauling. Mr. Adams asked what plans there were for relocating the Super Park and Skateboarding Park. Mr. Adams also submitted to the Board an overlay plan reconfiguring the fields for the school in an effort to save the school annex building scheduled to be removed. Mr. Adams pointed out that the current plan requires a significant amount of earth removal, some of which is not reimbursable from the State.

Ernest Peters of 18 Second Street expressed his concerns for the dangers involved for the elderly and Municipal Center foot traffic if the school traffic is exiting through the Municipal Center.

Mr. Postlewaite remarked that the school traffic plan has been designed through school safety standards with a clear, simple & obvious route from the parking areas to the door of the school. Mr. Postlewaite acknowledged that the Highway Superintendent has very valid concerns regarding the parking and traffic flow setup, and that SMMA has tried to allow for and make the best changes for plowing and function ability.

Mr. Qualey noted that the baseball field as designed shows home plate facing into the sun during game times.

Scott Browne of 36 South Street expressed his concerns on inadequate parking spaces and noted that the Town already owns 209 parking spaces at the current high school parking lot, and that should be considered by MA CHPs in acquiring more spaces for the new school. Mr. Browne stated a left hand turn signal lane would also be beneficial for the traffic flow. Mr. Browne also made reference for plan consideration of a 15 minute intermittent light with a crossing button crosswalk similar to what is set up at Brian's Restaurant in Uxbridge. Mr. Qualey added that this is merely a pedestrian walk light to cross over from their parking lot to the actual restaurant.

Mr. Postlewaite stated that it is highly unlikely for MA DOT to grant two traffic lights so close together.

Mr. Hassinger again insisted that the traffic count for this section of Providence Road is definitely at 100% capacity, which is why the existing traffic lights have been installed. Mr. Robbins added that there is definitely a high short duration peak occurring all at once.

Chairman Spinney stated their needs to be more mitigation for the proposed traffic flow and requested to hear some comments on this issue from someone on the School Building Committee.

Donna Stock of the Grafton School Building Committee informed the Board that the Committee does not feel there will be a substantial increase in the traffic flow, and that the proposed pattern is very similar to what is now accommodating the schools. Ms. Stock noted that as a commuter she will adjust her time to come and go with the traffic.

Chairman Spinney expressed concerns about going over the same repetitive statistics, information and data without resolution.

Scott Browne of 36 South Street informed the Board that the student count will be going from 650 to approximately 1500, and additionally the huge pickup/drop-off associated with the middle school student population.

Mr. Postlewaite remarked that MA CHPs has authority and acceptance over all parking and traffic information submitted; noting that all work submitted has to be within boundaries to meet specific requirements. Mr. Postwaite added that they will have the School Building Committee work with them further on the remaining issues.

Ms. Stock stated she could not speak for the Committee, but speaking as a citizen, she commented that there is a need to meet certain requirements in order to attain the 52% State reimbursement. Ms. Stock added that there is a dollar amount associated with each delay and requested the Planning Board to close the public hearing.

Chairman Spinney informed Ms. Stock that the process has been very rushed for this project, that the Planning Board has a certain process to vet a site plan and they do not want to circumvent that process. Mr. Hassinger added that the anticipated problems were no secret and the Committee could have come to the Planning Board prior to making the commitments. Mr. Hassinger asked the applicant to consider what will happen if the Board closes the public hearing now, resulting in a decision with restrictions and conditions instead of trying to work issues out prior to closing the public hearing

Anthony Iacovino of SMMA informed the Board that he had met with the Fire Chief who stated that the plans and site access were resolved to his satisfaction; and the Fire equipment will be able to service the buildings

Mr. Bishop noted that no correspondence has been received from the Fire Department, but that the decision can be conditioned on the receipt of that document.

Mr. Qualey asked if a landing zone had been established for the Life Flight helicopter. Mr. Postlewaite stated that the Fire Chief had endorsed that the auxiliary parking lot was of sufficient size to land the helicopter and the fields could be used also in good weather.

Chairman Spinney asked Mr. Bishop what the protocol was for the closing of a site plan. Mr. Bishop informed the Board that a simple majority vote was all that was required and are not typically denied as the use is protected under the Dover Amendment

Mr. Qualey requested that with regard to the Graves Engineering review comments dated August 5, 2010, the response concerning the monitoring of the area down-gradient of the bioretention area should be addressed with a condition in the decision. Mr. Bishop stated that Staff had already noted to address that response with a condition.

**MOTION** by Mr. Qualey to close the public hearing for the Site Plan located on property at 30 Providence Road, leaving the record open for correspondence from the Fire Department and any other Town Department required.

**DISCUSSION:** Mr. Postlewaite noted that they had identified the areas of concern with the DPW Superintendent and reached a satisfactory agreement on all issues, specifically the request of relocation of the parking lot lights.

Chairman Spinney suggested Mr. Qualey withdraw his Motion to allow further discussion and negotiation on the remaining issues with the Building Committee.

Mr. Qualey **WITHDREW** his **MOTION**.

Mr. Bishop noted that with regard to the traffic issues and parking, the Board it should be expected that the applicant deal with what they can control, but not something out of their control. Mr. Bishop suggested some resolution on final confirmation of the left-hand turn lane off Providence Road, Fire Department correspondence and assurance that all feasible possibilities for parking have been explored. Mr. Hassinger added that he would like to see the entire campus possibilities for the expansion of the parking, providing some relief.

Chairman Spinney declared a five minute recess.

Donna Stock informed the Board that she understands the Planning Board process; that this is the fourth meeting and the Committee has done what it can with the questions from the Board; that adjustments have been made as requested, but some things they have no control over; that the traffic depends on MA DOT; that Brian Postlewaite has informed the Board that the parking has been brought up to be 76% of compliance; that the Committee has voted to be within MA CHPs regulations; and that it is the Committee's responsibility to provide for the school, not for the Municipal Center which is something beyond their control.

Mr. Hassinger pointed out that it became evident with the choice of this site for the new High School that the parking waiver and traffic flow would be problematic and that the Board would need to find some resolution to the issue.

Ms. Stock remarked that the Committee has dealt with what they had to work with from the different sites they had to choose from.

**MOTION** by Mr. Christensen, **SECOND** by Mr. Robbins for the purpose of Discussion, to close the public hearing subject to receipt of correspondence from the Fire Department within one month.

**DISCUSSION:** Mr. Christensen noted they have explored the parking availability, requested a traffic light, and are pursuing intermittent traffic lights. Mr. Hassinger reminded the applicant that when a hearing is closed, along with the opportunity to address the concerns, it leads to unfortunate results in the decision.

**MOTION** carried 4 to 1 by roll call vote: Qualey-aye; Hassinger-no; Spinney-aye; Christensen-aye; Robbins-aye.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

Chairman Spinney informed the applicant the Board will consider the draft decision at the next Planning Board meeting on Monday, August 23 if it has been completed or at the September 13<sup>th</sup> meeting.

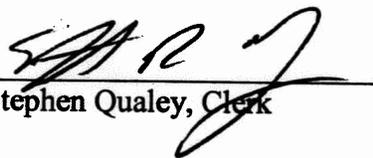
**MOTION** by Mr. Christensen, **SECOND** by Mr. Qualey, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:55 p.m.

#### **EXHIBITS**

- Action Item 1A: Request for Planning Board Determination for a minor modification to an existing Verizon Wireless Communication Facility, 20 Indian Path
  - Correspondence from James Valeriani, Attorney at Law, 21 pages, dated July 28, 2010, received July 29, 2010.
- Draft Meeting Minutes, Grafton Planning Board, 8 pages, July 26, 2010.
- **Special Permit & Site Plan Approval (SP 2010-6), Accessory Apartment, Paul & Linda Gentilotti, 7 Silver Spruce Drive – public hearing continued from July 26, 2010:**
  - Correspondence from the Grafton Inspector of Buildings, “Concerns regarding what process would be followed to ensure compliance with the applicable building codes should they decide to grant the Special Permit”, 20 pages, received August 9, 2010.
- **Site Plan Approval Application 2010-2, New Grafton High School – public hearing continued from July 26, 2010; materials including:**
  - Email correspondence from David Robbins, requesting that the Board of Fire Engineers be invited to the August 9, 2010 Planning Board hearing, 1 page, received August 2, 2010.
  - Correspondence from Graves Engineering, New Grafton High School Site Plan Review, 5 pages, dated and received August 5, 2010.
  - Copy of correspondence to the Grafton Conservation Commission from Symmes, Maini & McKee Associates (SMMA), Response Letter including attachments (5 pages) and one Enabling Site Package (not included in the materials submitted to the Planning Department); dated July 23, 2010 and received August 6, 2010.

- Memorandum from Bryant Associates, Municipal Center Trip Generation, 2 pages; dated August 5, 2010 and received August 6, 2010.
- Copy of correspondence from the Grafton Department of Public Works to the Secondary School Building Committee, plan review comments, 1 page, dated and received August 9, 2010.
- Copy of Correspondence from the Grafton Conservation Commission to SMMA, Notice of Intent and Application for Wetlands Bylaw Permit and Draft Special Conditions, 6 pages, dated and received August 9, 2010.
- Public Hearing Sign in Sheet for the August 9, 2010 Planning Board hearing on the New Grafton High School, Site Plan 2010-1.
- Site Plan, 11" x 17", showing alternative field placement locations, 1 page, submitted by Peter Adams at the Public Hearing on August 9, 2010.
- Plan Sets: one set full size – 48" x 30", two sets half size -24" x 15", prepared by Symmes Maini & McKee Associates, New Grafton High School Notice of Intent Site Plan Review, dated May 14, 2010, current revision August 9, 2010; 18 sheets consisting of the following:
  - Cover Sheet
  - C1.00 – Locus & Index
  - C1.01 – Existing Conditions Plan 1
  - C1.02 – Existing Conditions Plan 2
  - C2.01 – Site Preparation Plan 1
  - C2.02 – Site Preparation Plan 2
  - C3.01 – Layout & Materials Plan 1
  - C3.02 – Layout & Materials Plan 2
  - C3.11 – Photometric Calculations Plan
  - C4.01 – Grading & Utilities Plan 1
  - C4.02 – Grading & Utilities Plan 2
  - C5.01 – Planting Plan 1
  - C5.02 – Planting Plan 2
  - C6.01 – Details 1
  - C6.02 – Details 2
  - C6.03 – Details 3
  - C6.04 – Details 4
  - C6.05 – Details 5

  
Stephen Qualey, Clerk