

**Minutes of Meeting
Grafton Planning Board
December 13, 2010**

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A regular meeting of the Grafton Planning Board was held on Monday, December 13, 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, David Robbins and Associate Member James Walsh III. Absent was Clerk Stephen Qualey. 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 CONSTRUCTION DEADLINE EXTENSION FOR SPECIAL PERMIT/SITE PLAN APPROVAL (SP2009-11) REFERENCED IN CONDITION (C-21) OF THE DECISION; WITH REGARD TO THE PERMIT EXTENSION ACT, SECTION 173 OF SENATE BILL 2582 DATED AUGUST 5, 2010.

Mr. Bishop informed the Board that Mr. Addeo was notifying the Board that his permit, which was due to expire on March 29, 2011, is automatically extended to March 29, 2013 due to the Permit Extension Act signed into law by Governor Patrick on August 5, 2010. Mr. Bishop noted that Mr. Addeo's special permit decision falls within the defined tolling period for the automatic extension.

Mr. Hassinger stated that he disagreed with this process and that the Planning Board should handle these extensions the same as they have always handled them; by requiring the applicant's written request accompanied by a public hearing. The Board discussed whether the Board played any part at all in these extensions which were automatic through this new state law. Mr. Robbins added that the state had offered no guidance to the Boards to provide for the mechanics of this extension. Mr. Christensen noted that it was not in the spirit of the why the law was enacted to require the applicant to return to the Board with an extension request filing. Mr. Robbins also pointed out that the Planning Board is not granting the extension, which is automatic, but only acknowledging the extension.

Mr. Bishop remarked that there really is no precedent on how the extension should be handled, and that he was putting it before the Board to be aware of the law and the applicant's rights.

MOTION by Mr. Hassinger to ask Town Counsel how to proceed. There was no second to the motion.

Mr. Robbins stated it would be appropriate to have an inventory of all affected permits falling into this tolling period, thereby tracking the changes in their expiration dates.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to find that there is no need to do anything through the action of the Planning Board.

DISCUSSION: Chairman Spinney suggested Staff develop a spreadsheet with the information and dates of those involved in this tolling period for automatic extensions. Mr. Robbins added

that if a particular individual wants something in writing to record, they should be able to request it.

MOTION carried unanimously 4 to 0.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Robbins, **SECOND** by Mr. Christensen, to approve the open session minutes of November 22, 2010 as amended. **MOTION** carried unanimously 4 to 0.

CORRESPONDENCE

Chairman Spinney noted that the School Committee was seeking volunteers for the School Superintendent Search Committee.

Chairman Spinney also added that Sign By-Law Committee was requesting all to take a look at the Grafton sign by-law website link and give public input.

James Walsh informed the Board that the Board of Selectmen had voted to form a committee for a new Super Park at the suggestion of George Prunier to seek the Town-owned location of 25 Worcester Street. Mr. Walsh noted that the Board of Selectmen had not yet written the charge for the committee, but he was taking names of those interested at the email address of: newparkforgrafton@yahoo.com and that he will be available to discuss the volunteering needs with those interested, keeping them abreast of the developments and progress.

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

MAJOR RESIDENTIAL SPECIAL PERMIT MRSP 2010-8 “ABBY WOODS” SUBDIVISION – CENTRAL MASSACHUSETTS HOME BUILDERS LLC, (APPLICANT/OWNER)

Mr. Christensen read the legal notice and Chairman Spinney opened the public hearing. Tony Haghani was present for the applicant.

Chairman Spinney noted a request had been received to continue the public hearing to the January 10, 2011 meeting. Mr. Haghani informed the Board that they had received comments from several Town Departments and were addressing the issues, along with Graves Engineering review comments. Mr. Haghani stated that the issues will be resolved and any Graves additional comments will be addressed for the meeting in January.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to grant the applicant's written request to continue the public hearing to January 10, 2011 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

SCENIC ROAD PERMIT (SRP 2010-1) BRIAN OBERG (APPLICANT) – RAYMOND NYDAM (OWNER) – 108 MERRIAM ROAD – RELOCATION OF EXISTING STONE WALL

Mr. Christensen read the legal notice and Chairman Spinney opened the public hearing. Brian Oberg was present for the hearing.

Mr. Oberg informed the Board that he would be commencing construction work in January, using the existing access for construction purposes and that once the weather is nicer, he will relocate the driveway.

Mr. Hassinger informed the applicant that his plans must be consistent with the submitted comments from the Historical Commission. Mr. Hassinger also asked the applicant if he would be seeking an occupancy permit prior to rebuilding the stone wall, as this would need to be noted and conditioned specifically in the decision. The applicant stated that the condition would be acceptable. Mr. Oberg stated he would make the stone wall repair as quickly as possible when the driveway access is changed.

Chairman Spinney asked Mr. Oberg about the original plan that was submitted to the Conservation Commission, which was different than the plan submitted to the Planning Board. Mr. Oberg noted that the original plan was the first plan submitted, but has resubmitted the new plan to Conservation today.

After discussion, the Board stated the applicant should repair the disturbed portion of the stone wall in a manner consistent with the present historic stone wall, taking out as little as possible, and not to exceed 22 feet in width.

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

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 4 to 0.

STAFF REPORT

Mr. Bishop wished all a wonderful holiday season.

Mr. Bishop noted that bids will be opened on this Friday at noon from approximately 51 contractors who have picked up bids packages and construction documents for the Mill Villages Park project scheduled for a 2012 time line. Mr. Bishop also informed the Board that he will start engaging the Streetscape committee on the zoning and physical changes for the area.

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

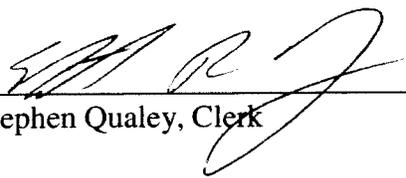
The meeting was adjourned at 7:55 p.m.

EXHIBITS

- **Action Item 1A: Request for construction deadline extension for Special Permit 2009-11; 100 Milford Road, Hilltop Plaza:**
 - Correspondence from Guerriere & Halnon, Inc. re: Special Permit Extension; dated December 8, 2010, received December 8, 2010; 1 page.
 - Attachment: Copy of Certificate of No Appeal for Special Permit 2009-11/ Site Plan Approval, Town of Grafton, signed by the Town Clerk, 1 page.
 - Attachment: “Permit Extension Act Text, Chapter 240 of the Acts of 2010, An Act Relative to Economic Development Reorganization, Section 173, 2 pages.
- Item 5A: Draft Meeting Minutes, Grafton Planning Board, November 22, 2010, 4 pages.
- **Public Hearing A: Scenic Road Permit SRP 2010-7, Brian Oberg (Applicant), Raymond Nydam (Owner), 108 Merriam Road, Grafton; relocation of an existing stone wall to accommodate a driveway opening on the property:**
 - Application for a Hearing Under the Scenic Road By-Law, 1 page, dated and received 11/16/10.
 - Correspondence from Brian Oberg, Project Description, 1 page, dated 11/12/2010; received 11/16/10.
 - Certificate of Good Standing, signed by the Treasurer / Collector’s Office, dated 11/15/10, received 11/16/10; 1 page.
 - Certified Abutters List signed by the Town Assessor, dated 11/12/10, 1 page.
 - 108 Merriam Road Scenic Road Exhibit, color photographs of existing conditions and proposed entrance, 8 ½ x 11”, two color photographs, received 11/16/10, 1 page.
 - Site Development Plans, Proposed Building Lot, partial details, 8 ½ x 14”, prepared by Bohler Engineering, dated 10/27/10, received 11/16/10, 1 page.
 - Site Development Plans, Proposed Building Lot, Sheet #1, Plot Plan, 24” x 36”, prepared by Bohler Engineering, dated 10/27/10, received 11/16/10, 1 page.
 - Memorandum regarding Project Review Comments from the Zoning Board of Appeals, 1 page, received 11/19/10.
 - Memorandum regarding Project Review Comments from the Department of Public Works, 2 pages, received 11/17/10.
 - Memorandum regarding Project Review Comments from the Office of the Town Clerk, 1 page, received 11/22/10.
 - Memorandum regarding Project Review Comments from the Board of Health, 1 page, received 11/23/10.
 - Memorandum regarding Project Review Comments from the Conservation Commission, 2 pages, received 12/10/10.
 - Memorandum regarding Project Review Comments from the Historical Commission, 2 pages, received 12/10/10.
 - Memorandum regarding Project Review Comments from the Police Department, 1 page, received 12/10/10.

• **Public Hearing B: Major Residential Special Permit (MRSP 2010-8) “Abby Woods” Subdivision, Central Massachusetts Home Builders LLC, Off Carroll Road, North Grafton:**

- Memorandum regarding Project Review Comments from the Conservation Commission, 2 pages, received 12/7/10.
- Memorandum regarding Project Review Comments from the Board of Health, received 12/7/10, 1 page.
- Correspondence from the Grafton Police Department regarding project review, dated 12/9/10, received 12/10/10, 2 pages.
- Correspondence from HS& T Group, Inc. requesting a continuance of the public hearing to the next meeting, dated 12/10/10, received 12/13/10, 1 page.



Stephen Qualey, Clerk

