

**Minutes of Meeting
Grafton Planning Board
February 28, 2011**

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A regular meeting of the Grafton Planning Board was held on Monday, February 28, 2011 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, David Robbins and Associate Member James Walsh III. Absent from the meeting was Heath Christensen. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:02 p.m.

ACTION ITEM 1-A – ANR 2011-1 KNOWLTON FARM NOMINEE TRUST – ESTABROOK AVENUE & ADAMS ROAD

Mr. Bishop reviewed the plan, stating it was straightforward and that it meets the requirements for approval not required.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to endorse ANR 2011-1 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

DISCUSSION ITEM 2-B - SOUTH GRAFTON VILLAGE ZONING DISTRICT

Mr. Bishop presented the Board with an overview of what is being proposed for the South Grafton Village Zoning District, noting the hope was for a sense of cohesion and compatibility with the area. Mr. Bishop remarked that there was a long way to go, but was hopeful that the Planning Board will set aside more dedicated time to review and look at the development of the new zoning district allowed within the Mill Villages. Mr. Bishop added that allowing the mixed uses would encourage development in an effort to promote small business growth with ground floor business, upper floor residential and flexibility of uses. Mr. Bishop noted the Board should keep in mind the thought of bringing this zoning district ideas forward for the October, 2011 Town Meeting.

Mr. Hassinger expressed concerns of the need for a map to accompany the zoning planning due to the high density proposed and in order to be aware of any non-conforming parties and how this interacts within the Water Supply Protection Overlay District.

Mr. Bishop stated that he would provide a proposed map of the area for the Board to go over all the details and reminded them that the project is driven by the idea of recreating what made the Mill Villages successful.

STAFF REPORT

Mr. Bishop reminded the Board of the meeting with the Finance Committee for the Planning Board on Saturday, March 5 at 10:00 a.m.

Chairman Spinney recused himself from the “Brigham Hill Estates” Subdivision public hearing due to a conflict of interest and noted he would be leaving for the evening.

**“BRIGHAM HILL ESTATES” SUBDIVISION – TOLL BROTHERS, INC. (OWNER) –
MGL, CHAPTER 41, SECTION 81W – CONSIDER THE MODIFICATION,
AMENDMENT OR RESCISSION OF THE DEFINITIVE PLAN APPROVAL**

Vice Chair Hassinger assumed Chairman status for the hearing and the remainder of the meeting, and proceeded to open the public hearing. Present for the hearing were Attorney Mark Kablack representing Toll Brothers, Inc. and Eric Carlson of Toll Brothers, Inc.

Mr. Bishop informed the Board that he and Town Counsel had put a lot of work into compiling a Memorandum of Agreement, along with Attorney Kablack, with rigorous review by both parties, including research on the disposition of transfer of funds. Mr. Bishop added that the Board had received Town Counsel’s correspondence and the draft Memorandum of Agreement in their mailboxes to review. Mr. Bishop also noted that the Town and Toll Brothers would each work their due diligence along with the property owners for roadway acceptance at the October, 2011 Town Meeting.

Attorney Kablack requested the Board consider closing the Section 81W hearing, resulting in no action being taken and avoiding any possibility of appeal; and enter into the Memorandum of Agreement as if the 81W hearing never existed.

Mr. Hassinger rebutted that the point of the 81W hearing was to deal with an illegal subdivision and until Brielle Road is accepted, the 81W hearing is still pertinent.

Acting Chairman Hassinger wished to note that Mr. Christensen had sent an email stating his train was stuck in Newton and had been asked whether he wanted the Board to continue the public hearing or proceed without his presence. Mr. Christensen requested the Board proceed without him as his arrival was uncertain.

Mr. Robbins referred to the hearing as a loose end until Brielle Road is declared a public way.

Mr. Hassinger concluded that the evidence is on the record concerning the purpose of the 81W hearing, and there is no reason to keep the public hearing open.

Mr. Qualey suggested closing the public hearing, not taking any action on the 81W hearing, with the Board to consider entering into a Memorandum of Agreement with Toll Brothers for a proposed Scope of Work to be completed for Brielle Road’s acceptance.

MOTION by Mr. Robbins, **SECOND** by Mr. Qualey, to close the public hearing. **MOTION** carried unanimously 3 to 0.

Mr. Bishop noted the Board should decide if they want to wait for Mr. Christensen to be part of the discussion on the Memorandum of Agreement.

Acting Chairman Hassinger stated that with regard to the public hearing the Board can do nothing or take it under advisement.

MOTION by Mr. Robbins, **SECOND** by Mr. Qualey, to have the Planning Board take the subject of “Brigham Hill Estates” Subdivision under advisement, based on all the information received during the public hearing. **MOTION** carried unanimously 3 to 0.

Acting Chairman Hassinger asked if the Board chose to wait for Mr. Christensen to proceed with the action on the Memorandum of Agreement.

Mr. Bishop reminded the Board that the Memorandum of Agreement has been fashioned on advice from both sides, the outstanding items targeted, and a revised Scope of Work.

Acting Chairman Hassinger received unanimous consent with regard to proceeding with action on the Memorandum of Agreement without Mr. Christensen.

MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to endorse the Brielle Road Memorandum of Agreement as drafted. **MOTION** carried unanimously 3 to 0.

Attorney Kablack submitted two copies of the Memorandum of Agreement for the Planning Board to endorse.

MINTUES OF PREVIOUS MEETINGS

MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to approve the open session minutes of January 24, 2011 as drafted. **MOTION** carried unanimously 3 to 0.

CORRESPONDENCE

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Hassinger reported to the Board on a Worcester Regional Mobility Report conducted by VHB and overseen by the Transportation Planning Committee under CMRPC.

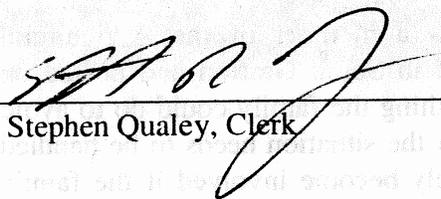
Mr. Walsh informed the Board he had been contacted as a member of the Agricultural Commission regarding the complaint of chickens being kept in South Grafton and posted on Grafton Times. Mr. Walsh asked the Board if there was anything the family could do to avoid removal of the chickens. The Board agreed unanimously that the situation needs to be handled by the Zoning Enforcement Officer and the Board would only become involved if the family submitted a special permit application with regard to the Zoning By-Laws for the keeping of livestock under 5 acres.

MOTION by Mr. Qualey, **SECOND** BY Mr. Robbins, to adjourn the meeting. **MOTION** carried unanimously 3 to 0.

The meeting was adjourned at 8:05 p.m.

EXHIBITS

- **Item 5A: Draft Meeting Minutes**
 - Grafton Planning Board, January 24, 2011, 6 pages.
- **Item 2B: South Grafton Village Zoning District**
 - Memorandum from the Town Planner, Proposed South Grafton Village Zoning District, February 9, 2011, 1 page.
 - Memorandum from Vanasse Hangen & Brustlin, South Grafton Village Zoning, October 8, 2010, 17 pages.
- **Public Hearing 9A: “Brigham Hill Estates” Subdivision, Toll Brothers, Inc.(owner), Off Brigham Hill Road and Brielle Road, North Grafton:**
 - Memorandum from the Town Planner, Brielle Road Memorandum of Agreement with Toll Brothers, February 24, 2011, 1 page, including the following attachments:
 - Memorandum of Agreement, 3 pages.
 - Petition, Removal of Sidewalk and Plantings from the Brielle Road Approved Subdivision Plan, signed by 14 residents of Brielle Road, attachment to the Memorandum of Agreement (see above), undated, 1 page.
 - Report, Brielle Road: Cost to Complete / Dedication Estimate, attachment to the Memorandum of Agreement (see above), undated, 1 page.
 - Memorandum form Town Counsel, Applicability of procurement/prevaling wage laws to expenditure of bond proceeds, February 11, 2011, 1 page, including following attachment:
 - Topical Outline of Massachusetts Prevailing Wage Law, Massachusetts Division of Occupational Safety, July 21, 2010, 3 pages.



Stephen Qualey, Clerk