

Minutes of Meeting
Grafton Planning Board
April 11, 2011

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A regular meeting of the Grafton Planning Board was held on April 11, 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, 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.

DISCUSSION ITEM 5-A – CMRPC – 495 / METROWEST DEVELOPMENT COMPACT

Vera Koliass of CMRPC presented an overview of the 495/Metrowest Development Compact project. Ms. Koliass shared the framework currently being created for shared development and open space preservation, and identified priority development areas. The goal is to prepare a comprehensive land use plan using the South Coast Rail Project process as a guide for infrastructure investment. The first step in framework development was a meeting with Town Planner Stephen Bishop and Assistant Planner Ann Morgan wherein they identified areas for priority development and priority preservation within the Town of Grafton. That information was illustrated on a zoning map that was reviewed and discussed by the Board. Those areas, as presented by Ms. Koliass to the Planning Board are as follows:

Priority Development: Centech Park, Grafton Science Park, Wyman Gordon, 40R District in South Grafton, New England Village, Route 122 area surrounding Lake Ripple, and upper Creeper Hill Road.

Priority Preservation: Knowlton Property off Estabrook Avenue, and Robinson Property on Old Upton Road at the intersection of the Grafton-Upton Railroad. Mr. Hassinger further noted that the Pell Farm property, recently purchased by the Town, was adjacent to protected property in adjacent Upton. He further added that the Miscoe Brook Area of Critical Environmental Concern (ACEC) was an important part of the Town's efforts to manage sensitive environmental resources.

Infrastructure issues were identified as follows: wastewater treatment, water supply, Routes 122 and 140 transportation infrastructure, public transit, Grafton-Upton Railroad, a bike path along the railroad right of way, dams, roadway reconfiguration around the Town Common which is currently before the Historic District Commission, and the Depot Street bridge.

Ms. Koliass informed the Board that the next step in the framework development after this public hearing will be large public forums, currently planned for two (2) in June, and two (2) in the fall, which will include regional findings and discussion.

Following brief discussion of the possibility of environmental concerns relating to the creation of a bikeway, the Board thanked Ms. Koliass for her informative presentation.

ACTION ITEM 1-A – REQUEST FOR MINOR MODIFICATION OF SP 2010-5 – PERREAULT NURSERIES – KEVIN LADUKE, SUNSHINE SIGN CO., PETITIONER

Mr. Bishop reminded the Board of their approval of a Special Permit in June, 2010 to install a sign on the Perreault Nurseries property at the intersection of Carroll Road and Route 140. Mr. LaDuke requested a modification of the special permit to add a tree logo without adding to the square footage of the sign area. Discussion followed as to the original acceptance being an effort to clean up the appearance of the corner of Routes 122, 140 and Carroll Road. It was noted that that the minor modification applied only to the sign with regards to the logo and color changes and that no changes to the rest of the Special Permit were requested.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to accept as a minor modification the reconfiguration of the proposed sign as presented in the materials submitted. **MOTION** passed 4 to 1, with Mr. Hassinger opposed.

ACTION ITEM 1-B – “DETERMINATION OF COMPLETENESS” – GLENWOOD LANE – “GLENWOOD ESTATES I & II” - ABU CONSTRUCTION, INC., PETITIONER

Mr. Bishop informed the Board that Abu Construction, Inc. has completed the last section of the development and recommended that the Board find a positive determination of completeness.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to make a Determination of Completeness and to forward a report to the Board of Selectmen. **MOTION** carried unanimously, 5 to 0.

ACTION ITEM 1-D – CONSIDER DECISION – SP 2011-1 REBECCA & JOHN WILSON (APPLICANTS/OWNERS) – 66 BRIGHAM HILL ROAD – LIVESTOCK UNDER 5 ACRES (GOATS & CHICKENS)

Mr. Robbins recused himself. Mr. Bishop presented a revised draft of the decision with corrections, remedies, and Conditions I & II changed to reflect the use and not the structure; the Findings are unchanged. Following discussion, Mr. Hassinger suggested that Finding 7 note that the revised application referred specifically to Nigerian Dwarf Goats, and that Condition 4 clearly state limits to Nigerian Dwarf goats, no guard animal and no chickens.

The Board discussed the draft language in Condition #4 as it relates to the number of breeding seasons and the number of goats to be bred per season. It was noted that the Applicant’s intent was to breed two goats per season – spring, summer and fall – for a potential total of 6 goats being bred per year. The Applicant, Rebecca Wilson, who was in the room, was asked to clarify the breeding season. She noted that typically it runs when the weather gets warm in the spring though to the fall. Breeding typically ends when the weather starts to get cold. Mr. Robbins noted that the first two items in the Condition could be consolidated to represent the breeding of two goats per season meaning spring, summer and fall.

MOTION by Mr. Qualey, **SECOND** by Mr. Hassinger to find favorable for Findings 1-26 as amended and corrected. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh to find favorable for Findings 27-36. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Hassinger to find favorable for Findings 37-40. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh to grant Waivers 1, 2 and 3. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh to find favorable for Conditions 1-4, as amended, and to approve the Special Permit and Site Plan Approval. **MOTION** carried unanimously, 5 to 0.

ACTION ITEM 1-E – CONSIDER DECISION – SP 2011-2 JAMES CARRAWAY (APPLICANT) – TOLL MA LAND LP (OWNER) – SECTION 4.4.4 SIGNS – SPECIAL CASES / RELIEF – “NORTH GRAFTON PRESERVE” A/K/A BRIGHAM HILL ESTATES SUBDIVISION

Mr. Spinney recused himself. Mr. Hassinger, as acting Chairman, reminded the Board that Mr. Walsh had been designated voting member at the previous meeting. Mr. Bishop reviewed the request of Toll Land MA to construct two freestanding signs each measuring a total of 46 square feet, at the entrances to the North Grafton Preserve (a/k/a Brigham Hill Estates) subdivision on Brigham Hill Road and Brielle Road.

The Board discussed the findings and conditions relating to sign illumination. Mr. Christensen noted that Finding #13 and Condition #2 should be revised to strike the word “internally” since the Applicant and Board had discussed that matter during the hearing and that the sign was to have neither internal or external lighting.

Mr. Hassinger noted that the application was lacking in a number of key elements that he felt were necessary towards making satisfactory findings of fact. He noted that the Applicant had not provided a clear plan showing exact sign locations. Mr. Christensen stated that the Applicant had discussed the matter in the public hearing. It was further noted that the conditions state that the Applicant will be required to abide by setbacks and other requirement of the Zoning By-Law.

The Board reviewed the total square footage being requested by the Applicant. Mr. Bishop noted that draft decision reflected the Applicants agreement to remove the call out sign (1’ x 1’) which reduced the total square footage request from 92 down to 90 square feet divided between two structures. Mr. Robbins pointed out that there had been some discussion but no formal agreement by the Applicant that the 1’ x 8’ tag line sign would be removed and that the information would be incorporated into the main sign. It was his recollection that the Applicant agreed to that modification during the public hearing which would result in a total square footage request down to two 8’ x 4’ signs. It was noted that the ZBL allows a 12 square foot sign by right but that the Board, in similar circumstances, has allowed up to 32 square feet. Mr. Hassinger stated that he felt the request, even as modified, was excessive and would set a bad precedent.

The Board discussed the need for signs at both entrances. It was agreed that a sign at the Brielle Road entrance was appropriate as the majority of the lots and the developer's sales office were accessed from that that location. Mr. Hassinger noted that there were a small number of lots from the Brigham Hill Road entrance and that the subdivision roadway at that entrance did not provide practical access to the rest of the development, the other entrance or the developer's on site sales office. Mr. Christensen noted that Applicant's desire for a sign at this location was based on the fact that there is more traffic and visibility for the project in this location as the other entrance is off of Brielle Road which is not a main roadway.

Mr. Walsh stated that he would be supportive of the second sign at the Brigham Hill road entrance if it were smaller in size and moved across the entrance way to the other side to reduce the potential for added public safety hazard at the location. Mr. Hassinger noted that this entrance had been for great concern when the subdivision was approved due to problems with line of sight, the amount of traffic traversing the road and the rate of speed in which the road is travelled. He stated his concern for increasing the existing hazards by having a sign at this location not only for the traffic on Brigham Hill Road but for someone exiting the subdivision.

MOTION by Mr. Robbins, **SECOND** by Mr. Qualey, to find favorable Findings 1 - 16, as amended. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Walsh, **SECOND** by Mr. Christensen, to find favorable Findings 17 - 18. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Christensen, to find favorable Finding 19. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable Finding 20. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable the first sentence of Finding 21. **MOTION** carried 4 to 1, with Mr. Hassinger opposed.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable the second sentence of Finding 21. **MOTION** defeated by a vote of 2 to 3, with Mr. Hassinger, Mr. Robbins, and Mr. Walsh opposed.

MOTION by Mr. Qualey, **SECOND** by Mr. Christensen, to find favorable Findings 22 - 25. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable Finding 26. **MOTION** defeated by a vote of 2 to 3, with Mr. Hassinger, Mr. Robbins, and Mr. Walsh opposed.

MOTION by Mr. Robbins, **SECOND** by Mr. Qualey, to find favorable Findings 27 - 29. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable Finding 30. **MOTION** defeated by a vote of 2 to 3, with Mr. Hassinger, Mr. Robbins, and Mr. Walsh opposed.

MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to find favorable Findings 31-35. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable Finding 36. **MOTION** defeated by a vote of 2 to 3, with Mr. Hassinger, Mr. Robbins, and Mr. Walsh opposed.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable Finding 37. **MOTION** defeated by a vote of 2 to 3, with Mr. Hassinger, Mr. Robbins, and Mr. Walsh opposed.

MOTION by Mr. Christensen, **SECOND** by Mr. Qualey, to find favorable Findings 38. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Christensen, to find favorable Finding 39. **MOTION** defeated by a vote of 2 to 3, with Mr. Hassinger, Mr. Robbins, and Mr. Walsh opposed.

The Board discussed and reviewed the three potential options presented in the draft decision the first being approval of the application as submitted, the second being a sign at the Brielle Road entrance only and the third option being signs in both locations with a modified size for the Brigham Hill Road entrance. The Board was divergent in their personal opinions regarding each option and reviewed their concerns including public safety at the Brigham Hill Road intersection, set back requirements, and the extent of the requested relief for the number and square footage of the signs.

Mr. Qualey asked what the Applicant's options would be in the event that the Board approved only one sign. It was noted that they could choose to abide by the Board's decision or that they could place one 12 square foot sign at either location by right. They would not be allowed two signs under either scenario.

MOTION by Mr. Christensen to approve Condition 1 with Option 1 selected. **NO SECOND.** Motion defeated for lack of second.

MOTION by Mr. Robbins to approve Condition 1 with Option 2 selected. **NO SECOND.** Motion defeated for lack of second.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to approve Condition 1 with Option 2 modified to allow one 4-foot by 8-foot sign. **MOTION** carried by a vote of 3 to 2, with Mr. Christensen and Mr. Qualey opposed.

MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to favorably approve Conditions 2 - 12, as amended. **MOTION** carried unanimously, 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Walsh, to grant the Special Permit with Conditions as amended and voted with provision to remedy deficiencies created by adverse Findings with appropriate wording as directed to staff. **MOTION** carried by a vote of 4 to 1, with Mr. Qualey opposed.

MOTION by Mr. Christensen, **SECOND** by Mr. Walsh to extend the meeting to 10:10 p.m. if necessary. Motion passed 4-1, with Mr. Hassinger opposed.

ACTION ITEM 1-C – “DETERMINATION OF COMPLETENESS” – “CORTLAND MANOR” SUBDIVISION – THE TRAVELERS COMPANIES, HARTFORD, CT, PETITIONER

Mr. Bishop informed the Board that the subdivision is essentially complete. The Conservation Commission has issued a partial Certificate of Compliance pending three conditions relating to wetlands. The roads are on the Warrant for May Town Meeting to be accepted as public ways. Mr. Bishop suggested a special meeting of the Planning Board on Thursday, April 14, 2011 at 1:00 pm to make a Determination based on receipt of expected material. Mr. Qualey, Mr. Robbins and Mr. Spinney stated their availability, and Mr. Bishop expressed his appreciation of the Board’s willingness to create a quorum for vote.

ACTION ITEM 1-F – CONSIDER DRAFT PLANNING BOARD REPORT: ZBL 2011-1 REQUEST TO AMEND THE GRAFTON ZONING BYLAW SECTION 6 – FLOOD PLAIN DISTRICTS

Mr. Qualey noted that the draft should be edited to reflect that fact that he was the Board Clerk.

MOTION by Mr. Hassinger, **SECOND** by Mr. Christensen, to approve the revised report of the proposed amendment to Grafton Zoning Bylaw Section 6. **MOTION** carried unanimously, 5 to 0.

STAFF REPORT

Abby Woods Definitive Plan - Mr. Bishop informed the Board that a Public Hearing will be opened on April 25, 2011 for the Definitive Subdivision Plan for Abby Woods. The Board discussed the time frame required for reviewing a Definitive Plan and that this particular hearing needed to be scheduled close to the town elections due to constraints of the law and to avoid constructive approval. Mr. Hassinger requested that Mr. Bishop inform the applicant of the potential impacts to voting member eligibility in the event that the composition of the Board changes in the upcoming election.

Mill Villages Park Groundbreaking Ceremony - Mr. Bishop thanked all who attended the groundbreaking ceremony for the Mill Villages Park on April 9, 2011. Mr. Hassinger thanked the Planning Department staff for their efforts in coordinating this project.

MINTUES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the open session minutes of March 28, 2011 as drafted. **MOTION** carried unanimously.

CORRESPONDENCE – none.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

CMRPC – New Delegate – Mr. Hassinger noted that the Town will be entitled to a new delegate given the increase in population as reported by the census. The Selectmen will appoint both delegates.

SuperPark Update - Mr. Walsh informed the Board that site visits for a new park location will take place on Tuesday, April 12, 2011, at the Hennessey property off Old Westboro Road, and at 25 Worcester Street.

Sign By-Law Committee - Mr. Qualey informed the Board that the Sign By-Law Committee will hold its next public meeting on Wednesday, April 13, 2011 at 7:00 p.m. in Conference Room E-2 of the Municipal Center.

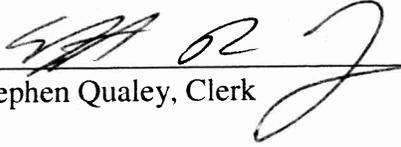
Upon **MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, the meeting was adjourned at 9:54 p.m.

EXHIBITS

- **Discussion Item 5-A** – CMRPC – 495 / Metrowest Development Compact
 - Report from Central Massachusetts Regional Planning Commission, “495 / MetroWest Development Compact”, not dated, 3 pages.
- **Action Item 1A** – Request for minor modification of SP 2010-5 – Perreault Nurseries – Kevin LaDuke, Sunshine Sign Co., petitioner
 - Correspondence from Sunshine Sign Company, Inc. on behalf Perreault Properties including two (2) color diagrams each 11” x 17”, total of three pages, dated March 28, 2011 and received March 29, 2011.
- **Action Item 1B** – “Determination of Completeness” – Glenwood Lane – “Glenwood Estates I & II” - Abu Construction, Inc., petitioner
 - Request for Determination of Completeness for Glenwood Lane, Glenwood I Estates I, prepared by Abu Construction, submitted on February 16, 2011, consisting of the following:

- Correspondence from Abu Construction, Glenwood Estates I, Glenwood Lane, Request for Determination of Completeness, dated February 16, 2011, 3 pages.
- Photocopy of Legal Notice, no date, 1 page.
- Certificate of Compliance, notarized on February 8, 2011, 1 page.
- Correspondence from Graves Engineering, Glenwood Estates I & II – Glenwood Lane, Construction Completeness Review, dated December 4, 2001, 2 pages.
- Correspondence from Grafton Conservation Commission re: Glenwood Estates I & II, dated December 2, 2009, 1 page.
- Correspondence from the Grafton Water District re: Glenwood Lane – Glenwood Estates, dated July 30, 2009, 1 page.
- Interoffice Memorandum from the Grafton Health Agent to the Grafton Planning Board re: Glenwood Estates, I - Road Acceptance, dated August 4, 2009, 1 page.
- Correspondence from the Town of Grafton Wastewater Treatment Facility Superintendent re: Glenwood Estates I, dated August 4, 2009, 1 page.
- Correspondence from R.W. Hart Associates, Inc. re: Glenwood Lane Acceptance Plans, dated January 13, 2011, 5 pages.
- Report, R.W. Hart Associates, Inc., Description of Glenwood Lane in Grafton, Massachusetts, no date, 6 pages.
- Citizen's Petition to accept the roadways and associated utilities and easements known as Glenwood Lane, no date, 2 pages.
- Correspondence from Graves Engineering re: Glenwood Estates I & II – Glenwood Lane, Construction Completeness Review, dated March 17, 2011, received March 18, 2011, 3 pages.
- Correspondence from Graves Engineering re: Glenwood Estates I & II – Glenwood Lane, Construction Completeness Review, dated April 1, 2011, 2 pages.
- Memorandum from the Planning Department to the Planning Board re: Glenwood Estates I Subdivision / Glenwood Lane – Determination of Completeness, dated April 6, 2011, 1 page.
- **Action Item 1D** – Consider Decision – SP 2011-1 Rebecca & John Wilson (applicants/owners) – 66 Brigham Hill Road – Livestock under 5 acres (goats & chickens)
 - Draft Decision, draft dated April 8, 2011, 11 pages.
 - Draft Decision, second draft dated April 11, 2011, distributed at the Planning Board meeting, 11 pages.
- **Action Item 1E** – Consider Decision – SP 2011-2 James Carraway (applicant) – Toll MA Land :P (owner) – Section 4.4.4 signs – Special Cases / Relief – “North Grafton Preserve” Subdivision
 - Draft Decision, draft dated April 6, 2011, 8 pages.

- Draft Decision, second draft dated April 6, 2011, distributed at the Planning Board meeting, 9 pages.
- **Action Item 1F** – Consider Draft Planning Board Report: ZBL 2011-1 Request to Amend the Grafton Zoning Bylaw Section 6 – Flood Plain Districts
 - DRAFT Planning Board Report: ZBL-2011-1, Request to Amend the Grafton Zoning Bylaw Section 6 – Flood Plain Districts, May 9, 2011 Town Meeting, 1 page.
- **Item 5A: Draft Meeting Minutes**
 - Grafton Planning Board, March 28, 2011, 7 pages.



Stephen Qualey, Clerk