

**Minutes of Meeting
Grafton Planning Board
July 11, 2011**

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A regular meeting of the Grafton Planning Board was held on Monday, July 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-Chair Stephen Qualey, Clerk James Walsh III, Robert Hassinger and David Robbins. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:03 p.m.

Chairman Spinney received unanimous consent to take the Staff Report out of order.

STAFF REPORT

Mr. Bishop remarked that his report is of the same general themes of the last meeting, with the Power Point presentation for the mixed use zoning in South Grafton moving forward with production and should be ready around the first meeting in August.

Mr. Bishop noted that the work being done at the Mill Villages Park is not as visible as what is being accomplished, due to most of the work being completed underground, specifically work on drainage and tying into the sewer line. Mr. Bishop added that there is some work being done with the granite curbing along Main Street.

Mr. Bishop updated the Board on the EPA Grant work stating that the Butane Injection project, endorsed by the Board of Selectmen on July 1st, is presently moving forward. Mr. Bishop remarked that the second part of the grant work, consisting of the Eco Machine Canal Restorer to clean up the site, will be advertised for bids on Wednesday this week, with a deadline of August 1st for submitted proposals. Mr. Bishop acknowledged that the work is progressing slowly which is typical with the governmental departments involved.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger to approve the minutes of June 27, 2011 as drafted.

DISCUSSION: Mr. Robbins noted that he had submitted two edits to the minutes by email, which were acknowledged as being received by the secretary.

AMENDED MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the minutes of June 27, 2011 with the edits as noted. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-A

**CONSIDER DECISION – “ABBY WOODS” SUBDIVISION – DEFINITIVE
SUBDIVISION PLAN APPROVAL – 18 CARROLL ROAD**

Chairman Spinney received unanimous consent to begin consideration of the decision at Finding F-11, the point at which they ended their discussion of the decision at the previous Board meeting due to issues with the language within the draft Findings.

Chairman Spinney also presented additional new information that had surfaced since the last Board meeting concerning the proposed submission of a preliminary plan from parties pursuing a possible Major Residential Special Permit subdivision through North Street property and in connection with the McInnis property. Chairman Spinney noted that he was hoping to clarify the concerns of Board members regarding the wetlands/easement questions that have arisen regarding the subdivision hearing and decision consideration.

Chairman Spinney received unanimous consent that the draft Finding F-11 had been restructured to the satisfaction of the Board.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to make favorable Findings for F-11 through F-18, with reference to Decision Draft #2. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Qualey to make favorable Findings for F-19, (a) through (j) inclusive.

DISCUSSION: Mr. Hassinger questioned what favorable meant for Finding F-19 (d), which required the Board’s vote of had/had not.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to make favorable Findings for F-19, (a) through (j) with the exception of F-19 (d). **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to amend his Motion to reflect Mr. Robbins statement. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to make the finding of “had not” for Finding F19 (d). **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Qualey, to grant the requested Waiver as drafted. **MOTION** carried 4 to 1 by roll call vote: Spinney-aye, Qualey-aye, Walsh-aye, Hassinger-no, Robbins-aye.

The Board acknowledged that Condition C-1 had been changed to the satisfaction of the Board.

Mr. Robbins pointed out that Conditions C-4 & C-12 required additional consideration by the Board.

MOTION by Mr. Walsh, **SECOND** by Mr. Qualey, to approve Conditions C-1 through C-34 as amended with the modifications to C-4 & C-12 and with the highlighted language changes. **MOTION** carried by roll call vote: Spinney-aye, Qualey-aye, Hassinger-aye, Robbins-aye, Walsh-aye.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh, to approve the “Abby Woods” Definitive Subdivision Plan with the Findings and Conditions as discussed and amended. **MOTION** carried 4 to 1 by roll call vote: Spinney-aye, Qualey-aye, Walsh-aye, Robbins-aye, Hassinger-no.

SP 2011-4 MICHAEL & ERICA SIEMASZKO, APPLICANTS – ERNEST WELLMAN ESTATE, OWNER – DETACHED TWO-FAMILY DWELLING – 13 HIGH STREET

Mr. Walsh read the legal notice and Chairman Spinney opened the public hearing. Present for the hearing were applicants Michael & Erica Siemaszko.

Michael & Erica Siemaszko informed the Board that they were seeking a special permit to build a two-family home on property located at 13 High Street. Chairman Spinney asked if there was presently a structure on the property and was told the property had been cleared. Mr. Siemaszko stated they had purchased the lot, expecting to build a two-family home.

Mr. Hassinger stated that he had concerns of the frontage being non-conforming.

Mr. Bishop noted that in his opinion and according to MGL Chapter 40, Section 6, a pre-existing non-conforming lot is grandfathered, also noting that the Zoning Enforcement Officer is in agreement that the lot is grandfathered as a legal lot. Mr. Bishop also added that the applicant has the right to apply for a special permit in an R-20 zoning district to construct a multi-family dwelling.

Several abutters in the audience asked about the proposed plan to build the two-family and requested to see a plan of what would be built. Mr. Siemaszko approached the abutters in the audience with his proposed plans and tried to answer their questions.

Chairman Spinney requested the Cable TV operator to provide a close-up of the completed duplex that was submitted by the applicant for the benefit of the television viewers. Chairman Spinney also requested the abutters to come forward to the podium with their names, addresses & concerns, noting this was the required procedure for a public hearing.

Leah Edwards of 15 High Street expressed concerns of what the applicant would be doing, what type of demolition would be involved since she had children playing in the area, and if they would be taking down any trees.

Mr. Siemaszko stated that there would be some excavation, specifically the leveling out and grading of the lot. Mr. Hassinger asked if there would be any construction equipment on any abutting property and was told no.

David Caddell of 11 High Street expressed concerns about the location of the driveway and about the possibility of trimming or removing a large, old tree that had become a potential danger to the area. Mr. Siemaszko explained that the driveway would be a common driveway down the center of the lot with a T-off to each garage. Mr. Siemaszko also responded that he would try to have the tree removed if he was able to secure properly trained persons.

Chairman Spinney asked Zoning Enforcement Officer, Robert Berger if he had anything to add to the public hearing discussion...Mr. Berger stated that he was here to provide any clarification the Board needed regarding Mr. Siemaszko's special permit application.

Mr. Hassinger asked Mr. Berger to explain to him exactly what rights come with grandfathering.

Mr. Berger stated that he agreed with Mr. Bishop with regard to the interpretation of a grandfathered lot, and it gives the applicant the protected right to apply for a special permit to build a one or two-family home on the lot.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, 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 of the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

Chairman Spinney explained to the applicant that due to the lack of a quorum, the next Planning Board meeting on July 25, 2011 will be cancelled, delaying the Board's consideration of the decision until the August 8, 2011 meeting. Chairman Spinney advised Mr. Siemaszko that due to understandable time constraints he can move ahead at his own risk working with the Building Inspector, but that there remains a twenty day appeal period attached to the decision date before the special permit can be signed off by the Clerk.

Chairman Spinney received unanimous consent to cancel the Planning Board meeting on July 25, 2011 due to the lack of quorum.

CORRESPONDENCE

Mr. Walsh read an announcement from the Building Department stating they would be open to the public beginning on Tuesday, July 19, 2011 until 7:00 p.m. in order to provide guidance and information with regard to transitioning to the new Building Codes.

Mr. Walsh also read correspondence from Larry Adams of CMRPC regarding an additional Planning Board representative to CMRPC. Mr. Hassinger noted the person need not be a member of the Planning Board and questioned whether the Charter requires the appointment be advertised.

Mr. Qualey informed the Board that the Sign By-Law Committee has completed its task regarding a new sign by-law for the Town. Mr. Qualey stated the draft copy has been submitted

to Town Counsel for approval, and will then be presented to the Board of Selectmen and Planning Board, with the goal of submission for the October Town Meeting warrant for passage.

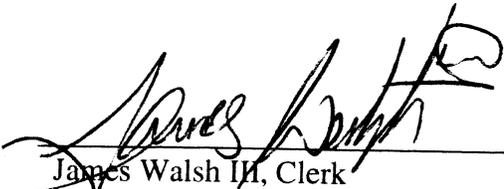
Mr. Walsh announced there will be a meeting of the Agricultural Commission on Wednesday, July 13 at 7:00 p.m. in Conference Room B and a meeting of the Super Park Committee on July 12 at 7:00 p.m. in Conference Room E.

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

The meeting was adjourned at 8:03 p.m.

EXHIBITS

- **Action Item 1A – “Abby Woods” Subdivision, Definitive Plan Approval, 18 Carroll Road**
 - Draft Decision, draft dated July 5, 2011, 12 pages.
 - Map, 8 ½ x 11”, color, showing site and abutting properties, distributed by the Board Chairman, 1 page.
- **Item 5: Draft Meeting Minutes**
 - Grafton Planning Board, June 27, 2011, 6 pages.
- **Public Hearing 9A: SP2011-4, Michael and Erica Siemaszko, Special Permit & Site Plan Approval to Construct a Detached Two-Family Dwelling, 13 High Street, North Grafton**
 - Application for Special Permit, dated and received June 15, 2011, 1 page.
 - Application for Site Plan Approval, dated and received June 15, 2011, 1 page.
 - Project Description, dated and received June 15, 2011, 1 page.
 - Waiver Requests, dated and received June 15, 2011, 1 page.
 - Floor Plans, first and second floor, 8 ½ x 11”, black & white, dated and received June 15, 2011, 2 pages.
 - Site Plan, 11 x 17”, black & white, dated and received June 15, 2011, 1 page.
 - Exterior elevation drawings, front and back of structure, 8 ½ x 11”, color, dated and received June 15, 2011, 2 pages.


James Walsh III, Clerk

