

**Minutes of Meeting
Grafton Planning Board
January 9, 2012**

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A regular meeting of the Grafton Planning Board was held on Monday, 2012 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, David Robbins and Associate Member Sargon Hanna. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at

ACTION ITEM 1A – ANR 2011-3 – HILLVIEW ESTATES, INC. – OFF AVALON WAY – NORMAND GAMACHE, PETITIONER

Mr. Bishop presented the plan as the Applicant was not present at the meeting. The proposed ANR plan shows one parcel being separated into two separate parcels, one with frontage on Providence Road and the other with frontage on Avalon Way. Presently there is a multi-family and a condominium development sharing the single lot. Mr. Bishop noted that the new plan would separate the two developments which will enable the Applicant to deed the smaller lot to the condominium association. It was further noted that Avalon Way was accepted at May 2011 Town Meeting.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to endorse ANR 2011-3 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1B – ANR 2011-4 – BARBARA A. RUSSO, TRUSTEE, 124 ADAMS ROAD – ROBERT O'NEIL, JR., PETITIONER

Mr. Bishop noted that the Applicant was present and available to answer any questions. He presented the plan noting that the Applicant plans to separate the current lot into three separate lots which will, in turn, be joined to abutting lots and one stand alone lot. It was noted that the current lot is part of an estate and that the house existing on the lot is being separated off the new lots. The new lot meets the lot area and frontage requirements.

Mr. Hassinger asked if the plan addresses the deeds for the lots. Mr. Bishop noted that the deeds are a separate issue. After some discussion it was noted that the plans state that these are not a buildable lots.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to endorse ANR 2011-4 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1C – REQUEST FOR PLANNING BOARD DETERMINATION FOR MINOR MODIFICATION TO SP 2009-11 – HILLTOP PROPERTIES, LLC (ROCCO ADDEO) – 116 MILFORD ROAD, SOUTH GRAFTON

Attorney Joseph Antonellis was present to represent the Applicant. He reviewed the request in the context of the approved special permit and site plan approval which was granted in 2009. The permit was granted for two commercial buildings and associated parking and storm water management facilities.

The Applicant is seeking to modify the permit to construct a 20 foot wide compacted gravel driveway off the current internal roadway stub as shown on the approved plan. This roadway would allow for construction, maintenance and emergency access to the land adjacent to the site. The adjacent site is located entirely within the Town of Northbridge. The Applicant would enter into a 20 year lease agreement with a solar power company to construct a solar panel farm on the land in Northbridge. The access drive for the solar farm would be constructed through the site at 116 Milford Road in Grafton. Mr. Antonellis noted that Condition #C2 of the approved permit allows for the request for minor modifications.

Mr. Antonellis introduced Mr. Steve O’Connell, Andrews Survey project engineer, who reviewed additional project items. The solar farm would sit on 33 acres located entirely in Northbridge. Given the orientation of the site the panel faces would be positioned away from the Grafton site frontage so that there would be no glare. He noted that the legal frontage for the Northbridge site was in Grafton but that it was not practical given the wetland resource areas and that is why they are seeking access through the adjacent parcel. He stated that no changes to the approved internal driveway system, grade or drainage were proposed. The new gravel driveway would be an extension off the existing stub. As on the plan, the first 100 feet would be paved and the extension would be compacted gravel. Mr. O’Connell noted that they had designed the additional drainage facilities for the gravel driveway which would consist of a temporary stone swale which would be removed once the storm water management system was constructed in conjunction with the proposed commercial buildings. Power for the solar farm will be run from Milford Road through an underground connection from a utility pole. Security measures include a six foot fence surrounding the solar farm with a locked gate and appropriate safety signage along the entire fence perimeter. The gravel driveway would be used during construction and then only for monthly maintenance / inspection and emergency access.

Mr. Spinney asked about the intensity of the use as it relates to the zoning in Grafton and Northbridge. Mr. O’Connell noted that the Northbridge lot is zoned industrial and that the solar farm is allowed by right. Other uses allowed would be warehousing and manufacturing. The zoning on the Grafton parcel is Light Industrial which also allows solar farms. Mr. Spinney asked about the integrity of the approved permit and modification if the commercial development does not get built. He asked if the Board could approve language that was specific to the solar farm only to preclude more intensive uses being developed in Northbridge which would now have access through Grafton. Mr. Bishop stated that the modification could be approved with very specific conditions about the use of the proposed gravel way including the roadway and storm water facilities maintenance.

Mr. Hassinger asked about the project schedule. Mr. O'Connell stated that if the weather cooperates that they could finalize the project drawings, begin construction and have the solar farm operational by September 2012. Mr. Hassinger noted that the issue of construction impacts such as traffic had been discussed at length during the public hearing for the original permit. It was noted by the Applicant that the commercial development was not under construction and that the solar farm construction would not be adding to or exacerbating the situation.

Mr. Qualey asked if there was any access to the site from Northbridge. Mr. O'Connell stated that the only access is through Grafton. Mr. Qualey noted that the Applicant needs to coordinate with the Grafton Fire Department regarding site security as it relates to the locked gate. They need to have a key or some form of access to the site in case of emergency.

Mr. Hassinger asked if the solar farm company had entered into any agreements with the Town of Northbridge regarding potential benefits. He further asked if they had approached the Town of Grafton with the same. Joe Fitzpatrick, representing the solar company, stated that they had approached the Town of Northbridge about payment in lieu of taxes and net metering credits. To date the Town officials have not responded to the proposal. He further added that they had not approached the Town of Grafton with any proposal.

Mr. Hassinger expressed concern about the nature of the modification and if the Board should grant the minor modification or if the issue should be raised in a public hearing whereby the neighbors would be properly notified. He noted that there was significant abutter input during the original public hearing process and that they should be given the opportunity to review the modification and participate in the process. He also felt that a public hearing was appropriate when considering proposals that cross town lines and involve two different zoning designations.

The Board discussed the nature of the requested modification as it relates to the proposed increase of intensity to the commercial site and impacts to the neighborhood. It was noted that of all the uses allowed by right in the zoning districts of Grafton and Northbridge that the solar farm was one of the least intensive uses and that it would keep that acreage in a passive state for a minimum of 20 years. Development of the solar farm would remove the concerns about potential development on the Northbridge site which was raised during the original public hearing.

Mr. Robbins asked if the proposed modification changed the nature of the original approvals to warrant a new public hearing. Mr. Antonellis stated that the proposed modification did not significantly increase the intensity of the original approvals for the commercial use and that the access provided with the modification would be to a long term passive use compared to what is allowed under zoning. He added that, procedurally, the Board could condition the modification to the specific use (solar farm). In the event that the solar farm ceases to exist then the access to the site would no longer be valid and future proposed development would be subject to the permitting process.

Mr. Hassinger expressed concern about conditioning the modification to a specific use particularly where access and use cross town lines and are in two different land use zones. His preference would be to have Town Counsel review the draft modification language and

conditions. He further noted that the Applicant had not submitted a fully revised site plan. Mr. O'Connell noted that they had submitted drawings that weren't at 100% design but that they show the access drive in relation to the approved site plan approval. Mr. Hassinger stated that he felt that was inadequate since a modified site plan should be on file with the Town for future reference.

The Board discussed the nature of the onsite storm water management plans. Concerns were raised about the temporary swale and what happens if the commercial development is not built. Mr. Spinney stated that the plans should include the design and construction of a permanent swale to ensure that on-site storm water is properly managed regardless of the commercial development.

Mr. Spinney asked Mr. Antonellis to draft modification language for the Board to consider at their January 23, 2012 workshop. The language is to take all issues discussed into consideration. Mr. Antonellis agreed to provide that information. The Board asked Mr. Bishop to review the issue with Town Counsel and receive their input.

ACTION ITEM 1D – DEFINE JANUARY 23RD WORKSHOP AGENDA

The Board discussed which items should be placed on the agenda for the upcoming workshop. Mr. Bishop requested that the Village Mixed Use Zoning Proposal be an agenda item.

It was also agreed that the draft decision language for 116 Milford Road be on the agenda. Mr. Antonellis agreed to provide that language in advance of the workshop.

Mr. Spinney requested that one work item be developing a strategy for revitalizing the Comprehensive Master Plan.

Mr. Walsh asked that some time be reserved on the agenda to discuss the warrant article for backyard chickens developed by the Agricultural Commission. He noted that Mr. Bishop had been working with the Commission to help develop the draft language and warrant article. Mr. Bishop stated that much of the work had been completed and that the Board could review the draft language at the workshop. The draft warrant language had been reviewed by Town Counsel and it met all the requirements as to form. It was noted that the language would be reviewed during the public hearing process as well. Mr. Hassinger stated that it's best to make changes in draft form. Once submitted as a warrant article any changes would have to be mad on Town Meeting floor.

Mr. Bishop stated that the Board should consider adding the sign by-law revisions to the agenda. Bob Berger, the Building Inspector, has been working with Steve Burke, vice chairman of the Sign By-Law Committee to address specific items such as the Changeable Electronic Variable Message Signs (CEVMS) and sandwich board signs. Mr. Qualey noted that the Committee had presented a full rewrite to the Board of Selectmen but the review became too complicated and the Selectmen opted to address specific items.

3. STAFF REPORT

Mr. Bishop noted that there are two public hearings and potentially a third scheduled for the February 13, 2012 Board meeting. One application concerns livestock on a lot less than five acres. The second application is for a storage structure on Ferry Street. In addition it is likely that there will be an application for the construction of a greenhouse in a flood plain district. The greenhouse is associated with the park programming for Mill Villages Park in South Grafton under the EPA demonstration grant.

Mr. Bishop provided an update on the work items currently underway at Mill Villages Park. He noted that all projects are moving forward including the butane injection which is expected to start on Friday. Canal dredging continues. The pavilion is being shingled and should be done within the week. The historic bank building is expected to be moved to the site next week. It was noted that the Selectmen and the State have entered into a cooperative agreement to construct the canoe launch.

Mr. Spinney asked about the timeline and the projected date of project completion. Mr. Bishop noted that there were a number of factors causing the project schedule to remain fluid including the weather and contractor delays. It is hoped that the dedication ceremony can take place in late May or early June but it will all depend on the final work items that need to be completed in the spring including allowing the new grass some time to get established.

5A. MINUTES OF PREVIOUS MEETING

Motion to accept the minutes as drafted made by Mr. Walsh and seconded by Mr. Qualey. Motion passed unanimously.

Mr. Hassinger asked if any minutes from the December 12, 2011 joint Planning Board and Board of Selectmen meeting had been received. Mr. Bishop stated no.

Mr. Spinney welcomed Mr. Hanna to the Board as the new Associate Member noting that this is a two year term.

MOTION by Mr. Hassinger, **SECOND** by Mr. Walsh, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 8:23 p.m.

EXHIBITS

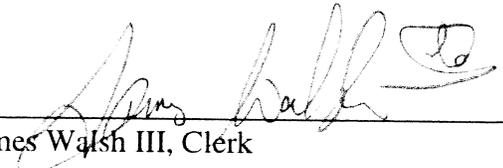
- **Action Item 1C: Request for Planning Board Determination for Minor Modification to SP 2009-11 – Hilltop Properties, LLC (Rocco Addeo), 116 Milford Road, South Grafton**

- Correspondence, Mayer, Antonellis, Jachowicz & Haranas, LLP, Hilltop Properties, LLC, 116 Milford Road; dated December 16, 2011, received December 22, 2011, 2 pages.
- Preliminary Site Plan, 24” x 36”, prepared by Andrews Survey & Engineering, Inc., dated November 2, 2011, received January 5, 2012, 1 page.

- **Action Item 1D: Define January 23rd Workshop Agenda**
 - Village Mixed Use Zoning Proposal, Schedule for Consideration for the October 2012 Town Meeting, dated January 5, 2012, 1 page.

- **Item 5: Draft Meeting Minutes**
 - Grafton Planning Board, December 12, 2011, 4 pages.

- **Item 6: Correspondence**
 - Memorandum from Raymond Mead, Town Moderator, Committee Appointment, no date, received January 3, 2012, 1 page.



James Walsh III, Clerk