

**Minutes of Meeting
Grafton Planning Board
February 27, 2012**

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A regular meeting of the Grafton Planning Board was held on Monday, February 27, 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 7:00 p.m.

ACTION ITEM 1-A – SCHEDULE PUBLIC HEARING FOR PROPOSED WARRANT ARTICLE TO AMEND THE ZONING BY-LAW FOR BACKYARD CHICKENS

Chairman Spinney asked Staff for his recommendation and Mr. Bishop recommended scheduling a hearing for the April 9th Planning Board meeting. Mr. Robbins announced that he would not be present for either Planning Board meeting scheduled in March.

MOTION by Mr. Robbins, **SECOND** by Mr. Qualey, to schedule a public hearing for the proposed warrant article to amend the Zoning By-Law for backyard chickens for the April 9, 2012 Planning Board meeting. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-B – CONSIDER RECOMMENDATION ON CHAPTER 61A PURCHASE & SALE AGREEMENT FROM ARLENE F. BOUDREAU, TRUSTEE-JOHN A RAINES TRUST; FOR PROPERTY AT 104 CREEPER HILL ROAD

The Board discussed the Chapter 61A referral, noting that there is typically a specific referral from the Board of Selectmen requesting the Planning Board's recommendation.

Chairman Spinney received unanimous consent to table this item until a formal recommendation is requested from the Board of Selectmen.

STAFF REPORT

Mr. Bishop stated that he wanted to remind the Board of a few upcoming important dates: Saturday, March 10, 2012 is the Finance Committee meeting with the Planning Board at 10:00 a.m. regarding the FY 13 Budget. Mr. Bishop noted he has had a pre-meeting with Finance committee member Heather McCue, indicating no significant changes except the increased budget amount for CMRPC.

Saturday, March 17, 2012 at 9:00 a.m. will be the first scheduled public meeting regarding the mixed use proposal for the South Grafton Streetscape project. Mr. Bishop added that this is the first planned open meeting, along with light refreshments, on the proposed zoning. Mr. Bishop informed the Board that he will be assembling a booklet for them with specific information and a map coordinating with the mixed use zoning proposal.

Thursday, June 14, 2012, which is Flag Day, is the day the Streetscape Committee has designated for the ribbon cutting ceremony to publicly opening the Mill Villages Park. Mr. Bishop noted that the Streetscape Committee is planning this event at 5:00 p.m. in conjunction with the library, who has already scheduled the Air Force Ensemble to be present for the Flag Day concert at 6:30 p.m. Mr. Bishop added that they will be using sod to finish up the park area in time for the planned ceremony and the office will be mailing out specific invitations to Federal, State and local officials, along with circulating the information through various public media venues.

Mr. Hassinger suggested Staff make the Cable Access aware of the public proposed zoning meeting in order that they can arrange to televise coverage making the meeting available to all.

Mr. Bishop reminded the Citizen Planner Training Collaborative about the program being held at Holy Cross College on Saturday, March 17, 2012, adding that the registration deadline is on Friday March 9.

Mr. Bishop also commented on Town Counsel's memo concerning Solar Facilities applications, pointing out that her correspondence supports the special permit process through the Planning Board for industrial use and addresses the situation of an application with regard to crossing Town lines. Mr. Bishop added that the correspondence also suggests that Towns need to come up with a by-law and regulations to deal with the solar applications.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Walsh stated that although the Board of Selectmen had indicated there would be a final report from the Super Park Committee for the month of March, the Committee was not actually comfortable with presenting a final report at this time. Mr. Walsh noted that they are presently considering two locations of 25 Worcester Street and the Perrault property, they were considering fundraising to lessen the costs rather than allocation of Town free cash, and they were actually only about a third of the way through the entire process.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the open session minutes of January 23, 2012 as drafted. **MOTION** carried unanimously 5 to 0.

SP 2012-1 SANDRA J. SHIELDS (APPLICANT/OWNER) 211 PROVIDENCE ROAD – SPECIAL PERMIT/SITE PLAN APPROVAL FOR ALPACA & CHICKENS

Mr. Walsh read the legal notice and Chairman Spinney opened the public hearing. Sandra Shields was present for the hearing. Ms Shields was given copies of Town Department comments pertinent to her application.

Ms. Shields informed the Board that she was seeking a special permit for Planning Board approval to have 20 alpaca and 12 chickens on her 2.46 acres of property, noting that this permit was being sought as a future profit making endeavor for her family and retirement.

Chairman Spinney explained that there is currently a proposed zoning by-law being submitted to Town Meeting in May for approval of six chickens per lot by right, but the special permit process allows for the request to own twelve.

The Board expressed concerns that there was no manure management plan submitted with the application and the additional Board of Health comments would also need to be addressed. Chairman Spinney requested a specific plan be submitted for the record. After discussion with the applicant, the Board suggested that a good starting point for the alpaca would be 10 to 12, considering only one acre of land is cleared and ready, and keeping within the same parameters of previous special permits requesting the keeping of livestock under 5 acres.

Mr. Hassinger suggested Ms. Shields consider the 10 to 12 alpaca now and then at a later date when there is more land available, a minor modification to the special permit can be applied for to increase the number allowed.

Ms. Shields also pointed out that the 10-12 alpaca approved would also produce Cria (babies) of up to 6 and with a remote possibility of more if twin births occurred. Ms. Shields explained that the babies would need to be kept for a minimum of one year and then be sold in order to keep within the profit-making intent of having the alpacas.

Mr. Walsh pointed out that under the amended Mass General Laws Chapter 40A, Section 3, an additional category of agricultural uses that any parcel of 2 acres or more that generates annual revenues from the sale of products of \$1,000.00 or more per acre is protected by that statute.

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. Walsh, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed.

AMENDED MOTION by Mr. Hassinger, **SECOND** by Mr. Walsh, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed, leaving the record open for the submission of a requested detailed manure management plan. **MOTION** carried unanimously 5 to 0.

SP 2012-2 JAMES FLAGG II – D/B/A EMERGENCY TEMPORARY HOUSING LLC (APPLICANT) – MASON CONSTRUCTION, INC., (OWNER) – 129 FERRY STREET – CONSTRUCT 40' X 60' ADMINISTRATIVE, STORAGE & MAINTENANCE BUILDING, INCLUDING A PAVED DRIVEWAY & PARKING SPACES FOR THE LEASING OF EMERGENCY TEMPORARY HOUSING UNITS

Mr. Walsh read the legal notice and Chairman Spinney opened the public hearing. Present for the meeting were applicant James Flagg and his engineer Douglas Andrysick of Andrysick Engineering. Mr. Flagg was given copies of the Town Department comments pertinent to his project.

Mr. Bishop noted that although the latest review comments from Graves Engineering were in the Board's mailboxes, there were still some issues that had not been acknowledged.

Mr. Andrysick reviewed the project for the Board, who questioned several aspects of the plan dealing with the maneuvering of the trailers on the site, the use of propane, and the effectiveness of the drainage/stormwater facilities shown on the plan. As Mr. Hanna discussed the owners of the abutting lots shown on the plan, it became evident that he needed to recuse himself from the Board due to a conflict of interest. Chairman Spinney pointed out that there would be a shortfall of voting Board members for the application due to Mr. Hanna recusing himself and Mr. Robbins out for both March meetings with the ability to invoke the Mullin Rule for only one of the meetings.

Mr. Hassinger requested the DPW be contacted to inspect the stormwater pipes that are in question of not being functional and provide their input to the Planning Board. Mr. Andrysick noted that when they find the pipe in their excavation, they will notify DPW and have them come out to inspect it. Mr. Bishop suggested Mr. Andrysick contact DPW Superintendent David Crouse, who will probably be able to give a reasonable status on the situation.

Bernie Gardzina of 20B Ferry Street expressed concerns for the washing of the trailers contaminating the ground water, whether the trailers will be taxed, and the effect of the presence of so many trailers on the surrounding residential area.

Mr. Flagg stated that he will pay property taxes and register all of the trailers as required by the Town of Grafton.

Robert Flynn Sr., of 15 Meadowbrook Road informed the Board that he owns the lot next door to the Flagg property and that he was required to undergo a similar permitting process back in 2007. Mr. Flynn expressed concerns that Mr. Flagg receives equal consideration for his small business as afforded to the residential applications in the same area.

David Savage of 72 Ferry Street expressed concerns of the safety level and buffering of the above ground propane tank with the residential area so close.

Mr. Flagg announced that he would be starting with 12 trailers, building to a maximum of 30; that the trailers have an average lease time of 12-18 months creating long periods of inactivity at the site and that he has a grease trap in his project design that will collect all washing fluids dispersed. Mr. Flagg also noted that the propane will be sold on site as part of the business and that he is amenable to whatever the Fire Department requires, specifically burying the tanks underground.

Mr. Hassinger expressed concerns for the roof drainage comments from Graves Engineering stating that they were not convinced of the rooftop runoff into crushed stone around the foundation in lieu of a guttering system. Mr. Flynn requested a copy of the most recent Graves Engineering comments and told the Board that his guttering system on his building had been completely ripped off during the extremely bad winter last year. Mr. Flynn stated he had spent a lot of money to repair that system and that Mr. Flagg was trying to avoid that situation with a different roof drainage system.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to accept the applicant's written request to continue the public hearing to March 26, 2012 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

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

The meeting was adjourned at 9:11 p.m.

EXHIBITS

- **Action Item 1A: Schedule Public Hearing for proposed warrant article to amend the Zoning By-Law for backyard chickens**
 - Memorandum from the Town Administrator, Warrant Article, dated February 13, 2012, received February 14, 2012, 2 pages.

- **Action Item B: Consider Recommendation on Chapter 61 Purchase & Sale agreement for property at 104 Creeper Hill Road**
 - Map of parcel, Town of Grafton GIS, 8 ½ x 11”, color, dated February 23, 2012, 1 page.
 - Correspondence, Arlene F. Boudreau, Trustee, John A. Raines Trust, re: 104 Creeper Hill Road, dated February 10, 2012; received February 16, 2012; 1 page.

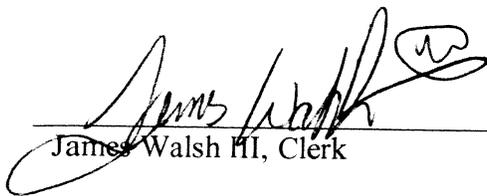
- **Item 5: Draft Meeting Minutes**
 - Grafton Planning Board, January 23, 2012, 4 pages.

- **Item 6: Correspondence**
 - Memorandum from Grafton Town Counsel, Hilltop Properties, LLC, Special Permit & Site Plan Approval, dated February 21, 2012, received February 24, 2012, 1 page.

- **Public Hearing 9A: SP 2012-1 Sandra J. Shields (Applicant / Owner), Raising and keeping of livestock (alpacas and chickens) on less than 5 acres of land at 211 Providence Road, Grafton**
 - Application for Special Permit, dated December 19, 2011 and received January 4, 2012, 1 page.
 - Application for Site Plan Approval, dated December 19, 2011 and received January 4, 2012, 1 page.
 - Project Narrative, no date, received January 4, 2012, 4 pages.
 - Waiver requests, Many Feet Farm, Site Plan review 1.3.33d, no date, received January 4, 2012, 4 pages.
 - Memorandum from the Board of Health Agent, 211 Providence Road, raising and keeping livestock under 5 acres of land, dated January 6, 2012, received January 10, 2012, 1 page.
 - Project Review Comment Form, Board of Assessors, received January 18, 2012, 2 pages.

- Project Review Comment Form, Building Inspector, received January 18, 2012, 1 page.
- **Public Hearing 9B: SP 2012-2 James Flagg II; Emergency Temporary Housing LLC (Applicant); Mason Construction , Inc., (Owner); To construct a 40 by 60 foot administrative , storage and maintenance building at 129 Ferry Street, South Grafton**
 - Application materials submitted on January 3, 2012 by the Applicant including the following information:
 - Application for Special Permit, dated December 20, 2011, 1 page.
 - Application for Site Plan Approval, dated December 20, 2011, 1 page.
 - Correspondence from Andrysick Land Surveying, 129 Ferry Street j- Special Permit and Site Plan Approval, dated December 27, 2011, received January 3, 2012, 2 pages.
 - Storage facility information including:
 - Floor plan and two elevation drawings, 8 ½ x 11”, black & white, not to scale, no dates, 3 pages.
 - Chemical material safety data sheets for True 7 pH Neutral Cleaner, Greenworks Natural All Purpose Cleaner (date prepared 10/07) and Simple Green All-Purpose Cleaner and Simple Green Scrubbing Pad (issue date: February 2012), 6 pages.
 - Drawing, Gasoline, Oil & Sand Separator Detail, H2O Loading Required, no author, no date, 8 ½ x 11”, black & white, 1 page.
 - Plans prepared by Andrysick Land Surveying, 129 Ferry Street, prepared for James Flagg, 11 x 17”, black & white, dated December 23, 2011, 5 sheets including:
 - Existing Conditions Plan
 - Site Plan
 - Site Details
 - NPDES Stormwater Pollution Prevention Plan – 1 of 2
 - NPDES Stormwater Pollution Prevention Plan – 2 of 2
 - Project Review Comment Form, South Grafton Water District, received January 13, 2012, 1 page.
 - Project Review Comment Form, Board of Assessors, received January 18, 2012, 2 pages.
 - Project Review Comment Form, Conservation Commission, received January 24, 2012, 2 pages.
 - Correspondence, Graves Engineering, 129 Ferry Street Site Plan and Special Permit Review, dated January 27, 2012, received February 1, 2012, 4 pages.
 - Correspondence, Andrysick Land Surveying, 129 Ferry Street - Site Plan and Special Permit Approval, dated February 10, 2012, received February 14, 2012, 4 pages; enclosed were the following:
 - Revised plans prepared by Andrysick Land Surveying, 129 Ferry Street, prepared for James Flagg, 11 x 17”, black & white, dated December 23, 2011, revised February 9, 2012, 5 sheets including:
 - Existing Conditions Plan

- Site Plan
 - Site Details
 - NPDES Stormwater Pollution Prevention Plan – 1 of 2
 - NPDES Stormwater Pollution Prevention Plan – 2 of 2
- Correspondence, Andrysick Land Surveying, 129 Ferry Street - Site Plan and Special Permit Approval, Additional Soil Evaluation; dated February 17, 2012, received February 21, 2012, 1 page; enclosed were the following:
- Revised Site Plan, prepared by Andrysick Land Surveying, 129 Ferry Street, prepared for James Flagg, 11 x 17", black & white, dated December 23, 2011, second revision February 17, 2012, 5 sheets including:



James Walsh III, Clerk