

**Minutes of Meeting
Grafton Planning Board
March 26, 2012**

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A regular meeting of the Grafton Planning Board was held on Monday, March 26, 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, and Associate Member Sargon Hanna. Absent from the meeting was Member David Robbins. 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 – APPROVAL NOT REQUIRED PLAN – (ANR 2012-2) – ROGER LEE ROBINSON, TRUSTEE – 115 OLD UPTON ROAD

Engineer Norman Hill was present for the applicant. Mr. Bishop reviewed the ANR plan with the Board, stated it was a straight-forward plan with both parcels having sufficient frontage and lot area, and recommended approval of the plan.

MOTION by Mr. Hassinger, **SECOND** by Mr. Qualey, to endorse ANR 2012-2 and to authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-B – REQUEST FOR PLANNING BOARD RECOMMENDATION TO BOARD OF SELECTMEN FOR CHAPTER 61-A REFERRAL RE: ARLENE F. BOUDREAU TRUSTEE; JOHN A. RAINES TRUST – 104 CREEPER HILL ROAD

Mr. Hassinger noted a problem with the Purchase & Sale agreement dateline and questioned whether the agreement was binding. Mr. Bishop stated he was not sure of the sequence of the dating or the change from Agricultural zoning, but added that the referral has received strong support from the Conservation Commission due to a fair amount of upland and wetlands present. Mr. Bishop pointed out that there is no real access to Flint Pond for the Town, but that this parcel would provide that and recommended support of the option. Mr. Hassinger remarked it appeared better if the Town had control of this land considering the surrounding uses of the abutting parcels. Mr. Walsh expressed concerns for preservation of the land and land within the Town in general, stating the Town should purchase the land to guide the development of this area. Chairman Spinney added this was a nice piece of land in an Industrial zone of the Town. Mr. Qualey suggested the Town exercise its option to purchase the land and make a determination on the use at a later date.

MOTION by Mr. Qualey, **SECOND** by Mr. Walsh, to recommend to the Board of Selectmen that the Town exercise its right to purchase of this Chapter 61-A land located at 104 Creeper Hill Road. **MOTION** carried unanimously 4 to 0.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Walsh, **SECOND** by Mr. Qualey, to approve the open session minutes of March 12, 2012 as drafted. **MOTION** carried unanimously 4 to 0.

STAFF REPORT

Mr. Bishop stated he wished to recap briefly the Mill Villages meeting event that took place on Saturday and how pleased he was with the turnout. The Board discussed the benefits of the group gathering in support of the project and the feedback of the ideas from those living in South Grafton and abutting the Mill Villages area. Mr. Bishop concurred with the Board's assessment, noting there was a tremendous amount of outreach achieved judging by the number of people attending the meeting. Mr. Bishop remarked that he would like to create more of a workshop atmosphere for the next meeting to discuss the analysis of on-street parking, slowing the traffic with the more urban/village area, and a level of detail to be looking at resolving issues dealing with the new zoning. Mr. Bishop also thanked "Dolly" Hersom for her efforts in spreading the word to bring more people together for the meeting. Mr. Hassinger added that the taped meeting will be airing next week on Grafton's local Cable channel. Mr. Bishop informed all that the Planning Department had established Town website connections to the presentation map and a link to comments made regarding the presentation, which can be done through a form posted on the website.

CORRESPONDENCE

Mr. Walsh announced the next Agricultural Commission meeting would be Tuesday, March 27 at 7:00 p.m. at the Community Barn, which will be an informational meeting regarding the chicken raising by right by-law. Mr. Walsh also added there will be a Super Park Committee meeting on April 3 at 7:00 p.m. in Conference Room E which all are welcome to attend.

Mr. Bishop updated the Board on the Mill Village Park project stating that the dredging has been completed, the greenhouse is currently under construction, and they have begun recycling water from the Canal. Mr. Bishop added that they are prodding the contractor to have the park completed in time for the June 14 ribbon cutting ceremony planned in conjunction with the annual Flag Day Air Force Concert event ceremonies at 5:00 p.m. to be held at the park. Mr. Walsh asked if the greenhouse location was temporary or permanent and was told it was temporary.

SPECIAL PERMIT SP 2012-2 JAMES FLAGG II; EMERGENCY TEMPORARY HOUSING LLC (APPLICANT); MASON CONSTRUCTION, INC., (OWNER) APPROVAL UNDER SECTION 3.2.3.1 COMMUNICATIONS, TRANSPORTATION & PUBLIC UTILITY USES #9, TO CONSTRUCT A 40' BY 60' ADMINISTRATIVE, STORAGE & MAINTENANCE BUILDING, INCLUDING A PAVED DRIVEWAY & PARKING SPACES FOR THE LEASING OF EMERGENCY TEMPORARY HOUSING UNITS

Chairman Spinney opened the public hearing at 7:30 p.m.

Mr. Hanna recused himself to the audience due to a conflict of interest.

Present for the hearing were Applicant James Flagg II, and his engineer Doug Andrysick of Andrysick Land Surveying.

Mr. Andrysick informed the Board that they had made several revisions to the plans regarding the issues discussed at the last public hearing meeting. Mr. Andrysick presented the Board with a revised plan noting the revisions were the result of issues discussed with the Building Inspector and the Planning Office and consisted of the labeling of the existing drain running across the property from the manhole as a 12" corrugated metal pipe; all parking spaces relocated with none within 50 feet of the front property line, including pavement revised in the front of the building; the proposed 1000 gallon propane tank noted as being used for heating the building only; and altered roof runoff trenches lined to prevent infiltration and transport to a subsurface recharge system. Mr. Andrysick also noted they had added boulders & junipers to buffer the front driveway area and the propane tank location, with the addition of fencing around the propane tank area also.

Mr. Hassinger expressed concerns for more driveway definition using the granite corners as the property owner to the left has done and why the propane tank was placed near the front of the building if it was to be used only for heating. Mr. Andrysick answered that the propane tank was located in front for the convenience of the filing of the tank and of wanting to leave the back area open for the trailers only.

Mr. Walsh asked for confirmation that the propane was to be used only for heating and no other reason. Mr. Andrysick confirmed the use to heating only.

Mr. Hassinger noted there was a large area on the plan without boulders around the driveway area. Mr. Andrysick stated he would extend the boulders right up to the edge of the driveway to further define the driveway area.

Mr. Hassinger asked about how the DPW will handle the drainpipe/manhole situation. Mr. Bishop stated that he had spoken to DPW Superintendent David Crouse, who acknowledged the catch basin picks up the sheet flow, confirmed the manhole and corrugated pipe were in bad shape, and that it is a historic drain line for the Town for which they have a history of maintaining. Mr. Flagg noted that he has no problem granting the Town an easement to perform work on the drain line in question. Mr. Walsh expressed concern whether the drainage system was questionable. Mr. Bishop added that the Building Inspector will review this issue as part of the permitting process.

Mr. Walsh asked Mr. Flagg how many trailers he was considering housing on the property. Mr. Flagg stated that initially he would have 10 to 12, with a future goal of 20 to 22, but also noting that the main trailer is 46 feet long but some of the trailers could be smaller, so the number could change.

Mr. Hassinger expressed concerns for drawings in the plans that depict a sign with no size or detailing, and wished to note that any signage will have to meet Planning Board approval also.

Carol Ziemba of 301 Providence Road expressed concerns on how the trailers will be maneuvered through the roadways to and from the 129 Ferry Street location. Ms. Ziemba was told the trailers would easily travel down Ferry Street and over the bridge.

Andrew Kjellberg of 129 Keith Hill Road, South Grafton expressed concerns of the Fire Department being able to get between the trailers in the case of a fire.

Lisa Rancourt of 25 Maple Avenue asked exactly where the parking area for the trailers is located on the plan and how wide the trailers are because they are travelling on the roadways that have no sidewalks.

Mr. Flagg addressed the abutters concerns stating that the trailers are 46 feet long by 8 feet wide and less than 16,000 lbs. Mr. Flagg stated the trailers, which will be pulled by an F-450 diesel pickup truck, will enter Ferry Street and turn left going towards the highway, noting that pulling out is very safe since it is clear from both sides with Ferry Street wide open.

Mr. Hassinger asked how many trailers will be moving in and out within a week and was told that the average rentals of the trailers are for 12 to 18 months, so there will not be much activity on a weekly basis. Mr. Flagg also noted that the trailers will be parked at the location on an angle which makes it easier to pull out with them and will be about 6 feet apart, allowing plenty of room for fire department accessibility. Mr. Flagg and Mr. Andrysick gathered with the abutters to point out on the plans exactly where the trailers will be parked on the site.

Leoda Hersom of 11-D Zgonis Drive verified that propane was only being used to heat the building and inquired why they had changed their mind concerning the sale of propane. Mr. Andrysick explained that after discussions with the Planning Department and the Building Inspector, they had eliminated that use. Mr. Andrysick assured all that the Fire Chief had approved all of the plans. Mr. Bishop added that the Fire Department has already approved the plans and will provide oversight for the installation of the propane tank...

MOTION by Mr. Hassinger, **SECOND** by Mr. Walsh, to close the public hearing. **MOTION** carried unanimously 4 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 4 to 0.

SPECIAL PERMIT 2012-3 ALFREDO MENDES, TRUSTEE OF THE MENDES REALTY TRUST (APPLICANT/OWNER) – APPROVAL UNDER Section 5.9 COMMON DRIVEWAYS OF THE GRAFTON ZONING BY-LAWS TO ALLOW A FOURTH LOT TO HAVE ACCESS OFF A COMMON DRIVEWAY

Chairman Spinney opened the public hearing. Present for the hearing were Alfredo Mendes and his lawyer Robert Knapik.

Mr. Hassinger remarked that review of the submitted materials had brought him back to 1995 and the remand of the court to find a settlement of the subdivision. Mr. Hassinger noted the land

is in the ACEC & Miscoe Brook and the developer was requesting from 8 to 20 lots at various times. Mr. Hassinger added that 14 lots were finally agreed on and the plan clearly stated the Common Driveway was designated for 3 lots only.

Mr. Walsh stated his main concern was the history of the case and what exactly was the desire of the abutters, to build out his lot or not have anything there at all.

Carl Donadio of 14 Putnam Lane informed the Board that he was the third home on the shared driveway that this was not a last ditch effort at all, but the common sense thing to do. Mr. Donadio added the subdivision has never been finished and is still in litigation.

Mr. Walsh asked Mr. Donadio if he wanted to see the lot developed. Mr. Donadio responded that there was no sense in leaving the lot there if it was not developed, as it was detracting to the neighborhood. Mr. Hassinger remarked that the lot was the closest to the Miscoe headwaters, providing a buffer, and as he recalls it was clear that it was not a developable lot. Mr. Qualey pointed out that the original plans show the intent for the lot to be directly from Putnam Lane with the possibility of squeezing in a driveway. Mr. Hassinger reminded the applicant that the subdivision was approved for 14 lots and that all had been built out, making this number 15 and the subdivision is not approved for 15 lots.

Sharyn McDonnell of 6 Putnam Lane complained to the Board that she has been in the subdivision for seven years and is an abutter to the subject driveway. Ms. McDonnell added that her house is currently for sale and is constantly asked what the driveway is for that is abutting her property, noting also that she is number 6 and the next abutter is number 10; clearly showing that number 8 was intended for this lot.

Mr. Donadio informed the Board that the home at the front of the development was an existing home and was never part of the subdivision and should not be counted in the 14 lots.

Chairman Spinney stated that all testimony will be considered.

Attorney Knapik's closing remarks were that the subdivision was approved for 14 lots and this would be number 14; the by-law concerning Common Driveways was instituted after the subdivision approval was granted; the lot has been assessed and taxed as a buildable lot all these years; that it just makes all the sense in the world to approve the application and respectfully requests Planning Board relief be granted under the special permit. Mr. Hassinger pointed out that the Board had the same control back in 2005 and made the same decision.

MOTION by Mr. Hassinger, **SECOND** by Mr. Walsh, to close the public hearing. **MOTION** carried unanimously 5 to 0.

Mr. Qualey suggested two conditions should be added in the decision for clarification if the Board decides to allow the fourth driveway off the Common Driveway. Some type of mapping of the location of each home off the common driveway for emergency vehicle recognition; and no hardscape placed after the fourth driveway that would impede the turning radius with respect to the specifications associated with the largest piece of emergency apparatus, which would be the Tower I fire truck.

Mr. Hassinger also requested a condition relating to storm water management for the Common Driveway, as it already serves runoff from three driveways and directly abuts the Miscoe Brook.

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.

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

The meeting was adjourned at 8:30 p.m.

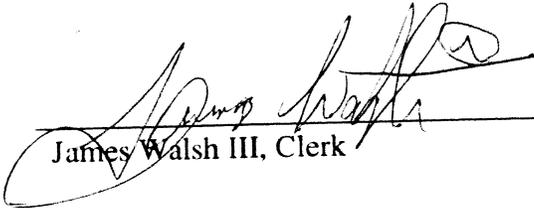
EXHIBITS

- **Action Item 1B: Request for Planning Board recommendation to Board of Selectmen for Chapter 61A – A referral re: Arlene Boudreau, Trustee, John A. Raines Trust, 104 Creeper Hill Road**
 - Correspondence from Board of Selectmen, Arlene F. Boudreau, Trustee; John A. Raines Trust, 104 Creeper Hill road, North Grafton, Notice Pursuant to Chapter 61; Dated February 23, 2012, received March 19, 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.
 - Purchase and Sale Agreement, 104 Creeper Hill Road, dated February 10, 2012, received February 16, 2012, 5 pages.
 - Map of parcel, Town of Grafton GIS, 8 ½ x 11”, color, dated February 23, 2012, 1 page.
- **Item 5: Draft Meeting Minutes**
 - Grafton Planning Board, March 12, 2012, 6 pages.
- **Item 6: Correspondence**
 - Memorandum from Town Administrator, May Town Meeting Warrant, dated and received March 21, 2012, 1 page.
- **Item 9A: 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 – Public Hearing continued from March 12, 2012**
 - Correspondence, Graves Engineering, 129 Ferry Street Site Plan and Special Permit Review; dated and received February 24, 2012, 6 pages.
 - Correspondence, Andrysick Land Surveying, 129 Ferry Street - Site Plan and Special Permit Approval, dated March 6, 2012, received March 7, 2012, 3 pages; enclosed were the following:

- Drainage Diagram and Outfall Basin support documentation, prepared by Acton Survey & Engineering, Inc., 8 ½ x 11", black & white, dated March 6, 2011, 5 pages.
- Copy of Correspondence from Andrysick Land Surveying to Grafton Fire Chief, 129 Ferry Street - Site Plan and Special Permit Approval, dated March 6, 2012, received March 7, 2012, 1 page; including the following enclosures:
 - 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 17, 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, Graves Engineering, 129 Ferry Street Site Plan and Special Permit Review; dated and received March 9, 2012, 4 pages.
- Project Review Comment Form, Building Inspector, received March 16, 2012, 2 pages.
- Correspondence from the Building Inspector & Zoning Enforcement Officer, SP 2012-2 James Flagg II, emergency Temporary Housing, LLC, 129 Ferry Street, South Grafton, MA 01560 – Assessor's Map 123, Lot 22D, 40 x 60 foot administrative / storage / maintenance building, paved driveway and parking spaces; dated and received March 23, 2012, 1 page.
- Correspondence from Andrysick Land Surveying, 129 Ferry Street - Site Plan and Special Permit Approval SP 2012-2, dated March 20, 2012, received at the Planning Board hearing on March 26, 2012, 1 page; including the following enclosures:
 - 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 and February 17, 2012; current revision date not noted; 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
- **Public Hearing 9B: SP 2012-3 Alfredo Mendes, Trustee of the Mendes Realty Trust (Applicant / Owner), Common Driveway, 8 Putnam Lane, Grafton – Public Hearing continued from March 12, 2012.**
 - Correspondence from the Law Office of W. Robert Knapik, 8 Putnam Lane, Grafton Massachusetts, dated and received March 20, 2012, 2 pages; including the following enclosures:
 - Plan of land entitled "Miscoe Farms - Definitive Subdivision, Grafton, Massachusetts, Definitive Lot Layout (Sheet 1 of 2 and Sheet 2 of 2), Prepared for:

Richard Putnam, et al." dated September 11, 2001 and recorded with Worcester District Registry of Deeds in Plan Book 782, Plan 89.

- Plan of land entitled "Miscoe Farms - Definitive Subdivision, Grafton, Massachusetts, Flexible Development Land Use Plan, Prepared for: Richard Putnam, et al." dated September 11, 2001;
 - Two (2) copies of a Flexible Development Special Permit Remand Decision MRSP 96-1 dated January 19, 2001 and recorded with Worcester District Registry of Deeds in Book 23563, Page 72; and
 - Two (2) copies of a Decision, Grafton Planning Board, "Miscoe Farms Definitive Subdivision Plan, Off Merriam Road, Grafton, MA dated February 5, 2002 and recorded with Worcester District Registry of Deeds in Book 26087, Page 189.
- o Correspondence from the Law Office of David J. Himmelberger; Application for Special Permit, 8 Putnam Lane, Grafton Massachusetts; dated March 23, 2012, received March 26, 2012, 3 pages.


James Walsh III, Clerk