

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

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A regular meeting of the Grafton Planning Board was held on July 9, 2012 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Robert Hassinger, Michael Scully and Associate Member Sargon Hanna. Absent from the meeting was James Walsh III. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:00 p.m.

ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – ANR 2012-5 JAMES & SUSAN WEST – 221 BRIGHAM HILL ROAD

Mr. Bishop presented the ANR plan to the Board, stating it was a straight forward division of land and recommended the Board's approval.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to endorse ANR 2012-5 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

ACTION ITEM 1-B – CONSIDER DECISION – SPECIAL PERMIT (SP 2012-7) GEORGE AOUDE – 25 EAST STREET

Chairman Qualey appointed Mr. Hanna a voting member for Special Permit SP 2012-7.

The Board wished to note a few typographical errors within the decision prior to decision consideration.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully to make favorable Findings for F-1 through renumbered F-28. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to grant Waivers W-1 through W-5 as drafted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to grant Special Permit SP 2012-7 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-C - REVISED SCREENING PLAN – SPECIAL PERMIT SP 2012-4 NORTHBRIDGE SOLAR, LLC, (APPLICANT) – HILLTOP PROPERTIES, LLC (OWNER) – 92 & 100 MILFORD ROAD – SOLAR FARM

Stephen O'Connell of Andrews Survey & Engineering reviewed with the Board the revised screening plan requested and noted that although the applicant had considered the Board's suggestion of alternate screening of the site at Milford Road, the wetland regulations prevented this as a feasible option.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed.

DISCUSSION: Chairman Qualey asked Attorney Antonellis to clarify the Surety document requested by the Board. Attorney Antonellis informed the Board that his client has decided on the form of Surety they will use, including separate bonds for the Town of Grafton and the Town of Northbridge and Surety increased from \$25,000.00 to \$35,000.00. Attorney Antonellis added that the Bond will be in effect at the installation of the project.

MOTION carried unanimously 4 to 0.

STAFF REPORT

Mr. Bishop informed the Board that the special permit application for a Major Residential subdivision on the property off North Street and Clearview Street was submitted today and will possibly be taken up at the second meeting in August.

DISCUSSION ITEM 2-B VILLAGE MIXED USE BY-LAW

Mr. Bishop briefly reviewed the notebook of information provided concerning the Village Mixed Use Zoning Proposal, adding that the Board will eventually need to begin scheduling public hearings prior to Town Meeting submission in October. The Board briefly touched on a few aspects of some of the issues, specifically parking and enforcement. Chairman Qualey stated that the item will be kept on the agenda as a discussion item for meetings, and the Board should read through the materials and prepare their questions/comments.

SPECIAL PERMIT & SITE PLAN APPROVAL SP 2012-8 – CONGREGATIONAL CHURCH OF GRAFTON, UCC (APPLICANT/OWNER) – 30 GRAFTON COMMON - SIGN LOCATION

Chairman Qualey recused himself to the audience due to a conflict of interest.

Mr. Scully read the legal notice and Vice-Chair Robbins opened the public hearing and appointed Mr. Hanna as a voting member for Special Permit SP 2012-8.

Janet Rivard, Treasurer of the Congregational Church, informed the Board that the previous sign had been removed for the paving of the roadway and there was a delay in the agreement on the new name for the Church. Ms. Rivard stated they were requesting a waiver from the 12 foot setback requirement to allow the placement of the sign post in island spot in front of the church 6 inches from the property line. Ms. Rivard explained that because of the previous work and lack of a sign, their grandfathering rights, which are limited to two years, had expired.

Mr. Hassinger stated that the Board had received previous request for church signs and would like to remain fair, keeping to the same requirements. Mr. Hassinger also suggested the applicant consider a wall sign instead of a free-standing sign, which would be easier to get approved. Ms. Rivard noted that a wall sign would require additional approvals within the Church and may present more problems. Mr. Hassinger suggested the sign be placed as close as possible to the same spot as the previous sign.

Stephen Qualey of 147 Worcester Street added that this permitting is merely procedural for the Zoning Enforcement Officer due to the lapse of time with the signage.

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

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed.

DISCUSSION: The Board reminded the applicant to think carefully about the suggestions made and to place the sign as far back as practically possible, noting also that this was a special situation.

MOTION carried unanimously 5 to 0.

Ms. Rivard also asked the Board to consider waiving the special permit application fee for the church. Mr. Hassinger noted that in keeping with previous waiver requests for churches, the fee could be reduced by \$100.00.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to modify the special permit application fee for SP 2012-8 by \$100.00, for consistency in previous special permit modification allowances. **MOTION** carried unanimously 5 to 0.

Chairman Qualey returned to the Board.

SPECIAL PERMIT & SITE PLAN APPROVAL SP 2012-8 – NICHOLAS J. LEOLEIS
(APPLICANT) – BROOKMEADOW VILLAGE, LLC (OWNER) – 22
BROOKMEADOW LANE - ACCESSORY APARTMENT

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Present for the hearing were Normand Gamache, of Guerriere & Halnon, Inc., and applicant Nicholas J. Leoleis.

Mr. Gamache informed the Board that the accessory apartment is to be located in the basement of the home located at 22 Brookmeadow Lane which is about 150 feet off the roadway and presently has a rear door walk-out from the basement. Mr. Gamache noted that the Conservation Commission approved their application at their last meeting with some minor changes. Chairman Qualey reminded the applicant that accessory apartments are typically conditioned to immediate family only and the permit is issued to the applicant and does not run with the property.

Nicholas Leoleis, Jr. addressed the Board, stating he and his future wife will be living in the home along with his father who will reside in the accessory apartment, and asked the Board for their consideration to approve the application submitted.

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. Robbins, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

SPECIAL PERMIT & SITE PLAN APPROVAL SP 2012-6 – KEASARGE SOLAR LLC (APPLICANT) – TOWN OF GRAFTON (OWNER) – SOLAR PV GENERATING FACILITY – 21 FOLLETTE STREET – CON'T FROM 6/25/12

Richard McCarthy, representing Innovative Engineering Solutions, Inc, reviewed the three remaining issues from the last public hearing.

Surety Agreement – Mr. McCarthy submitted a letter of acknowledgement from Assistant Town Administrator Kevin Mizikar, informing the Board that he had discussed the Planning Board's concerns with the Town Administrator regarding the Surety bond required for the project, and that the Town Administrator had approved the form submitted and placed the agreement on the agenda for the Board of Selectmen for Tuesday, July 10, 2012. Mr. Hassinger pointed out that it was Planning Board approval of the surety agreement that was needed and not from the Board of Selectmen. The Board discussed whose responsibility it is for the approval of the surety agreement...the Town or the Planning Board. Mr. McCarthy stated that the power purchase agreement was not signed or in place yet and that they will not start the project until the agreement is complete and signed. Mr. McCarthy suggested he supply the Board with a copy of the power purchase agreement. Mr. Hassinger remarked that he would also like to hear input from the Town Administrator on the situation discussed. Mr. McCarthy provided the Board with revised proposed screening information, but did not have an updated site plan showing the revised screening. The Board discussed closing the public hearing and leaving the record open for submission of the power purchase agreement acceptable to the Board; correspondence from the Town Administrator explaining why this surety agreement is acceptable in consideration of the surety submitted by Northbridge Solar, LLC.; revised site line drawings of the proposed screening of the project; plans approved by the Fire Department showing the revised turning radius and a vegetation management plan for the access road.

Mr. Hassinger noted that if the submitted plans differ from the Fire Chief correspondence requirements, the decision will need to reflect any discrepancies.

Chairman Qualey pointed out an error within the surety draft correspondence from Kevin Mizikar.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to close the public hearing, leaving the record open for the submission of the items discussed. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, 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.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to approve the open session minutes of June 25, 2012 with the corrections noted. **MOTION** carried unanimously 5 to 0.

Mr. Bishop reminded the Board that they had received information submitted by Mr. Robbins regarding the Sign By-Law proposals for review. Mr. Robbins gave a brief synopsis of the content of the submitted proposals and suggested the Board could collectively review them at the next meeting.

Chairman Qualey requested Board members to notify not only himself, but also the Planning Office if they will be on vacation or absent from a meeting.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Scully informed the Board that the Super Park Committee will be requesting Board of Selectmen sign-off tomorrow night at their meeting for their proposed site at 25 Worcester Street. Mr. Scully stated the Committee will then file for CPC funds for an architect to begin the design work and proceed to finalize the projected cost to complete the Super Park.

Mr. Robbins reported on behalf of the Library Building Committee, stating that the architects were moving forward on the lift for the handicap access changes, that they will also need the approval of the Historic District Commission and that the improved design actually takes away less of the children's room than initially anticipated.

Mr. Robbins also noted that he was unable to represent the Planning Board on the Capital Improvement Planning Commission as there is currently no designation for a Planning Board representative on the Commission. Mr. Robbins added that Bruce Spinney is still a member of the Commission, but as a representative of the Finance Committee and not of the Planning Board.

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

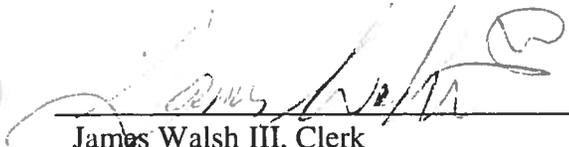
The meeting was adjourned at 9:10 p.m.

EXHIBITS

- **Action Item 1B: Consider Decision – Special Permit (SP 2012-7), George Aoude, 25 East Street**
 - Draft Planning Board Decision, dated June 25, 2012, 8 pages.
- **Action Item 1C: Revised Screening Plan, Special Permit SP 2012-4 - Northbridge Solar LLC (Applicant), Hilltop Properties (Owner) – 92 & 100 Milford Road – Solar Farm**
 - Plan set, 24" x 36", black & white, Solar Electric Generating Facility off 116 Milford Road, Northbridge and Grafton, Mass., prepared by Andrews Survey and Engineering, Inc., revised June 8, 2012, received July 3, 2012, including the following sheets:

- C-6.1 Cross-Section Views, Sheet 1 of 1
- C-5.1 Alternative Access Site Plan
- o Email correspondence from Attorney Joseph Antonellis, Decomm Bond, dated July 5, 2012, received July 9, 2012, 2 pages.
- **Discussion Item 2B: Village Mixed Use By-Law**
 - o Briefing materials notebook, Village Mixed Use Zoning Proposal, prepared by Planning Department Staff, including the following items:
 - Correspondence, South Grafton Village Zoning, prepared by Vanesse Hangen Brustlin, dated October 8, 2012, 4 pages.
 - Village Mixed Use Proposal, data analyses, dated July 5, 2012, 4 pages.
 - Village Mixed Use Zoning Proposal, district boundary map, 8 1/2" x 11", color, dated July 2012, 1 page.
 - Village Mixed Use Zoning Proposal, existing uses map, 8 1/2" x 11", color, dated April 2012, 1 page.
 - DRAFT: Section 12 – Village Mixed use District, 10 pages.
 - DRAFT Definition: Bed & Breakfast, 1 page.
 - DRAFT: Definition: Mixed Use, 1 page.
 - DRAFT: District Use Regulations, 6 pages.
 - DRAFT: Intensity of Use Schedule, 1 page.
- **Item 5: Minutes of Previous Meeting**
 - o Grafton Planning Board, June 25, 2012 7 pages.
- **Item 8: Ongoing Items**
 - o Sign Bylaw Proposal for October 2012, Author: David Robbins, dated and received July 9, 2012, 9 pages.
 - o Zoning Bylaw: Sign Sections with Proposed Amendments, dated and received July 9, 2012, 12 pages.
- **Public Hearing A: Congregational Church of Grafton, UCC (Applicant / Owner), 30 Grafton Common, Sign Location**
 - o Application for Special Permit, dated June 3, 2012, received June 4, 2012, 1 page.
 - o Application for Site Plan Approval, dated June 3, 2012, received June 4, 2012, 1 page.
 - o Plan, 8 1/2" x 11", black & white, Proposed Sign Variance Request Plot Plan for The Evangelical Congregational Church located on 30 Grafton Common, prepared by Land Planning, Inc., dated April 4, 2012, received June 4, 2012, 1 page.
 - o Correspondence submitted by Applicant, Special Permit Application, Congregational Church of Grafton, UCC, Proposed Sign Variance Request, Project Description & Waiver Request, June 2012; received June 4, 2012, 4 pages.

- Zoning Determination Form signed by the Grafton Building Inspector, dated April 19, 2012, 1 page.
- Copy of Application for a Certificate of Appropriateness, Grafton Historic District Commission, dated November 11, 2011, 3 pages.
- Color photographs on 8 ½” x 11” paper, Grafton church signs, no date, 4 pages.
- **Public Hearing 9B – SP 2012-9 – Nicholas J. Leoleis (Applicant), Brookmeadow Village LLC (Owner), accessory apartment, 22 Brookmeadow Lane.**
 - Application for a Special Permit, dated and received June 6, 2012, 1 page.
 - Application for a Site Plan Approval, dated and received June 6, 2012, 1 page.
 - Correspondence from Applicant, Project Description / Narrative and Waiver Requests, dated June 5, 2012, received June 6, 2012, 3 pages.
 - Correspondence from Guerriere & Halnon, #22 Brookmeadow Lane – Lot 65R, dated June 5, 2012, received June 6, 2012, 1 page.
 - Correspondence from Applicant, #22 Brookmeadow Lane – Lot 65R Special Permit / Site Plan Review Application, dated June 5, 2012, 1 page.
 - Plan Sheet, 11” x 17”, black & white, Plot Pln for #22 Brookmeadow Lane in Brookmeadow Village, Grafton Massachusetts, prepared by Guerriere & Halnon, Inc., dated June 5, 2012, received June 6, 2012, 1 sheet.
 - Plan Set, 11” x 17”, black & white, The Whitin Plan, prepared by WGB Construction, last revision February 2007, received June 6, 2012, 3 sheets including:
 - Page 1 – Cover Sheet
 - Page 7 – Elevations
 - Page 4A – Foundation Plan
 - Project Review Memorandum, Grafton Conservation Commission, received June 27, 2012, 2 pages.
- **Public Hearing 9C – Keasarge Solar LLC (Applicant) – Town of Grafton (Owner) – Application for Special Permit/Site Plan approval for construction of a new 1,529 kw Solar PV Power Generating Facility on property located at 21 Follette Street.**
 - Correspondence Grafton Water District, SP 2012-6, dated and received July 2, 2012, 2 pages.
 - Memorandum from the Town Administrator, Follette Street Solar Project Surety Agreement, dated and received July 9, 2012, 1 page.
 - Surety Agreement, Grafton Water District and Keasarge Grafton LLC, unsigned, undated, received July 9, 2012, 1 page.


James Walsh III, Clerk