

**Minutes of Meeting
Grafton Planning Board
August 13, 2012**

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GRAFTON, MA.

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A regular meeting of the Grafton Planning Board was held on August 13, 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, Clerk James Walsh III, Robert Hassinger, Michael Scully and Associate Member Sargon Hanna. Staff present was Town Planner, Stephen Bishop.

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

ACTION ITEM 1-A – REQUEST FOR PLANNING BOARD DETERMINATION FOR MINOR MODIFICATION TO SPECIAL PERMIT (SP 1998-1 / OMNIPOINT COMMUNICATIONS), 43 ESTABROOK AVENUE, CHRISTOPHER DWIGHT, TOWER RESOURCE MANAGEMENT FOR T-MOBILE, PETITIONER.

Mr. Robbins recused himself due to a conflict of interest with his employer.

William McCusker, Chair of the ZBA, called to order a scheduled meeting for the Zoning Board of Appeals.

Mr. Dwight, agent for T-Mobile Northeast LLC (the successor to Omnipoint Communications), informed the Board that T-Mobile is proposing to swap the existing antennas that are located on the monopole with newer model antennas to accommodate the 4-G technology. Mr. Dwight noted that the modification will reduce the equipment on the tower and there is no change proposed to the equipment shelter or the monopole appearance.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to make a determination that the request is a Minor Modification. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to allow the requested changes to the existing monopole. **MOTION** carried unanimously 4 to 0.

Mr. Robbins returned to the Board.

ACTION ITEM 1-B – CONSIDER DECISION – SPECIAL PERMIT (SP 2012-6) KEASARGE SOLAR, LLC – 21 FOLETTE STREET

Town Administrator Timothy McInerney was present representing the Town of Grafton.

Mr. Bishop informed the Board that recently added to the file was a letter from the Fire Chief stating that the existing roadway leading to the solar array will provide acceptable access for the Fire Department vehicles; a Solar Project System Removal Agreement between the Grafton Water District and the Town of Grafton; and a landscape screening plan consistent to what was previously discussed by the Board.

Chairman Qualey received unanimous consent to suspend Planning Board action on the decision for Special Permit (SP2012-6) Keasarge Solar LLC until later in the meeting.

PUBLIC HEARING

SP 2012-10 PAUL SAUVAGEAU JR. & LAURA TINO (APPLICANT/OWNERS) – 163 BRIGHAM HILL ROAD – ACCESSORY APARTMENT

Mr. Walsh read the legal notice and Chairman Qualey opened the public hearing. Present for the hearing were applicants/owners Paul Sauvageau Jr. & Laura Tino.

Mr. Sauvageau & Ms. Tino reviewed their plans for the accessory apartment. Chairman Qualey noted correspondence from the Board of Health and was told that the requirement was being satisfied with restructuring of the bedroom situation. The applicants also stated and acknowledged that the decision is restricted to family members only and the special permit becomes null & void with the sale of the home.

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

PUBLIC HEARING

TOWN OF GRAFTON – 11 & 13 SUZANNE TERRACE, NORTH GRAFTON – TO DETERMINE WHETHER TO RELEASE SAID LOTS FROM THEIR STATUS AS LAND DESIGNATED FOR PLAYGROUND PURPOSES TO ALLOW THE AFFORDABLE HOUSING TRUST, IN CONJUNCTION WITH HABITAT FOR HUMANITY TO BUILD AN AFFORDABLE HOUSING PROJECT.

Mr. Walsh read the legal notice and Chairman Qualey opened the public hearing.

Present at the hearing was John Carlson, Chairman of the Affordable Housing Trust, and Attorney Edward Prisby, Affordable Housing Trust member.

Mr. Carlson reviewed the reasoning for the request to have the lots released from their present designation, noting that the Affordable Housing Trust is trying to create affordable housing on existing Town owned land.

Mr. Hassinger remarked there was a memo from the Town Administrator stating that the Board of Selectmen had reviewed the plan and wanted to make sure there were no encroachments on either of the properties. Mr. Carlson stated that he had spoken to Assistant Town Administrator Kevin Mizikar about the issue of a driveway on the property and a shed in question, adding that the O'Malleys will step forward to rectify the problem pending the action of the Planning Board at tonight's meeting.

restriction, but the rest of the process is entirely up to the Board of Selectmen and Town Meeting.

Jeannine Bellarosa of 24 Snow Road suggested the Board may want to investigate as to whether Frank Noel left any kind of record behind as to the reason why he never developed the lots which may be beneficial information to the condition of the land.

John O'Malley of 9 Suzanne Terrace stated he was the direct abutter property owner with the encroachments on the lots and that in working for E. L. Dauphinais for 40 years he dumped yards of waste concrete into holes up to 15 feet deep on those lots. Mr. O'Malley added that Frank Noel had told him that he asked Emile Dauphinais to stop dumping concrete there since it was a designated playground area and that because of all the dumped concrete, he has to run two sump pumps four months of the year to pump his cellar. Mr. O'Malley criticized the Town for their neglect of the property over the years, adding that he has maintained the property on his own and has tried to make it useful to the neighborhood children.

Aric Asti of 17 Suzanne Terrace stated he was speaking on behalf of the neighborhood to request the Planning Board develop the lots as a playground since the area is now full of young families and children.

John O'Malley of 9 Suzanne Terrace asked the Planning Board if they considered Suzanne Terrace, Frankie Lane and Christmas Tree Lane low income housing. The Board noted that has never been their intent.

William McCusker of 40 Blanchard Road, noting he was speaking as an individual and not for the ZBA, strongly supported the Affordable Housing Trust project and asked the Planning Board to release the lots, adding that it was a great opportunity to increase the Town's affordable housing numbers.

Mr. Hassinger also expressed concerns about what the Chapter 40B's are doing to the Town; specifically troubling that the developers are not subject to any of the Planning Board rules or local zoning and the State hearing officer typically overrides the ZBA decisions.

Anne Strelke of 5 Suzanne Terrace agreed that the Town needs to be proactive on the Chapter 40B developments, but wanted to know what other properties, other than the Suzanne Terrace lots, were being considered as available for affordable housing.

Mr. Bishop suggested concerned individuals go online and follow the link through the Planning Department which will show a list of Town owned properties and other Affordable Housing Trust information.

Mr. Carlson reviewed some of the Town owned properties the Affordable Housing Trust had looked at for suitability and the best use of the property, stating that the land is either not buildable, not enough square feet/space, or has been designated for another Town project such as Super Park on 25 Worcester Street. Mr. Carlson wished to stress that anyone can apply for affordable housing if you meet the criteria that are set forth by the State.

Robbins added that it would be wiser to ask for a recreational use area instead to serve the neighborhood, working with the Recreational Fields Commission or CPC for funding.

Mr. Scully asked that if the Board votes to the release the lots, can the vote be conditioned to revert back to the original restriction if the lots do not prove to be buildable for the Affordable Housing Trust.

MOTION by Mr. Robbins, **SECOND** by Mr. Walsh, to release lots 11 & 13 from their status as land designated for play area purposes.

DISCUSSION: Mr. Hassinger clarified that the removing of this restriction does not remove the possibility to have a play area there; it merely releases the lots for the Town to determine the best use for the land.

MOTION carried unanimously 5 to 0.

Mr. Walsh cheered the neighborhood awareness of the issue and encouraged all to get together to submit an article to Town Meeting in October.

MOTION by Mr. Robbins, **SECOND** by Mr. Walsh, to direct Staff to forward the Planning Board's vote to release the lots from the playground restriction to the Board of Selectmen. **MOTION** carried unanimously 5 to 0.

Attorney Prisby thanked the Board on behalf of the Affordable Housing Trust.

Mr. Scully informed the neighborhood that he was Chair of the Super Park Committee and that he would be happy to assist them in their efforts to establish a park or recreational area.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Robbins, **SECOND** by Mr. Scully to approve the open session minutes of July 23, 2012 as drafted. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

Mr. Bishop stated all of the zoning articles were before the Board, that Friday, August 17 was the advertising deadline for the September 10th Planning Board meeting and August 31 was the advertising deadline for the September 24th Planning Board meeting. Mr. Bishop advised that the Board needed to get direction to put together an advertisement for a public forum.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to extend the Planning Board meeting beyond 10:00 p.m. **MOTION** carried unanimously 5 to 0.

Mr. Walsh stated it was his last night on the Planning Board, as he had submitted his resignation and due to family matters he will be moving away from Grafton. Mr. Walsh added he has enjoyed working with the Board and appreciates all of the support & guidance he has received. Mr. Walsh encouraged everyone to become involved and participate in Town government.

Mr. Bishop reminded Mr. McCarthy that he had agreed to provide the Board with a copy of the Power Purchase Agreement prior to the Board making a final decision.

Mr. Hassinger requested a condition be added to the decision stating that no building permit will be issued until the Board receives a signed copy of the PPA.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to make favorable findings for F-1 through F-31 with the exception of F-8 and F-9 to make negative findings. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to renumber and add a new Finding explaining that the Board was acknowledging receipt of a different type of surety than referenced in Finding #8; but that the Tri-Partite agreement submitted was recognized as equivalent to an inter-municipal agreement between the Town of Grafton and the Grafton Water District. **MOTION** carried 4 to 1 by roll call vote: Hanna-aye, Scully-Nay, Hassinger-aye, Qualey-aye, Robbins-aye.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to grant Waivers W-1 through W-3 as drafted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to renumber and add the Condition that a building permit will not be issued until the PPA is submitted to the satisfaction of the Planning Board. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to grant Special Permit (SP 2012-6) with the findings and conditions as drafted and amended. **MOTION** carried unanimously 5 to 0.

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

The meeting was adjourned at 10:55 p.m.

EXHIBITS

- **Action Item 1A: Request for Planning Board determination for Minor Modification to Special Permit (SP 1998-1 / Omnipoint Communications, 43 Estabrook Avenue**
 - Correspondence, Tower Resource Management, Request for Minor Modification Request to Replace / Remove T-Mobile Equipment at 45 Estabrook Street, Grafton MA (T-Mobile Site #4WL0720A), dated July 17, 2012, received July 26, 2012, 1 page.
 - List of Wireless Communications Facilities Sorted by Street Address, Updated 6-12-12; prepared by the Grafton Planning Department, 1 page.
 - Plan Set, 11" x 17", black & white, Site Name: WL720/Grafton AT&T, 43 Estabrook Road, Grafton, MA; prepared by Advanced Engineering Group, P.C.; dated July 13, 2012, including the following sheets:
 - T-1: Title Sheet

- Declaration of Septic Restriction, Worcester District Registry of Deeds Book 49047, Page 351, Recorded May 30, 2012, 2 pages.
 - Certificate of Occupancy 163 Brigham Hill Road, Town of Grafton Building Department, dated May 31, 2012, 1 page.
 - Property Map 1"= 69 feet, Special Permit Application for Accessory Apartment, 163 Brigham Hill Road, Source: Town of Grafton GIS Data updated through January 1, 2011, 8 ½ x 11:, black & white, dated June 25, 2012, 1 page.
 - Property Map 1"= 1,114 feet, Special Permit Application for Accessory Apartment, 163 Brigham Hill Road, Source: Town of Grafton GIS Data updated through January 1, 2011, 8 ½ x 11:, black & white, dated June 25, 2012, 1 page.
 - Aerial Photograph, Special Permit Application for Accessory Apartment, 163 Brigham Hill Road, no source listing, 8 ½ x 11:, color, no date, 1 page.
 - Exterior Building Photographs showing Front NE Corner, Front NW corner, Rear SE corner; Special Permit Application for Accessory Apartment, 163 Brigham Hill Road, no source listing, 8 ½ x 11:, black & white, no date, 3 pages.
 - Floor plans showing basement floor plan, first floor plan, and second floor plan; Special Permit Application for Accessory Apartment, 163 Brigham Hill Road, no source listing, 8 ½ x 11:, black & white, prepared by property owners, dated June 28, 2012, 3 pages.
 - Project Review Memorandum, Board of Health, received July 6, 2012, 2 pages.
- **Public Hearing 9B: Town of Grafton – 11-13 Suzanne Terrace – To determine whether to release said lots from their status as land designated for playground purposes to allow the Affordable Housing Trust, in conjunction with Habitat for Humanity, to build an affordable housing project.**
 - Correspondence from the Town Administrator on behalf of the Board of Selectmen, 11 & 13 Suzanne Terrace, dated July 25, 2012, received July 26, 2012, 2 pages.
 - Project Review Memorandum, Grafton Affordable Housing Trust, received July 19, 2012, 2 pages.

Clerk (new nominated by Planning Board)

Michael Scully (8-27-12)