

**Minutes of Meeting  
Grafton Planning Board  
April 22, 2013**

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A regular meeting of the Grafton Planning Board was held on April 22, 2013 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Vice-Chair David Robbins, Clerk Michael Scully, Robert Hassinger, Sargon Hanna and Associate Member Edward Prisby. Absent was Chairman Stephen Qualey. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Vice-Chair Robbins called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – CONSIDER DECISION – UNIBANK FOR SAVING – 89  
WORCESTER STREET – SIGN RELIEF**

Vice-Chair Robbins appointed Associate Member Edward Prisby eligible to vote on this decision.

Mr. Robbins noted a correction in Finding F-7.

Mr. Hassinger stated that within Finding F-14, the language was not clear as to the potential future use of the state land with regard to roadway improvements. Mr. Hassinger continued that the practical problem with the applications consists of two things: a sign built without a permit and an actual reason why they need a height waiver, adding that it is not the Planning Board's job to change the By-Law to accommodate signs designed in non-conformance.

Mr. Scully pointed out that with regard to the language of F-9, the mock up of the sign was not final and there was no final topography grade where the sign was displayed.

Mr. Hassinger remarked that the poles were not accurately represented on the mock up sign.

Vice-Chair Robbins acknowledged that Usher Road was not at its proper elevation for the mock up of the sign and that the measurements of the sign were not actually true to form.

Mr. Hanna added that he observed Usher Road was a lot higher today and appeared to be at final grade.

Vice-Chair Robbins suggested the applicant could put the mock up back on display with the final grade now completed. Mr. Hanna remarked that the Board should take into consideration the fact the bank is a new business for the Town

Vice-Chair Robbins recapped the applicant's situation stating that the applicant has already invested in constructing a sign without permitting approval, which puts them at risk, and found that there are two measurements that are not sufficiently acceptable within the By-Law to approve it. Vice-Chair Robbins added that if there are no other side issues, if the applicant has done the best job they could on a sign of specific branding dimensions with as much set back as they could, then they need to make a sufficiently persuasive case that the Board is able to approve.

**MOTION** by Mr. Hanna to make favorable Findings for F-1 thru F-19 with the corrections noted.

**DISCUSSION:** Mr. Hassinger suggested the Board first make determinations on the specific criteria relating to ZBL Section 4.4.4.2 in Findings F-21 thru F-29.

Mr. Hanna withdrew his motion.

Vice Chair Robbins received unanimous consent to take the Section 4.4.4.2 Findings point by point.

Mr. Scully questioned, as a point of order, whether the “will” or “will not” selection would reflect the statement as affirmative. The Board continued to discuss this point.

**MOTION** by Mr. Hanna to make a favorable Finding for F-21 with regard to Section 4.4.4.2(a), public safety, convenience, and traffic-flow will be improved thereby, and the sign will not be a nuisance or a hazard to vehicles and pedestrians.

There was no second to the motion.

Mr. Scully questioned the structure of the Finding with the use of the word “thereby” and suggested the Board strike the word “thereby”, allowing the Finding to be restructured into two separate findings for clarity.

The Board agreed to begin with a Finding for the first half of F-21 only.

**MOTION** by Mr. Hanna to make a favorable Finding for F-21 with regard to Section 4.4.4.2(a), public safety, convenience, and traffic-flow will be improved. **SECOND** by Mr. Prisby.

**DISCUSSION:** Mr. Prisby noted that his second to the motion was based on his interpretation that the traffic flow will not be affected negatively.

**MOTION** carried unanimously 5 to 0.

Vice-Chair Robbins received unanimous consent to defer further consideration regarding the draft decision for Special Permit (SP 2013-3) Unibank for Savings until after the scheduled public hearing.

### **PUBLIC HEARING**

### **MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2013-2) “GRAFTON HILL” – WESTERLY SIDE GRAFTON LLC (APPLICANT) – WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY MCINNIS TRUST (OWNERS)**

Vice Chair Robbins opened the public hearing. Present for the applicant was Attorney Joseph Antonellis.

Attorney Antonellis requested the Board resume their deliberation on the Unibank for Savings draft decision to accommodate the Planning Board and because his Traffic Engineer had not yet arrived.

Vice-Chair Robbins received unanimous consent to suspend the public hearing until the arrival of Traffic Engineer William Scully and to resume consideration of the draft decision for SP 2013-3 Unibank for Savings.

Mr. Scully suggested the Board begin by discussing the technical findings before deliberating of the specific findings.

Mr. Scully stated concerns for Finding F-6 in using the language double-sided pylon sign with an electronic message center rather than the By-Laws verbiage of CEVMS – Changeable Electronic Variable Message Sign, adding that if it is not stated then it is not accurate.

Mr. Scully stated that with regard to the language of Finding F-7, no testimony was received that the sign submitted was accommodating the smallest message board unit available. Mr. Hassinger added that the applicant did not submit the additional information for full evaluation of the size of the message board.

Mr. Scully questioned the language in the last sentence of Finding F-17 noting the By-Law is silent on the definition of “pole” and that it would be difficult to interpret the current design with regards to bulk measurements. Mr. Bishop noted that this was an inclusion of Mr. Hassinger’s previous statements regarding the By-Law being silent on the definition of poles. Mr. Scully noted there was no clear definition of poles in the By-Law and that this sign submission is referred to as having “supports”. Mr. Hassinger suggested another Finding be added where the Planning Board states that the Planning Board finds that the uprights in the plan do not constitute poles. The Board continued discussion on what constitutes poles; if part of the poles can be considered part of the sign increasing total square footage; and what defines structural supports. Mr. Hanna stated the Board should either define what a pole is or move on. Vice-Chair Robbins remarked that the point of issue is not the definition of a pole, but if the supports of the sign interfere with the visibility enough not to approve the sign. Mr. Hassinger noted that he felt they interfered substantially. Mr. Bishop pointed out that in the ZBL Definitions Section 2.3; there are no examples of the sign structures included.

Vice-Chair Robbins informed the Board the draft decision did not have to be resolved at this meeting. Mr. Scully noted for the record that the delay would be to May 20, which may be a detriment to the applicant.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make favorable Findings for F-1 through F-19 with the corrections and modifications noted in F-6, F-7, F-9 and F-17.

**DISCUSSION:** Mr. Hassinger expressed concerns for the language regarding the poles. Mr. Bishop stated the language will be changed to state supports instead of poles.

**MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Hassinger, to make a Finding for F-20. **MOTION** carried unanimously 5 to 0.

Vice-Chair Robbins noted that the first half of Finding F-21 had already been voted on and the Board will now vote on the second half of Finding F-21 which will require an additional Finding be added and the renumbering of the remaining Findings through F-47 in the draft decision.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, for the second half of Finding F-21 (creating a new Finding F-22 in the final decision) to make a favorable finding that the sign will not be a nuisance or a hazard to vehicles and pedestrians.

**DISCUSSION:** Mr. Scully noted that the mark-up depth actually only represents the height & width and did not accurately represent the depth (thickness) of the sign. Mr. Scully added this was notable since the Board was not able to confirm this information while the record was open.

**MOTION** carried 4 to 1 by roll call vote: Scully-aye, Hassinger-nay, Robbins-aye, Hanna-aye, Prisby-aye.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-22.

**DISCUSSION:** Mr. Hassinger stated that he did not hear anything from the applicant to justify the statement made in the Finding.

**MOTION** carried 4 to 1 by roll call vote: Scully-aye, Hassinger-no, Robbins-aye, Hanna-aye, Prisby-aye.

Mr. Scully asked that the language for Finding F-23 clarify the earlier CEVMS discussion. Mr. Hassinger noted that the Board did not review all of information stated within this Finding as is usually discussed.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-23. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-24.

**DISCUSSION:** Mr. Hassinger stated he did not see what was unique about the topography that required the relief requested for the sign. Mr. Bishop added the language does not mean the topography needs to be taken into consideration for the granting of relief.

Mr. Hanna withdrew his Motion. Mr. Prisby withdrew his Second.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Scully, to make Finding F-24 that with regard to Section 4.4.4.2(d), the sign requested pursuant to the Special Permit and Site Plan Approval application is not necessary due to the topography or site conditions unique to the proposed location of the sign.

**DISCUSSION:** Mr. Prisby stated that the applicant may have had the idea to move the sign further back, but did not want forfeit a parking space, which would make them in non-

conformance with the site plan regulations for parking. Mr. Robbins added that the applicant did not make that case for sign relief due to the site plan configuration.

**MOTION** carried unanimously 5 to 0.

Vice-Chair Robbins received unanimous consent to defer the draft decision to after the scheduled public hearing due to the arrival of Traffic Engineer William Scully.

### **PUBLIC HEARING**

#### **MRSP 2013-2 “GRAFTON HILL” – WESTERLY SIDE GRAFTON LLC (APPLICANT)**

Attorney Antonellis informed the Board that the applicant is currently having a habitat study performed to determine whether the Conservation Commission can approve the wetland crossing. Attorney Antonellis also acknowledged that there is uncertainty with the Board as to whether the subdivision roadway between Worcester Street and North Street is a major or minor roadway, which is why Traffic Engineer William Scully is here to present information to the Planning Board that the new subdivision road will function as a local minor road.

Planning Board Member Michael Scully wished to state for the record that William Scully is no relation to himself.

William Scully reviewed with the Board all of the traffic study information and calculations submitted, stating that the methodology for site specific level for the regional model method was used to make the determination of a minor road. William Scully added that the Board's peer engineer Graves Engineering had concurred and verified this methodology.

Mr. Hassinger remarked that the Board does not usually look at the traffic analysis this hard, but in this case it is important for the project to move forward and to address the public traffic concerns. Mr. Hassinger added that the Board typically uses a specialist traffic engineer for peer review rather than Graves Engineer. Mr. Hassinger pointed out that he has not received the North Street intersection distances he has specifically requested for the record, which needs to be looked at closely to meet the requirements of 600 feet to the intersections.

Attorney Antonellis requested the Board give him some sense of their mindset on the subdivision road being a minor road as shown, noting that the crossing has been submitted to the Conservation Commission based on this roadway being a minor road. Attorney Antonellis stated that he noted the Board has suggested an independent peer review traffic study, but does not feel it is necessary with the information that has been submitted. Attorney Antonellis stressed that he needs to get a sense from the Board on the roadway in order to proceed with the plan submitted with the wetland crossing. Attorney Antonellis added that if the Board sees the roadway as a major road, then his client needs to go home and plan new submission.

Vice-Chair Robbins asked what information was being sought to make this determination on the roadway. Attorney Antonellis stated he feels enough evidence has been submitted to the Board proving that the roadway meets the requirements of a minor road and asked for the Board to give an indication on how the members relate to this issue.

Mr. Hanna stated that he was comfortable calling the subdivision road a minor road for two reasons: one...the numbers presented, and two...the conventional plan only needs to meet approval and will not actually be built.

Vice-Chair Robbins noted that one point that was not mentioned that may or may not be significant, but need to keep in mind, is that 50-60% of the 750 traffic count will be through traffic and not site generated. Vice-Chair Robbins added that the Board needed to resolve what exactly the applicant is requesting from the Board with regard to a major or minor road statement and if the Board wanted to pursue the peer review report of another Traffic Engineer. Attorney Antonellis stated he is asking the Board to make a determination at this juncture on the roadway being either major or minor, based on William Scully's presentation and the Graves Engineering peer review correspondence. Vice-Chair Robbins proposed the question to the Board, asking if we as a Board can say it is likely, but not certain, this is a minor road.

Attorney Antonellis reinforced his statement that his client was here to demonstrate if this Conventional plan could be received by the Board and feels he has done an adequate job of presenting enough information to the Board. Attorney Antonellis further stated his client will not authorize to provide the peer review funds for an additional Traffic report, adding he has stated he has presented the Board with enough adequate information to justify the minor roadway.

Vice-Chair Robbins stated he felt there was a good probability that the road was a minor roadway.

Mr. Hanna stated he also felt the road could be a minor roadway.

Mr. Prisby stated he felt the road could be classified as a minor roadway.

Michael Scully stated that he concurred with Mr. Prisby.

Mr. Hassinger stated all of the traffic counts were not sufficient evidence to be sure and that he needed more information to make any kind of determination.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Scully, to direct Staff to draft a letter to the Conservation Commission stating that the information presented to the Planning Board on April 22, 2013, based on the presentation by Traffic Engineer William Scully, that the subdivision road could be considered a minor road, but not making the statement as a Planning Board final determination. **MOTION** carried unanimously 4 to 0.

Attorney Antonellis thanked the Board for their consideration and requested the public hearing be continued to June 10, 2013.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the applicant's written request to continue the public hearing to June 10, 2013. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Scully, **SECOND** by Mr. Prisby, to extend the Planning Board meeting after 10:00 p.m. after a 3 minute recess. **MOTION** carried unanimously 5 to 0.

Vice-Chair Robbins received unanimous consent to resume the draft decision for Special Permit (SP 2013-3) Unibank for Savings – sign relief.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Scully, to make a favorable Finding for F-25. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-26. **MOTION** carried 4 to 1 by roll call vote: Scully-aye, Hassinger-nay, Robbins-aye, Hanna-aye, Prisby-aye.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-27. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-28. **MOTION** carried 4 to 1 by roll call vote: Scully-aye, Hassinger-nay, Robbins-aye, Hanna-aye, Prisby-aye.

Mr. Hassinger noted a correction in the wording of Finding F-29.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-29 with the correction noted.

**DISCUSSION:** Mr. Hassinger noted that the Board was incrementally changing the By-Law by granting relief in making and allowing changes.

**MOTION** carried 4 to 1 by roll call vote: Scully-aye, Hassinger-nay, Robbins-aye, Hanna-aye, Prisby-aye.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to make favorable Findings for F-30 through F-39. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make favorable Findings for F-40 & F-41

**DISCUSSION:** Mr. Hassinger noted that he was not convinced the sign was in harmony with general purpose & intent of the ZBL.

**MOTION** carried by roll call vote: Scully-aye, Hassinger-nay, Robbins-aye, Hanna-aye, Prisby-aye.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-42. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make a favorable Finding for F-43. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to make favorable Findings for F-44 through F-47. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to grant Special Permit (SP 2013-3) with the conditions and findings as discussed and amended. **MOTION** carried by roll call vote: Scully-aye, Hassinger-aye, Robbins-aye, Hanna-aye, Prisby-aye.

**MINUTES OF PREVIOUS MEETINGS**

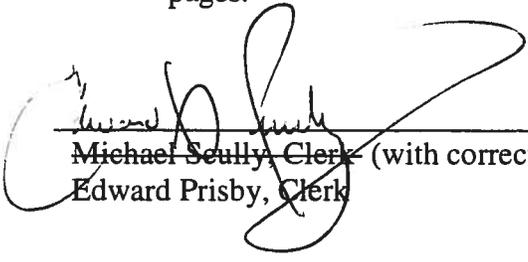
**MOTION** by Mr. Scully, **SECOND** by Mr. Hassinger, to approve the open session minutes of the April 8, 2013 Planning Board meeting. **MOTION** carried unanimously 5 to 0.

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

The meeting was adjourned at 10:25 p.m.

**EXHIBITS**

- **Action Item 1A – Consider Decision – Special Permit (SP 2013-3) and Site Plan Approval, Fletcher Tilton PC (Applicant) / Unibank for Savings (Owner), 89 Worcester Street, North Grafton, sign relief.**
  - Draft Planning Board Decision, Special Permit (SP 2013-3) and Site Plan Approval, dated April 18, 2013, 9 pages.
- **Item 5: Minutes of Previous Meeting**
  - Open Session Minutes of April 8, 2013, 7 pages.
- **Public Hearing 9A: Major Residential Special Permit (MSRP 2013-2) “Grafton Hill” – Westerly Side Grafton LLC (Applicant) – Westerly Side Grafton LLC, Rocky Road Realty Trust, Robert B. McInnis & Abby McInnis Trust (Owners)**
  - Correspondence from William J. Scully, P.E., Proposed Grafton Hills Development, Traffic Access Supplement Report; dated April 16, 2013, received April 17, 2013; 13 pages.

  
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Michael Scully, Clerk (with corrections noted)  
Edward Prisby, Clerk