

Minutes of Meeting
Grafton Planning Board
September 23, 2013

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A regular meeting of the Grafton Planning Board was held on September 23, 2013 in the Finance Committee Meeting Room at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Vice-Chair Michael Scully, Clerk Edward Prisky, Robert Hassinger, Sargon Hanna and Associate Member Mathew Often. Absent was Chairman David Robbins. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Due to the absence of Chairman David Robbins, Vice-Chair Scully called the meeting to order at 7:00 p.m.

ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – (ANR 2013-5) WILLIAM H. NICHOLSON – 33-35 NORTH STREET

Mr. Bishop reviewed the plan with the Board and recommended approval stating that it meets the requirements for lot frontage and area.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to endorse the ANR 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 – APPROVAL NOT REQUIRED PLAN – (ANR 2013-6) PATRICIA K. KNOWLTON, TRUSTEE – KNOWLTON FARMS NOMINEE TRUST – 43 ESTABROOK AVENUE

Mr. Bishop stated the ANR plan reflects the subdivision of the land previously approved by the Planning Board for the installation of a solar farm at 43 Estabrook Avenue. Mr. Bishop added that the plan is straight forward and meets the zoning requirements for frontage and area.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to endorse the ANR 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-C – PLANNING BOARD RECOMMENDATION FOR “DETERMINATION OF COMPLETENESS” – “PETERS ESTATES” SUBDIVISION – (PETER’S WAY) – RONALD ETRE, D/B/A ETRE BUILDERS, INC., PETITIONER

Mr. Bishop informed the Board the subdivision completeness package was in their mailboxes for review, including the Conservation Commission, and recommended the Board make a favorable recommendation for the “Determination of Completeness” submission.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to make a favorable finding for the “Determination of Completeness” submission for “Peters Estates” Subdivision and to forward the favorable recommendation to the Board of Selectmen. **MOTION** carried unanimously 4 to 0.

**PUBLIC MEETING – TUFTS UNIVERSITY/CUMMINGS SCHOOL OF VETERINARY
MEDICINE – 200 WESTBORO ROAD**

**ACTION ITEM 1-D – REQUEST FOR PLANNING BOARD CONSIDERATION FOR A
MODIFICATION OF THE RETAIL SALES PROCESS CURRENTLY IN PLACE WITH
THE ELMS CAFÉ WITH RESPECT TO THE SALES OF TUFTS FARM’S FROZEN
MEATS. DR. GEORGE SAPERSTEIN, CHAIR, DEPARTMENT OF
ENVIRONMENTAL & POPULATION HEALTH AND JEAN POTEETE, SENIOR
CAMPUS PLANNER, PETITIONERS**

Clerk Edward Prisby read the legal notice and Vice-Chair Scully opened the public meeting. Present for the meeting were petitioners Dr. George Saperstein and Jean Poteete.

Ms. Poteete addressed the Board requesting they vote to direct the Building Inspector to issue the building permit sought for the change of location in the direct sales of Cummings School’s frozen meats, determine the change as minor, and that a formal project plan review submission is not required. Ms. Poteete also informed the Board that the change is simply to move the actual process of the public purchase of the meats from the Elms Café storage freezers to the larger, more conveniently located farm freezers in building #G24.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to make the determination that the request is a minor change and not subject to Project Plan review. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-E – CONSIDER DECISION – SITE PLAN 2013-1 MICHAEL NOEL
(D/B/A NOEL’S AUTO SALES, INC.)**

Mr. Bishop informed the Board that a new, revised plan had been submitted (listed as Exhibit #10) addressing the concerns of the Conservation Commission.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to make favorable Findings for F-1 through F-11 as drafted. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant Site Plan 2013-1 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 4 to 0.

Vice-Chair Scully appointed Mr. Often as a voting member for the decision consideration for Special Permit (SP 2013-6) Faith Szczurko and noted for the record that he and Mr. Often had both provided Mullin Certification regarding the public hearing eligibility.

Mr. Scully questioned the language in Finding F-12, regarding the applicant’s statement as only owning and housing one horse at this time even though the stall will be designed to house three horses.

Mr. Hassinger noted that Finding F-21 was specifically designed to handle signage, and was not relevant to this decision.

Mr. Prisby requested brief discussion about Condition C-1 concerning decision approval being limited to property owner and not running with the land. Mr. Prisby noted that he was troubled with this enforcement and that the Town should be acting first and foremost for their constituency. Mr. Often added that the use of the barn for horses may not always be the primary use for future owners of the land, so the use should be conditioned to the owner. Mr. Scully remarked that the building and the permit for the use are two separate items and should be conditioned as such.

MOTION by Mr. Hassinger, **SECOND** by Mr. Prisby, to make favorable Findings for F-1 through F-32 with the corrections noted and the re-numbering of the Findings. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant Waivers W-1 and W-2 as drafted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant Special Permit (SP2013-6) with the Conditions and Findings as discussed and amended. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARINGS

MODIFICATION OF SPECIAL PERMIT (SP 96-6) MARK TROIANO, D/B/A TROIANO TRUCKING, INC. (APPLICANT/OWNER) – 109 CREEPER HILL ROAD – REPLACE ABANDONED STRUCTURE WITH NEW 6,400 SF BUILDING FOR RECYCLING FOOD WASTE

Clerk Edward Prisby read the legal notice and Vice-Chair Scully opened the public hearing. Present for the hearing was Mark Troiano, his attorney Robert Knapik, his Engineer Mahmoud Aziz, Architect John Riel, Michael Rezuke, and John LaFollette.

Attorney Knapik informed the Board that Mr. Troiano had obtained a special permit in 1996 for a Recycling/Transfer Station at 109 Creeper Hill Road. Attorney Knapik stated that this hearing is with regard to the request for modification of this permit by demolishing the existing abandoned, fire-damaged structure and constructing a new 6,400 square foot building for the purpose of expanding the current process of recycling clean food waste to a green process which will convert the waste into livestock feed.

Mr. Hassinger remarked that the revised plans and review response had not been submitted within the required time allowing the Board time to review the submission prior to the meeting and that the plan locus was unclear. Mr. Troiano and his engineer Mahmoud Aziz reviewed the plans with the Board to clarify the building locations and revisions.

Mr. Hanna noted the Board of Selectmen had requested information regarding the increase of traffic levels and hours of operation. Mr. Troiano stated the traffic would most likely increase to about ten trucks per day to start and that the operation would still be 24 hours a day, 7 days a week. Mr. Troiano added that he plans to clean up the entire area to the public view.

Mr. Hassinger asked if they had appeared before the Conservation Commission yet and responded to the Board of Health comments. Mr. Troiano noted that they had met with the

Town of Grafton Development Team and the Board of Health who seemed satisfied. Mr. Aziz stated that with regard to the Conservation Commission, there was no work within the 200 foot buffer zone.

Mr. Scully asked about the plans showing a chain link fence through the parking area. Mr. Troiano stated the fence would remain, as the area is used for storage and not used for parking.

Mr. Hassinger remarked that there have been complaints of encroaching on the abutting National Grid property. Mr. Troiano stated that if successful this facility will be a state-of-the-art project so they are trying to clean up the surrounding area and clear all encroached areas.

Mr. Scully noted there were four proposed 35-foot silos on the plans and asked if there were any height limitations for these structures. Mr. Bishop stated they were within the allowed height. Mr. Scully also added that there was EDC correspondence supporting the project.

Vice-Chair Scully asked if the public had any questions/comments.

Attorney Knapik stated they wished to request a continuance to the hearing.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the applicant's written request to continue the public hearing to Monday, October 7, 2013 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

Attorney Knapik requested the Board clarify specifically what they are requiring to be submitted at the continued hearing. The Board stated information on the intended green process to be used to convert clean food waste to livestock pellets and any plan revisions or information in response to the Graves Engineering review correspondence.

MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2013-2) "GRAFTON HILL" SUBDIVISION – WESTERLY SIDE GRAFTON LLC (APPLICANT) – WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY MCINNIS TRUST (OWNERS) – 12 CLEARVIEW STREET AND 48 & 52 WORCESTER STREET

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the applicant's written request to continue the public hearing to Monday, October 7, 2013 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

ZBL 2013-1 SECTION 3.3.3.4 AMEND WITH NEW LANGUAGE (new language bold)

Not less than ten (10) feet from the property line around the perimeter of the property, **or the minimum setback, whichever is less**, must be stabilized with vegetation landscaping, or plant materials excepting only cuts through the ten (10) feet stabilized border for walkways and entrances and exits.

Clerk Edward Prisby read the legal notice and Vice-Chair Scully opened the public hearing.

Mr. Bishop prefaced the discussion stating that Town Counsel has reviewed the revised amendment and found that it conforms to the By-Law and is consistent with existing State law.

Mr. Hassinger suggested omitting the words “ten feet” from the language to make intent of the by-law clearer. Mr. Bishop noted that the warrant had already been signed, but could be amended on Town Meeting floor. There was no public or written correspondence regarding the hearing.

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

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to direct Staff to draft a written report on behalf of the Planning Board recommending the proposed amendment to Town Meeting as printed. **MOTION** carried unanimously 4 to 0.

ZBL 2013-2 SECTION 2: DEFINITIONS: AMEND THE DEFINITION OF “FRONTAGE” TO READ AS FOLLOWS (NEW LANGUAGE IN BOLD)

Frontage: The continuous linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot. The frontage on a corner lot shall be measured to the middle of the curve connecting the sidelines of the intersecting rights-of-way. **If a lot has frontage on more than one street, frontage on only one street shall be used to satisfy the minimum lot frontage requirement. Principal vehicular access to the principal use of the lot shall be through frontage that satisfies the minimum lot frontage requirements.**

Clerk Edward Prisby read the legal notice and Vice-Chair Scully opened the public hearing.

Mr. Bishop noted that he has reviewed the proposed amendment with Chairman Robbins and Town Counsel, finding that it does conform to the By-Law and is consistent with State Law.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to close the public hearing.

DISCUSSION: Vice-Chair Scully noted there was no public input or comment.

MOTION carried unanimously 4 to 0.

STAFF REPORT

Mr. Bishop informed the Board that they should have a copy of the new Citizen Planner Training Collaborative brochure listing the fall course schedule being offered. Mr. Bishop noted that the course offerings can be very helpful and are fully reimbursable by the Town.

BILLS

The bills were circulated and signed.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hassinger, **SECOND** by Mr. Prisby, to approve the open session minutes of September 9, 2013 as drafted. **MOTION** carried unanimously 4 to 0.

CORRESPONDENCE

Vice-Chair Scully read correspondence from CMRPC concerning their Fall Legislative Breakfast on Massachusetts Zoning Reform/House Bill 1859 to be held on Friday, October 25, 2013.

The Board held a brief discussion regarding the topic of regional services and their possible effect on the Town. Mr. Hassinger requested information regarding a scheduled regional service meeting being held in October.

Vice-Chair Scully requested Staff include the reappointment of a Planning Board member to the Community Preservation Committee in a future meeting agenda.

MOTION by Mr. Hanna, **SECOND** by Mr. Prisby, to adjourn the meeting. **MOTION** carried unanimously 4 to 0.

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

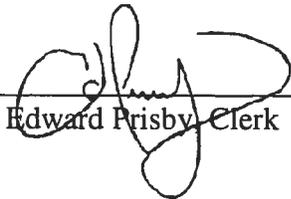
EXHIBITS

- **Action Item 1A: Approval Not Required Plan – (ANR 2013-5) – William Nicholson – 33-35 North Street**
 - Form A: Application for Endorsement of Plan Believed Not to Require Approval (ANR) 2013-5, submitted by William Nicholson and Abby & Robert McInnis Trust, dated September 5, 2013; received September 6, 2013; 2 pages.
 - Plan of Land, 33-35 North Street; prepared by HS&T Group, Inc.; 18” x 24”, black & white; dated August 27, 2013; 1 sheet.
- **Action Item 1B: Approval Not Required Plan – (ANR 2013-6) Patricia K. Knowlton, Trustee – Knowlton Farms Nominee Trust – 43 Estabrook Avenue**
 - Form A: Application for Endorsement of Plan Believed Not to Require Approval (ANR) 2013-6, submitted by Patricia K. Knowlton, Trustee, Knowlton Farms Nominee Trust, dated August 6, 2013; received September 18, 2013; 2 pages.
 - Plan of Land, 43 Estabrook Avenue; prepared by Meridian Associates.; 24” x 36”, black & white; dated September 13, 2013, received September 18, 2013; 1 sheet.
 - CD disk containing two PDF files of the plan, one signed and one unsigned.
- **Action Item 1C: Planning Board Recommendation for “Determination of Completeness”- “Peters Estates” Subdivision – (Peter’s Way) Ronald Etre, d/b/a Etre Builders Inc., petitioner**

- Memorandum from the Planning Department Staff, Determination of Completeness Review, “Peters Estates” Subdivision, dated September 19, 2013, 1 page.
- Correspondence from Etre Builders Inc., Peters Estates, Peters Way, Grafton, MA, Request for Determination of Compliance; dated September 5, 2013, received September 10, 2013; 4 pages.
- Correspondence from the Grafton Conservation Commission, DEP # 164-659 & Wetlands Permit 504 – Certificate of Compliance Approval – Peters Estates Subdivision, 69 Pleasant Street (Assessor’s Map 90, Lot 12) dated and received September 19, 2013; 6 pages.
- Certificate of Compliance, Grafton Wetlands Bylaw and Regulations, Grafton Conservation Commission, Wetland Permit #504; dated September 19, 2013, 5 pages.
- Copy of Legal Advertisement from the Grafton News, Public Notice Grafton Planning Board, dated September 11, 2013; 1 page.
- Certificate of Compliance, Peters Estates / Peters Way, Grafton Planning Board, dated March 5, 2013; 1 page.
- Correspondence from Graves Engineering, Peters Estates Construction Completeness Review, dated December 4, 2012, received December 6, 2012; 2 pages.
- Correspondence from Graves Engineering, Peters Acceptance Plans, As-Built Plan and Legal Description Review, dated March 4, 2013, 3 pages.
- Correspondence from Town of Grafton Department of Public Works, Peter’s Estates, dated March 22, 2013; 1 page.
- Correspondence from the Grafton Water District, Peter’s Estates – Peters Way; dated September 10, 2012, 1 page.
- Correspondence from the Town of Grafton Wastewater Treatment Facility, Peters Way, dated September 10, 2012, 1 page.
- Correspondence from the Town of Grafton Fire Department, Determination of Completeness Peters Way, Grafton, MA; dated March 15, 2013; 1 page.
- Citizen’s Petition or Warrant Article with 11 signatures, dated August 30, 2013, 1 page.
- **Action Item 1D: Public Meeting – Tufts University / Cummings School of Veterinary Medicine – Modification of the Retail Sales Process**
 - Notice of Public Hearing, Town of Grafton, MA, Planning Board; Public Meeting notice; Tufts University / Cummings School of Veterinary Medicine; to be published in the Grafton News on September 18, 2013; 1 page.
 - Memorandum from Tufts University / Cummings School of Veterinary Medicine, Question of Project Plan Review of Proposed Direct Sales of Cummings School Frozen Meats; dated August 22, 2013; received August 28, 2013; 4 pages.
- **Action Item 1E: Consider Decision – Site Plan 2013-1 – Michael Noel (d/b/a Noel’s Auto Sales) – 218 Worcester Street**

- Draft Planning Board Decision, Site Plan 2013-1, Noel Auto Sales, 218 Worcester Street, dated September 20, 2013; 5 pages.
- **Action Item 1F: Consider Decision – Special Permit (SP 2013-6) – Faith Szczurko – 132 Keith Hill Road, Raising and Keeping of Livestock under 5 acres – (3 horses)**
 - Draft Planning Board Decision – Special Permit 2013-6 – Faith Szczurko – 132 Keith Hill Road, Keeping of Livestock (horses) on less than Five Acres of Land; dated September 19, 2013; 8 pages.
- **Item 5: Minutes of Previous Meeting**
 - Open session minutes of September 9, 2013, 7 pages.
- **Item 6: Correspondence**
 - Invitation, Central Massachusetts Regional Planning Commission, CMRPC Fall Legislative Breakfast, Massachusetts Zoning Reform; 1 page.
- **Public Hearing 9A: Modification of Special Permit (SP 96-6) – Mark Troiano, d/b/a Troiano Trucking, Inc.**
 - Unbound Application Materials submitted by Mark Troiano on August 19, 2013; including the following materials:
 - Application for Modification of a Special Permit, SP 1996-6; dated August 19, 2013; 1 page.
 - Correspondence from Mark Troiano, dated August 19, 2013, 1 page.
 - Site Plan, Building Addition Site Plan, prepared by ASA Engineering, dated August 11, 2013; 11” x 17”, black & white; 1 page.
 - Copy of Grafton Planning Board Decision, SP 96-6 Troiano Trucking 103 Creeper Hill Road; dated May 20, 1996; 4 pages.
 - Correspondence from Grave Engineering, Troiano Trucking, 109 Creeper Hill Road, Site Plan Review; dated and received September 12, 2013; 3 pages.
 - Memorandum from the Office of the Town Administrator on behalf of the Board of Selectmen, SP 96-6 Mark Troiano – 109 Creeper Hill Road; dated and received September 5, 2013.
 - Departmental Project Review Memorandum, Board of Health, received August 20, 2013; 4 pages.
 - Departmental Project Review Memorandum, Economic Development Commission, received September 18, 2013; 1 page.
 - Departmental Project Review Memorandum, Conservation Commission, received September 19, 2013; 1 page.
 - Correspondence from ASA Engineering, Troiano Trucking, 109 Creeper Hill Road, Response to Peer Review; dated September 22, 2013; received September 23, 2013; 4 pages.
 - Stormwater Management Report, 109 Creeper Hill Road, Grafton, MA; prepared by ASA Engineering; received September 23, 2013.

- Site Plan, Building Addition Site Plan, prepared by ASA Engineering, dated August 11, 2013, Revised September 22, 2013; 24” x 38”, black & white; 1 page.
- **Public Hearing 9B: 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)**
 - Correspondence from Attorneys Mayer, Antonellis, Jachowicz & Haranas, LLP, Grafton Hill, MRSP 2013-2, Westerly Side Grafton, LLC request for continuance; dated and received September 19, 2013; 1 page.
- **Public Hearing 9C & 9D:**
 - Legal Notice, Town of Grafton, MA, Planning Board, ZBL 2013-1 Amend Section 3.3.3.4; and ZBL 2013-2 Amend Section 2 – Definitions; to be published in the Grafton News on September 4 and September 11, 2013; 2 pages.
 - Memorandum from the Board of Selectmen from the Planning Board, Proposed Amendments to the Zoning By-Laws; dated August 30, 2013; 1 page.
 - Proposed Amendments to the Grafton Zoning By-Law, October 2013 Town Meeting; 1 page.



Edward Prisby, Clerk

