

**Minutes of Meeting
Grafton Planning Board
October 28, 2013**

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A regular meeting of the Grafton Planning Board was held on October 28, 2013 in the Finance Committee Meeting Room at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman David Robbins, Vice-Chair Michael Scully, Clerk Edward Prisby, Robert Hassinger, Sargon Hanna and Associate Member Mathew Often. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

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

ACTION ITEM 1-A – CONSIDER DECISION – SPECIAL PERMIT (SP 2013-8) ERIN & VINCENT DINAPOLI – 40 ELLIOT TRAIL – ACCESSORY APARTMENT

MOTION by Mr. Hanna, **SECOND** by Mr. Scully, to make favorable Findings for F-1 through F-26. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hanna, **SECOND** by Mr. Scully, to grant Waivers W-1 and W-2 as drafted.

DISCUSSION: Mr. Hassinger asked if there was adequate justification in the Decision for granting the Waivers. Mr. Bishop stated that the Waivers were adequately justified in the language directly following the Waivers.

MOTION carried unanimously 5 to 0.

MOTION by Mr. Scully, **SECOND** by Mr. Hanna, to approve Special Permit (SP 2013-8) with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-B – CONSIDER DECISION – MODIFICATION OF SPECIAL PERMIT (SP 96-6) MARK TROIANO, D/B/A TROIANO TRUCKING, INC. – 109 CREEPER HILL ROAD

Attorney Robert Knapik, representing applicant Mark Troiano, informed the Board that the draft decision appeared to be fine with the exception of Condition #10 which he felt was problematic for his client. Attorney Knapik requested the Board consider deleting this condition noting that there are many federal, state and local regulations that may affect his client's type of business, and particularly could have negative effects with financing.

Mr. Bishop remarked that this condition is considered boiler plate in all decisions. Mr. Hassinger added that this is a standard condition to make sure that the applicant is complying with all of the by-laws.

Attorney Knapik requested the Board consider modifying the language by striking "all federal, state and local regulations". Chairman Robbins stated that if the Board considers this change, they will need to consult with Town Counsel before taking any action.

Chairman Robbins suggested Attorney Knapik request to delay the consideration of the decision to a future Planning Board meeting to allow time for Town Counsel to review the Condition language.

Attorney Knapik requested to delay the decision consideration, adding he will expand on his argument for the language change and forward it to Mr. Bishop for Town Counsel's review.

STAFF REPORT

There was no Staff report.

BILLS

The bills were circulated and signed.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Scully, **SECOND** by Mr. Hassinger, to approve the open session minutes of October 7, 2013 with the corrections noted. **MOTION** carried unanimously 5 to 0.

Mr. Bishop wished to pass on details regarding the shuttle bus service which has been authorized and will be running sometime in the near future. Mr. Bishop added that it will be tested in Shrewsbury and Northborough and will be funded from an MBTA assessment for new transportation.

Mr. Scully stated that he had attended the CMRPC breakfast, listening to both legislative drafters and representatives from the Builders Association discussing different points from both sides.

PUBLIC HEARINGS

Chairman Robbins stated that a written request had been received from Attorney Joseph Antonellis requesting the public hearing for MRSP 2013-2 "Grafton Hill" be continued to Monday, November 25, 2013.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the applicant's written request to continue the public hearing for MRSP 2013-2 "Grafton Hill" Subdivision to Monday, November 25, 2013. **MOTION** carried unanimously 5 to 0.

SPECIAL PERMIT (SP 2013-7) GCCF NEW ENGLAND, LLC C/O CUMBERLAND FARMS, (APPLICANT) – ROJAS REALTY TRUST, (OWNER)

Mr. Prisby read the legal notice and Chairman Robbins opened the public hearing. Present for the hearing were Philip Lombardo, representing GCCF New England, LLC; Engineer Stephen DeCoursey of Bohler Engineering; Erin Pacileo of McMahan Associates; and Tracy Roll of GCCF New England, LLC.

Mr. Lombardo addressed the Board with a brief overview of the project, noting that they had met with some of the abutters on Friday afternoon to address the concerns for the project. Mr.

DeCoursey informed the Board the applicant is proposing to raze the current building and completely remove all paving to construct a 4,513 square foot convenience store, a canopy covered 6 fuel dispenser gasoline station, and an outdoor seating patio area for customers. Mr. DeCoursey added that only about half of the space will be retail with the remainder consisting of a utility room/office, storage, transaction, preparation and cleaning areas. Mr. DeCoursey stated they will have 2 driveways onto Route 122, use the existing infrastructure, treat the stormwater, 6 directed lights around the building, close off the driveway onto Amherst Street and adding screening & buffering on the abutter facing sides of the building.

Jason Goldovitz of 9 Amherst Street wished to clarify as a point of order that in addition to closing the Amherst Street driveway, the applicant is to extend the line of trees onto Amherst Street as a means of screening and buffering.

Mr. Lombardo advised the Board that they were still discussing and looking into this request as there appears to be a problem with an existing sewer line and a culvert running along the Amherst Street side of the building.

Erin Pacileo of McMahon Associates reviewed the traffic study report with the Board, stating that a July study had shown an insignificant amount on Route 122 and Williams Road with 30 additional cars during peak morning hours and 35 additional during peak afternoon hours. Ms. Pacileo noted that a traffic study peer review done by Conley Associates had shown few specific comments.

Mr. Bishop remarked that as a point of clarification, peer review material had been received today, but would not be distributed until the next meeting.

Mr. Prisby asked why the applicant had decided to have an outdoor patio and if there will be security cameras on outside at all times. Mr. Lombardo stated that Cumberland Farms had thought the patio to be a nice idea to accommodate their patrons.

Chairman Robbins read the comment submitted by Police Chief Crepeau suggesting a double-wide entrance, expressing concerns of a “stacking” problem on Worcester Street creating traffic back-up and congestion; and also requested security cameras to be placed outside the store to address crime prevention.

Mr. Hassinger was concerned that the Traffic study as discussed did not satisfy Section 8.2.3 of the Zoning By-Laws for traffic study parameters. Mr. Hassinger was also concerned with the flow circulation on site with regard to the direction in which the pumps were located. Ms. Pacileo stated that parallel pumps tend to block driveways and pumps perpendicular to the roadway allow more circulation. Mr. Hassinger referred to the photos submitted by Mr. Scully of the Southborough Cumberland Farms circulation. Ms. Pacileo noted that they will be using the existing driveways at the North Grafton site.

Mr. Scully remarked that in looking at the recent Cumberland Farms projects, he did not find one bordered by three roadways, but thought the Southborough Cumberland Farms best represented the project for Grafton. Mr. Scully noted that he had provided photographs to the Board so that they could get a feel of what the appearance of the Grafton project will be.

Mr. Prisby asked about the lighting planned and Mr. DeCoursey pointed out the lighting on the plan.

Mr. Hanna questioned what the homes on Amherst Street will see at the back of the building. Mr. Lombardo stated that there will be a 6-foot fence and/or tree screening, depending on the challenges of planting large rooted trees in an area where there is a culvert and sewer line. Mr. Lombardo noted they plan to work with the abutters as to what works practically.

Chairman Robbins stated that he hoped the signs planned for the project will be fully compliant to the Sign By-Law, suggesting researching the By-Law requirements and working with the Zoning Enforcement Officer.

Mr. Hassinger noted that the signs shown on the plans do not appear to be compliant with the Zoning By-Law.

Mr. Lombardo informed the Board that they have heard the Board's comments and will take all of the points discussed into plan considerations.

Karen Brosnihan of 1 Amherst Street informed the Board that the original building was comprised of Hodes Supermarket, a drug store, a men's clothing store and a ladies clothing store. Ms. Brosnihan expressed concerns for noise & traffic; smells; trash; delivery trucks; backed-up traffic; fire hazard with the gas pumps; and the additional cost to the town to manage these issues. Ms. Brosnihan added that the traffic study was done in July which does not reflect the true peak hours when school is in session and there is increased traffic. Ms. Brosnihan also expressed concerns for the traffic pattern that will be created in trying to avoid jams in getting out onto Route 122.

Stephen Chitow of 225 Worcester Street stated he was the blue house directly abutting the building and expressed concerns for the fuel tanks buried so close to his home with children living there. Mr. Chitow added concerns for the traffic miscalculations; flow during heavy traffic periods; outdoor tables that will cause persons to linger at the site; the lighting which will affect his children's bedroom windows that are directly facing the building; and problems with noise and deliveries due to the 24 hour status of the store. Mr. Chitow requested the Board consider requiring the gas tanks be placed on the other side of the building.

Jason Goldovitz of 9 Amherst Street informed the Board that he had a number of concerns with this project, that many are being addressed, and that he is pleased with the interactions of the applicant to work with them. Mr. Goldovitz added that the 24-hour schedule is flatly unacceptable; there appears to be weed smoking around the building; his children can no longer play on the road before or after school due to the traffic; and that he will be submitting a proposal to the Board of Selectmen requesting they make Amherst Street a one-way street.

Linda Sheridan of 4 Amherst Street asked the Board why another gas station was needed when there are three down the road less than 3 miles away.

Michelle Sheridan of 4 Amherst Street stated that there is already a problem with traffic back-up in getting out onto Route 122.

Brian Sullivan of 17 Williams Road expressed concerns for travel down Williams Street with cuts on both sides of the street to enter & exit; noise issues with kids hanging out at the store; and where the trailer trucks will go to make deliveries.

Mr. Chitow informed the Board that there are kids loitering and hanging out continually at the current Cumberland Farms location.

Brian Hamm of 10 Williams Street expressed concerns for the plans for snow removal, specifically what will happen to the contaminated snow from the gas station area and that currently the cars exiting the Pike typically speed down the road.

Chairman Robbins noted there were a number of issues to be addressed: the 24 hour operation, the traffic study calculations, loading and unloading deliveries at the site, screening & buffering on the Amherst Street side, and security issues requested by the Police Chief.

Mr. Hassinger noted that there was no Town Department response from the EDC. Mr. Scully explained that the EDC was holding off on rendering an opinion until the issues were vetted before the Planning Board, noting that the EDC is meeting in November at which time this application will be discussed.

Mr. Hassinger added that the Board has no control on the hours of operation, but will consider the issues concerning loitering, traffic, snow removal affecting the line of sight, and traffic complaints for Amherst Street. Mr. Hassinger expressed concerns on the status of the sewer easement and ownership of the culvert.

Mr. Scully wished to note that the canopy perspective at the Southborough Cumberland Farms was a good model, specifically the reduction of glaring light and the compatibility to the area. Mr. Scully added that the front sign was taller and of more square footage than allowed in the Grafton Sign By-Law, and that all of the directional signage depicted in the plans will also be required to conform to the By-Laws.

Stephen Chitow of 225 Worcester Street asked the Board if a special permit is required for 24-hour operation.

Mr. Lombardo requested the Board continue the public hearing to the November 25th Planning Board meeting.

MOTION by Mr. Scully, **SECOND** by Mr. Hassinger, to grant the applicant's written request to continue the public hearing to Monday, November 25, 2013 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

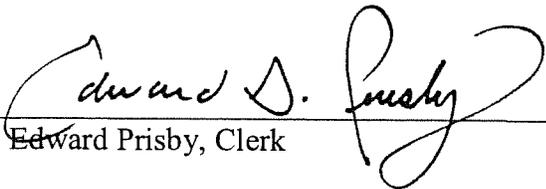
Mr. Scully resumed his report concerning the CMRPC meeting and the Board continued a brief discussion.

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

The meeting was adjourned at 9:00 p.m.

EXHIBITS

- **Action Item 1A: Consider Decision – Special Permit (SP 2013-8), Erin & Vincent DiNapoli – 40 Elliot Trail – Accessory Apartment**
 - o Draft Planning Board Decision, dated October 23, 2013; 7 pages.
- **Action Item 1B: Consider Decision – Modification of Special Permit (SP 96-6), Mark Troiano d/b/a Troiano Trucking, Inc., 109 Creeper Hill Road**
 - o Draft Planning Board Decision, dated October 25, 2013; 6 pages.
 - o Email Correspondence from Attorney Rob Knapik, dated and received October 28, 2013; 2 pages.
- **Item 5: Minutes of Previous Meeting**
 - Open session minutes of October 7, 2013; 8 pages.
- **Public Hearing 9A: Special Permit (SP 2013-7) GCCF new England, LLC c/o Cumberland Farms (Applicant) – Rojas Realty Trust (Owner) – 217 Worcester Street**
 - Project Review Memorandum, Police Department, received October 8, 2013, 2 pages.
 - Correspondence from Graves Engineering, Cumberland Farms, 217 Worcester Street, Special Permit and Site Plan Review; dated October 21, 2013; received October 24, 2013; 6 pages.
 - Sample site photographs, submitted by Michael Scully, 8 ½ x 11”, color; received October 28, 2013; 7 pages.
- **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)**
 - Email correspondence from Attorney Joseph Antonellis, Continuance; dated and received October 25, 2013; 1 page.


Edward Prisby, Clerk