

**Minutes of Meeting
Grafton Planning Board
January 27, 2014**

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A regular meeting of the Grafton Planning Board was held on January 27, 2014 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., acknowledging this was the last Planning Board meeting for Mr. Bishop. Mr. Scully introduced Representative George Peterson who gave a short speech and made a presentation to Mr. Bishop from the Massachusetts House of Representatives recognizing his presence for the last eight years as Grafton Town Planner. Chairman Robbins added that there was cake and coffee available at the end of the meeting in honor of Mr. Bishop's retirement.

ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – (ANR 2014-1) NANCY CANIN – 25 PULLARD ROAD

Mr. Bishop reviewed the ANR plan with the Board, stating all frontage and lot area requirements have been met.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to endorse ANR 2014-1 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-B – APPROVAL NOT REQUIRED PLAN – (ANR 2014-2) PETER HOULDEN – 43 WESSON STREET

Mr. Bishop reviewed the ANR plan with the Board noting the intent of the applicant was to redraw the property line, and recommended approval of the plan.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to endorse ANR 2014-2 and authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-C – CONSIDER DECISION – SPECIAL PERMIT (SP2013-10) JOHN GOSSELIN – 159 MAIN STREET

Chairman Robbins briefly noted his corrections for the decision.

MOTION by Mr. Hassinger, **SECOND** by Mr. Prisby, to make favorable Findings for F-1 through F-40. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Prisby, to grant Waivers W-1 and W-2 as drafted and for the reasons stated in the decision. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant Special Permit (SP 2013-10) with the corrections noted and the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

CONSIDER DECISION – SPECIAL PERMIT (SP 2013-7) GCCF NEW ENGLAND LLC, C/O CUMBERLAND FARMS – 217 WORCESTER STREET

The Board noted their corrections for the decision. Mr. Bishop informed the Board that he had received the correct canopy design plan sheet and that it has been made part of the permanent plan set as shown in Exhibit 53. Mr. Scully requested clarification of the delivery times in Finding F-14.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to make favorable Findings for F-1 through F-46 with the amended language and the changes discussed. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to approve Conditions C-1 through C-5 with the amended language. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Scully, **SECOND** by Mr. Hassinger, to not grant relief from Section 4.4.4.2 for Condition C-6. **MOTION** carried 3 to 2 by roll call vote: Scully-aye, Hassinger-aye, Robbins-nay, Prisby-aye, Hanna-nay.

MOTION by Mr. Hassinger, **SECOND** by Mr. Prisby, to approve Conditions C-7 through C-24 with the changes discussed.

DISCUSSION: Mr. Scully raised concerns with Condition C-11 stating signs cannot be illuminated more than 30 minutes after the closing of the business rather than being shut down immediately upon closing.

MOTION by Mr. Scully to have Condition C-11 amended to read the illumination of the signs shut down at closing and not 30 minutes later. There was no second to the motion.

ORIGINAL MOTION carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to grant Special Permit (SP 2013-7) with the findings and conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARINGS

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)

Chairman Robbins opened the public hearing. Present representing the applicant was Attorney Joseph Antonellis.

Attorney Antonellis informed the Board that his client has made an effort to reduce the length of the dead end street and to provide a better road configuration by purchasing the property at 81 North Street, allowing for the submission of a modification of MRSP 2013-2. Attorney Antonellis stated that his client recognizes that he will need to re-notify abutters, fund a new peer review study, file a waiver request regarding the distance between the two new streets, and possibly a revised traffic study. Attorney Antonellis added that his client is requesting the Board's consideration to file a Modification to MRSP 2013-2, allowing a continuation of the public hearing to allow time to check with Town Counsel and the submission of a new developed design.

MOTION by Mr. Hanna, **SECOND** by Mr. Prisby, to grant the applicant's written request to continue the public hearing to Monday, March 10, 2014 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

**SPECIAL PERMIT (SP 2013-11) FIRST WESTBOROUGH REALTY TRUST,
MICHAEL & BRIAN MARINO, TRUSTEES (APPLICANTS/OWNERS)**

Chairman Robbins opened the public hearing. Present for the hearing were applicant Brian Marino, his attorney Heather Trudell and Building Inspector/Zoning Enforcement Officer Robert Berger.

Attorney Trudell informed the Board that they have pared their request for relief to just the directional and informational signs. Attorney Trudell noted that they will not be seeking relief for the secondary signage, but will remain with the six square feet; and additionally stated that the two exterior signs on the main building and the annex building were previously approved by the Zoning Enforcement Officer prior to the public hearing. Mr. Berger informed the Board that he had not realized he had approved the signs previously and should not have been included in the applicant's request for relief. Attorney Trudell stated they were seeking relief for the proposed 2.98 square foot directional and informational signs, for which the By-Law allows only 2 square feet. Attorney Trudell cited extreme and unusual conditions for granting the relief due to the close proximity to Worcester Street, proper circulation entering & exiting the site, and safe circulation throughout the site. After much discussion, Attorney Trudell clarified the public safety interest to clearly make patrons aware of the traffic flow.

Mr. Hassinger remarked that the Board is interested in public safety, but does not rationalize corporate policies.

Mr. Hanna wished to note he had no problem with the additional signs or sizes.

Mr. Prisby stated that he was satisfied with the explanation rationale of the request for the additional signage and sizes.

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

SPECIAL PERMIT (MRSP 2013-9) CASA BUILDERS & DEVELOPERS CORP. (APPLICANT) – MAINTANIS REALTY TRUST (MAP 97, LOT 22A) AND WILLIAM J. & MARY J. MAINTANIS & STEPHEN A. WILSON (MAP 98, LOT 2), (OWNERS) – 4 GRISTMILL ROAD & 102 PLEASANT STREET

Chairman Robbins opened the public hearing. Present for the hearing were applicant Julie Venincasa and Engineer John Grenier of J. M. Grenier Associates.

The Board questioned Mr. Grenier on the wetland delineation submitted for the project plan due to Conservation Commission's correspondence stating there was an ORAD issued for the wetlands on the property. Mr. Grenier informed the Board that the wetland delineation as shown on the plan has been confirmed, but there may or may not be the presence of a vernal pool, for which there has been no determination. Mr. Grenier noted that they are not looking to fill this area and that it has no bearing on the buffer zone or work outside of it.

Mr. Grenier stated that the Board had requested at the last public hearing that a plan be submitted showing how many lots would be available if the access off of Gristmill Road were eliminated, with access only from Pleasant Street, adding that the plans being reviewed were for discussion points only. Mr. Grenier pointed out that with the 500-foot centerline rule, it would take 250 feet just to get past the existing homes and into the site; yielding only a lot count of 5 including all of the lot lines with frontage of 140 feet. Mr. Grenier also reviewed a Conventional plan with significantly less cuts.

Mr. Hassinger expressed concerns of approval of the plan submitted considering the condition of the roads, sight lines and traffic problems; and suggested looking at an alternative plan for possible approval with waivers rather than a denial.

Mr. Grenier offered to improve the sight line which the Board views as problematic for the project. Mr. Hassinger also noted that the access roads do not meet the intersection requirements of the By-Law and added that it is much easier to be granted a waiver from the Pleasant Street side than from the Gristmill Road side.

Mr. Grenier thanked the Board for their direction and feedback on the project, stating he will redesign the plan to come up with possible lot counts with a couple of different options. Mr. Grenier requested the Board grant a continuation of the public hearing to allow him time to prepare some redesigned plans.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the applicant's written request to continue the public hearing to Monday, February 24, 2014 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

Chairman Robbins reminded all there will be a Planning Board Special Public meeting on Monday, February 3, 2014 at 7:00 p.m.

STAFF REPORT

Mr. Bishop remarked that it has been a wonderful run for the last 7-plus years and wished the entire Planning Board well. Mr. Bishop noted that he felt the Board will be in good hands with

any of the finalists that have been selected; and asked the Board to be diligent with the Town Administrator's office in requesting they move forward as quickly as possible. Mr. Bishop also expressed that he will be available to spend time with the new Planner once they are on board.

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 January 13, 2014 with the corrections noted. **MOTION** carried unanimously 5 to 0.

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

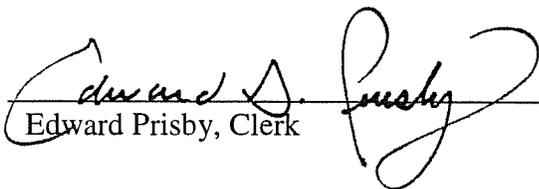
The meeting was adjourned at 8:58 p.m.

EXHIBITS

- **Action Item 1C – Consider Decision - Special Permit (SP 2013-10) John Gosselin, (Applicant/Owner)**
 - Draft Planning Board Decision, dated January 24, 2014; 9 pages.
- **Action Item 1D – Consider Decision - GCCF New England, LLC c/o Cumberland Farms, (Applicant) – Rojas Realty Trust, (Owner)**
 - Draft Planning Board Decision; January 24, 2014; 20 pages.
- **Item 3: Staff Report**
 - REVISED – Notice of Special Public Meeting, Grafton Planning Board; dated January 24, 2014; 1 page.
- **Item 5: Minutes of Previous Meeting**
 - Open session Minutes of January 13, 2014; 11 pages.
- **Public Hearing 9A: 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)**
 - Memorandum in Support of Request to File A Modification: Grafton Hill; submitted by Attorney Joseph Antonellis on behalf of Westerly Side Grafton LLC; dated January 27, 2014; submitted at the January 27, 2014 public hearing; 2 pages.
- **Public Hearing 9B - First Westborough Realty Trust, Michael & Brian Marino, Trustees (Applicants/Owners) Application for Special Permit/Site Plan approval under Section 4.4 (Signs) & Section 4.4.3.2(1) Secondary Exterior Sign; Section 4.4.3.2(4)**

Directional or Informational Signs; Section 4.4.4 Special Cases/Relief of the Grafton Zoning By-Laws to request minor relief for proposed signage for property located at 72 Worcester Street.

- Correspondence from Keenan and Trudell, Attorneys at Law; Dunkin' Donuts Site Development Plan, 72 Worcester Street, Grafton, Massachusetts; Special Permit Filing – Signage; dated January 23, 2014; received January 24, 2014; 4 pages.
 - Town of Grafton Building Department, Permit No. 2013-110-SP, Freestanding Pylon Sign; dated December 16, 2013; received January 24, 2014; 1 page.
 - Town of Grafton Building Department, Permit No. 2013-111-SP, Wall Mounted Sign; dated December 16, 2013; received January 24, 2014; 1 page.
 - Town of Grafton Building Department, Permit No. 2013-112-SP, Wall Mounted Sign; dated December 16, 2013; received January 24, 2014; 1 page.
 - Plan, Photo Elevation View of Existing and Proposed Directional Signage; prepared by ViewPoint Sign and Awning; dated January 22, 2014; revised January 23, 2014; 11" x 17", color; received January 24, 2014; 1 page.
 - Plan, Site Plan & Directional Sign Details, Proposed Site Plan, Dunkin' Donuts, 72 Worcester Street, Grafton, Massachusetts; prepared by Aharonian & Associates, Inc.; 11" x 17", color; dated January 23, 2014; received January 24, 2014; 1 page.
- **Public Hearing 9C Casa Builders & Developers Corp. (Applicant) – Maintanis Realty Trust (Map 97, Lot 22A) and William J & Mary J Maintanis & Stephen A. Wilson (Map 98, Lot 2), (Owners) – Application for a Major Residential Special Permit for a Residential Development (15-lot Conventional / 18-lot Flexible) on property located at 4 Gristmill Road & 102 Pleasant Street.**
 - Project Review Memorandum, Conservation Commission, received January 15, 2014; 5 pages.


Edward Prisby, Clerk