

**Minutes of Meeting  
Grafton Planning Board  
April 28, 2014**

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GRAFTON, MA.

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A regular meeting of the Grafton Planning Board was held on April 28, 2014 in Conference Room A 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 Joseph Laydon and Assistant Planner Ann Morgan.

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

**ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – (ANR 2014-5) – CAROLINE ANDERSON – 37 WESSON STREET**

Mr. Laydon reviewed the ANR plan with the Board and recommended endorsement, stating it meets the requirements for frontage and access.

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

**ACTION ITEM 1-B – REQUEST FOR PLANNING BOARD CONSIDERATION FOR A MINOR MODIFICATION TO SPECIAL PERMIT (SP 1993-10) DUNKIN' DONUTS – FIRST WESTBOROUGH REALTY TRUST – 72 WORCESTER STREET – TEMPORARY AND PERMANENT OUTDOOR SEATING**

Attorney Heather Trudell, present representing First Westborough Realty Trust, reviewed the submitted schematic site plan showing the proposed temporary change to the Site plan adding temporary window service and outdoor seating at the Annex Building and a conceptual plan showing the proposed permanent change to the Site Plan adding permanent outdoor seating in front of the Main Building. Attorney Trudell informed the Board the project is operating as a two-phase project with the existing Main Building open for business during the construction of the Annex Building and the Annex Building open for business during the construction of the new Main Building. Attorney Trudell explained that it became evident as construction developed that the Annex Building will be unable to accommodate any foot traffic once the Main Building is under reconstruction, prompting the need to request a minor modification to the site plan for adding temporary window service and seating to the Annex Building. Attorney Trudell added that the outdoor seating will be protected from vehicular traffic with jersey barriers; there is a proposed handicap accessible entrance; and will require approximately 15 parking spaces which will be met using spaces previously approved and seven employees parking at the Cancun's Restaurant across the street. Attorney Trudell noted this will only be a temporary plan from mid May to September when the Main Building construction should be complete.

Mr. Scully expressed concerns that in a previous Minor Modification of the site it was stated there would be no outdoor seating and he is not inclined to approve a change that has had no adequate provisions made in the prior modification plan.

Mr. Hassinger was concerned that the modification request was too large scale to be approved without adequate engineering review and that the parking plan may not be approved by the Building Inspector.

Mr. Prisby stated that the parking spaces appeared to be viable and that the applicant was simply asking for a few temporary outdoor seating tables during the construction phase, which did not seem like a big deal.

Attorney Trudell also reviewed the request for a minor modification to the Site plan for permanent outdoor seating. Attorney Trudell stated her client proposes a four table outdoor seating area located on the small landscaped island area in the front of the main building, offering a view of Lake Ripple. Attorney Trudell noted the seating area will remain pervious and the existing traffic flow and remaining site plan will not change. Attorney Trudell added that the parking provision for the minor modification will require an additional 5 spaces for a total of 35 spaces. Attorney Trudell pointed out that the previously approved minor modification plan approved by the Board shows 38 spaces, so 3 spaces will be recouped and Cancun's Restaurant across the street has agreed to allow 7 parking spaces for employee parking.

Mr. Hassinger expressed concerns as to whether Cancun's Restaurant actually has 7 extra parking spaces to give up.

Mr. Hanna asked if the applicant has considered moving the tables to the strip of land closer to the roadway, similar to Swirls & Scoops table set-ups. Attorney Trudell stated safety concerns as too close to the roadway traffic.

Mr. Prisby remarked that he did not consider the request for some outdoor seating to consume donuts & coffee to be any big deal, and respectfully requested his colleagues to consider the outdoor seating as a means of being friendlier to the businesses in Town.

Chairman Robbins noted there was a potential conflict with patrons using the drive-thru versus those seeking to park their vehicle.

The Board discussed on how they will be able to make a determination by vote as to whether the proposed change is minor or not.

Mr. Laydon suggested the Board consider a review of whether the parking is minor or not.

Chairman Robbins remarked that he is sensing the Board will consider the temporary seating request, but that the permanent seating request is more in question.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to determine the temporary outdoor seating request is a minor modification. **MOTION** carried 3 to 2 by roll call vote: Scully-nay, Hassinger-nay, Robbins-aye, Prisby-aye, Hanna-aye.

Mr. Laydon noted that it was more important for the permanent outdoor seating to be documented on the Site Plan. Chairman Robbins added that the Board has made a minor modification determination only and will wait for further information to be received on a

majority vote, the availability of parking spaces on the project site and at the Cancun's Restaurant, and then the Board will consider approval of the temporary outdoor seating request.

Mr. Hassinger expressed concerns for the clear documentation of a timeframe associated with the approval of the temporary outdoor seating.

Chairman Robbins received unanimous consent to vote on the determination of the permanent outdoor seating as a minor modification.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to determine the request for permanent outdoor seating is a minor modification.

**DISCUSSION:** Chairman Robbins clarified that this vote was just a determination by the Board whether the request can be considered a minor modification.

Mr. Prisby noted that this arrangement proposed by the applicant is the way restaurants are currently proceeding, and that he finds it preferable not to set precedent against restaurants in Town undertaking outdoor seating due to the Planning Board's objection to this minor modification request.

Chairman Robbins pointed out that the Planning Board is actually struggling with the issue of the outdoor seating not being presented in the original plan and the question is how the Board can best handle the requested change with regard to public hearing and abutter notification.

Mr. Prisby argued that he did not view the requested change as substantial enough to affect abutters.

Hanna-aye, Prisby-aye, Robbins-aye, Hassinger-nay, Scully-nay. **MOTION** carried 3 to 2 by roll call vote.

Mr. Laydon stated that he would research to see if a majority vote works for this type of determination by the Board.

Attorney Trudell requested the Board direct her as to what additional information they are looking for with regard to the permanent outdoor seating modification. Mr. Hassinger stated he would like to see how the seating will actually be configured on the site plan; and requiring the Building Inspector address and review with his comments on the issues discussed, including the status of the two directional signs that will be eliminated with the seating. Mr. Hassinger suggested following the suggestion of Mr. Laydon in posting a legal notice for a public hearing to cover all the bases concerning the permanent outdoor seating. Chairman Robbins suggested Attorney Trudell coordinate the submission with Staff.

### **PUBLIC HEARING**

**MAJOR RESIDENTIAL 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) “GRISTMILL VILLAGE” SUBDIVISION – 4 GRISTMILL ROAD  
& 102 PLEASANT STREET**

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

Mr. Grenier submitted a letter to the Board requesting to pursue the Conventional Development option, based on the fact that this layout is more suitable for both the property and the homes.

Mr. Hassinger asked if there was any prospect of making the cul-de-sac shorter and Mr. Grenier stated he would review the plan.

Chairman Robbins inquired if the Board had enough information to consider closing the public hearing or any other significant issues to raise regarding the subdivision other than the length of the dead end roads and the distance between the roadway intersections.

Mr. Laydon confirmed that these two issues could be clarified with the Definitive Plan process.

Beverly Berube of 9 Barbara Jean Street asked Mr. Grenier to clarify the various markings on the plan, specifically in relation to Lot 3 abutting the back of her property. Mr. Grenier explained that the current plan was only a rough draft and that the Definitive Plan would be a more permanent plan with clearer details. Mr. Laydon reminded all that there will be a new public hearing process for the review of the Definitive Subdivision Plan submission.

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

**AMENDED MOTION** by Mr. Scully, **SECOND** by Mr. Hassinger, to close the public hearing and to direct Staff to draft a decision taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM – 1-C - CONSIDER DECISION – TUFTS UNIVERSITY – AMEND  
GRAFTON CAMPUS MASTER PLAN**

**MOTION** by Mr. Scully, **SECOND** by Mr. Hanna, to make favorable Findings for F-1 through F-19 and approve the draft decision with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-D – CONSIDER DECISION – MODIFICATION OF DEFINITIVE  
PLAN APPROVAL – “DENDEE ACRES” SUBDIVISION – EXTEND CONSTRUCTION  
DEADLINE**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to make favorable Findings for F-1 through F-5 and approve the draft decision with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-E - CONSIDER DECISION – MODIFICATION OF DEFINITIVE  
PLAN APPROVAL – “HIGHFIELDS OF GRAFTON” SUBDIVISION – EXTEND  
CONSTRUCTION DEADLINE**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to make favorable Findings for F-1 through F-3 and approve the draft decision with the Findings and Conditions discussed and amended. **MOTION** carried unanimously 5 to 0.

### **BILLS**

The bills were circulated and signed.

### **MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to approve the open session minutes of April 14, 2014 with the corrections noted. **MOTION** carried unanimously 5 to 0.

### **STAFF REPORT**

Mr. Laydon informed the Board he continues to work on the process of closing out the “Oakmont Farms” Subdivision, having a scheduled meeting with Jeffrey Walsh of Graves Engineering and Normand Gamache of Guerriere & Halnon, Inc. to discuss pending issues.

Mr. Laydon also noted he attended a CMRPC meeting to discuss the development of a Regional Affordable Housing Plan or to develop a report that is more strategic to the needs of the communities in the region.

### **DISCUSSION ITEM 2-B – WORCESTER STREET CORRIDOR IMPROVEMENTS – ROLE OF PLANNING BOARD**

Mr. Laydon stated that the Transportation Bond Bill was signed by the Governor on April 18 which included \$625,000.00 for corridor improvements from Grafton Center to Snow Road along Worcester Street. He said the project could utilize the traffic study of Route 122/140 conducted by CMRPC in 2005. Mr. Laydon remarked that in the coming weeks he will be working with the Town Administrator to prepare a scope for the project. Mr. Hassinger commented that he absolutely wanted to be involved in the project, pointing out that the Comprehensive Plan identified the need to do something about this stretch of Worcester Street years back which has become much worse now. Chairman Robbins also expressed his interest, adding that the Planning Board along with the Town should take the lead role in this project. Mr. Scully noted the project was also listed as an Action Item the EDC will be looking at.

### **REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC**

Mr. Scully, representative for the EDC, stated they represented the Town at the Corridor Nine Business Expo, promoting awareness of the Grafton Science Park under the Grafton is Great concept, and that they are currently working on an Action Plan to set up a priority plan for Town projects.

## **DISCUSSION ITEM 2-A – ZBL REVISIONS**

Mr. Laydon informed the Board that he has provided a draft of organizational changes for the Sign By-Law with suggestions to think about reviewing individual sign types, specifically free standing signs and pylon/plaza signs which differ in size and setback location. Mr. Laydon acknowledged that many of the anticipated changes could result in re-writing entire sections. The Board generally discussed the need for balancing supporting businesses in Town and Town aesthetics, specifically to craft regulations for what is envisioned for the main street in Town with regard to signage. Chairman Robbins concluded that the Board has some homework to do on building a sign baseline of how we want to address things, what we want to change in the By-Law, and what should or should not be regulated and allowed.

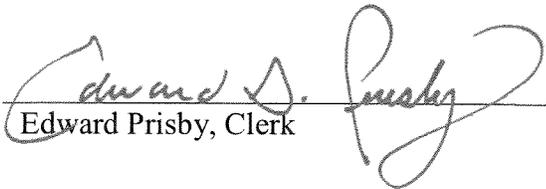
**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:56 p.m.

## **EXHIBITS**

- **Action Item 1A: Approval Not Required Plan – (ANR 2014-5) – Caroline Anderson – 37 Wesson Street**
  - Plan of Land in Grafton Massachusetts, Assessors Map 30, Parcel 2A; prepared by Guerard Survey Co. & Associates, Inc.; dated April 8, 2014; 1 page.
- **Action Item 1B: Request for Planning Board consideration for a Minor Modification to Special Permit (SP 1993-10) Dunkin' Donuts – First Westborough Realty Trust – 72 Worcester Street – Temporary and Permanent Outdoor seating**
  - Correspondence from Attorneys Keenan and Trudell; Dunkin' Donuts Site Development Plan, 72 Worcester Street, Grafton, Massachusetts, Request for Minor Modification(s); dated and received April 18, 2014; 3 pages.
  - Site plan showing construction fence, temporary seating barrier, temporary seating area and permanent seating area; no date; 8 ½ x 11”, with color; 1 page.
  - Schematic Site Plan , Temporary Walk Up Window, 72 Worcester Street; 11” x 17”, black & white; dated April 7, 2014; received April 18, 2014; prepared by Aharonian & Associates, Inc.; 1 page.
  - Detail of a site plan; no date; 11 x 17”, with color; 1 page.
- **Action Item 1C: Consider Decision – Tufts University – Amend Grafton Campus Master Plan**
  - Draft Decision, Grafton Planning Board; dated April 17, 2014; 10 pages.
  - Slide Presentation, 4 slides per page; Amended Grafton Campus Master Plan 2014, Cummings School of Veterinary medicine at Tufts University; presented by Senior Campus Planner Jean Poteete at the April 14, 2014 Planning Board hearing; 11 pages.
  - Draft Decision, Grafton Planning Board; review comments received from staff at the Cummings School of Veterinary Medicine; dated April 17, 2014; 10 pages.

- **Action Item 1D: Consider Decision** – Modification of Definitive Plan Approval – “Dendee Acres” Subdivision – Extend construction deadline
  - Draft Decision, Grafton Planning Board; dated April 16, 2014; 4 pages.
- **Action Item 1E: Consider Decision** - Modification of Definitive Plan Approval – “Highfields of Grafton” Subdivision – Extend construction deadline
  - Draft Decision, Grafton Planning Board; dated April 15, 2014; 4 pages.
- **Item 2A: ZBL Revisions**
  - Sign Definitions and By-Law Amendments, Organizational and Housekeeping Changes; Draft #1 -4-28-14; prepared by the Town Planner; 16 pages.
- **Item 3: Staff Report**
  - Memorandum from the Town Planner, Staff Comments for April 28<sup>th</sup> Planning Board Meeting; dated April 24, 2014; 3 pages.
  - Correspondence from the Office of the Building Department, Grafton; dated April 15, 2014; 2 pages; sent via certified mail; 3 individual letters sent to the following:
    - Gerald Hovagimian; 49 North Main Street, North Grafton - Temporary Signs.
    - Ed Whiterall, Trustee; 38 North Main Street, North Grafton – Temporary Signs.
    - Albert Gosselin; 21 Shrewsbury Street, North Grafton – Temporary Signs.
- **Item 5: Minutes of Previous Meeting**
  - Draft open session minutes of April 14, 2014; 10 pages.
- **Public Hearing 9A: 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) – 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, shown as Grafton Assessor’s Map 97, Lot 22A and Map 98, Lot 2. The properties are located in a Residential (R-40) zoning district. (Con’t from 04/14/14)**
  - Correspondence from J. M. Grenier Associates, Inc.; Major Residential Development Special Permit “Gristmill Village”, Map 97, Parcel 22A & map 98, Parcel 2, Grafton, Massachusetts, 01519; dated and received April 25, 2014; 2 pages.
  - Correspondence from J. M. Grenier Associates, Inc.; Major Residential Development Special Permit “Gristmill Village”, Map 97, Parcel 22A & map 98, Parcel 2, Grafton, Massachusetts, 01519; dated April 28, 2014; submitted at the April 28, 2014 Public Hearing; 1 page.

  
Edward Prisby, Clerk

