

**Minutes of Meeting
Grafton Planning Board
July 14, 2014**

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A regular meeting of the Grafton Planning Board was held on July 14, 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 Sargon Hanna, Robert Hassinger, Linda Hassinger and Associate Member Andrew Clarke. Staff present was Town Planner Joseph Laydon.

Chairman Robbins called the meeting to order at 7:00 p.m. and welcomed newly appointed Associate Member Andrew Clarke.

PUBLIC INPUT

Chairman Robbins asked if there was any public input and received none.

ACTION ITEM 2-A – BROOKMEADOW VILLAGE – DRAINAGE SWALE AND OPEN SPACE BOND MODIFICATION REQUEST

Mr. Laydon stated he had discussed this issue with the Board at the last Planning Board meeting, noting that they had requested the request be placed on the agenda for the next meeting. Normand Gamache of Guerriere & Halnon, Inc. was present representing Brookmeadow Village LLC. Mr. Gamache explained to the Board that when the Definitive Plans for the Brookmeadow Village Subdivision were submitted swales for the drainage cuts were proposed for the 3 to 1 slopes, but as the lots were developed, they were regraded and the developer was able to eliminate the drainage swales. Mr. Gamache added that it is the developer's intent to get permission from the Planning Board to eliminate them by covering them over so they do not receive any water. Chairman Robbins remarked that this explanation clears up the purpose of the swales for the Board and noted that Graves Engineering had reviewed the proposal and found no issues with the change. Mr. Gamache pointed out that the Brookmeadow project has had several major storm events with no problems and that the drainage is working perfectly.

Mr. Gamache also informed the Board that it is the intention of Brookmeadow Village LLC to begin the process of roadway acceptance for Brookmeadow Lane and Taft Mill Road. Mr. Gamache noted that a significant portion of the roadway work has been completed and installation of the final coat of pavement will be done this summer. Mr. Gamache pointed out that subdivision regulations require that granite bounds be set along the perimeter of the Open Space parcels and all easements, however the Conservation Commission requests an iron rod at the corner in cases where the point falls within the wetland. Mr. Gamache stated they are requesting the Planning Board approve this condition or issue a finding to be presented to the Conservation Commission. Mr. Gamache added he is also requesting the Planning Board's approval for the submitted location of the bounds to be set along the Open Space boundary for this phase of the acceptance process; and the submitted protocol for setting bounds on the boundary lines where ledge is encountered. Mr. Gamache stated that he would surround the rods with stones and mortar, which has been done in a previously built subdivision, as suggested by Graves Engineering in their review. Mr. Hassinger requested Staff check to see what has been done in the past regarding this issue. Mr. Laydon stated he would review the past practices and approvals of the Board for the next meeting.

Mr. Laydon suggested the Board make a motion regarding the swale modification request.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to find the Modification to be minor and approve the modification as discussed. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 2-B – 2 PATRIOT WAY – DRAINAGE EASEMENT MODIFICATION REQUEST

Mr. Laydon informed the Board that they had requested peer review comments regarding any impact from moving the drainage easement for Lot 17, 2 Patriot Way. Mr. Laydon pointed out that Graves Engineering has issued review comments on the swale construction, and Toll Brothers has agreed to coordinate the submittal of revised Easement Plans showing this modification and the grading changes shown on the proposed plan with the owner Marcus Alleman.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to find the Modification to be minor and to approve the modification as submitted. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARING

MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2014-4) “GRAFTON HILL” SUBDIVISION – WESTERLY SIDE GRAFTON LLC, (APPLICANT) – WESTERLY SIDE GRAFTON LLC; ROCKY ROAD REALTY TRUST; ROBERT B. MCINNIS & ABBY MCINNIS TRUST; & OLIVE SIMONO, (OWNERS)

Mr. Hanna read the legal notice and Chairman Robbins opened the public hearing. Present for the hearing were Attorney Joseph Antonellis representing Westerly Side Grafton LLC; George Connors of Connorstone Engineering; Larry Hill of Westerly Side Grafton LLC; and Brian McCann.

Attorney Antonellis briefly outlined and reviewed the previously submitted applications, noting that this application including changes reflecting the purchase of the Simono property at 81 North Street. Attorney Antonellis stated he will be bringing in William Scully, Traffic Engineer, and Scott Goddard, Wetlands Specialist, to discuss the redesigned plans within the next few Planning Board meetings. Attorney Antonellis noted that the Flexible plans have been modified to address the Board’s concerns for the previous application plans submitted, specifically the maximum length of the dead end road and access off North Street. Attorney Antonellis noted the entire parcel is approximately 64½ acres, 38.5 acres of which is open space, with 10% of the approved houses to be sold as affordable homes in accordance with Chapter 40 B; and that the Conventional Plan would all be sold at standard market rates. Attorney Antonellis added that they are requesting waivers from Subdivision Rules & Regulations §4.1.3.6 regarding distance between street intersections; §4.1.5.6 to allow a maximum 5% roadway grade on Road A; and §4.1.2.1.b to allow proposed grades within the right-of-way to be more than six feet above or below existing grade for the construction of proposed roadways in some locations. Attorney Antonellis stated that they will show to the Planning Board situations of other areas in Town where the roadway offset waivers work and also why they believe the Flexible Plan is the best plan for the Town, noting many encumbrances associated with the Conventional Plan, including dealing with a crossing of the Grafton Upton Railroad.

Ms. Hassinger cautioned Attorney Antonellis about using the premise of other areas of Town where the roadway offset exists, adding that many of these situations either occurred prior to the Subdivision Rules & Regulations being established or were the reason why the rules have been changed.

Mr. Scully wished to clarify for the record that there was no relation between himself and William Scully, the applicant's Traffic Engineer.

George Connors of Connorstone Engineering presented an overview of the project and site for discussing the locus, the overall land areas, proposed roadways infrastructure, general topography, wetlands, deep slope areas, sewer and pump station locations, and stormwater management. Mr. Connors stated the project would be composed of a 43 lot Conventional Plan with 27 single-family dwellings and 16 duplex units for a total of 59 dwelling units; serviced by 4,670 linear feet of roadway; and a 46-lot Flexible Plan with 3,930 linear feet of roadway with 38.5 acres of open space. Mr. Connors deferred any discussion of the roadway and traffic analysis to be handled by William Scully and a future Planning Board meeting. Mr. Connors also pointed out that, compared to the Conventional Plan, the Flexible Plan minimizes wetland disturbance to a great extent.

Mr. Hanna asked if the applicant is aware that the Sewer Department will not allow the pump station. Attorney Antonellis remarked that he is aware that the regulations do not allow it, but if there is no other viable alternative it may be considered. Mr. Hanna asked if the 10% affordable housing would be on all one side or scattered and was told scattered.

Chairman Robbins stated significant issues that have been established need to be addressed. Mr. Hassinger wished to note that many of the same issues are still present from the previous plans and asked Attorney Antonellis if he had seen Mr. Laydon's initial comments memo specifically regarding a Land Use Plan for Common Land and the density calculation for the conventional plan.

Attorney Antonellis inquired about the Board's attendance schedule for future meetings in order to make plans for William Scully and Scott Goddard to attend a meeting with all Board members present.

Mr. Laydon read aloud an email from Travis & Maria Mast of 47 Worcester Street stating that if there has to be more development, expressing their concerns against the Conventional Plan and positive feedback for the Flexible Plan. Mr. Laydon also pointed out that the Grafton/Upton railroad line is looking to improve 5 crossing in Town, one of which is the Carroll Road crossing, which will impact the neighborhood people with noise.

Melissa Durfee of 104 North Street referenced Attorney Antonellis's use of the phrases "calling for and subjected to" of giving a sense of entitlement which is not the case. Ms. Durfee also expressed concerns for the double-barrel roadway, requesting each side be a one-way only; and for a stop sign to be placed at the intersection of North Street and Bicknell Road to slow traffic in the area. Ms. Durfee asked Attorney Antonellis where the rebuilt Simono home will be located.

Helen Stone of 34 Worcester Street informed the Board that she strongly opposed of the project coming out onto Worcester Street as the traffic is already backed up from the signal lights to her home.

Mr. Ronald Dennis of 79 North Street stated he had built a new house two years ago and with the Simono house sold and being removed, the proposed roadway will be right beside the stonewall on his property..Mr. Dennis requested a greenery-type barrier be required as a buffer to his property from the noise of the roadway, adding that if the Flexible Plan is adopted the barrier be put in before the project is completed.

Attorney Antonellis requested the public hearing be continued to Monday, July 28th.

MOTION by Mr. Scully, **SECOND** by Mr. Hanna, to grant the applicant's written request to continue the public hearing to Monday, July 28, 2014 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

DISCUSSION ITEM 3-A – CONSTRUCTION UPDATES

Mr. Laydon began his update with Dunkin' Donuts, 72 Worcester Street stating that he had observed two more tables than had initially been approved for the temporary outdoor seating; 2 additional parking spaces adjacent to Worcester Street added over what had been previously approved; an extended landscape bed not reviewed on the temporary outdoor seating plan; and a stone path and crosswalk from the Swirls & Scoops parking lot. Mr. Scully stated that the Board might find these as minor modifications, but pointed out that he does not know if the issues are just popping up during construction if they are just blatantly ignoring regulations. Mr. Hassinger expressed concerns that they made these changes, however minor, without informing the Planning Board. Mr. Laydon informed the Board that he would ask Brian Marino to attend the next Planning Board meeting to request the changes as minor before the Board. Chairman Robbins questioned how the Board could convince them that these actions are a lack of compliance to the Planning Board requirements. Mr. Hassinger stated they should be required to have a public hearing and suggested having the Building Inspector request them to remove the additional seating until it is approved by the Planning Board. Mr. Hanna stated that he did not agree that a public hearing was necessary, but that it should be left up to the Building Inspector to enforce the issue and have them remove the seating until approved. Ms. Hassinger remarked that the applicant could have gone to the Town Planner and asked how he should go about the changes that he wanted to make. Mr. Scully pointed out that there is a communications problem with the applicant and he is not sure what the reason is. The Board discussed the letter from Mark O'Connor regarding the lack of sidewalks along the Route 122/140 corridor, specifically from Swirls & Scoops to CVS. Mr. Scully questioned whether the negative response from the applicant for a sidewalk in front of Dunkin' Donuts was negligence or willful.

Mr. Laydon informed the Board that they had received a letter of interest from a resident regarding the CMRPC delegate position. Mr. Hassinger asked if there was a closing date listed for receiving letters of interest and was told the closing date was Wednesday, July 23, 2014.

Mr. Laydon stated that the contract for work on Worcester Street has been signed by VHB.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Scully, **SECOND** by Mr. Hassinger, to approve the open session minutes of June 23, 2014 with the corrections noted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Scully, **SECOND** by Mr. Hassinger, to approve the open session minutes of July 1, 2014 with the corrections noted. **MOTION** carried unanimously 5 to 0.

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

The meeting was adjourned at 9:55 p.m.

EXHIBITS

- **Action Item 1A: Brookmeadow Village – Drainage swale and Open Space Bond Modification Request**
 - Email correspondence from Graves Engineering, RE: Request of appointment with Planning Board; dated July 8, 2014; 2 pages.
 - Correspondence from Guerriere & Halnon, RE Brookmeadow Village Elimination of Drainage Swales, and Protocol for setting Bounds in Open Space; dated June 30, 2014, received July 7, 2014; 3 pages.
 - Massachusetts Department of Environmental Protection, Order of Conditions; Brookmeadow Village LLC, 44 Brookmeadow Lane; WDRD Book 52265, Page 25; received July 7, 2014; 15 pages.

- **Action Item 1B: 2 Patriot Way – Drainage Easement Modification Request**
 - Correspondence from Graves Engineering, Brigham Hill Estates, Lot 17, #2 Patriot Way, Review of Proposed Drainage Easement Revisions; dated July 3, 2014, received July 9, 2014; 2 pages.
 - Correspondence from Graz Engineering, Brigham Hill Estates – (2 Patriot Way, Lot 17), Minor Modification of Drainage Swale Grading; dated June 23, 2014; 1 page.
 - Correspondence from Toll Brothers, North Grafton Preserve (Brigham Hill Estates) Request for Minor Modification of Drainage Easement at 2 Patriot Way, Lot 17; 1 page.
 - Plan Sheet, Proposed Pool Plan, 2 Patriot Way, Grafton; prepared by Graz Engineering; dated June 23, 2014; 11” x 17”, color; 1 page.

- **Discussion Item 3A: Construction Updates**
 - Correspondence from Attorneys Keenan & Trudell, Dunkin’ donuts Site Development Plan, 72 Worcester Street, Grafton, Massachusetts; dated and received July 8, 2014; 4 pages.
 - Email correspondence to the Planning Department from Mark O’Connor, Sidewalks; received July 10, 2014; 1 page.

- **Item 4: Staff Report**
 - Memorandum from the Town Planner to the Planning Board, May-June 2014 Planning Department Report; dated July 9, 2014; 4 pages.

- **Item 6: Minutes of Previous Meetings**
 - Draft open session minutes of Monday, June 23, 2014; 7 pages.
 - Draft open session workshop minutes of Tuesday, July 1, 2014; 2 pages.

- **Item 7: Correspondence**
 - Correspondence to the Town Planner from Christopher Longenbaker, interest in serving as delegate to CMRPC; dated July 7, 2014; received July 9, 2014; 1 page.

- **Public Hearing 9A: Major Residential Special Permit (MRSP 2014-4) “Grafton Hill” Subdivision - Westerly Side Grafton LLC, (Applicant) – Westerly Side Grafton LLC,**

Rocky Road Realty Trust; Robert B. McInnis & Abby McInnis Trust; & Olive Simono, (Owners)

- Application packet prepared by Attorney Joseph Antonellis on behalf of the Applicant; received on June 13, 2015; includes the following:
 - o Application for Approval of a Preliminary Plan, 1 page.
 - o Application for a Special Permit, 1 page.
 - o Property Owners Signature Sheet, 2 pages.
 - o Deed and Assessor's Map Information, 1 page.
 - o Correspondence from Attorney Antonellis, Westerly Side Grafton, LLC, dated June 12, 2014; 1 page.
 - o Correspondence from Connorstone Engineering, Inc., Grafton Hill – Modified Flexible Development Preliminary Subdivision Plan, North Street, Grafton, MA; 2 pages.
 - o Project Description / Narrative, 10 pages.
 - o Plan Set, 11" x 17", black & white; Modified Flexible Preliminary Plan, Grafton Hill in Grafton, MA; prepared by Connorstone Engineering, Inc.; dated August 30, 2012; revised through June 10, 2014; 9 sheets as follows:
 - Sheet Index
 - Topo / Utility Plan (6 sheets)
 - Road Profile (2 sheets)
- Department Project Review Memorandum, Sewer Department, received July 7, 2014; 10 pages.
- Correspondence from Graves Engineering, Grafton Hill - Preliminary Plan and Special Permit; dated and received July 10, 2014; 3 pages.
- Department Project Review Memorandum, Police Department, received July 7, 2014; 4 pages.
- Email correspondence from Travis Mast, Proposed Grafton Hill Subdivision Concern; received July 14, 2014; 1 page.



Sargon Hanna, Clerk