

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

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

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

ITEM 1 – PUBLIC INPUT

None.

ACTION ITEM 2-A – INTERVIEW CHRISTOPHER M. LONGENBAKER FOR PLANNING BOARD CMRPC DELEGATE

Mr. Longenbaker introduced himself to the Board and stated his interest in serving as well as his qualifications as a civil engineer specializing in transportation. The Board inquired if he was familiar with the commitment required to which he said yes.

Mr. Robbins noted that there were no other applicants for the position.

MOTION to appoint Mr. Longenbaker as a CMRPC delegate made by Mr. Hanna, **SECOND** by Mr. Scully. **MOTION** passed unanimously.

ACTION ITEM 2-B – DUNKIN' DONUTS – 72 WORCESTER STREET – PLANNING BOARD CONSIDERATION OF TEMPORARY AND PERMANENT SITE ALTERATIONS

Attorney Heather Trudell, William Hannigan of Hannigan Engineering and Brian Marino, owner, were present at the hearing to discuss the requests. A revised site plan showing the requested changes was distributed to the Board and Planning Department staff.

Mr. Marino reviewed why they were before the Board. Several changes to the approved site plan were made in the field during construction which were not reviewed or approved by the Board. Mr. Marino expressed his apologies for the confusion noting that he was responsible for all changes noting that they were done in an effort to improve a number of site features. He noted that, going forward, all changes will be reviewed with the Board in advance. The Board was appreciative of his apology and will look forward to working together in the future.

Mr. Hannigan reviewed the requested changes:

- Addition of two more tables in the temporary seating area to bring the total number of tables up to an amount not to exceed seven (7). The Board approved five tables on May 19, 2014. All temporary seating will be removed upon completion of the new building and other site circulation improvements as previously approved by the Board.

- Increase the employee parking along the back of the property adjacent to the drive through lane from three (3) parallel spaces to nine (9) perpendicular spaces. This modification will remain in effect as a permanent change to the approved site plan. The Board found that by increasing employee parking in this location was beneficial for site circulation.
- Installation of a concrete edge along the landscaped bed adjacent to the five parallel parking spaces at the front of the property along Worcester Street. This added feature will give the patrons parking in those spaces an area to step onto when exiting their cars on the driver's side instead of the landscaped bed. The Board found that the new feature would be of benefit and added safety to the patrons. This modification will remain in effect as a permanent change to the approved site plan. Mr. Hassinger asked why the concrete edge was so much higher than the parking lot. Mr. Hannigan stated that the edging was set at final grade and the parking lot has not been paved to final grade yet. Once done, the parking spaces will be at higher elevation.
- Addition of a pedestrian crosswalk striped directly onto the pavement to be connecting parking area of the abutting property at 68 Worcester Street to the internal site circulation. The cross walk is marked between the property line and cross over the entire width of the drive through lane to the grooved concrete divider separating the lane from the main parking area. The Applicant noted that there is foot traffic entering the site from the abutting property and people are randomly crossing the drive through lane in a number of places. The marked cross walk would direct pedestrians to a specific area and would provide motorists with a visual cue for pedestrian awareness and safety. The Board found that this modification was in the interest of public safety. This modification will remain in effect as a permanent change to the approved site plan.

Mr. Hannigan stated that they were looking at the potential for additional pedestrian cross walks on site but would present these to the Board for their approval prior to implementation.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully to determine that the requested changes to the approved site plan are minor in nature. **MOTION** passed unanimously.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully to approve the minor modifications as presented by the Applicant and shown on the submitted site plan. **MOTION** passed unanimously.

ACTION ITEM 2-C – BROOKMEADOW VILLAGE SUBDIVISION – OPEN SPACE BOUND MODIFICATION REQUEST

Norm Gamache of Guerriere & Halnon Engineering was present to discuss the matter. They are seeking permission to modify the requirements for bounds materials as required in the Subdivision Rules and Regulations (SRR). The use of granite bounds isn't always the best type given the varying field conditions. They were also concerned about the number of bounds required and the associated cost.

Mr. Laydon reviewed some of the best practices in surrounding towns and discussed the matter with the Conservation Agent. The use of iron pins is a standard practice elsewhere but is in conflict with the Order of Conditions. It was noted that the Board allowed deviation from the SRR in the case of Brigham Hill Estates where an alternative solution was allowed when marking the bounds of the

open space. The use of pinning or drilling into ledge to set a bound would have to be respectful of the Conservation Commissions main concern of minimum disruption to wetlands.

The Board discussed the need for codifying the rules to be consistent and reflect best practices. Some suggestions discussed was provision for bounds other than granite including concrete.

Mr. Laydon read a letter from Graves Engineering who has reviewed the situation and is in support of alternate bound materials for Brookmeadow Village given the various factors unique to this situation. The Board noted that the developer will need to make a formal request for waivers from the SRR to make this change. Mr. Gamache and Mr. Laydon agreed to coordinate a draft waiver request for the next Board meeting.

At 7:35 p.m. the Chairman opened the scheduled public hearing.

PUBLIC HEARING 9A: 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. Joseph Antonellis, Attorney for the Applicant, and Scott Goddard, wetlands consultant, and George Connors of Connorstone Engineering were present on behalf of the developer. It was noted that the Traffic Engineer, Mr. Scully (no relation to Planning Board Vice Chairman Michael Scully), would be present at the next meeting.

Mr. Goddard presented the wetlands analysis noting that they had received the comments submitted by Graves Engineering and would speak to them. The Abbreviated Notice of Resource Area Delineation (**ANORAD**) has been approved, the wetlands have been confirmed in the field and verified by the Conservation Commission. He reviewed his methodology and results relating to the proposed conventional plan. All the lots conform to the required wetlands to uplands ratios. A wetland crossing would disturb approximately 14,000 square feet of wetlands which would have to be replicated.

Mr. Hanna asked if there was room for a 1:1 replication ratio or if more area would be required. Mr. Goddard stated that there was room for the 1:1 replication and that state law only requires a no net loss scenario when developing a replication plan. Mr. Goddard noted that the preference would be for a “no wetland disturbance” scenario and added that the flexible plan would provide that. Mr. Hassinger stated that replication is expensive and sometimes can create an economic hardship.

Mr. Hassinger asked if the two proposed lots within the R20 zone designated as affordable would look the same as the other lots. Mr. Connors stated yes.

Mr. Robbins asked if there was some way to avoid the wetlands crossing all together or to avoid disturbing them by using other means such as a bridge. Mr. Goddard noted that there was no way to avoid wetland disturbance and that the proposed crossing was necessary to create the internal site circulation and to establish the lot count. The type of roadway was discussed and the Board revisited the concept of whether or not the Conservation Commission would approve the crossing as a limited project without a formal application.

The Board noted that a credible base lot count on the conventional plan was essential to the viability of the flexible plan. Mr. Antonellis and the Board discussed the intent of the Zoning By-law with

regards to providing a credible base lot count. Mr. Antonellis argued that they do not need to prove that each lot is a buildable lot at this point in the process. Mr. Robbins noted that the Board has to be reasonably comfortable that the conventional plan is sufficiently credible to accept a base lot count. When asked, Mr. Antonellis stated that his client had looked at other configurations that would result in fewer lots. Mr. Hassinger noted that the Board will have to consider the impacts of the conventional plan against the development intensity of the flexible plan and that he doesn't necessarily agree that the flexible plan is the better proposal at this time.

Mr. Robbins asked if they had secured the various easements required. Mr. Antonellis stated that they have an easement for the railroad crossing and utility crossing. They are still negotiating a utility easement with the railroad owners.

There was no public comment.

Mr. Antonellis presented a written request for continuance to the August 25, 2014 Planning Board meeting at 7:30 p.m.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger to grant the Applicant's request to continue the public hearing to August 25, 2014 at 7:30 p.m. **MOTION** passed unanimously.

4. STAFF REPORT

Mr. Laydon reviewed ongoing work items including the following:

- Dunkin' Donuts – 72 Worcester Street – site visit & ongoing coordination.
- Cumberland Farms – 217 Worcester Street – permitting underway such as removal of underground storage tank and demolition. The building is now empty – no tenants remain.
- Economic development – ongoing initiatives such as working with the Economic Development Commission, working with the Town Administrator's office on a "business breakfast / open house" in the fall.
- Mill Villages Advisory Committee – two upcoming concerts at the park in August, meeting with the Conservation Commission about the installation of the lights on the Main Street bridge
- Fisherville Mill Site – coordinating and meeting with Gene Bernat and Steve Bishop on ways to collaborate in advancing the development of the site
- Affordable Housing Trust – working with Chairman Ed Prisby to develop a work plan for the upcoming year.

6. MINUTES OF PREVIOUS MEETINGS

Mr. Robbins recommended a change on page 3 of the draft minutes.

MOTION by Mr. Hassinger, **SECOND** by Mrs. Hassinger to approve the minutes as amended. **MOTION** passed unanimously.

**CORRESPONDENCE 7A – BOARD OF SELECTMEN, ADMINISTRATIVE POLICY #109,
REMOTE PARTICIPATION OF BOARD MEMBERS AT MEETINGS**

The Board reviewed the Board of Selectmen policy which would allow for remote participation by Board members. It was noted that this was intended as a means of last resort and not for general convenience. Mr. Hassinger noted that Boards using this option will need to assess the technological capabilities of the meeting room noting that not all rooms have the same audio or visual connectivity. It was further noted that remote participation is not the same as invoking the Mullin Rule for missed meetings.

**CORRESPONDENCE 7B - MEMORANDUM FROM THE TOWN PLANNER,
CONSTRUCTION INSPECTION AND ENFORCEMENT OF PLANNING BOARD'S
DECISIONS**

Mr. Laydon reviewed his memorandum submitted to the Board (see Exhibits). He discussed his approach to monitoring ongoing construction projects and ways in which he and the Board can work together to establish a strong working rapport about the enforcement of Planning Board decisions. Staff coordination with the applicants may require a hands on approach when issues come up between meetings. Regular construction updates will be provided at each meeting as needed along with close coordination with the Chairman to ensure that the Board is kept informed in real time. Determinations as what can be handled on an administrative level and what requires Board action will vary and evolve as the Board and Mr. Laydon develop a strong working rapport. Enforcement of permits via the Building Inspector / Zoning Enforcement Officer should be the last resort.

**8. REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN
COMMITTEES AND CMRPC**

Economic Development Commission – Mr. Scully provided an update. The EDC's FY15 budget funding request for \$15,000 was approved at Town Meeting. They will be appearing before the Finance Committee in September to discuss their action plan which has been prioritized to three items, each with a work item:

- Retention of Existing Business – annual forum to address concerns and to allow for networking
- Recruiting / Attracting New Business – streamlining the regulatory and permitting processes in Town
- Development – identify potential zoning changes that could foster / promote business such as Transit Oriented development adjacent to the MBTA station.

Mr. Hassinger noted that it was important that the all concepts to promote new commercial development be sensitive to existing business in Town. Mr. Scully noted that he would forward the action plan and EDC's findings to the Board.

Open Space and Recreation Plan Committee – Mr. Robbins reviewed the work to date and ongoing tasks such as updating the inventory and updating the previous action plan. An online survey was conducted by Town Administrator's office and the Committee found that the results essentially reflect the sentiments from the previous effort in 2006. The Committee plans to present the survey

results and receive additional input at a series of community forums this upcoming fall. Mr. Hassinger noted that this work could be folded into an updating the 2001 Comprehensive Master Plan. Mr. Scully noted that the EDC would be interested in providing input.

ADJOURNMENT

MOTION to adjourn the meeting made by Mr. Scully, **SECOND** by Mr. Hassinger. **MOTION** passed unanimously. The meeting was adjourned at 9:42 p.m.

EXHIBITS

- **Item 2A: Interview Christopher Longenbaker for Planning Board CMRPC Delegate**
 - Correspondence from Christopher Longenbaker; dated July 7, 2014; received July 9, 2014; 1 page.
- **Item 2B: Dunkin' Donuts – 72 Worcester Street – Planning Board consideration of temporary and permanent site alterations**
 - Correspondence from Attorney Heather Trudell, Dunkin' Donuts Site Development Plan, 72 Worcester Street, Grafton, Massachusetts, Applicant: First Westborough Realty Trust; dated July 23, 2014; 3 pages.
 - Email correspondence from Police Chief; Dunkin' Donuts Seating Area; received July 25, 2014; 1 page.
 - Site Grading Plan, prepared by Hannigan Engineering; revised through July 24, 2014; 8 ½ x 11", color; submitted to the Planning Board during the July 28, 2014 public meeting; 1 page.
- **Item 6: Minutes of Previous Meeting**
 - Draft Open Session Minutes of July 14, 2014; 6 pages.
- **Item 7: Correspondence**
 - 7A – Board of Selectmen, Administrative Policy #109, Remote Participation of Board Members at Meetings; no date; 2 pages.
 - 7B: Memorandum from the Town Planner, Construction Inspection and Enforcement of Planning Board's Decisions; dated July 28, 2014; 2 pages.
- **Item 9A: 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)**
 - Copy of Correspondence to the Grafton Affordable Housing Trust, Grafton Hills Flex Development Plan; dated July 16, 2014; received July 21, 2014; 1 page.



Sargon Hanna, Clerk