

RECEIVED TOWN CLERK  
GRAFTON, MA  
2014 OCT 7 AM 9 39

Minutes of Meeting  
Grafton Planning Board  
September 22, 2014

A regular meeting of the Grafton Planning Board was held on September 22, 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 and Assistant Planner Ann Morgan.

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

**1. PUBLIC INPUT** - None

**ACTION ITEM 2-A – CONSIDER DECISION – SPECIAL PERMIT (SP 2014-7) LESLIE & RON ANDERSON (APPLICANTS/OWNERS) – 15 BLANCHARD ROAD – RAISING & KEEPING OF LIVESTOCK UNDER 5 ACRES**

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to make favorable Findings for F-1 through F-28. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the requested Waivers W-1 and W-2. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant Special Permit (SP 2014-7) with the draft Conditions and Findings as discussed and amended. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 2-B – CONSIDER DECISION – SPECIAL PERMIT (SP 2014-6) TREVOR HARDY, BLUEWAVE CAPITAL, LLC, (APPLICANT) – PATRICIA K. KNOWLTON, TRUSTEE – KNOWLTON FARMS NOMINEE TRUST, (OWNER) – 43 ESTABROOK AVENUE – SOLAR GENERATING FACILITY – SECOND PHASE**

Mr. Hassinger expressed concerns that Condition 12 did not have a date and mechanism regarding the surety sequence information discussed. Mr. Laydon and the Board discussed what constituted an acceptable surety agreement. Mr. Hassinger noted language concerns and the risk of abandoning the project without an adequate agreement in place. Chairman Robbins suggested two courses of action the Board could pursue: one, to align the agreement consistent with the previous project on the same property; and two, to defer action on the decision to a future meeting, giving the Board time to review other practices for other solar projects approved. Ms. Morgan noted the the Phase 1 project agreement was cutting edge and the first attempt at language of this type to secure security. Mr. Hanna pointed out that the other two solar projects were up and running with no problems.

Chairman Robbins suggested the Board either complete the decision or defer further action to the October 6 Planning Board agenda.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Hassinger, to approve the corrections noted to the Special Permit (SP 2014-6) draft decision and to defer further action on the decision until the October 6 Planning Board meeting. **MOTION** carried unanimously 5 to 0.

Chairman Robbins received unanimous consent to pass over Discussion Item 3-A.

## **STAFF REPORT**

Mr. Laydon

- the breakfast brunch sponsored by the EDC and Town Officials is this Thursday, September 25 at 7:30 a.m., adding that local businesses are donating goods and services.
- he continues to have discussion with the Building Department and that he is keeping a good line of communication with the Conservation Agent now retired.
- the Mill Villages Advisory Committee met last week and discussed the opening of the brick program again in September and concert alignment.
- Staff met with Gene Bernat and Ed Prisby, Affordable Housing Trust Chair to discuss ways to move along the Fisherville project.
- VHB is moving forward on the roadway design project and that there is a funding article on the October Town Meeting warrant
- Brigham Hill Estates was putting the final coat of pavement on the roadways and a portion of Brigham Hill Road.
- Staff is working on making sure all are aware of the scenic road permit requirements with National Grid submitting an application to do work on a scenic road.

Ms. Morgan informed the Board that the Affordable Housing Trust has met with various folks, adding that they are investigating ways to come up with a viable projects, including some Veteran's projects. Ms Morgan added that Brian McCann also sent a letter to the Trust indicating their intention to include an affordable housing component in their project. Mr. Hassinger noted that there has been publicity put out on affordable units in projects with absolutely no takers. Mr. Hassinger also inquired as to where the Town is earmarked on the number of units. Ms. Morgan explained that the Trust is having discussion about how Affordable Housing works with 40B and stated that she will put together a quick overview explaining the process.

## **BILLS**

The bills were circulated and signed.

The Board was informed about letting Staff know if they were interested in attending any workshops being held by the Citizen Planner Training Collaborative and that they had received a copy of the Finance Committee public hearing schedule.

Mr. Laydon informed the Board that the Finance Committee public hearing regarding the Planning Board ZBL Articles 21-24 will be held on Tuesday, October 2 at 8:00 p.m.

## **PUBLIC HEARINGS**

### **ZBL 2014-1 PROPOSED AMENDMENT TO THE GRAFTON ZONING BY-LAW TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAW AS FOLLOWS:**

#### **ZBL SECTION 3.3.3.4: Amend language**

Mr. Hanna read the legal notice and Chairman Robbins opened the public hearing. There was no one present for the hearing.

Mr. Laydon stated that the purpose of this amendment is to allow for the Planning Board to issue a special permit for a common driveway in areas that could not be previously approved.

**MOTION** by Mr. Scully, **SECOND** by Mr. Hanna, to close the public hearing and to direct Staff to draft a report recommending the proposed amendment to Town Meeting as printed. **MOTION** carried unanimously 5 to 0.

**ZBL 2014-2 PROPOSED AMENDMENT TO THE GRAFTON ZONING BY-LAW TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAWS BY ADDING THE FOLLOWING:**

**ZBL DEFINITIONS SECTION 2.3:**

**New Definition:** Nonprofit Event Temporary Sign

**Sign:** Amend language

**Temporary Sign:** Amend language

Mr. Hanna read the legal notice and Chairman Robbins opened the public hearing. There was no one present for the hearing.

Mr. Laydon noted that this was part one of a two part effort for housekeeping/clarifications to clean up the Zoning By-Laws, adding that it does not change policy, but is designed to make sign sections more easily readable and understood.

**MOTION** by Mr. Scully, **SECOND** by Mr. Hanna, to close the public hearing and to direct Staff to draft a report recommending the proposed amendment to Town Meeting as printed.

**DISCUSSION:** Mr. Laydon remarked that he had received feedback from Town Counsel suggesting the word “event” be inserted in the sign definition after the word “corporation”. Mr. Hassinger wished to note that he was not sure about the addition and would like to look at the definition more carefully. Chairman Robbins stated he felt the addition of the word “event” was optional and not really needed in the context of the definition. The Board questioned whether it was a good idea to make changes to an article that will need to be presented at Town Meeting. Mr. Clarke pointed out a word change of “promoting” to “promotion” from the original text. The Board agreed the change was categorized as a scrivener’s error, that it does not change the intent of the language, and that they are not recommending any changes to the proposed amendment.

**MOTION** carried unanimously 5 to 0.

**ZBL 2014-3 PROPOSED AMENDMENT TO THE GRAFTON ZONING BY-LAW TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAWS BY ADDING THE FOLLOWING:**

**ZBL Section 4.4, entitled “Signs”, by reorganizing existing By-Law language, correcting internal inconsistencies, and adding clarifying language relating to size, location, and calculation of area.**

Mr. Hanna read the legal notice and Chairman Robbins opened the public hearing. There was no one present for the hearing.

Mr. Laydon stated that the intent of this amendment is to clean up and clarify this section of the By-Law to make it more readable, pointing out that there are 50 different comments on the document changes and deletions and if moved, where they can be found. Mr. Laydon added that the document has been posted on the website for all to take a closer look. Mr. Hassinger suggested all documents be made available at Town Meeting for public handouts.

**MOTION** by Mr. Hanna, **SECOND** by Ms. Hassinger, to close the public hearing and to direct Staff to draft a report recommending the proposed amendment to Town Meeting as printed. **MOTION** carried unanimously 5 to 0.

**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)**

Chairman Robbins opened the public hearing. Present for the hearing were Attorney Joseph Antonellis representing the applicant and William Scully, Traffic Study Engineer. Chairman Robbins noted for the record that William Scully was no relation to Vice-Chair Michael Scully.

Attorney Antonellis recapped the previous public hearing and stated that the Waiver requesting a street to intersect with an adjacent street at an interval of less than 600 feet from North Street to the intersection of North Street & Old Westboro Road; and between the two proposed intersections with North Street required further discussion with the Board. Attorney Antonellis informed the Board that an Intersection Exhibit Plan has been submitted by Connorstone Engineering adding that William Scully was present to convince the Board that traffic study of the proposed intersections do not create unsafe roadway intersection conditions, and also that the study cites many existing roadway intersections less than 600 feet that have not proposed any serious traffic problems for the Town. William Scully reviewed all of the criteria presented on the intersection plan, noting that the intersection spacing that would exist with the construction of the Flexible plan is well within the standard guidelines published by MassDOT and the Institute of Transportation Engineers. The Board pointed out that the Subdivision Rules & Regulations on intersection distances had been established in response to the many problematic roadway intersections within the Town.

Attorney Antonellis remarked that at the last public hearing the Board has requested he be prepared to discuss lot counts. Attorney Antonellis stated that the perspective of the developer is that they are within two lots of the equation, requesting the Board focus more realistically on 43 lots plus 2 bonus and not focus on the duplexes which will require involvement of a special permit process. Attorney Antonellis noted they were including a 10% affordable housing (5 lots) component. Mr. Hassinger reminded Attorney Antonellis that typically the size of the bonus is predicated on the criteria the developer is meeting.

Chairman Robbins summarized the lot count issue presented is assuming 43 Conventional Plan, 45 Flexible Plan with a 2-lot bonus from the 10% affordable housing component; but noted that other criteria can influence the achievement of bonus lots. The Board agreed that the main issue is the waivers request. Mr. Hassinger requested the developer submit a plan with the 43 single units other than duplexes to appropriately document the record.

Mr. Hassinger wished to note that Edward Prisby, Affordable Housing Trust Chair, replied to the developers affordable housing letter stating that the Trust had voted to support no less than 5 units, but made no statement regarding support of the project itself.

The Board vigorously reviewed and discussed the Intersection Exhibit plan submitted by Connorstone Engineering, depicting the distances between intersections at different points. William Scully concluded the he saw no volume, no conflicting traffic patterns, and no delay issues creating any safety issues. Chairman Robbins pointed out that the 600 foot rule is based on other considerations aside from safety. William Scully added that it is not clear in the Town's By-Laws what the 600 foot rule is based on.

Chairman Robbins remarked that the Board needs to evaluate whether acceptable alternatives exist through a single access roadway which creates a dead end or if the 250 foot intersection distance is beneficial considering it would eliminate an access roadway onto Worcester Street.

Attorney Antonellis stated that he felt this project has been reviewed to the point of being able to identify single issues, specifically the issue of the waivers and may be able to close the hearing after one more Planning Board meeting. Mr. Laydon noted that procedurally the Board cannot close the hearing until they receive the applicant's answer to the plan recommendation. Mr. Laydon also reminded Mr. Antonellis that the Board needs a prepared evaluation discussed in the July 13 Planning Board meeting regarding a land use plan for the number of lots and the sewer work information to note for the record that a gravity option is being pursued, all of which can be codified in the terms of a memo. Mr. Laydon also added that he would like to have enough time to go through all of the issues and to receive all of the information requested before the next continued hearing. Mr. Hassinger suggested the centerlines regarding the intersections be staked for the two roadways for the Board to observe.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the applicant's written request to continue the public hearing to Monday, October 27, 2014 at 7:30 p.m.

**DISCUSSION:** Mr. Scully requested that all materials be provided to Mr. Laydon by October 13 to allow him sufficient time to review the information.

**MOTION** carried unanimously 5 to 0.

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

The meeting was adjourned at 9:34 p.m.

### **EXHIBITS**

- **Item 2A: Consider Decision - Special Permit (SP 2014-7) Leslie & Ron Anderson (Applicants/Owners) – 15 Blanchard Road – Raising & keeping of livestock under 5 Acres.**
  - Draft Decision, September 18, 2014, 7 pages.
- **Item 2B: Consider Decision - Special Permit (SP 2014-6) Trevor Hardy, BlueWave Capital, LLC, (Applicant) – Patricia K. Knowlton, Trustee – Knowlton Farms Nominee Trust, (Owner) – 43 Estabrook Avenue – Solar Generating Facility - Second Phase**
  - Draft Decision, September 18, 2014, 10 pages.

- **Item 4: Staff Report**
  - Notice of Public Meeting, Town of Grafton, MA; Planning Board; SunEdison LLC (Applicant), Tufts University / Cummings School of Veterinary Medicine / Trustee of Tufts College (Owner); 1 page.
  - Legal Notice, Town of Grafton, MA; Planning Board; for the following:
    - ZBL 2014-1 Proposed Amendment to the Grafton Zoning By-Law to see if the Town will vote to amend the Zoning By-Laws, Section 3.3.3.4
    - ZBL 2014-2 Proposed Amendment to the Grafton Zoning By-Law, Section 2.3
    - ZBL 2014-3 Proposed Amendment to the Grafton Zoning By-Law to see if the Town will vote to amend the Zoning By-Laws, Section 4.4
- **Item 6: Minutes of Previous Meeting**
  - Draft Meeting Minutes, September 8, 2014, 8 pages.
- **Public Hearing 9A: ZBL 2014-1 Proposed Amendment to the Grafton Zoning By-Law to see if the Town will vote to amend the Zoning By-Laws, Section 3.3.3.4**
  - Draft language, 1 page.
- **Public Hearing 9B: ZBL 2014-2 Proposed Amendment to the Grafton Zoning By-Law to see if the Town will vote to amend the Zoning By-Laws, Section 2.3 - Definitions**
  - Draft language, Nonprofit Event Temporary Sign: A temporary sign used exclusively to advertise any event sponsored by a nonprofit organization; 1 page.
- **Public Hearing 9C: ZBL 2014-3 Proposed Amendment to the Grafton Zoning By-Law to see if the Town will vote to amend the Zoning By-Laws, Section 4.4 - Signs**
  - Memorandum from Town Planner, Redlined Version of Sign Bylaw Amendments, dated September 18, 2014; 1 page.
  - Draft language, 19 pages.
- **Public Hearing 9D: 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)**
  - Correspondence from the Affordable Housing Trust, MRSP 2014-4, Grafton Hill Subdivision, Westerly Side LLC; dated and received September 18, 2014; 1 page.
  - Copy of correspondence from Hill Financial Services Company to the Grafton Affordable Housing Trust; Grafton Hills, North St., Grafton, MA; dated September 15, 2014, received September 18, 2014; 1 page.
  - Plan, Intersection Exhibit Plan at Grafton Hill in Grafton, MA; prepared by Connorstone Consulting Civil Engineers; dated September 18, 2014; received at the September 22, 2014 public hearing; 1 page.

  
Sargon Hanna, Clerk