

Minutes of Meeting
Grafton Planning Board
April 6, 2015

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A special meeting of the Grafton Planning Board was held on April 6, 2015 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 and Linda Hassinger. Staff present: Town Planner Joe Laydon and Assistant Town Planner Ann Morgan.

Chairman Robbins called the meeting to order at 8:04 a.m.

1. PUBLIC INPUT

None.

ACTION ITEM 2A: DRAFT DECISION - MRSP 2013-4 - "GRAFTON HILL" SUBDIVISION - WESTERLY SIDE GRAFTON LLC (APPLICANT) - WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY W. MCINNIS TRUST & OLIVE SIMONO (OWNERS) - OFF 81 NORTH STREET AND 52 WORCESTER STREET

Mr. Robbins noted that a revised draft decision had been submitted to the Board by staff on the previous Friday, April 3, 2015. Town Counsel had been asked to review this draft and comments were submitted over the weekend. The revised draft incorporating Town Counsel comments was released to the Board via email on April 5, 2015 and copies were produced for the record and for each member to have at the meeting. Mr. Robbins reviewed the history of this particular application noting that there had been two earlier application submissions that were withdrawn without prejudice at the request of the Applicant. The reasons for withdrawal were briefly outlined for the Board.

The Board proceeded to review comments received from Town Counsel regarding the draft Decision. It was noted that there were a number of stylistic and grammatical comments that were minor in nature and did not affect the intent of the Decision. The Board directed staff to restructure the section based on the comments received from Town Counsel to better clarify the history of the previous applications as they relate to the current application.

Comments on page 5 under Project Overview were discussed. Town Counsel's comments reflected the need to expound upon the procedural details of the previous two applications to provide better context. Mr. Laydon noted that the modification of this section would involve adding language that would not impact the nature of the Decision.

On page 8 in the last paragraph of Waiver W2 Town Counsel recommended clarification of the phrase "their concerns" noting it wasn't clear who was being referenced. The Board agreed that a modification to address that comment was in order. It was further noted that the same comment appeared again on page 9 and that staff should address that as well.

Also on page 9 was a comment regarding the language pertaining to the outline of issues leading to the denial of Waiver W3. Town Counsel recommended that the Board better clarify the various points of concern in a more succinct manner. The Board agreed and directed staff to modify the language in keeping with Town Counsel's comments.

On page 10 in the last paragraph of the language of Waiver W4, Town Counsel questioned the need for further exposition on the nature of “unusual topographic circumstances.” The Board noted that they did not discuss this waiver in any significant manner as the Waiver request was determined to be moot given the denial of Waiver W3. The Board further noted that Town Counsel may not have been aware of that fact when she reviewed the draft language. The Board did note that the language of Waiver W4 should be modified to clarify the Board’s deliberations as they relate to the denial of the waiver.

On page 13, Finding F16, Town Counsel noted that there needed to be further review of the facts pertaining to legalities of the railroad crossing. The Board reviewed their past discussions about the various easements that the Applicant stated they had secured. It was further noted that final concept of the recreation and open space plan eliminated the need to address pedestrian crossing of the tracks as the trail system had been redesigned to avoid any and all crossings. It was noted that the Applicant did not provide any easement documentation about a vehicular at-grade crossing as they openly presented and preferred the Flexible Development Plan which did not require a crossing. Mr. Hassinger agreed but noted that any and all information would have been helpful in the context of understanding both the Conventional and Flexible Development Plans.

On pages 18 and 19, there were comments relating to the procedural nature regarding the Zoing By-law (ZBL) requirement for the Board to state their preference for either the Conventional or Flexible Development Plan and denial of the Waivers of the Flexible Development Plan. Section 5.3.9 of the ZBL requires the Board to recommend one plan over based on what they believe to be more beneficial to the Town. This is done prior to the close of the public hearing. The voting of waivers from the Subdivision Rules and Regulations does not occur until after the close of the public hearing. The Board noted the success of the waiver requests were instrumental in determining outcome of the Board’s decision to grant or deny an application. It was noted that the vote to recommend one plan over the other was not an endorsement or demonstration of intent to vote for one plan or the other. The Board directed staff to modify the language of Finding F16 to better explain the procedural nature of these two points as discussed.

The Board went on to review some grammatical and spelling changes that needed to be addressed.

The Board discussed the next steps with regards to the draft decision and whether another meeting would be required. It was agreed that all the modifications discussed were not substantive but rather contextual to provide additional detail and stylistic. None of the changes were viewed as changing the intent of the Board and that an additional meeting would not be required to review another draft. However, it was agreed that there needed to be one or two Board members who reviewed the final edits developed by staff to ensure that the changes reflected the Board’s discussion and deliberation. Chairman Robbins agreed to take that responsibility if so voted upon by the rest of the Board members.

MOTION by Mr. Hassinger, **SECOND** by Mrs. Hassinger to approve the Findings with modifications as discussed. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mrs. Hassinger to DENY the application for a Major Residential Special permit and to approve the modified draft Decision as discussed. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna to authorize the Chairman to conduct a final review of the Decision to ensure consistency with the Board's deliberations on the modification of the language as discussed. **MOTION** carried unanimously 5 to 0.

ADJOURNMENT

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

The meeting was adjourned at 8:50 a.m.



Sargon Hanna, Clerk

EXHIBITS

- **Action Item 2A: Draft Decision – MRSP 2013-4 – “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) – off 81 North Street and 52 Worcester Street**
 - Draft Decision, dated April 3, 2015; 21 pages.
 - Draft Decision, dated April 5, 2015; 21 pages.