

Minutes of Meeting
Grafton Planning Board
January 11, 2016

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A regular meeting of the Grafton Planning Board was held on January 11, 2016 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Sargon Hanna, Vice-Chair Michael Scully, Clerk Robert Hassinger, David Robbins, and Linda Hassinger. Staff present was Town Planner Joseph Laydon and Assistant Planner Ann Morgan and Office Manager Nicole Larson.

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

1: PUBLIC INPUT

No public input at this time.

PUBLIC HEARING 2A: (8:30 P.M.) Application for a Special Permit (SP 2015-15) – Randy Gagne (Applicant/Owner) – 5 Hitchings Road

Present for the hearing was Applicant/Owner Randy Gagne of 5 Hitchings Road, who confirmed prior approval has been obtained through the Conservation Commission. Mr. Robbins noted that along with this construction, there would be little to no decrease in flood flow capacity to the soil on site, henceforth there is no reason to deny this application.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to close the public hearing and instruct staff to draft a decision based on the Board's discussion. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARING 2B: (8:30 P.M.) Special Use Permit and Request for Site Plan Review Waiver (SP 2015-14) – 22 Donahue Lane – Macura Excavating (Applicant) / Albert Mantelli (Owner)

The Board decided to close the Public Hearing, as the final piece of information where collected from the applicant.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to grant Waivers W1-W3. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to find favorably Findings F1-F18. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to approve the decision and Conditions C1-C8. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARING 2C: (8:30 P.M.) Modification of a Definitive Subdivision Plan Approval – “Grafton Hill” Subdivision – 12 Clearview Street – Westerly Side Grafton LLC (Applicant/Owner)

Present for the hearing was Mr. Antonellis, of Mayer Antonellis, Jachowicz & Haranas, LLP, who confirms that the private easement with Carrol Road is finalized and though no response has been received from the Grafton/Upton Railroad, there are no outstanding issues pertaining to this project. George Connors, of Connorstone Consulting Civil Engineers and Land Surveyors confirmed that the peer review from Graves Engineering, Inc. has been received. Mr. Laydon confirmed the only

outstanding information to be collected pertains to the topic of street lights, which will come before the Board of Selectmen at their upcoming meeting. Though the item will remain open prior to endorsement of the plan, the Town Assistant Engineer and Graves Engineering have confirmed installation. Mr. Laydon also confirmed the LED packet from National Grid has been received and recommended for adaptation with the Board of Selectmen's determination. Mr. Hassinger noted that he would like for the Planning Board to be able to review the Board of Selectmen's decision, if it differs from what has discussed in the past.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the Public Hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct staff to draft a decision and expect staff to look to the Board for guidance when devising Waiver allowance. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 3C: Draft Decision: Special Permit (SP 2014-7.1) – Addition of Companion Horse – 15 Blanchard Road – Leslie & Ron Anderson (Owner/Applicant)

The Board discussed the draft.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to find favorably F1-F19. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to grant the Modification of the Special Permit with Conditions C1-C6. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 3D: Draft Decision: Special Permit and Site Plan Approval for Solar Facility (2015-13) – 207 Providence Road – CEC Solar #1056 LLC (Applicant) / Robert and Karen Kell

The Board received confirmation from Town Counsel, Ginny Sinkel-Kramer that there is no need to require a bond for decommissioning the site of solar equipment since the property is privately owned and there is an agreement with the land owners currently in place. Mr. Laydon also recommended a landscape bond term of 2-3 years. He will work with the applicant to finalize the installation of shrubs and screening as soon as possible in the upcoming spring to allow for a full growing season initially.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to find favorably F1-F31 as drafted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to grant Waiver W-1 for the traffic study exemption. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to grant the Special Permit with Site Plan Approval with Conditions A1-D5, with the exception that the language in D-1 be altered from five (5) years to three (3) years. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 3B: Approval Not Required (ANR) 2016-1: 23 Keith Hill Road – Terrance & Shannon Cahill

Mr. Laydon gave a brief review of the ANR plan, and confirmed with the board that he has spoken to the applicant to inform them on how this division of property would impact single home sales for the property in the future, and that a scenic road permit would need to be issued in order for the stone wall to be altered.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to find that approval is not required, and authorize the Town Planner to sign off on the ANR Mylar. **MOTION** carried unanimously 5 to 0.

GENERAL BUSINESS 4A: BILLS

The bills were circulated and signed.

GENERAL BUSINESS 4B: STAFF REPORT

Mt. Laydon is currently finalizing the grant for the assistance for housing around the Pine Street area and will likely go in front of the Board of Selectmen the first week in February to get approval for submission.

A new grant opportunity is available through the Environmental Protection Agency (EPA), where our office would partner with Gene Bernat, a number of professors from local colleges along with the Blackstone River Headwaters Coalition to utilize the Living Lab to study pollutant loads in the Blackstone River and would use Grafton as a laboratory for collecting data per the number of different locations adjacent to pervious and impervious surfaces to devise new methods for addressing runoff, pharmaceutical and other pollutant loads in the Blackstone River.

The Planning Department has also been working to apply to CPC for funds for a Riverwalk that would go along the north side (Parcel A) of the Fisherville site. We are currently waiting on a 2nd feasibility study from Graves Engineering. Mr. Hanna suggests that the Recreation Department get involved once momentum with this project is established. Mr. Laydon is also looking for support from CPC for the Open Space Plan for Grafton with additional support from CMRPC.

Mrs. Morgan announced that the Affordable Housing Trust will be holding a public forum at the South Grafton Community House on Thursday, February 18, 2016 to start crafting an action plan to outline the spending of funds on projects specifically to the likes of the Town.

GENERAL BUSINESS 4C: MINUTES OF PREVIOUS MEETINGS:

1. Open Session Minutes of September 21, 2015

The Board discussed several edits to the draft.

MOTION by Mr. Robbins, **SECOND** by Mrs. Hassinger, to approve the September 21, 2015 meeting minutes as discussed and amended. **MOTION** carried unanimously 5 to 0.

2. Open Session Minutes of December 14, 2015

The Board discussed several edits to the draft.

MOTION by Mr. Robbins, **SECOND** by Mrs. Hassinger, to approve the December 14, 2015 meeting minutes as discussed and amended. **MOTION** carried unanimously 5 to 0.

GENERAL BUSINESS 4D: CORRESPONDENCE

No correspondence was discussed at this time.

GENERAL BUSINESS 4E: REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

The Board discussed the latest on the Mass Department of Transportation (DOT) complete Street's Funding Program to make cities and towns more walk-able and bike-able.

Chairman Hanna recused himself from the Board for the upcoming action item.

Mr. Scully called a five (5) minute break. The Board rejoined at 9:43 p.m.

ACTION ITEM 3A: Medical Marijuana

The Board began their dialog by reviewing the public concern, both for and against the presence of a Medical Marijuana Dispensary in town, received in response to the recent announcement of Sage Cannabis's distribution center in North Grafton, on Worcester Street. There have also been civilians that are concerned with the location of the facility only.

The Town Planner provided a memo for the discussion that includes a proposed amendment for the zoning by-law as well as background information for a legal rational on the Board's ability to accept a by-law change in response to public request, as well as at the request of a Board Member. Mr. Laydon noted that the requirements are laid out clearly within the Massachusetts State Law. The Board discussed the time line moving forward with a proposed zoning by-law amendment to potentially change the conditional requirements for this type of use.

The Board also discussed the impact of new state legislation on the recreational use or marijuana, and agreed that it may be best to wait on moving forward with the topic until the state offers language of its own, and determined that focusing on the medical dispensary aspect of the use would be best. Mr. Scully noted that the Board had the opportunity to determine what could be done over the last several years, however, there is more state legislature now than there was then, and he would like to give the public a chance to be hard, especially when looking ahead to recreational use of marijuana. The Board reviewed the process of Sage Cannabis opening a facility at 108 Worcester Street.

MOTION By Mrs. Hassinger, **SECOND** by Mr. Robbins, to extend the meeting past 10:00 p.m. **MOTION** carried unanimously 4 to 0.

Present for the discussion was Selectman Craig Dauphinais, of 5 Bruce Street. Mr. Dauphinais recommended that the Board of Selectmen and the Planning Board have a joint meeting to discuss recreation use, growing and dispensary use of marijuana in town and create a draft of a solid By-law that can be brought before the town for public review, with the intent to be accepted by the town. He advised that the Board step back and look at this topic globally and suggested that responding to a specific situation isn't the best way to develop language for a by-law proposal.

Town Administrator, Tim McInerney, 21 Cortland Way, came before the board to express his opinion that recreation use of marijuana should be considered at this time along with medical use. He also noted his disapproval for Mr. Laydon's immediate response to one Board Members request on this topic which resulted in a drafted by-law amendment proposal.

Elias Hanna, of 58 Brigham Hill Road, expressed his contempt for the Boards urgency to bring forth an amendment proposal for medical marijuana at this time and voiced his concern about the timing of the proposal. Mr. Laydon confirmed that any and all information concerning the amendment proposal was sent via email to all Planning Board members prior to the current meeting and explained that urgency for the proposal was in response to the public's reaction to this business opening. Mr. Hassinger noted that the suggested changes would only require the applicant to come before the Board for Site Plan Review, and in no way prohibit the business from opening a dispensary facility.

Mr. Robbins expressed his agreement for the Planning Board to hold a joint workshop with the Board of Selectmen to discuss medical and recreational use of marijuana. He noted that, assuming Sage Cannabis receives a Building Permit before the Legal Notice for the Amendment is posted in the Grafton News, the ability to require a Site Plan Approval would not be required for this particular business venture. He also noted that he would like this proposal to be included on the May Town Warrant. Mrs. Hassinger agreed that proposal should be used moving forward. Mr. Robbins instructed staff to determine a date for a co-workshop for the two Boards.

MOTION By Mr. Hassinger, **SECOND** by Mrs. Hassinger, to place this draft on the warrant and advertise by way of a Legal Notice.

The Board discussed edits to the proposed amendment, and determined that throughout the proposal process, once submitted, changes can be made, however, only to relax regulation at the request of the Planning Board, however no changes can be made which prove the proposal to more astringent.

MOTION AMENDED by Mr. Hassinger, **SECOND** by Mrs. Hassinger, to submit a warrant with the proposal and included the revision for Business Use #22 (Registered Marijuana Dispensary) to exhibit a 'NO' under Commercial Business zoning.

MOTION carried unanimously 4 to 0.

Mr. Spinney of 7 Potter Hill Road expressed to the Board that he would like to have a joint workshop with the Board of Selectmen and the Planning Board to discuss the proposed amendment.

Mr. Laydon suggested March 28, 2016 as the deadline for the proposal to be completed and voted on by the Planning Department in order to get on the warrant for Town Meeting.

ITEM 5: ANY OTHER ITEMS WHICH MAY LAWFULLY COME BEFORE THE BOARD

No other items came before the Board at this time.

ADJOURNMENT

MOTION By Mr. Hassinger, **SECOND** by Mr. Robbins, to adjourn the meeting. **MOTION** carried unanimously 4 to 0.

The meeting was adjourned at 11:21 p.m.

Robert Hassinger, Clerk

EXHIBITS

- **Application for a Special Permit (SP 2015-15) – Randy Gagne (Applicant/Owner) – 5 Hitchings Road; Includes the following:**
 - Narrative Letter; Re: requesting permission to build a deck partially in the Flood Plain; prepared by Norman G. Hill, Land Planning Incorporated, Inc.; dated December 12, 2015; received December 16, 2015; 1 page.
 - Application for Special Permit; dated December 15, 2015; received December 16, 2015; 1 page.
 - Certificate of Good Standing; dated December 15, 2015; stamped by the Treasurer/Collectors Office on December 15, 2015; received December 16, 2015; 1 page.
 - Request for Abutters List; dated December 15, 2015 by the Grafton Assessors; received December 16, 2015; 2 pages.

- Grafton Conservation Commission Application for Determination of Applicability; dated August 5, 2015; received December 16, 2015; 7 pages.
- Proposed Deck Plot Plan; prepared by Land Planning, Inc.; 8 ½” X 11”; black and white; revised date December 14, 2015; received December 16, 2015; 1 page.
- Site Picture; 8 ½” X 11”; color; no date; received December 16, 2015; 1 page.
- Departmental Comment Form; Board of Health; dated December 22, 2015; received December 29, 2015; 1 page.
- Departmental Comment Form; Zoning Board of Appeals; dated January 4, 2016; received January 4, 2015; 1 page.
- **PUBLIC HEARING 2B: (8:30 P.M.) Special Use Permit and Request for Site Plan Review Waiver (SP 2015-14) – 22 Donahue Lane – Macura Excavatin (Applicant) / Albert Mantelli (Owner); includes the following:**
 - Letter of Correspondence; Re: Special Use Permit Application – 22 Donahue Lane; written by Michael Macura Jr.; dated December 21, 2015; received December 22, 2015; 1 page.
 - Draft Decision; dated January 8, 2016; 6 pages.
- **Modification of a Definitive Subdivision Plan Approval – “Grafton Hill” Subdivision – 12 Clearview Street – Westerly Side Grafton LLC (Applicant/Owner); includes the following:**
 - Plan Set; Existing Conditions Plan; prepared by Connorstone Consulting Civil Engineers; 11”X17”; black and white; dated January 8, 2016; received January 8, 2016; 11 pages.
 - Sheet 1.....Existing Conditions Plan
 - Sheet 2.....Topographic Plan
 - Sheet 3.....Topographic Plan
 - Sheet 4.....Topographic Plan
 - Sheet 5.....Topographic Plan
 - Sheet 6.....Roadway Plan and Profile
 - Sheet 7.....Roadway Plan and Profile
 - Sheet 8.....Sewer Plan and Profile
 - Sheet 9.....Construction Details
 - Sheet 10.....Construction Details
 - Sheet 11.....Construction Details
 - Plan Set; Site Plan; prepared by Connorstone Consulting Civil Engineers; 11”X17”; black and white; dated January 8, 2016; received January 8, 2016; 5 pages.
 - Sheet 1.....Locus Plan / Sheet Index
 - Sheet 2.....Plan of Land
 - Sheet 3.....Plan of Land
 - Sheet 4.....Plan of Land
 - Sheet 5.....Plan of Land
 - Peer Review; Re: Grafton Hill – Clearview Street, Modified Definitive Plan Review; prepared by Grave Engineering, Inc.; dated January 7, 2016; received January 7, 2016; 4 pages.
- Memo from The Town Planner; Re: Proposed 2016 Spring Annual Town Meeting Warrant Article – Medical Marijuana Dispensaries; dated January 8, 2016; 1 page.
- Proposed Zoning Amendment 2016 Spring Annual Town Meeting; Draft #1; dated January 7, 2015; 1 page.

- Email Correspondence; Fwd: Sage Cannabis (aka Milford Medicinal) 206 Worcester Street North Grafton; from Pam Renzoni, 7 Jordan Terrace; dated December 28, 2015; received December 29, 2015; 2 pages.
- **Approval Not Required (ANR) 2016-1: 23 Keith Hill Road – Terrance & Shannon Cahill; includes the following:**
 - Form A; Application for Endorsement of Plan Believed Not to Require Approval (ANR); dated January 4, 2016; Received by the Clerk January 4, 2016; received January 4, 2016; 2 pages.
 - Certificate of Good Standing; dated January 5, 2015; Received by the Treasure/Collector January 5, 2015; received January 5, 2015; 1 page
- Draft Decision; Modification #1 of Special Permit (SP 2014-7) & Site Plan Approval; 15 Blanchard Rd.; dated January 8, 2016; 7 pages.
- **Draft Decision: Special Permit and Site Plan Approval for Solar Facility (2015-13) – 207 Providence Road – CEC Solar #1056 LLC (Applicant) / Robert and Karen Kell**
 - Email Correspondence; received from Greg Carey, Community Solar Manager. Dated Wednesday January 06, 2015; 4 pages.
 - Draft Decision; Special Permit (SP 2015-13) & Site Plan Approval; draft #2; dated January 8, 2016; 14 pages.
- Drafted Meeting Minutes from September 21, 2015; no date; 5 pages
- Drafted meeting Minutes from December 14, 2015; no date; 8 pages
- Site Visit Report; Brookmeadow Village; Prepared by Graves Engineering Inc.; dated August 24, 2015; received December 18, 2015; 7 pages.