

**Minutes of Meeting  
Grafton Planning Board  
April 11, 2016**

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A regular meeting of the Grafton Planning Board was held on April 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 7:01 p.m.

**1: PUBLIC INPUT**

No public input at the time.

**ACTION ITEM 2A: REQUEST FOR APPROVAL NOT REQUIRED (ANR 2016-3): 22  
BROOKMEADOW LANE – NICHOLAS & HEATHER LEOLEIS**

Mr. Leoleis was present for the hearing. He informed the Board there would be a net zero change in lot size for both lots and that the application was intended to make the lot line follow the natural landscaping of the yard.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hassinger, to find approval not required and authorize the Town Planner to sign the Mylars. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 2B: REQUEST FOR APPROVAL NOT REQUIRED (ANR 2016-4):  
MANOR HILL DRIVE (A.K.A. LOT 52 – “HIGHFIELDS OF GRAFTON”  
SUBDIVISION) – MAGILL ASSOCIATES, INC.**

Byron Andrews of Andrews Surveying & Engineering, Inc. was present for the hearing and informed the Board there will be no impact or change to the number of buildable lots for the subdivision. He noted that the ANR plan would divide off the portion of land containing the easement, which includes a concrete pad and pump station. The ownership of that land would get transferred to Town of Grafton. Mr. Robbins asked if the remaining lot will still be a conforming, buildable lot once the two parcels are separated. Mr. Laydon noted that it is the Boards responsibility to look at the square footage/total area of the lot, frontage and accessibility. The Board then discussed whether or not they can endorse and ANR for a lot change that creates a nonconforming lot. Mr. Hassinger noted that the path to determine that would be by way of the Zoning Board of Appeals (ZBA). It was determined that the Board can endorse the ANR plan; however the applicant may need to go before the ZBA in order to determining the build-ability of the lot.

**MOTION** by Mr. Hassinger, **SECOND** by Mrs. Hassinger, to find approval not required, request staff to get more information from the Building Department and authorize the Town Planner to sign the Mylars. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 2C: REQUEST FOR APPROVAL NOT REQUIRED (ANR 2016-5):  
MAGILL DRIVE (A.K.A. LOTS 111 & 114 – “HIGHFIELDS OF GRAFTON”  
SUBDIVISION) – MAGILL ASSOCIATES, INC.**

Present for the hearing was Byron Andrews of Andrews Surveying & Engineering, Inc., who explained to the Board that the purpose of the ANR was to move the line between the two

properties by 2 feet in order to create compliance with side yard setback zoning by-laws on a lot where the house was built too close to the side property line.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to find approval not required and authorize the Town Planner to sign the Mylars. **MOTION** carried unanimously 5 to 0.

### **3A: BILLS**

The bills were circulated and signed.

### **3B: STAFF REPORT**

Mr. Laydon gave the Board members an updated on the following:

- Brookmeadow Subdivision has dropped off an application for Determination of Completeness.
- He is continuing to try to wrap up the Mass Audubon project before the end of June 2016.
- Upcoming Affordable Housing workshop will be focused on coming up with an action plan.
- Mr. Laydon and Mr. Bernat will meet to discuss the potential development for Fisherville Mill Site.

### **3C: CORRESPONDENCE**

CMRPC has scheduled a meeting for community representative members in April here at the Police Station. Topics include Solar, green community updates, and medical marijuana.

### **4: REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC**

Mr. Laydon will be attending the Finance Committee meeting on April 25, 2016 to discuss warrant articles for Spring Annual Town Meeting.

### **PUBLIC HEARING 5C: (7:30 P.M.) SPECIAL PERMIT (SP 2016-5) & SITE PLAN APPROVAL – TRINITY AVE PUMP STATION – GRAFTON WATER DISTRICT (APPLICANT/OWNER) – 25R TRINITY AVE**

Mr. Hanna opened the public hearing and Mr. Hassinger read the Legal Notice. Present for the hearing was Matthew Barry and Karen Gracey and informed the Board of the following details:

- The site has been found to produce high levels of water
- This site was part of a land swap with the Fish and Wildlife Department for an existing site in order to preserve a near a cold water fishery.
- There will be a bridge that will span the wetlands.
- The turnaround area will be gravel
- There will be a concrete building 600 sq. feet and runoff has been planned for.
- Waivers will be requested for minimum frontage needed as well as the distance between the site's driveway and the nearby driveway entrances.
- Fire suppression system will be added and the bridge will be able to support weight capacity needed for fire access.
- There will be fencing around most of the perimeter of the pumping facility.
- Lighting will be present at the building but not obtrusive to abutters properties.
- Snow removal would be up to the town.

- Construction procedures will be strictly adhered to and will leave the least impact as possible.
- Zoning Board of Appeals will be meeting soon on the application for a variance.
- 900 gallons/minute will be pumped from the new well at peak production, which is similar to other well sites in town, and may become the primary pump site in town.

The Board discussed comments submitted by abutter Scott Lamont of 25 Trinity Ave. Mr. Robbins noted that there would be a permanent easement to contain the access road and grass swales. The Board discussed the logistics of the access road. Mr. Barry noted there will be daily access during the week and monthly chemical delivery to the site.

Joe Grosier of 24 Trinity Ave spoke before the Board on the following concerns:

- How does this affect his and his neighbor's water quality?
- Will the backup power for the site add noise pollution for abutters?
- If the electric pole near his home will be removed, how will his property access relocated lines?

Mr. Barry noted that the water line will be installed to bring water to the main at the end of the road, and then it will enter the line for distribution, thus not affecting the water quality of abutters. The Board noted that conditions will be put in place to make sure lighting is suitable for facilities, but not an annoyance to neighbors. Mr. Barry adds that there will be a water proof enclosure to reduce noise emitted by the backup power generator on site and unit will only need to run 15-30 minutes 1/week in order to stay primed. Mrs. Hassinger suggested abutters visit other pump sites in town to observe noise levels. Applicant noted they will contact abutters to schedule a visit while priming occurs. Mr. Laydon noted that due to the distance from surrounding homes, existing wetlands and low height of building there was no landscape plan requested or submitted with this application. Mr. Hassinger and Mr. Robbins would like to review noise specifications as Mr. Laydon requested. Mr. Barry added that the electric pole will come out near access road and both 24 and 25 Trinity Ave properties will get access underground, which will likely connect at a straight shot from each home's meter to the street.

Mr. Scott Lamont of 25 Trinity Ave also spoke to the Board on the following:

- What will be the result of the plan changes and swales for access road, partially placed on his property, once the access road is finalized?
- There is barbed wire on the right of way currently on the plan, will this change?

Mr. Robbins noted that the end decision will address solid plans to accommodate everyone and all information heard at the Public Hearings. Mr. Barry noted that, due to erosion controls, there will not be a fencing surrounding the entire site, but rather only on the southern side of the parcel. The Board requested a snow storage plan, comments from Graves Engineering, a list of neighboring conflicts and the outcome of the variance for the next hearing.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to accept the applicant's request to continue the public hearing to May 16, 2016. **MOTION** carried unanimously 5 to 0.

**PUBLIC HEARING 5B: (7:30 P.M.) SPECIAL PERMIT (SP 2016-3) & SITE PLAN APPROVAL AND CONSIDERATION OF DRAFT DECISION – "SUPER PARK"**

**RECREATIONAL FACILITIES - TOWN OF GRAFTON (APPLICANT/OWNER) – 4-6  
UPTON STREET**

Mr. Laydon reviewed the current on goings with the application review and suggested that the Board close the hearing and proceed based on the draft decision presented. The Board discussed the need for a super majority vote for the Special Permit. Due to there being 13 outstanding items with this plan, Mr. Robbins noted that he would like to have a draft decision include all points before the project can go out for bid.

Jennifer Thomas, Chair of the Super Park Committee of 67 Upton Street, was present for the hearing and noted that there are parts of the project which include site clearing which can be done once the public hearing is closed. Mr. Laydon noted the timeline for finalization of the decision is 65 days from the closing of the public hearing and new info, unless requested by the Board cannot be considered after the public hearing is closed. Mr. Laydon noted that there are minimal engineering changes necessary and would not require what other more complex applications may. The Board and staff discussed the use of timing and town funds for the project. Mr. Laydon will talk to the engineer to discuss changes and get feedback from the Super Park Committee on foreseen changes.

Gina Dalan of 43 Blanchard Road spoke to the Board of her opinion on the extensive action which has been taken prior to coming before the board in order to create this application.

Bill Hanley of 38 Brigham Hill Road also spoke to the Board and requested that when a list of conditions is created, that community members be notified to come back before the Board. Mr. Hanna noted that he would like to see the public hearing closed based on the professional advice of the Town Planner.

**MOTION** by Mr. Scully, **SECOND** by Mr. Robbins, to grant Waiver W1-W6 as drafted.

Board Members discussed the waiving of the application fee. **MOTION** carried 4 to 0, with 1 abstaining member.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hassinger, to accept the applicant's written request to continue the public hearing to May 16, 2016. **MOTION** carried unanimously 5 to 0.

**PUBLIC HEARING 5D: (7:30 P.M.) SITE PLAN APPROVAL (SPA 2016-2) – THEROUX  
DENTAL – MARC & TINA THEROUX (APPLICANT) / HELEN BULGER (OWNER) –  
103 WORCESTER STREET**

Mr. Laydon read the legal notice to open the Hearing. Norma Hill of Lan Planning was present for the hearing. He noted the other professional services that would be offered in the building and gave details of the location of the site. He noted that vehicles pulling out of Harris Ave. would create an issue and as a result the plan will include taking down the existing retaining wall with permission from the state. This plan will also allow for drainage on site to address the existing massive water puddle that occurs on Harris Ave. due to the lack of on-street drainage. He also noted that parking does slightly cross into the residential area as permitted but that vegetation will remain untouched as requested by abutters.

Dr. Tina Theroux was also present for the hearing and noted details of the sign and that depending on the grading; it will be compliant with the Zoning By-Law which wouldn't require approval by the Board.

The Board Members discussed the difficulty of pulling out of Harris Road. Mr. Hill will talk to the Sewer Department and Department of Public Works to get the road regraded from behind the second entrance on Harris Road and adds that the Sewer line on the road is deep. He also notes that the excess parking will apply only in the case that Zoning By-Laws requires it in the case that the final plan's square footage exceeds what is available within the onsite parking.

Michael Hubley of 4 Bernard Road was concerned that parking and lights will be intrusive. Mr. Hill assured him that the parking area lights will be hooded and turn off at 7:00 p.m. on Wednesdays and Thursdays at the latest. Mr. Hubley was also concerned with the sight line of his property to the building and requested fenced screening as opposed to bushes. The Board discussed the final elevation of the site, which Mr. Hill noted will be 3 feet lower than it is currently. Mr. Laydon also noted that the area surrounding parking is before Conservation Commission who is recommending it go back to its natural state.

**MOTION** by Mr. Scully, **SECOND** by Mr. Robbins, to accept the applicant's written request to continue the public hearing to May 16, 2016. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Scully, **SECOND** by Mr. Hassinger, to extend the meeting past 10:00 p.m. **MOTION** carried unanimously 5 to 0.

**PUBLIC HEARING 5A: (7:30 P.M.) ZONING AMENDMENTS ZBL 2016-2 THRU 2016-8: PROPOSED AMENDMENT TO THE GRAFTON ZONING BY-LAW**

**Zoning Map Revision - Water Supply Protection Overlay District - Trinity Well Expansion & (Map):** The Board agreed that the Water Supply Protection Overlay District (WSPOD) map is now much clearer and that these changes are intended to protect the current and future wells within the district. Residential use is not restricted, though lot coverage may be. Mr. Scully noted that this will prevent or inhibit any municipal projects within the district.

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

**Frontage – Yard Requirements – Revisions to Definition:** Mr. Laydon reviewed the proposed amendment and explained that it adds more clarity on how to apply building setbacks.

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

**Brewery, Microbrewery, Nanobrewery, Brew Pub – Definitions and Use Table Additions / Revisions:** Board noted that the legal ad describes the amendment well. Mr. Hassinger suggested finalizing the hyphens or lack thereof for each descriptive in the title and language.

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

**Other Eating and Drinking Establishments – Use Table Revisions:** No discussion was had by the Board.

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

**Contractor's Yard, Artist Live/Work/Gallery, Large Family Day Care – Use Table Additions:** No discussion was had by the Board.

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

**40R District / Fisherville Site – Revisions to Section 10:** No discussion had by the Board.

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

**Village Mixed Use - Revisions to Section 12:** The Board briefly discussed the changes and the results on the flexibility and development for new uses, which may require offering guidance to the Building Department.

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

**MOTION** by Mr. Robbins, **SECOND** by Mr. Scully, to direct staff to draft amendments for Zoning By-Laws 2016-2 thru 2016-8, as discussed. **MOTION** carried unanimously 5 to 0.

**ITEM 6: ANY OTHER ITEMS WHICH MAY LAWFULLY COME BEFORE THE BOARD**

No other items came before the Board at this time.

**ADJOURNMENT**

**MOTION** By Mr. Robbins, **SECOND** by Mrs. Hassinger, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 10:27 p.m.

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Robert Hassinger, Clerk

**EXHIBITS**

- Request For Approval Not Required (ANR 2016-3): 22 Brookmeadow Lane – Nicholas & Heather Leoleis; includes the following:
  - Form A; dated March 19, 2016; received March 29, 2016; 1 page.
  - Affidavit; no date; received March 29, 2016; 1 page.
  - Certificate of Good Standing; dated March 25, 2016 by Treasurer/Collectors Office; received March 29, 2016; 1 page.
  - Plan; prepared by Guerriere & Halnon; 11” X 17”; color; dated December 9, 2015; no received date; 1 page.
- Action Item 2b: Request For Approval Not Required (ANR 2016-4): Manor Hill Drive (A.K.A. Lot 52 – “Highfields Of Grafton” Subdivision) – Magill Associates, Inc.; includes the following:

- Form A; dated March 28, 2016; received April 7, 2016; 1 page.
- Affidavit; no date; received April 7, 2016; 1 page.
- Certificate of Good Standing; dated March 28, 2016 by Treasurer/Collectors Office; received April 7, 2016; 1 page.
- Plan; prepared by Andrews Survey & Engineering, Inc.; 11” X 17”; black and white; dated August 22, 2014; received April 7, 2016; 1 page.
- Action Item 2b: Request for Approval Not Required (ANR 2016-5): Magill Drive (A.K.A. Lots 111 & 114 – “Highfields Of Grafton” Subdivision) – Magill Associates, Inc.; includes the following:
  - Form A; dated March 28, 2016; received April 7, 2016; 1 page.
  - Affidavit; dated April 8, 2016 by the Clerk’s Office; no received date; 1 page.
  - Certificate of Good Standing; dated March 28, 2016 by Treasurer/Collectors Office; no received date; 1 page.
  - Plan; prepared by Andrews Survey & Engineering, Inc.; 11” X 17”; black and white; dated January 25, 2015; received April 7, 2016; 1 page.
- Special Permit (SP 2016-5) & Site Plan Approval – Trinity Ave Pump Station – Grafton Water District (Applicant/Owner) – 25r Trinity Ave; includes the following:
  - Application Packet; prepared by Tata & Howard; dated March 2015; received March 17, 2016.
  - Plan Set; prepared by Tata & Howard; 11” X 17”; color; dated March 2016; received March 17, 2016; 29 pages.
  - Email Correspondence; Departmental Review; Submitted by Katrina Koshivos, Zoning Board of Appeals; dated April 1, 2016; received April 1, 2016; 1 page.
  - Email Correspondence; Departmental Review; Submitted by Nancy Connors, Board of Health; dated March 31, 2016; received March 31, 2016; 1 page.
  - Email Correspondence; Departmental Review; Submitted by Chief Normand A. Crepeau Jr., Police Department; dated March 31, 2016; received March 31, 2016; 1 page.
  - Letter of Correspondence; Re: Grafton Water District, Trinity Avenue Pump Station; submitted by Assistant Chief, Stephen L. Charest, Fire Department; dated April 6, 2016; received April 6, 2016; 1 page.
  - Public Comment Email Correspondence Form; Subject: SP 2016-5: Trinity Avenue Pump Station – 25R Trinity Avenue; submitted by Scott Lamont of 25 Trinity Ave.; dated April 10, 2016; received April 11, 2016; 2 pages.
- Draft Meeting Minutes of Planning Department Technical Review Meeting – March 22, 2016; dated April 11, 2016; no received date; 2 pages.
- Special Permit And Site Plan Approval (SP 2016-3) – “Super Park” Recreational Facilities - Town Of Grafton (Applicant/Owner) – 4-6 Upton Street; includes the following:
  - Letter of Correspondence; Re: Recommended Plan Revisions for Super Park; from Joseph Laydon, Town Planner; dated March 31, 2016; no received date; 2 pages.
  - Draft Decision; dated April 7, 2016; no received date; 12 pages.
- Site Plan Approval (Spa 2016-2) – Theroux Dental – Marc & Tina Theroux (Applicant) / Helen Bulger (Owner) – 103 Worcester Street; includes the following:
  - Site Development Plan; prepared by Land Planning, Inc.; dated April 7, 2016; received April 7, 2016; 11” X 17”; black and white; 8 pages.

- Graphic for Sign; prepared by Sunshine Signs; 8 ½” X 11”; color; dated April 8, 2016; received April 8, 2016; 1 page.
- Architectural Plan Set; prepared by John Marro III, A.I.A.; 11” X 17”; black and white; dated April 7, 2016; received April 8, 2016; 3 pages.
- Public Comment Form; Subject: SPA 2016-2: Dental & Medical Offices – 103 Worcester Street; submitted by Lydia Bogar of 8 Bernard Road; dated April 11, 2016; received April 11, 2016; 1 page.
- Draft Proposed Zoning Amendment; ZBL 2016-2; 2016 Spring Annual Town Meeting; Zoning Map Revision - Water Supply Protection Overlay District - Trinity Well Expansion & (Map); 8 ½” X 11”; color; no date; no received date; 2 pages.
- Draft Proposed Zoning Amendment; ZBL 2016-3; 2016 Spring Annual Town Meeting; Frontage – Yard Requirements – Revisions to Definition; no date; no received date; 1 page.
- Draft Proposed Zoning Amendment; ZBL 2016-4; 2016 Spring Annual Town Meeting; Brewery, Microbrewery, Nanobrewery, Brew Pub – Definitions and Use Table Additions/Revisions; no date; no received date; 2 pages.
- Draft Proposed Zoning Amendment; ZBL 2016-5; 2016 Spring Annual Town Meeting; Other Eating and Drinking Establishments – Use Table Revisions; no date; no received date; 1 page.
- Draft Proposed Zoning Amendment ZBL 2016-6; 2016 Spring Annual Town Meeting; Contractor’s Yard, Artist Live/Work/Gallery, Large Family Day Care – Use Table Additions/Revisions; no date; no received date; 1 page.
- Draft Proposed Zoning Amendment ZBL 2016-7; 2016 Spring Annual Town Meeting; 40R District / Fisherville Site – Revisions to Section 10; no date; no received date; 2 pages.
- Draft Proposed Zoning Amendment ZBL 2016-8; 2016 Spring Annual Town Meeting; Village Mixed Use – Revisions to Section 12; no date; no received date; 3 pages.
- Email Correspondence; Subject: Public Comment 28MAR2016, Medical Marijuana; Submitted by Mark Johnson of 19 Hilltop Street; dated March 28, 2016; received April 5, 2016, 4 pages.