

Minutes of Meeting
Grafton Planning Board
July 11, 2016

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A regular meeting of the Grafton Planning Board was held on July 11, 2016 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chair Michael Scully, Vice-Chair Robert Hassinger, Clerk Dave Robbins, Linda Hassinger, Tracy Lovvorn, and Associate Member Sharon Carroll-Tidman. Staff present was Town Planner Joseph Laydon, and Office Manager Nicole Larson.

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

PUBLIC INPUT

No public input at the time.

ACTION ITEM B: REQUEST FOR APPROVAL NOT REQUIRED (ANR 2016-9): 113 ADAMS ROAD – KATHLYN LAFLAMME (OWNER).

Present for the discussion was Bill Pybas of Guaranteed Builders and Developers, Inc. Mr. Pybas noted there are no wetlands involved in this ANR request.

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

ACTION ITEM C: REQUEST FOR DETERMINATION: BOUNDS – “DENDEE ACRES” SUBDIVISION – CHARLES KADY

Present for the discussion was Charles Kady. He informed the Board that he was unaware of the waiver for concrete bounds which was denied by the Board back when the plan was originally proposed. He suggested that this was an oversight by staff at the time the plan was endorsed. Mr. Laydon noted that the plans were endorsed after the decision was drafted, and agreed that staff present at the time did not catch the error. He also added that there are several concrete bounds which fall within a driveway area and would require excavation, which would disrupt the entire area in order to be replaced. The Board discussed the difference between the concrete and granite bounds and the process entailed with installation.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, that the Board require concrete bounds be replaced with granite bounds as the original decision indicated, with the exception of the 2 bounds within a driveway location as noted by the Town Planner, in other words, to grant a waiver for the 2 driveway bounds as concrete bounds. **MOTION** carried unanimously 5 to 0.

DISCUSSION ITEM 4A: ELMROCK ESTATES (FORMALLY FIELDSTONE FARMS) – COMMENTS FROM THE BOARD TO BOARD OF SELECTMEN – 21 WHEELER ROAD – POTENTIAL 40B PROJECT

Mr. Laydon gave an introduction of the project proposal. Mass Housing has been informed of the proposed project and requires an application, with documentation, and determines how to proceed. Affordable housing aims to meet 10 % of the entire town’s housing with in a price range which meets 80% of a median income. Mr. Laydon then briefed the Board and public on the process in which projects are processed. He noted a site walk was conducted back in June with Mass Housing and town staff, himself included. He reviewed questions raised at the site walk and then from the Development Team meeting on June 28, 2016 and noted that minutes from that meeting indicate all

questions and concerns from that meeting from Town Department Heads. He noted that are concerns of negative impacts to wildlife corridors, open space and trail network nearby. All comments, including comments collected from tomorrow night's Board of Selectmen's Meeting, will be forwarded to Mass Housing. Mr. Robbins noted his concerns with the disruption of the particular layout of the as-a-right plan as well as the proximity to the protected open space land nearby. Mr. Hassinger expressed his hopes that construction on the site is limited in order to minimize the disruption of the land.

Mr. Scully opened up the discussion to the Public.

Mr. Ken Crater of 116 Brigham Hill Road spoke to the Board to convey to the Board of Selectmen that he believes this site is not an accommodating site for this project. Millions of dollars from private and public investment has been applied over the past many years in order to maintain the nearby land as open space and conservation land. He noted the concept of habitat fragmentation and the land's value as a watershed area of Lake Ripple and the Blackstone Valley River. He noted that the additional car traffic would pose a safety concern for the nearby Community Farm.

Al Sanborn of 38 Cherry Lane spoke to the Board about his concern with 40B development and described his past negative experience with his own condo years ago in 40B housing which included dodgy construction.

Rob Winchell, of 2 Powerline Drive and the Chair of the Grafton Land Trust was expressed his concerns in the comment form submitted online. This land is preserved in perpetuity, where this housing does not last forever. Mr. Laydon noted the time frame for these affordable units. He also noted that the GLT would love to work with developers in order to keep as much of the land open as possible.

Christine Furbuer, lifelong resident of Grafton noted the number of trees that would cut in order to build this project and would like to hear the applicant's plans on reducing habitat fragmentation and how to not interfere with water quality and hunting in the area. Ms. Furbur also asked the Board how this plan complies with Grafton's goals to limit development and preserve open space. She also asked how walk out yards would be enforced post construction. Mr. Laydon noted the need to request additional information from developers which would specify deed restrictions to prevent pool installation and yard expansion after lots are sold.

Mr. Hassinger expressed that he would like the Board's concerns for the long range impact and life of this project will compare with the life of the open space nearby. He noted the small advance that will be made to the Town's Affordable Housing units with this project due to the addition of single family homes.

Mr. Laydon noted the concern of the length of the proposed roadway, the investment in open space and the value it provides for the community, the community harvest project and habitat fragmentation will all be included as main points in the Town's response to this project which will be submitted to Mass Housing.

Mr. Hassinger noted the need for inclusionary zoning needing more attention in the future.

PUBLIC HEARING A: (7:30 P.M.) SPECIAL PERMIT (SP 2014-9.1) & SITE PLAN APPROVAL – BORREGO SOLAR (APPLICANT) / CHRISTY PEASE (OWNER) – 79 OLD UPTON ROAD

Mr. Scully opened the Public Hearing and Mr. Robbins read the Legal Notice. Steve Long of Borrego Solar was present for the hearing and gave the Board an outline of what is being requested with the Modification, including changes to the landscape plan and the request to

approve the stone wall that was installed on site. He noted the green screen that has been installed on 3 sides of the site and will be removed in several years once shrubs are grown and filled in.

John Haggerty of 90 Old Upton Road joined the conversation and explained to the Board his preference to not have the green screen on the side of the site facing Old Upton Road. Mr. Laydon noted the timeline for the shrubs growing in. He also suggested that the Board do a site walk in order to observe the screening first hand. Mr. Haggerty also noted that the site topography doesn't seem to fall off as the plans were presented.

Mr. Robbins noted the need to continue the hearing in order to give the Board plenty of time for a site walk and review the work that has been done on the property.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to accept the applicant's request to continue the Public Hearing to Monday August 8, 2016 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARING B: (7:30 P.M.) MODIFICATION OF A SPECIAL PERMIT (SP 2015-6.1) & SITE PLAN APPROVAL – REQUEST FOR 1 YEAR EXTENTION TO CONSTRUCT – FREDERICK & MARGOT CHURCHILL (OWNER/APPLICANT) – 114 MERRIAM ROAD

Mr. Scully opened the public hearing and Mr. Robbins read the Legal Notice. Carl Hultgren and Eric Gilmore representing the Applicant spoke to the Board on the need for an extension of construction.

After some discussion, Mr. and Mrs. Hassinger recused themselves from the discussion.

Theresa Churchill asked the board if the construction plan would stay the same. The Board confirmed the only change would be an extension of time for construction.

Mr. Scully appointed Ms. Carroll-Tidman as a voting member for the purposes of taking action on this item.

MOTION by Mr. Robbins, **SECOND** by Ms. Lovvorn to close the hearing; find the request as a minor modification and direct staff to draft a decision to grant the requested one year extension. **MOTION** carried unanimously 4 to 0. Mr. Robbins, AYE; Ms. Lovvorn, AYE; Mr. Scully, AYE; Ms. Carroll-Tidman, AYE.

PUBLIC HEARING B: (7:30 P.M.) MODIFICATION OF A SPECIAL PERMIT (SP 2015-13.1) – CEC SOLAR, LLC. (APPLICANT) / ROBERT AND KAREN KELL (OWNER) – 207 PROVIDENCE ROAD

Mr. Scully opened the Public Hearing and Mr. Robbins read the Legal Notice for the project. Greg Carey of Clean Energy Collective spoke to the Board about the dispute in order to build on the easement access owned by National Grid on the Kell's property. Mr. Laydon noted that Town Counsel has not replied to his request of position on this application. Mr. Carey noted that the easement is non-exclusive and that the applicant would like to start construction as soon as possible. Due to the Condition B3 in the decision previously issued by the Board, the applicant is unable to apply for a Building Permit. Mrs. Hassinger noted that the removal of this Condition, it leaves the dispute between the Applicant and National Grid. The Board determined that by

removing the Condition, the Applicant would still need to settle the dispute with National Grid. Mr. Carey noted that gravel road through the easement would not restrict easement access.

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

MOTION by Mrs. Hassinger, **SECOND** by Mr. Robbins, to find that this is a minor modification and strike Condition B3 from the original decision. **MOTION** carried unanimously 5 to 0.

PUBLIC HEARING D: (7:30 P.M.) SPECIAL PERMIT (SP 2016-8) & SITE PLAN APPROVAL – CONSTRUCTION OF A BUILDING ADDITION – R.P. MASIELLO, INC. (APPLICANT) / EQUIPMENT CARE CENTER OF GRAFTON (OWNER) – 88 WESTBORO ROAD.

Mr. Scully opened the Public Hearing. Present for the hearing was Brian Milisci of Whitman & Bingham representing the applicant. The Board and the Applicant discussed a comment received from Jeff Walsh of Graves Engineering on July 7, 2016 regarding a difference of opinion relating to the stormwater report which states that the project does not contain Land Uses with Higher Potential Pollutant Loads (LUHPPL). Mr. Walsh notes that he had no issue with the design relative to compliance with Standard 5 – LUHPPL and that the design will result in improved water quality. Mr. Walsh provided a technical review why, in his opinion, that the existing land use is a LUHPPL, in particular the potential threat for higher pollutant loads of various vehicles. However, he concluded with his assessment that the activities a potential pollutant loads associated with storing, maintaining and repairing a trailer fleet are not substantially unlike those associated with a truck fleet or with a fleet composed of both trucks and trailers. The Applicant noted that regardless of the technical disagreement amongst the engineers that the system is designed to accommodate the more stringent definition of use thereby being the more environmentally protective.

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, taking into account all the material drafted over the course of the hearing. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

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

- An application for a cell tower on 104 Creeper Hill Road has been submitted to the Planning Department and a Public Hearing will be scheduled.
- Definitive Subdivision plan has been received for 88 Adams Road and both Town Planners of Westborough and Grafton have been in touch.
- Public Comment Event is approaching on Thursday, August 11, 2016 to solicit ideas from the public on Worcester Street improvements, which will take place at the High School.
- We are waiting to hear back from DHCD on if we will be receiving funds for our PATH grant application.
- We have received multiple applications for the RFP posted

- Consultant applications for the scope of work involved with the Riverwalk have been accepted and will be reviewed shortly. Mill Villages Advisory will be used as a forum to receive public comment and feedback.
- Affordable Housing Trust will be reviewing the Elmrock Site Eligibility Application.
- Funding for an intern is available, and staff will be looked into hiring for the fall.

CORRESPONDENCE

No correspondence at this time.

OPEN SESSION MINUTES FROM JULY 1, 2016

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins to approve the minutes as drafted with suggested edits. **MOTION** carried unanimously 5 to 0.

OPEN SESSION MINUTES FROM JUNE 21, 2016

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

OPEN SESSION MINUTES FROM JUNE 13, 2016

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to approve the drafted minutes as amended and discussed. **MOTION** carried unanimously 5 to 0.

OPEN SESSION MINUTES FROM JUNE 27, 2016

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to approve the drafted minutes as amended. **MOTION** carried unanimously 5 to 0.

BILLS:

The bills were circulated and signed.

ACTION ITEM A: SIGNATURE OF WORCESTER DISTRICT REGISTRY OF DEEDS (WDRD) FORMS

The form was passed and signed by all members.

ACTION ITEM D – DRAFT DECISION: SITE PLAN APPROVAL (SPA 2016-2) – THEROUX DENTAL – 103 WORCESTER STREET – MARC & TINA THEROUX (APPLICANT) / HELEN BULGER (OWNER)

The Board discussed the draft decision with extra attention given to signage and sidewalks in the area.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to find favorable on Findings F1-F21 with amendments as noted, to grant Waiver W1, to approve Condition A1-D1 and approve the decision as amended and discussed. **MOTION** carried unanimously 5 to 0.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Hassinger gave a report on CMRPC updates.

Mr. Laydon noted that iPads will be purchased over the next month for the Planning Board Members and paper meeting materials other than full size plans will be phased out.

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. **MOTION** carried unanimously 4 to 0.

The meeting was adjourned at 10:00 p.m.

EXHIBITS

- Request for Approval Not Required (ANR 2016-9): 113 Adams Road, Kathlyn Laflamme; includes the following:
 - Application for Endorsement of Plan Believed Not to Require Approval; dated June 22, 2016; received June 24, 2016; 1 page.
 - Affidavit, ANR Plan Submittal; no dated; received June 24, 2016; 1 page.
 - Certificate of Good Standing; dated May 26, 2016 by Treasurer / Collector's Office; received June 24, 2016; 1 page.
 - Division of Land Plan; Submitted by Empire Mapping, LTD; 11" X 17"; black and white; dated June 01, 2016; Received June 24, 2016; 1 page.
- Request for Determination: Bounds – “Dendee Acres” Subdivisio – Charles Kady; includes the following:
 - Site Visit Report; submitted by Graves Engineering, Inc.; dated June 2, 2016; received June 24, 2016; 2 page.
 - Letter of Correspondence; Re: Charles Kady, Jr., Dendee Acres Subdivision; submitted by Damien D. Berthiaume; June 20, 2016; received June 21, 2016; 1 page.
- Elmrock Estates (Formally Fieldstone Farms) – Comments From The Board To Board Of Selectmen – 21 Wheeler Road – Potential 40b Project; includes the following:
 - Memorandum from Joseph Laydon, Town Planner with Attachment; Subject: Comments on 21 Wheeler Road – Elmrock Estates – Site Eligibility Application; dated July 8, 2016; no received date; 6 pages.
 - Letter of Correspondence; Re: Elmrock Estates Comprehensive Permit Site Eligibility Application; submitted by Kenneth C. Crater & Margaret A. Ferraro; dated July 6, 2016; received July 6, 2016; 3 pages.
 - Public Comment Forms received via Email from the following:
 - Wayne McAuliffe – 7/27/16
 - Ken Crater & Peg Ferraro - 7/6/16
 - Amy Marr - 7/7/16
 - Philip Victor - 7/7/16
 - Kim Westcott - 7/7/16
 - Tasha Halpert - 7/7/16
 - Michael Urban - 7/7/16
 - Stephen Halpert - 7/7/16
 - George Witman - 7/7/16
 - Steve Borg - 7/7/16

- Community Harvest Project - 7/7/16
- Anna-Maria Paul - 7/7/16
- Donna Peronace - 7/7/16
- Namanda Shenoy - 7/7/16
- William Fuqua - 7/7/16
- Paul O'Packi - 7/7/16
- Grafton Land Trust - 7/8/16
- Denise Wunn - 7/8/16
- Fletcher Tilton - 7/8/16
- Marsha Platt - 7/8/16
- Jeff Smith - 7/8/16
- Town Planner Comments - 7/8/16
- Al Sanborn - 7/11/16
- Kim Snediker - 7/11/16
- Special Permit (SP 2014-9.1) & Site Plan Approval – Borrego Solar (Applicant) / Christy Peas (Owner) – 79 Old Upton Road; includes the following:
 - Email Correspondence; Subject: 79 Old Upton Road; received from John G. Haggerty; dated February 9, 2016; received on February 9, 2016; 2 pages.
 - Application for Modification of a Special Permit; no dated; received April 19, 2016; 1 page.
 - Certificate of Good Standing; signed by Treasurer / Collector's Office on March 29, 2016; received April 19, 2016; 1 page.
 - Certified Abutters List; dated March 1, 2016; received on April 19, 2016; 1 page.
 - Landscape Plan; submitted by Borrego Solar; dated February 29, 2016; received April 19, 2016; 24" X 36"; black and white; 1 page.
 - Landscape Plan; submitted by Borrego Solar; dated February 29, 2016; received April 19, 2016; 11" X 17"; black and white; 1 page.
 - Site Photo; no date; received April 19, 2016; 8 ½" X 11"; color; 1 page.
 - Email Correspondence; Subject: Mod. Of a Special Permit (SP 2014-9.1) & Site Plan Approval – Solar Electric Generating Facility – 79 Old Upton Road – Borrego Soar; submitted by Nancy Connors; dated April 28, 2016; received April 28, 2016; 1 page.
 - Email Correspondence with attachments; Fwd: 79 Old Upton Road Solar Farm; submitted by John Haggerty; dated July 8, 2016; received July 8, 2016; 6 pages.
- Modification Of A Special Permit (SP 2015-6.1) & Site Plan Approval – Request For 1 Year Extension To Construct – Frederick & Margot Churchill (Owner/Applicant) – 114 Merriam Road; includes the following:
 - Application for Modification of a Special Permit; signed and dated by Applicant on June 9, 2016; received June 14, 2016; 1 page.
 - Certificate of Good Standing; Signed by the Treasure / Collector's Office on June 9, 2016; received June 14, 2016; 1 page.
 - Certified Abutters List; dated June 10, 2016; received June 14, 2016; 1 page.
 - Letter of Correspondence; Re: 114 Merriam Road, Common Driveway (SP 2015-6); submitted by Carl Hultgren, PE; dated June 14, 2016; received June 13, 2016; 1 page.
 - Email Correspondence; Subject: Mod. Of a Special Permit (SP 2015-6.1) & Site Plan Approval – Extend Period to Construct Common Drive – 114 Merriam Road; submitted by Nancy Connors; dated June 23, 2016; received June 23, 2016; 1 page.

- Email Correspondence; Subject: SP 2015-6.1; submitted by Normand Crepeau, Jr.; dated June 23, 2016; received June 23, 2016; 1 page.
- Modification of a Special Permit (SP 2015-13.1) – CEC Solar, LLC. (Applicant) / Robert And Karen Kell (Owner) –207 Providence Road; includes the following:
 - Application for Modification of a Special Permit; signed by Property Owner on June 15, 2016; received June 15, 2016; 1 page.
 - Certificate of Good Standing; signed and dated by the Treasurer / Collector’s Office on June 10, 2016; received on June 13, 2016; 1 page.
 - Certified Abutters list; dated June 14, 2016; no received date; 1 page.
 - Letter of Correspondence: Re: Modification to Special Permit & Site Plan Approval – Community Solar Project at 207 Providence Road; submitted by Greg Carey; dated June 15, 2016; received June 15, 2016; 1 page.
 - Letter of Correspondence; from Karon Kell; dated January 25, 2016; received June 15, 2016; 1 page.
 - Email Correspondence with attachment; Subject: Grafton NGRID Easements; from Katherine Worden; dated May 18, 2016; received June 15, 2016; 5 pages.
- Special Permit (SP 2016-8) & Site Plan Approval – Construction of a Building Addition – 88 Westboro Road; includes the following:
 - Letter of Correspondence; RE: Response to Comments, 88 Westborough Road, Grafton, MA; submitted by Brian F. Milisci, P.E.; dated July 1, 2016; received July 7, 2016; 3 pages.
 - Peer Review; Subject: New Building Addition – 88 Westborough Road, Special Permit and Site Plan Review; Submitted by Jeffery Walsh, Graves Engineering, Inc. dated July 7, 2016; dated July 7, 2016; 4 pages.
 - Proposed Site Development Plan; prepared by Whitman & Bingham Associates; 11” X 17”; color; dated June 30, 2016; July 7, 2016; 8 pages.
- Draft Meeting Minutes of Planning Board Meeting – June 13, 2016; dated July 7, 2016; no received date; 8 pages.
- Draft Meeting Minutes of Planning Board Meeting – June 21, 2016; no date; no received date; 4 pages.
- Draft Meeting Minutes of Planning Board Meeting – June 27, 2016; dated July 8, 2016; no received date; 6 pages.
- Draft Meeting Minutes of Planning Board Meeting – July 1, 2016; dated July 6, 2016; no received date; 1 page.
- Draft Decision: Site Plan Approval (SPA 2016-2) & Site Plan Approval; Professional Office Building, Parking and Associated Site Work, 103 Worcester Street, North Grafton; no date; no received date; 13 pages.
- Draft Meeting Minutes of Planning Department – Technical Review, June 28, 2016; no date; no received date; 2 pages.

These minutes approved by the Planning Board on: July 25, 2016