

Minutes of Meeting RECEIVED TOWN CLERK  
Grafton Planning Board GRAFTON, MA  
August 8, 2016

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A regular meeting of the Grafton Planning Board was held on August 8, 2016 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Vice-Chair Robert Hassinger, Clerk Dave Robbins, Linda Hassinger, Tracy Lovvorn and Sharon Carroll-Tidman. Absent from the meeting was Chairman Michael Scully. Staff present was Town Planner Joseph Laydon, Assistant Planner Ann Morgan and Office Manager Nicole Larson.

Vice-Chairman Hassinger called the meeting to order at 8:00 p.m.

**PUBLIC INPUT**

Joe Zingeviln requested an update on the access road for 104 Creeper Hill Road. Mr. Laydon noted that the Town Meeting earlier this evening was for the sale of the property in which the access road is contained. Mr. Hassinger and Mr. Laydon explained to Mr. Zingeviln that the appropriate time to give feedback is during the Public Hearing process once the application for the access road takes place, likely to open at the Planning Board Meeting on September 12, 2016. They also informed Mr. Zingeviln that the Public Hearing for 104 Creeper Hill Road cell tower will be continued to August 29, 2016 and if he has any further information he can also contact the Town Planner during business hours.

**PUBLIC HEARING: SPECIAL PERMIT (SP 2016-3) & SITE PLAN APPROVAL – “SUPER PARK” RECREATIONAL FACILITIES - TOWN OF GRAFTON (APPLICANT/OWNER) – 4-6 UPTON STREET:**

Mr. Laydon noted that the applicant has submitted a request to continue the Public Hearing until all requested changes to the plan have been prepared in order to avoid coming back to the Planning Board for potential later modification.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Hassinger, to accept the applicant’s written request to continue the Public Hearing to August 29, 2016 at 7:15 p.m. **MOTION** carried unanimously 4 to 0.

**PUBLIC HEARING: SPECIAL PERMIT (SP 2016-10) & SITE PLAN APPROVAL – PROPOSED WIRELESS COMMUNICATION FACILITY APPLICATION – U.S. WIRELESS, INC AND VERTICAL BRIDGE (APPLICANT) / TOWN OF GRAFTON (OWNER) – 104 CREEPER HILL ROAD:**

Mr. Robbins read the legal notice and Mr. Hassinger opened the public hearing. There was no one present for the applicant at the hearing. Mr. Laydon noted his opinion on the applicant’s exemption from needing to request a balloon test. Mr. Hassinger expressed his concern for leaving the balloon test out of the application process and urged staff to advertise based on past application processes. It was determined that the legal notice would be re-advertised with details for a determined time and date to hold a balloon test.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Hassinger, to grant the applicant’s written request to continue the Public Hearing to August 29, 2016 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**DISCUSSION ITEM: RECREATION MARIJUANA BY-LAWS – DISCUSSION WITH TOWN COUNSEL, GINNY SINKEL-KREMER:**

Mrs. Sinkel-Kremer noted that medical marijuana has been written into the By-Law and the discussion tonight would be concerning recreation marijuana. She spoke to the Board about the likely steps to write By-Law on recreation use as well as where the process is with the State. Due to the legalization of Recreational Marijuana likely taking years, Mrs. Sinkel-Kremer noted that the only thing the Board can do at this point is to get a sense of where the residents of the Grafton stand on this topic and whether or not they support or reject the idea of recreational marijuana. Mr. Robbins asked how the legalization of recreation marijuana may impact the current By-Laws for medical marijuana. Mrs. Sinkel-Kremer noted that though there is no State Law written as of now, she is doubtful that the sale of one would be tied to the other. Mr. Hassinger noted that in Colorado where both the sale of recreation and medical take place in the same store front, which, he suggested, may not be out of the question for Massachusetts.

Mr. Laydon and Mrs. Sinkel-Kremer noted that it would be incredibly difficult to draft town By-Law to be approved by the Attorney General's Office for anything other than medical marijuana, since there are no laws allowing any kind of growth, purchase or sale of recreational marijuana in the State. Mr. Laydon noted that the best we can do is make changes to medical marijuana By-Law to restrict it further and keep close track on recreational marijuana developments.

Mr. Robbins noted that there may be concepts, such as regulation around areas of where children congregate, which the Board will want to regulate medical marijuana further. He noted that it is in the Board's best interest to wait on holding a moratorium until a law is passed on recreational marijuana to allow for the longest amount of effectiveness.

Mr. Hassinger also asked Town Counsel about the agricultural aspect of all marijuana. Mr. Sinkel-Kremer noted that there is no information on the regulation at this time. Mr. Laydon noted that any applicant would be held to the use category it best fits as seen by the Zoning Officer.

Mr. Laydon will put together language for points made at tonight's discussion. He asked the Board to submit any map requests they have at this time to put together any necessary proposals over the next 2 weeks to prepare for the upcoming Town Meeting. The Board discussed different buffer zones with in the zone of where medical marijuana hasn't been restricted.

Mark Johnson of 19 Hilltop Street spoke to the Board on the potential of the language currently on the State Ballot or November. He made several suggestions to the Board based on By-Law that Northbridge currently has in place. He also stated that the local Departments of Public Health (DPH) are relying on the applicant to determine where the best locations will be.

**PUBLIC HEARING 2C: MODIFICATION OF A SPECIAL PERMIT (SP 2014-9.1) & SITE PLAN APPROVAL – BORREGO SOLAR (APPLICANT) / CHRISTY PEASE (OWNER) – 79 OLD UPTON ROAD:**

Present for the Hearing was Applicant Steve Long who explained to the Board that he is requesting modifications for the approved landscaping plan recently submitted to the Board. Mr. Laydon confirmed the proposed modifications.

John Haggerty of 90 Old Upton Road spoke to the Board about the current screening of the site. Mr. Hassinger requested that he share any concerns on the 3 changes coming before the Board with this modification. Mr. Haggerty noted that the changes were satisfactory; however he was displeased by the length of time it would take for the shrubbery to grow in order to provide the

full screening originally discussed for the site. He added that the estimated 5 years to plant maturity was a long time to wait for full screening.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Hassinger, to close the Public Hearing and instruct staff to draft a decision based on testimony received at the Public Hearings. **MOTION** carried unanimously 4 to 0.

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

**DISCUSSION ITEM: FISHERVILLE TERRACE: DISCUSSION OF POTENTIAL MAJOR RESIDENTIAL DEVELOPMENT – 119 MAIN STREET – JOHN WINSLOW:**

Mr. Laydon introduced John Winslow, of Fisherville Terrace, LLC, owners of the 25 acre property was in attendance to review the plan for a 40B on Main Street. Mr. Winslow stated that he was looking for feedback on the proposed plan, which consists mostly of single family homes and several complexes, which would allow for 25% of the housing as Affordable Housing. Mr. Winslow discussed the proposal of the entrance road which follows the topography of the land and requested suggestions for improvements from the Board and Staff. Mr. Laydon noted that he cannot definitively determine if the current roadway follows the Subdivision Rules and Regulations. Mr. Hassinger noted that there is an option for creative use of the Flexible Plan, of which the applicant could seek further guidance from the Town Planner, with the hopes of avoiding as many waivers as possible.

**DRAFT DECISION 3A: SCENIC ROAD PERMIT (SRP 2016-1) – TREE REMOVAL AND STONEWALL RELOCATION – 113 ADAMS LANE – GUARANTEED BUILDERS & DEVELOPERS, INC. (APPLICANT) / KATHLYN LAFLAMME (OWNER).**

The Board discussed the draft.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Hassinger, to find favorable F1-F11, approve the decision as drafted with edits and Conditions C1-C7. **MOTION** carried unanimously 4 to 0.

**DRAFT DECISION 3B: SPECIAL PERMIT (SP 2016-9) & SITE PLAN APPROVAL – ACCESSORY APARTMENT – MATTHEW HOMAN (APPLICANT/OWNER) – 26 MAGNOLIA LANE:**

Mr. Robbins noted that the decision was lacking the condition of requiring the Special Permit is pertinent only to family member occupants. Mrs. Morgan will add the Condition that speaks directly to family members occupying the accessory apartment. She also noted Finding F7 was put in place by the request of the Building Inspector. Mr. Hassinger noted that Finding F7 should be reflected in the Conditions.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Lovvorn, to make favorable Findings F1-F23, grant Waivers W1-W4 as drafted, and approve the application for Special Permit and Site Plan Approval with Conditions C1-C6 as drafted, and the added Condition indicating use by family members. **MOTION** carried unanimously 4 to 0.

**BILLS:**

The bills were circulated and signed.

**STAFF REPORT:**

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

- He will be preparing what was discussed with Town Counsel to discuss further at the Workshop scheduled for August 22, 2016. The Board Members requested a fresh set of materials for the marijuana and modifications to the Campus Overlay District discussion topics.
- We are beginning the applicant selection and interview process for the North Grafton Transit Village project.
- The application for Riverwalk has been signed by VHB.
- Open Space Plan for the fall is being worked on.
- Awaiting the final set of plans for the front portion of 104 Creeper Hill Road and awaiting updates on test pit results.
- Working on preparing for the self-assessment presentation based on information submitted from the Town at the meeting earlier this year.
- This Thursday at 7:00 p.m. on August 11, 2016 is the Public Forum for improvements of Worcester Street.
- Staff is working on developments for the area near Pine Street for the Transit Village Master Plan Project.

**CORRESPONDENCE:**

No correspondence discussed at this time.

**OPEN SESSION MINUTES FROM July 25, 2016:**

The Board discussed edits of the draft.

**MOTION** by Mr. Robbins, **SECOND** by Mrs. Hassinger, to approve the draft of July 25, 2016 meeting minutes with discussed edits. **MOTION** carried unanimously 4 to 0.

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

Mr. Hassinger noted the legislature overrode the Governor's veto for the District Local Technical Assistance (DLTA) and the funds have been approved after all. In order to move forward, CMRPC will work with each Town to use the available funds for small projects as both parties see fit.

Mrs. Hassinger noted that Library is looking into hiring architects for renovations. Mr. Laydon suggested that appropriate staff be conferred with on the renovation plans.

**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 10:36 p.m.

**EXHIBITS**

- Special Permit (SP 2016-3) & Site Plan Approval – “Super Park” Recreational Facilities – 4-6 Upton Street; includes the following:
  - Email Correspondence from Jennifer Thomas; Subject: Re: phase one Superpark; dated August 8, 2016; received August 8, 2016; 1 page.
- Special Permit (SP 2016-10) & Site Plan Approval – Proposed Wireless Communication Facility Application – 104 Creeper Hill Road; includes the following:
  - Bound application packet; submitted by U.S. Wireless, Inc. and Vertical Bridge; dated July 7, 2016; received July 7, 2016.
  - Plan Set; submitted by Vertical Bridge; 11”X17”; color; revised dated July 7, 2016; received July 8, 2016; 6 pages.
  - Email Correspondence/Comments from Maria Mast, Conservation Agent; Subject: SP 2016-10: Special Permit & Site Plan Approval – Construction of a Cell Tower – 104 Creeper Hill Road; dated July 20, 2016; received July 20, 2016; 1page.
  - Email Correspondence/Comments from Board of Health; Subject: SP 2016-10: Special Permit & Site Plan Approval – Construction of a Cell Tower – 104 Creeper Hill Road; dated July 20, 2016; received July 20, 2016; 1page.
- Draft Decision: Scenic Road Permit (SRP 2016-1) – Tree Removal and Stonewall Relocation – 113 Adams Lane – Guaranteed Builders & Developers, Inc. (Applicant) / Kathlyn Laflamme (Owner) dated June 26, 2016; no received date; 7 pages.
- Draft Decision: Special Permit (SP 2016-9) & Site Plan Approval – Accessory Apartment – Matthew Homan (Applicant/Owner) – 26 Magnolia Lane dated August 4, 2016; no received date; 7 pages.
- Draft Meeting Minutes of Planning Board Meeting – July 25, 2016; dated August 8, 2016; no received date; 9 pages.
- Graves Engineering, Inc. Site Visit Report; dated June 27, 2016; received date August 2, 2016; 1 page.

**These minutes approved by the Planning Board on: August 22, 2016**