

**DECISION  
GRAFTON PLANNING BOARD**

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GRAFTON, MA

**SPECIAL PERMIT (SP 2016-8) & SITE PLAN APPROVAL  
Demolition of Portion of Existing Building, Construct a New Building Addition  
Associated Site Improvements**

**88 Westboro Road, North Grafton, MA**

**R. P. Masiello, Inc. (Applicant)  
Equipment Care Center of Grafton, LLC (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the R.P. Masiello, Inc., 38 Main Street, P.O. Box 742, Boylston, MA 01505 (hereinafter the APPLICANT), for a Special Permit and Site Plan Approval under Section 3.2.3.1 of the Grafton Zoning By-law to construct new 6,375 square foot building addition on property located at 88 Westboro Road, North, Grafton MA and shown on Grafton Assessor's Map 12, Lot 12 and owned by Equipment Care Center of Grafton, LLC, 88 Westboro Road, North Grafton, MA 01536 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 37347, Page 145.

**I. BACKGROUND**

The above referenced application for a Special Permit / Site Plan Approval (hereinafter APPLICATION) was submitted on April 22, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 9 and June 16, 2016, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on June 27, 2016 and continued to July 11, 2016. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on July 11, 2016.

The following Board members were present throughout the public hearing: Chairman Michael Scully (Mullin Certification for June 27, 216), Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger and Tracy Lovvorn, and Associate Member Sharon Carroll-Tidman. At the hearing the following people presented the Application: Brian Milisci of Whitman & Bingham Associates and Grant Angelo of R.P. Masiello, Inc.

**II. SUBMITTALS**

The following items were submitted to the Board for its consideration of this application:

**EXHIBIT 1.** Application Packet; Special Permit & Site Plan Approval Application Package; prepared by Whitman & Bingham Associates, received April 11, 2016; includes the following:

- Application for Special Permit, 1 page.
- Application for Site Plan Approval, 1 page.
- Certified Abutters List signed by the Assessor's Office on February 16, 2016; 1 page.
- Certificate of Good Standing signed by the Treasurer / Collectors Office on April 3, 2016; 1 page.

- Correspondence from Whitman & Bingham Associates, Special Permit & Site Plan approval Application, #88 Westborough Road, Grafton; dated April 15, 2016; 2 pages.
- Stormwater Report, 88 Westborough Road, Grafton, MA; prepared by Whitman & Bingham Associates; dated February 15, 2016; 18 pages.
- Plan Set; Dana Transport Wash Building Renovation and Addition; prepared by The Design Studio of BTH Architects; black & white, 11" X 17"; 13 sheets.
- Plan Set; Proposed Site Development Plan for New Building Addition at 88 Westborough Road in North Grafton, Massachusetts; prepared by Whitman & Bingham Associates; 24" x 36" and 11" x 17", black & white; dated February 2016; 7 sheets.

**EXHIBIT 2.** Departmental Comment Form; Katrina Koshivos for the Zoning Board of Appeals; received May 11, 2016; 1 page.

**EXHIBIT 3.** Public Hearing Notice, stamped by the Town Clerk's office on June 7, 2016; 1 page.

**EXHIBIT 4.** Correspondence from George Criswell of Dana Companies, in reference to the Special Permit submittal (Section 7 of the Grafton Zoning By-law); dated June 14, 2016, received June 17, 2016; 2 pages.

**EXHIBIT 5.** Plan Set; Proposed Site Development Plan for New Building Addition at 88 Westborough Road in North Grafton, Massachusetts; prepared by Whitman & Bingham Associates; 24" x 36" and 11" x 17", black & white; dated February 2016, revised May 31, 2016; 7 sheets.

**EXHIBIT 6.** Correspondence from Graves Engineering, Inc.; Subject: New Building Addition – 88 Westborough Road, Special Permit and Site Plan Review; submitted by Jeffrey Walsh; dated and received June 27, 2016; 3 pages.

**EXHIBIT 7.** Public Hearing Sign In Sheet; June 27, 2016; 1 page.

**EXHIBIT 8.** Written Request for Continuance of Public Hearing to July 11, 2016 at 7:30 p.m. submitted by the Applicant at the June 27, 2016 public hearing; 1 page.

**EXHIBIT 9.** Revised Application Materials, submitted by Whitman & Bingham Associates on July 7, 2016; includes the following:

- Correspondence from Whitman & Bingham Associates, Response to Comments, 88 Westborough Road, Grafton, MA; dated July 1, 2016; 3 pages.
- Plan Set; Proposed Site Development Plan for New Building Addition at 88 Westborough Road in North Grafton, Massachusetts; prepared by Whitman & Bingham Associates; 24" x 36" and 11" x 17", black & white; dated February 2016, revised June 30, 2016; 7 sheets.

**EXHIBIT 10.** Correspondence from Graves Engineering, Inc.; Subject: New Building Addition – 88 Westborough Road, Special Permit and Site Plan Review; submitted by Jeffrey Walsh; dated and received June 27, 2016; 3 pages.

**EXHIBIT 11.** Mullin Rule Certification for the June 27, 2016 public hearing, signed by Michael Scully; dated and received on July 11, 2016; 1 page.

**EXHIBIT 12.** Public Hearing Sign In Sheet; July 11, 2016; 1 page.

### **III. FINDINGS**

At their meeting of July 25, 2016 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

- F1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3. That the subject site (as identified by the Applicant and shown in EXHIBIT #1 and EXHIBIT #9 of this Decision) is located within a Office / Light Industrial zoning. A portion of the site is located within the Water Supply Protection Overlay District.
- F4. That during the public hearing the Board and the Applicant discussed the nature of the application. The site consists of 13.1 acres. Presently on site is a trailer wash building of approximately 2,023 square feet. The facility is used to clean out and treat cargo containers and trailers after they have been emptied of their cargo. Once clean the containers and vehicles are dispatched for new cargo to be hauled. The Applicant is proposing to demolish the existing building and replacing it with a new addition of approximately 6,400 square feet and will allow the treatment system for the wash water to be retrofitted into the wash operations (see EXHIBIT #1). Three tanks, each 10,000 gallons, are used to collect steam and wash water. The by-product of the cleaning process will be released into the local waste water system located in Westboro Road. The Applicant noted that they had received approvals from the Massachusetts Department of Environmental Protection (MADEP) as well as the Grafton Sewer Department. The stated that do not recycle or reuse the water in the system.
- F5. That during the public hearing the Board and the Applicant discussed the types of chemical to be used on site as part of the treatment system and the potential impacts to aquifer. As requested, the Applicant provided a list of chemicals and evidence of approval by the Massachusetts Department of Environmental Protection for the treatment or disposal of industrial waste over 15,00 gallons per day. The Applicant provided correspondence from MADEP which proved that they had been issued an Industrial Certification grade for their facility.

- F6. That during the public hearing the Board and the Applicant discussed the various review and approvals required by the Conservation Commission including the Town's Stormwater By-law. (See EXHIBIT #10). The Applicant noted that that they had filed all the required applications with the Conservation Commission which were currently under review. The Board noted that there had been a recent spill from an above ground tank that spilled into the wetlands. The Board and asked if there were any changes to the site operations that would potentially cause another such problem. The Applicant noted that the above ground tank is being removed as they plan to convert their systems over to gas. The Applicant further reviewed the retrofitted stormwater management system proposed as part of the Application including several new stormwater quality best management practices.
- F7. The Board finds that the peer review engineer, Jeff Walsh of Graves Engineering, submitted a final review report on July 7, 2016 (see EXHIBIT #10). All outstanding issues relating the plans were resolved to the satisfaction of the engineer.
- F8. That during the public hearing 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 he project does not contain Land Uses with Higher Potential Pollutant Loads (LUHPPL) (see EXHIBIT #10). 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 concludes 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.
- F9. The Board notes that it received comments from the Zoning Board of Appeals pointing out that no documentation was submitted regarding the lack of calculations of pervious to impervious material as required by Section 7 of the Zoning By-law: Water Supply Protection Overlay District (see EXHIBIT #2). The Board notes that the Applicant submitted a statement noting that the existing building sit on an area that is already impervious and that no new impervious areas are proposed as part of the project (see EXHIBIT #1).
- F10. No written or verbal comment from the public was received during the public hearing.

At their meeting of July 25, 2016 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

- F11. With regard to Section 1.5.5(a) of the ZBL that based upon the Findings stated within this Decision ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate.
- F12. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.

- F13. With regard to Section 1.5.5(c) of the ZBL that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory.
- F14. With regard to Section 1.5.5(d) of the ZBL that based upon the Findings stated within this Decision screening and buffering with reference to type, dimensions and character are adequate.
- F15. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district.
- F16. With regard to Section 1.5.5(f) of the ZBL that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate and have met the requirements of the Zoning By Law (see EXHIBIT #9).
- F17. With regard to Section 1.5.5(g) of the ZBL, that the proposed use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is generally compatible with adjacent properties and properties in the district. See FINDING #F4.
- F18. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply. See FINDING #F5.
- F19. With regard to Section 1.5.5(i) of the ZBL, a portion of the site being located within the Water Supply Protection Overlay District, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies. See FINDING #F5 and CONDITION #D1.
- F20. With regard to Section 1.5.5(j) of the ZBL that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. No material was submitted to address these issues and no public input was received.

At their meeting of July 25, 2016 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

- F21. That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F22. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.
- F23. The Applicant did not request any waivers from Section 1.3.3.3.

## V. **DECISION and CONDITIONS**

At their meeting of July 25, 2016 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to **GRANT** this Special Permit and Site Plan Approval with the following conditions:

### A. **Standard Conditions**

1. This Special Permit and Site Plan Approval specifically authorizes the demolition of a portion of the existing trailer wsh building (approximately 2,023) and construction of a new building addition in its place (approximately 6,400 square feet) and associated site improvements as described within the EXHIBITS and FINDINGS of this Decision (see FINDING #F4, EXHIBITS #9).
2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
3. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
4. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
5. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
6. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
7. By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

8. The Planning Board reserves the right to require the submission of an “as built” plan prepared by a professional engineer if it is determined upon inspection (by either the Board or its agent), and prior to the issuance of an occupancy permit, that the project was not constructed as shown on the approved plans.

**B. Conditions to be Met Prior to the Start of Construction**

1. The Applicant and the Planning Board or its agent shall meet on the site to discuss the coordination of construction activities.

**C. Conditions to be Met During Construction**

1. Hours of construction and earthwork proposed shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
2. All construction period storage and parking shall be on-site and shall not impede traffic along Westboro Road at any time.
3. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.

**D. Conditions to be Met After Construction**

1. Trailers, containers or other vehicles stored on site awaiting treatment in the new facility shall not be stored on any portion of the site located within the Water Supply Protection Overlay District.

**VI. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 5-0 to **GRANT** the Applicant’s Special Permit & Site Plan Approval Application for demolition of portion of existing building, construct a new building addition, and associated site improvements with Conditions based on the information received at the public hearing and the aforementioned findings.

<u>Michael Scully, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Tracy Lovvorn, Member</u>	<u>AYE</u>
<u>David Robbins, Clerk</u>	<u>AYE</u>		

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Joseph Laydon, Town Planner

7-26-16  
\_\_\_\_\_  
Date

- cc: Applicant / Owner
- Conservation Commission
  - Board of Assessors
  - Graves Engineering

**To Whom It May Concern:** This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

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Donna Girouard, Town Clerk

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Date