



TOWN CLERK

Donna M. Girouard
Town Clerk

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
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Bk: 52450 Pg: 221
Page: 1 of 7 06/19/2014 11:28 AM WD

CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD
Special Permit 1996-6 & Site Plan Approval

PETITIONER: Mark Troiano d/b/a Troiano Trucking
109 Creeper Hill Road

OWNER: Mark Troiano
109 Creeper Hill Road

DEED REFERENCE: 109 Creeper Hill Road
Assessors Map 17, Lot 2
Worcester District Registry of Deeds
Book 42692, Page 289

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton, for a Special Permit, allowing to demolish existing building & construct a new 6,400 square foot building was received and filed in the Office of the Town Clerk on November 26, 2013 at 12:24 PM.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on December 16, 2013.

A true copy,
Attest:
(Seal)

Donna M. Girouard
Town Clerk - Grafton, Massachusetts

A true copy,
Attest:

Donna M. Girouard
Donna M. Girouard, Town Clerk
Grafton, MA

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DECISION

RECEIVED TOWN CLERK
GRAFTON, MA

Nov 25 12 24 PM '13

**GRAFTON PLANNING BOARD
MODIFICATION OF
SPECIAL PERMIT (SP 1996-6) & SITE PLAN APPROVAL**

Demolish Existing Building & Construct a New 6,400 square foot building

**109 Creeper Hill Road
Mark Troiano d/b/a Troiano Trucking (Applicant / Owner)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Mark Troiano d/b/a Troiano Trucking (hereinafter the APPLICANT/OWNER) for the Modification of a Special Permit & Site Plan Approval (SP 1996-6) to demolish an existing abandoned structure and construct a new 6,400 square foot building on the same location, for property located at 109 Creeper Hill Road (hereinafter the SITE) and shown on the Grafton Assessor's Map 17, Lot 2, and owned by Mark Troiano by deed recorded in the Worcester District Registry of Deeds Book 42692, Page 289. The application was formally received on August 19, 2013.

I. BACKGROUND

The above referenced application for the Modification of a Special Permit / Site Plan Approval (hereinafter Application) was submitted on August 19, 2013. The Planning Board considered the Application at a properly posted meeting of said Board on September 23, 2013 and continued to October 7, 2013. Notice of the public hearing and the subject matter thereof was published in the Grafton News on September 2 and September 11, 2013 and posted with Town Clerk's Office.

The following Board members were present during the entire public hearing process: Chairman David Robbins (Mullin Certification for 9/23/13), Vice Chairman Michael Scully, Clerk Edward Prisby, and Members Robert Hassinger and Sargon Hanna. At the hearing Attorney Robert Knapik and Engineer Mahmood Aziz presented the proposal. Following public input the hearing was closed. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk.

II. SUBMITTALS

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

EXHIBIT 1. Unbound Application Materials submitted by Mark Troiano, received on August 19, 2013; including the following materials:

- Application for Modification of a Special Permit, SP 1996-6; dated August 19, 2013; 1 page.
- Correspondence from Mark Troiano, dated August 19, 2013, 1 page.
- Certified Abutters List, dated August 19, 2013, 1 page.
- Certificate of Good Standing, signed by the Treasurer / Collector's Office on August 16, 2013; 1 page.


Donna M. Girouard, Town Clerk
Grafton, MA

*DECISION – Grafton Planning Board
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Mark Troiano d/b/a Troiano Trucking (Applicant / Owner
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- Copy of Grafton Planning Board Decision, SP 96-6, Troiano Trucking, 109 Creeper Hill Road; dated May 20, 1996; 4 pages.
 - Site Plan, Building Addition Site Plan, prepared by ASA Engineering, dated August 11, 2013; two copies: 11" x 17" and 24" x 36"; black & white; 1 page.
- EXHIBIT 2.** Project Review Memorandum, Board of Health, received August 20, 2013; 4 pages.
- EXHIBIT 3.** Project Review Memorandum, Department of Public Works, received August 21, 2013; 1 page.
- EXHIBIT 4.** Project Review Memorandum, Assessors Office, received August 28, 2013; 1 page.
- EXHIBIT 5.** Project Review Memorandum, Town Clerk, received August 30, 2013; 1 page.
- EXHIBIT 6.** Memorandum from the Town Administrator on behalf of the Board of Selectmen, SP 96-6 Mark Troiano – 109 Creeper Hill Road; received September 5, 2013; 1 page.
- EXHIBIT 7.** Correspondence from Graves Engineering, Troiano Trucking, 109 Creeper Hill Road, Site Plan Review; dated and received September 12, 2013; 3 pages.
- EXHIBIT 8.** Project Review Memorandum, Historical Commission, received September 16, 2013; 1 page.
- EXHIBIT 9.** Project Review Memorandum, Economic Development Commission, received September 18, 2013; 1 page.
- EXHIBIT 10.** Project Review Memorandum, Conservation Commission, received September 19, 2013; 1 page.
- EXHIBIT 11.** Correspondence from ASA Engineering, Troiano Trucking, 109 Creeper Hill Road, Response to Peer Review; dated September 22, 2013; received September 23, 2013; 4 pages.
- EXHIBIT 12.** Project Review Memorandum, Police Department, received September 23, 2013; 1 page.
- EXHIBIT 13.** Correspondence from ASA Engineering, Troiano Trucking, 109 Creeper Hill Road, Response to Peer Review; dated September 22, 2013; received September 23, 2013; 4 pages.
- EXHIBIT 14.** Stormwater Management Report, 109 Creeper Hill Road, Grafton, MA; prepared by ASA Engineering; received September 23, 2013.
- EXHIBIT 15.** Site Plan, Building Addition Site Plan, prepared by ASA Engineering, dated August 11, 2013, revised September 22, 2013; 24" x 36", black & white; 1 page.
- EXHIBIT 16.** Public Hearing Sign In Sheet for September 23, 2013 hearing, 1 page.
- EXHIBIT 17.** Written Request for Public Hearing Continuance, dated and received at the September 23, 2013 public hearing; 1 page.
- EXHIBIT 18.** Mullin Rule Certification, Modification of Special Permit 1996-6, 109 Creeper Hill Road, Mark Troiano; Date of Missed Session – September 23, 2013; signed and submitted by Planning Board Chairman David Robbins; 1 page.

A true copy,

Attest:



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- EXHIBIT 19.** Correspondence from Graves Engineering, Troiano Trucking, 109 Creeper Hill Road, Site Plan Review; dated September 24, 2013; received September 24, 2013; 5 pages.
- EXHIBIT 20.** Public Hearing Sign In Sheet for October 7, 2013 hearing, 1 page.

III. FINDINGS

At their meeting of November 25, 2013, 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. Hassinger, seconded by Mr. Hanna) voted 5-0 to make the following Findings:

- F1.)** That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS 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 and maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3.)** That the Site is located in an Office / Light Industrial (OLI) zoning district. The site is not located within the Water Supply Protection Overlay District.
- F4.)** That during the public hearing the Applicant presented the proposed modification to the previously issued Special Permit SP 1996-6 and Site Plan Approval. They plan to demolish an existing abandoned structure which was damaged by fire in 2001. In its place at the same location the Applicant proposes to build a new 6,400 square foot structure. The new space will be used to expand existing operations on site which involves a green process whereby clean food waste is converted to livestock food pellets.
- F5.)** That during the public hearing the Board and the Applicant discussed fencing. The Applicant stated that there is an existing chain link fence surrounding the site and that there were no plans to change the existing fence.
- F6.)** That during the public hearing the Board and the Applicant discussed comments regarding soil testing of the Drain Reservoir Area. The revised plan (EXHIBIT #15) notes that soil testing needed to be “confirmed in the field” to determine if the soils were suitable for stormwater recharge. The Applicant stated that the new building was to be constructed partially on the footprint of the structure to be demolished which is the location for the soil testing. The testing could not be conducted until demolition was complete and they could gain access to the location. The Applicant noted that they had engineered the stormwater drain reservoir system for the worst case scenario but there was no way to be certain until the old building had been demolished. It was recommended that, if approved, the DECISION contain a condition requiring that soil testing be observed and verified by Board and / or their agent (see EXHIBIT #19). If the test fails then the Applicant would be required to present an acceptable solution to the Board prior to commencement of site work. The Applicant stated that they would be agreeable to such a condition.

A true copy,

Attest:

Donna M. Girouard
 Demolish Existing Building & Construct a New 6,400 sf Building; 109 Creeper Hill Road

Donna M. Girouard, Town Clerk
 Grafton, MA

DECISION – Grafton Planning Board
 Modification of a Special Permit (SP 1996-6) & Site Plan Approval
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- F7.) That during the public hearing the Board and the Applicant discussed comments regarding the roof recharge system (see EXHIBIT #19). The plan proposes a roof recharge system and the placement of stone on the traffic areas for construction phase and long term erosion control. It was noted that MADEP standards require pre-treatment of runoff in the event that the building's roof is metal. The Applicant has not identified the roof material at this time which leaves the issue of pre-treatment as an open ended issue. The Applicant stated that they understood the requirement and would be agreeable to a condition in the DECISION which required review and approval of the final roof material selection prior to the issuance of a building permit. The Board noted that the Applicant would be required to adhere to MADEP requirements if they should choose a material that requires pre-treatment prior to run off.
- F8.) That during the public hearing the Board and the Applicant discussed erosion control during construction. Concern was raised about the construction period erosion control measures interfering with on-site circulation and the potential for vehicles backing off the scale onto Creeper Hill Road (see EXHIBIT #19). It was recommended that crushed stone be placed on site driveways prior to the start of construction.
- F9.) That during the public hearing the Board and the Applicant discussed correspondence received from the Board of Selectmen requesting additional information about hours of operation and if there would be any increased truck traffic along Creeper Hill Road (see EXHIBIT #6). The Applicant stated that there would be an increase in truck traffic to approximately 10 trucks per day. The hours of operation will remain the same post construction. Presently the operations run 24 hours a day, 7 days a week. The Applicant noted that the number of employees along with shipping & receiving activities will remain the same and that no hazardous material or substances will be used or store on site (see EXHIBIT #13).
- F10.) That during the public hearing the Board and the Applicant discussed correspondence received from the Conservation Commission noting that there has been no formal resolution to an enforcement order issued in 2004. The Board noted that this issue was under the jurisdiction of the Conservation Commission and not relevant to the proceedings. Correspondence further noted that the site plan shows additional parking spaces within 100 feet of a riverfront area which would require additional review. The Applicant stated that the spaces were drawn on the plan to demonstrate that the site could accommodate additional parking based on the requirements of the Zoning By-Law. However they do not plan to build those parking spaces at this time.
- F11.) That during the public hearing the Board made note of correspondence from the Economic Development Commission (EDC) expressing their support for the project (see EXHIBIT #9). Elias Hanna, Chairman of the EDC was present and gave testimony to further support the Commission's correspondence.
- F12.) That during the public hearing the Board made note of correspondence received from the Board of Health noting that the Applicant will be required to obtain a Massachusetts Department of Environmental Protection (MADEP) Recycling Composting Conversion permit. The Applicant will be responsible for taking the necessary steps required by the state to obtain that permit before operations can commence (see EXHIBIT #2).

A true copy,

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At their meeting of November 25, 2013, 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. Hassinger, seconded by Mr. Hanna) voted 5-0 to **APPROVE** the Modification of Special Permit (SP 1996-6) and Site Plan Approval with the following conditions:

- C1.) Unless modified by this Decision, the proposed demolition of an existing structure and construction of a new 6,400 square foot building in the same location does not significantly alter the intent and purpose of the original approved plan as part of the Special Permit (SP 1996-6) and Site Plan Approval as voted upon by the Planning Board on May 20, 1996 (see EXHIBIT #1).
- C2.) The Applicant shall maintain the site in accordance with the originally approved plan with the approved modification granted by this Decision. The Applicant shall proceed in a manner that conforms to CONDITIONS set forth in this DECISION as well as the plans and identified within EXHIBIT #15.
- C3.) Unless modified by this Decision, all conditions of the previous Special Permit (SP 1996-6) and Site Plan Approval decision as referenced herein, remain in full force and effect.
- C4.) Verification that the Drain Reservoir of the Stormwater Management System has been engineered properly is required. The Board notes that this cannot be achieved until the old structure is demolished and access to a an appropriate test site is available. Soil testing will be observed and approved by Board and / or their agent. If the test fails then the Applicant is required to present an acceptable solution to the Board prior to commencement of site work (see FINDING #F6).
- C5.) Selection of roofing material for the new structure had not been determined at the time of this DECISION. The Massachusetts Department of Environmental Protection requires pre-treatment of roof run off if certain materials such as metal are used. Lacking adequate information to make an informed decision on the issue, the Applicant is required to review the final roof material selection with the Board and/ or its agent prior to the issuance of a building permit. In addition, the Applicant is required to adhere to MADEP requirements if they should choose a material that requires pre-treatment prior to run off (see FINDING #F7)
- C6.) The Applicant shall submit an as-built plan of the final recharge system and drainage reservoir area design. The as-built site conditions and plan shall reflect all MADEP requirements.
- C7.) Erosion control measures shall be in place prior to the start of construction (see FINDING #F8 and EXHIBIT #15).
- C8.) As stated in Section 1.5.8 of the Grafton Zoning By-law, the modification of the original Special Permit and Site Plan Approval shall be attached to all requirements set forth in Special Permit SP 1996-6 including the requirement that the Special Permit shall lapse one (1) year after the date of granting if substantial use, or construction, has not been commenced except in accordance with law.
- C9.) All other applicable Federal, State or Local permits and approvals for the proposed use shall be secured by the Applicant at the appropriate time, and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
- C10.) Failure to comply with the requirements of the Grafton Zoning By-law (or as modified by this Decision), as well as all applicable Federal, State and local regulations, shall cause this Modification of a Special Permit and Site Plan Approval to be invalid, but only if such failure is both a) documented and b) unresolved according to the regulating body with jurisdiction.

A true copy,

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Donna M. Girouard

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Grafton, MA

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- C11.) This Decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period.
- C12.) A copy of such recorded Decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C13.) By recording this Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Decision.
- C14.) Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Special Permit decision.

- cc: Applicant / Owner
- Graves Engineering
 - Building Inspector
 - Board of Health
 - Conservation Commission

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.

Donna M. Girouard

Donna Girouard, Town Clerk

Dec. 14, 2013

Date

ATTEST: WORC. Anthony J. Vigliotti, Register