



TOWN CLERK

Donna M. Girouard
Town Clerk

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
www.clerks@grafton-ma.gov



Bk: 54051 Pg: 135
Page: 1 of 17 07/24/2015 09:35 AM WD

CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD
Special Permit and Site Plan Approval (2015-3)

PETITIONER: Rocco Addeo Jr. d/b/a Hilltop Self-Storage of Grafton, LLC
100 Milford Road, South Grafton, MA 01560

OWNER: Rocco Addeo Jr. d/b/a/Hilltop Self Storage of Grafton, LLC
116 Milford Road, South Grafton, MA 01560

DEED REFERENCE: 100 Milford Road
Assessors Map 133, Lot 1B
Book 43962, Page 36
Worcester District Registry of Deeds

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton for Modification of a Special Permit & Site Plan Approval under Section 2.3.3.10 of the Grafton Zoning- By-Laws, construct a self-storage facility with associated site improvements on property located at 100 Milford Road, South Grafton, MA 01560 was received and filed in the Office of the Town Clerk on June 26, 2015 at 2:14 P.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on July 16, 2015.

A true copy,
Attest:
(Seal)

Wandy L. Sawalle
Attest Town Clerk - Grafton, Massachusetts

17

**DECISION
GRAFTON PLANNING BOARD
SPECIAL PERMIT (SP 2015-3)
SITE PLAN APPROVAL (SPA 2015-3)**

Construct a Self-Storage Facility

100 Milford Road, South Grafton

**Rocco Addeo, Jr. d/b/a Hilltop Self-Storage of Grafton, LLC (Applicant)
Rocco Addeo, Jr. d/b/a Hilltop Properties, LLC (Owner)**

RECEIVED TOWN CLERK
GRAFTON, MA
JUN 26 PM 2 14

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Rocco Addeo, Jr. d/b/a Hilltop Self-Storage of Grafton, LLC., 100 Milford Road, South Grafton, 01560 (hereinafter the APPLICANT), for a Special Permit under Section 3.2.3.1 to construct a self-storage facility with associated site improvements on property located at 100 Milford Road, South Grafton MA and shown on Grafton Assessor's Map 133, Lot 1B and owned by Rocco Addeo, Jr. d/b/a Hilltop Properties, LLC., 116 Milford Road, South Grafton, 01560 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 43962, Page 36.

I. BACKGROUND

The above referenced Application for a Special Permit (hereinafter APPLICATION) was submitted on February 17, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 4 and March 11, 2015 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on March 23, 2015, which was continued to April 27 and May 4, 2015 at which time the hearing was closed. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on May 4, 2015.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Michael Scully, Clerk Sargon Hanna, and Members Linda Hassinger and Robert Hassinger. At the hearing the following people presented the Application: Mr. Travis Brown of Andrews Survey & Engineering, Inc. and Mr. Rocco Addeo, Applicant / Owner.

II. PROJECT OVERVIEW

On March 10, 2009 the Planning Board granted, with conditions, a Special Permit (SP 2009-11) and Site Plan Approval for the development of this site. The plan included two commercial buildings, each 5,000 square feet, parking, site access, stormwater management systems and other associated infrastructure required to service the proposed uses and site development. Included in the Board's review was a traffic study (see EXHIBIT #1 of the Application for SP 2009-11). The Special Permit was valid for one year and the Site Plan Approval was valid for two years per the requirements of the Grafton Zoning By-Law. The Decision was filed with the Worcester District Registry of Deeds on March 30, 2010 (Book 45615, Page 249).

At the time of approval, the State had instituted the Permit Extension Act that automatically extended, for four years beyond its otherwise applicable expiration date, any permit or approval that was "in effect or existence" during the qualifying period beginning on August 15, 2008 and extending through August 15,

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2012. The Act applies to regulatory approvals issued by local, regional or state entities that concern the use or development of real property. "Approval" is defined broadly to include any permit, certificate, license, certification, determination, exemption, variance, waiver, building permit, or other approval or determination of rights, and any order, except for enforcement orders. Section 1.3.3.2 states "where a use is permitted upon issuance of a Special Permit, the Site Plan Review procedure shall be incorporated into the procedure used for dealing with applications for Special Permit." In the previous case the Site Plan Approval was incorporated into the Special Permit process. And while the ZBL states a Site Plan Approval is valid for two years, it is assumed to be contingent upon the associated and co-joined Special Permit which is valid for one year. Special Permit SP2009-11 was granted with conditions by the Planning Board on March 9, 2010. No appeal was filed with the Town Clerk's office. The Special Permit's period of validity expired on March 9, 2011. At that time no work had begun on the site. However, the Permit Extension Act extended the validity of the Special Permit for an additional four years beyond the expiration date to March 9, 2015.

Two additional work items presented to the Board relating to this property include:

- **December 2011 - Request to Modify Special Permit (SP 2009-11) & Site Plan Approval.** The Applicant's attorney submitted a request to modify the original permit and approval to allow the construction of the roadway and other supporting roadway infrastructure through the site to access a proposed solar farm being developed on abutting property in Northbridge also owned by the Applicant. In a letter presented by the Applicant's attorney it was stated that:

"The plan will show that an access road will be incorporated into the previously approved road configuration. The access road will serve as the entry to the Solar Farm. The access road is intended to be improved, but remain unpaved, and a security gate will be installed to prevent unauthorized access to the Solar Farm."

Town Counsel submitted an opinion on the matter. After an informal review with the Board on January 9, 2012 and further consideration, the request was withdrawn by the Applicant on January 20, 2012. In the correspondence formally withdrawing the request it was noted that the Applicant intended to file a formal application to amend the application per the requirements of the Grafton Zoning By-Law.

- **July 2012 – Special Permit (SP 2012-4) & Site Plan Approval – 100 Milford Road – Access Road to Solar Generating Facility in abutting property in Northbridge – Approved with Conditions by the Planning Board on July 23, 2012.** The Applicant, owning both 100 Milford Road in Grafton the adjacent property in Northbridge, applied to build an access road across property in South Grafton to a site in Northbridge where the entirety of the solar generating facility would be constructed. Both parcels in South Grafton and Northbridge are owned by Hilltop Properties LLC which is located in South Grafton. Since the time of the permit was approved, both the roadway and the solar farm have been constructed. The Decision was filed with the Worcester District Registry of Deeds on September 18, 2012 (Book 49635, Page 169).

The current four Applications for the entirety of the site development and use consist of:

- Special Permit (SP 2015-2) – Use permit to construct rooftop solar generating facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law
- Site Plan Approval (SPA 2015-2) – Site Plan Approval for the construction of rooftop solar generating facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law

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- Special Permit (SP 2015-3) – Use permit to self-storage facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law
- Site Plan Approval (SPA 2015-3) – Site Plan Approval for the construction of self-storage facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law

Each application will generate an individual Decision. Site Plan Approval for both of the requested Special Permits are incorporated into that process per the requirements of Section 1.3.3.2 of the Grafton Zoning By-Law. In addition, the Special Permits are not mutually exclusive in that the rooftop solar generating facilities are specific to the buildings, landscaping and screening proposed in the self-storage facilities Application. Each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions for use and site plan development (See CONDITION #1 and CONDITION #2).

II. SUBMITTALS

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

- EXHIBIT 1.** Application packet submitted by Andrews Survey & Engineering, Inc., received February 17, 2015; consisting of the following:
- Application for Special Permit & Site Plan Review, Self-storage Facility & Solar Electric Generation, 100 Milford Road, South Grafton, MA; prepared by Andrews Survey & Engineering, Inc.; dated February 4, 2015; includes the following material:
 - Application for Special Permit (Self-Storage), 1 page.
 - Application for Site Plan Review (Self-Storage), 1 page.
 - Application for Special Permit (Solar Electric Generation), 1 page.
 - Application for Site Plan Review (Solar Electric Generation), 1 page.
 - Certificate of Good Standing (incomplete), 1 page.
 - Project Narrative, 1 page.
 - Sample Activity Report, 126 Storage, Inc.; 31 pages.
 - Property Deed, 1 page.
 - Assessor Map, 1 page.
 - Certified Abutters List, 8 pages.
 - Sample Self-Storage Rental Contract, 2 pages.
 - Sign Samples, 1 page.
 - Building construction materials information and photo examples, 8 pages.
 - Wall-Pak Light Cut Sheet, 8 pages.
 - Plan Set; Proposed Self-Storage Facility, 100 Milford Road, South Grafton, Massachusetts; prepared by Andrews Survey & Engineering, Inc.; dated February 4, 2015; 24" x 36" and 11" x 17"; includes the following sheets:
 - C-0.0.....Cover Sheet
 - C-1.0.....Legend, Abbreviations & General Notes
 - C-2.0.....Existing Conditions Plan
 - C-3.0.....Layout & Materials Plan
 - C-4.0.....Utility Plan

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- C-5.0.....Grading & Drainage Plan
 - C-6.0.....Landscaping & Lighting Plan
 - C-7.1 – C-7.3.....Construction Details
 - Operation and Maintenance Plan, Self-Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015; 11 pages.
 - Stormwater Management Report, Self-Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015; 60 pages.
- EXHIBIT 2.** Project Review Memorandum, Grafton Water District, received February 20, 2015; 1 page.
- EXHIBIT 3.** Project Review Memorandum, Zoning Board of Appeals; 1 page.
- EXHIBIT 4.** Project Review Memorandum, Fire Department, received March 12, 2015; 1 page.
- EXHIBIT 5.** Project Review Memorandum, Board of Assessors, received March 17, 2015; 4 pages.
- EXHIBIT 6.** Project Review Memorandum, Treasurer / Collector's Office, 1 page.
- EXHIBIT 7.** Correspondence from Graves Engineering, Self-Storage Facility & Solar Electric Generation – 100 Milford Road Special Permit & Site Plan Approval; dated March 16, 2015, received March 18, 2015; 3 pages.
- EXHIBIT 8.** Public Hearing Sign-In Sheet, March 23, 2015. 1 page.
- EXHIBIT 9.** Project Review Memorandum, Police Department, received March 18, 2015; 2 pages.
- EXHIBIT 10.** Report, Traffic Impact Assessment for Hilltop Properties on Milford Road in Grafton, Massachusetts – May 2009 With Additions Through November 10, 2009; prepared by Gillon Associates; Exhibit #1 for Special Permit 2009-1, received on November 30, 2009; 130 pages.
- EXHIBIT 11.** Email Correspondence from Travis Brown, Andrews Engineering; 100 Milford Road – Hilltop Self-Storage; received April 2, 2015; 1 page; includes the following attachments:
- Release of Deed Restrictions, Grafton Assessors Lot 2R; Worcester District Registry of Deeds Book 45753, Page 82; dated April 23, 2010; 2 pages.
 - Amendment of Restrictions, 116 Milford Road, Grafton; Worcester District Registry of Deeds Book 42638, Page 215; dated March 24, 2008; 2 pages.
- EXHIBIT 12.** Revised Application material and correspondence packet submitted by Andrews Survey & Engineering; received April 10, 2015; includes the following:
- Correspondence from Andrews Survey & Engineering, Inc., Peer Review Comment Responses, Self-Storage Facility & Solar Electric Generation – 100 Milford Road, Grafton, ASE Project #2014-316; dated April 7, 2015, received April 10, 2015; 2 pages.
 - Operation and Maintenance Plan, Self-Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015, revised April 1, 2015; 23 pages.
 - Stormwater Management Report, Self-Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015, revised April 1, 2015; 66 pages.

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- EXHIBIT 13.** Email Correspondence from Travis Brown, Andrews Engineering; 100 Milford Road landscaping & Lighting; received April 23, 2015; 1 page; includes the following attachment:
- Plan: South Grafton Storage ILP Layout; 8 ½ x 11", black & white; dated April 10, 2015; 1 page.
- EXHIBIT 14.** Plan: Sheet C-6.0: Landscaping and Lighting Plan, Proposed Self-Storage Facility, Proposed Roof Mounted Solar, 100 Milford Road, South Grafton, MA 01560; prepared by Andrews Survey & Engineering, Inc.; dated April 3, 2015; 11" x 17", black & white; received April 24, 2015; 1 sheet.
- EXHIBIT 15.** Correspondence from Graves Engineering, Self-Storage Facility & Solar Electric Generation – 100 Milford Road Special Permit and Site Plan Review; dated April 22, 2015, received April 24, 2015; 3 pages.
- EXHIBIT 16.** Plan Set: Floor Plan and Building Elevations, Grafton Self-Storage; prepared by Acropolis Design Consultants; dated April 24, 2015, received April 27, 2015; 11. X17", color; 4 sheets.
- EXHIBIT 17.** Plan: Sheet C-6.0: Landscaping and Lighting Plan, Proposed Self-Storage Facility, Proposed Roof Mounted Solar, 100 Milford Road, South Grafton, MA 01560; prepared by Andrews Survey & Engineering, Inc.; dated April 3, 2015; 11" x 17", black & white; received April 27, 2015; 1 sheet.
- EXHIBIT 18.** Public Hearing Sign In Sheet, April 27, 2015; 1 page.
- EXHIBIT 19.** Application Material submitted by the Applicant at the April 27, 2015 Public Hearing; material submitted includes:
- Plan Set; Proposed Self-Storage Facility, 100 Milford Road, South Grafton, Massachusetts; prepared by Andrews Survey & Engineering, Inc.; revised April 3, 2015; submitted by the Applicant at the April 27, 2015 public hearing; 11" x 17", black & white; includes the following sheets:
 - C-0.0 Cover Sheet
 - C-1.0 Legend, Abbreviations & General Notes
 - C-2.0 Existing Conditions Plan
 - C-3.0 Layout & Materials Plan
 - C-4.0 Utility Plan
 - C-5.0 Grading & Drainage Plan
 - C-6.0 Landscaping & Lighting Plan
 - C-7.0 Roof Mounted Solar Panel
 - C-8.1 – C-8.3 Construction Details
 - Digital renderings of landscaping; no title, no date; 11" x 17", color; submitted by the Applicant at the April 27, 2015 public hearing; 6 pages.
 - Photos with digital renderings of landscaping; no title, no date; 11" x 17", color; submitted by the Applicant at the April 27, 2015 public hearing; 5 pages.
- EXHIBIT 20.** Public Hearing Continuance, Written Request made by the Applicant to continue the hearing to May 4, 2015 at 7:30 p.m.; submitted at the April 27, 2015 public hearing; 1 page.

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EXHIBIT 21. Plan Set; Proposed Self-Storage Facility, 100 Milford Road, South Grafton, Massachusetts; prepared by Andrews Survey & Engineering, Inc.; revised April 28, 2015; received April 30, 2015; 11" x 17" and 24" x 36", black & white; includes the following sheets:

- C-0.0.....Cover Sheet
- C-1.0.....Legend, Abbreviations & General Notes
- C-2.0.....Existing Conditions Plan
- C-3.0.....Layout & Materials Plan
- C-4.0.....Utility Plan
- C-5.0.....Grading & Drainage Plan
- C-6.0.....Landscaping & Lighting Plan
- C-7.0.....Roof Mounted Solar Panel
- C-8.1 – C-8.3.....Construction Details

EXHIBIT 22. Project Narrative, submitted by the Applicant; revised May 4, 2015; received May 4, 2015; 4 pages.

EXHIBIT 23. Email Correspondence from Rao Kandukuri, 38 Tulip Circle; Concerns on Self-storage facility at 100 Milford Road; received May 4, 2015; 1 page.

EXHIBIT 24. Email Correspondence from Mike St. Onge, 100 Milford ave project [sic]; dated May 3, 2015, received May 4, 2015; 1 page.

EXHIBIT 25. Email Correspondence from Al Sanborn, 38 Cherry Lane; Tonight's meeting re Rocco Addeo's proposed self-storage buildings on Milford Road; received May 4, 2015; 1 page.

EXHIBIT 26. Email Correspondence from Stone Iyengar, 16 Buttercup Lane; Self-Storage Facility proposed to be built at 100 Milford Road; received May 4, 2015; 1 page.

EXHIBIT 27. Email Correspondence from Mark Comeau, Fwd: Hilltop Self-Storage (100 Milford Road, Grafton, MA); dated and received May 4, 2015; 1 page.

EXHIBIT 28. Public Hearing Sign In Sheet, May 4, 2015; 1 page.

III. FINDINGS

At their meeting of June 22, 2015 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. Mr. Hanna, 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 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 is located within an Office / Light Industrial (OLI) zoning district (see EXHIBIT #1).

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F4. That this Application is for a Special Permit under Section 3.2.3.1(6) – Independent storage area or parking area, automobile parking garage for 5 or more automobiles. Applicant is seeking to build a self-storage facility on privately owned land at 100 Milford Road, South Grafton. This use requires a Special Permit and Site Plan Approval.

F5. That the Board conducted a joint hearing for four Applications associated with this site:

- Special Permit (SP 2015-2) – Use permit to construct rooftop solar generating facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law
- Site Plan Approval (SPA 2015-2) – Site Plan Approval for the construction of rooftop solar generating facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law
- Special Permit (SP 2015-3) – Use permit to self-storage facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law
- Site Plan Approval (SPA 2015-3) – Site Plan Approval for the construction of self-storage facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law

That during the public hearing the Board noted that each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions for use and site plan requirements.

F6. That during the public hearing the Board and Applicant discussed the nature of the Application. The current site is 5.0 acres of what was once a farm field. The site is bordered by a large solar facility on the south (located in the Town of Northbridge but accessed across the site under consideration), a large residence / farm complex to the east, and a small vacant parcel of land to the west, all owned by the Applicant. To the north there is a large M.G.L. Ch. 40B residential complex consisting of 260 townhouse condominiums known as Hilltop Farms. The proposed self-storage facilities will consist of nine (9) buildings along with various site improvements. The Applicant further proposes to install a rooftop solar generating facility on the proposed self-storage roofs (see Special Permit SP 2015-2). All information and design elements relating to the rooftop solar generating facilities are dependent upon the approval of this Application.

F7. That during the public hearing the Board and the Applicant discussed the project as it relates to the self-storage facilities and operations. The Applicant is looking to develop the site by constructing nine (9) self-storage buildings being comprised of various sized units. In addition, a number of site improvements are proposed including paving, fencing, landscaping, stormwater management facilities, security gates, an office with associated parking, and an area for snow storage during the winter months. The self-storage units will range in size and some will be climate controlled and others will not. When complete, the gross floor area of the facility will be approximately 51,750 square feet. No outside storage of vehicles such as cars, trucks, equipment, or materials is permitted. The Application (EXHIBIT #1) noted the office hours would be from 8:00 a.m. to 5:00 p.m. During the public hearing Mr. Addeo stated that the self-storage facility will have regular office hours of 8:00 a.m. to 7:00 p.m. with open access to the business office. Access to the site after hours will be by appointment only. There will be a tenant agreement for each unit.

F8. That during the public hearing the Board received written comments from the public, primarily from the residents of the Hilltop Farms townhouse condominium project directly across the street from the site (see EXHIBIT listing):

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- Traffic safety with respect to the bus stop across the street and the rate of travel speed along Milford Road
- Traffic flow based on the commercial nature of the site
- Construction phasing and how it relates to the solar generating facilities and site paving
- Hours of operation with particular concern about the night time lighting and tenant access
- Emergency access
- Noise related to self-storage – overhead doors slamming at night, use of self-storage units (i.e. bands practicing)
- Outdoor storage of vehicles, materials
- Landscaping as it relates to plant material; screening and buffering for noise, light, and visual impacts; long term viability & maintenance of the landscaping
- Visual impacts of solar panels with regards to glare, impacts to the scenic nature of the area
- Impacts to property values for the residential neighborhood
- The height of the proposed buildings not in character with the surrounding neighborhood, particularly if the solar panels add additional height to increase the visual disparity

F9. That during the public hearing the Board and Applicant discussed the time frame for construction. The Applicant stated they plan to build the project in two phases. The first phase will consist of the construction of the first nine self-storage units and the business office and is expected to be complete within 18 months after permitting. Mr. Addeo noted that the solar facilities would be built in conjunction with the phased development of the self-storage buildings on which they will be installed. Once those buildings are mostly occupied with tenants then the rest of the site will be developed including the second phase of the solar facility. It was also noted that the stormwater system would be fully constructed in Phase I. Paving of the site would be done according the phasing.

F10. That during the public hearing the Board discussed the proposed screening and landscaping plan for the site. A number of issues were discussed relating to a landscape plan and the various site elements that contribute to the visual impacts to be screened including:

- Fencing – the need for least visually intrusive materials for the security fencing around the site. It was determined that black aluminum fencing for the front / northern edge and black coated chain link fencing for the other three sides of the fenced area would be appropriate.
- Plant material – after input from abutters and Town staff, the Applicant produced a planting plan (materials and spacing) that was satisfactory to the Board (see EXHIBIT #14).
- Maintenance – concerns were raised about the long term viability of the plant material once it was installed. The proper establishment and ongoing viability of the plantings was considered vital to the long term screening of this use from the abutting residential neighborhood.
- Building materials of the office and self-storage units were discussed as they relate to the visual impacts from the entrance / exit of the Hilltop Farms townhouse condominium complex. The Applicant revised their drawing to show that building at the main entrance of the site, which also houses the management office, will be clad in horizontal cement clapboard on the two most visible sides (west and north); the other buildings will be clad in

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vertical aluminum siding. In addition the Applicant revised the design of the first building to include roofline elements reflective of surrounding architecture.

The Applicant provided illustrations and digital renderings of street views (see EXHIBIT #19).

- F11. That during the public hearing the Board and the Applicant discussed noise impacts. Concerns were raised about the noise from the slamming of overhead doors associated with the self-storage units particularly after hours. In addition, some self-storage facilities allow tenants to use the units for uses other than or in conjunction with the storage component such as practice space for musicians and small businesses conducting business. Mr. Addeo stated that each tenant would have to sign a lease agreement that outline their responsibilities and the use of the unit.
- F12. That during the public hearing the Board and the Applicant discussed the impacts of exterior lighting for the site and impacts on the abutting residential neighborhood. The Applicant submitted at lighting plan (see EXHIBIT #14). The Applicant reviewed the proposed lighting fixtures. The units would be lighted 24 hours and are designed to cast light down along the side of the buildings and not out into the site or the street. The Applicant noted that there would be no wall mounted lighting fixtures on the buildings closest to Milford Road. Those areas would have bollard lighting. The Applicant noted that motion sensitive lighting fixtures would be more visually disruptive than lights that are left on all day and night.
- F13. That during the public hearing the Board and the Applicant discussed the type of storage that would be allowed on site. Concern was raised that storage of vehicles (cars, boats, trucks, etc.) would be allowed. Also of concern was the storage for other materials such as building materials. Mr. Addeo stated all storage was to be interior to the self-storage units and that no exterior storage would be permitted.
- F14. That during the public hearing the Board and Applicant discussed the wetlands and stormwater management system. The Applicant stated that they had been working with the Conservation Commission to complete the required permitting for the site. The design of the stormwater basin was a topic of interest in this Application as it related to potential landscaping and fencing elements suggested by the abutters. The Applicant noted that any changes to the design of the stormwater management basin would require a full re-engineering of the site which would change the whole layout of the current site plan Application. The Applicant submitted an operations and maintenance manual for the stormwater management systems (see EXHIBIT #13).
- F15. That during the public hearing the Board and the Applicant discussed traffic impacts of the proposed use. The Applicant provided their own assessment (see EXHIBIT #22) based on a project of similar size and use in Ashland, MA. The Board discussed the need for a traffic study specific to this site for this use. It was noted that a traffic study was submitted as part of the Special Permit Application for the retail / commercial complex for the site submitted in 2009 (SP 2009-11). The Applicant stated that the information collected for that study could be used to assess the current proposed use as it was less intensive than the commercial / retail uses proposed in 2009. An approximate number of 15-26 vehicle trips per day were projected for the self-storage use (see EXHIBIT #22). At the request of the Board, the Town Planner entered the 2009 traffic study into the record (see EXHIBIT #10) and reviewed it to determine if it provided enough relevant data to be of use for this Application or if a new traffic study should be required. Mr. Laydon reported that that his review confirmed the Applicant's claim that the data was still relevant and that the proposed use in this Applicant was less intensive than the previously approved commercial / retail use for the site. He stated that he didn't

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see a compelling reason to request a new traffic study. The Board finds that the Applicant requested a waiver from the Section 8.2 – Traffic Study as part of this Application (see EXHIBIT #1).

The issue of traffic flow on the site and impacts on Milford Road were discussed. It was noted that the security gate is located approximately 40 feet from the road. The Applicant stated that this should provide ample room for queuing and would not impact traffic flow on Milford Road given the projected low volume of vehicles entering the site at any given time.

F16. That during the public hearing the Board and the Applicant discussed the nature of the proposed use and its compatibility with the abutting residential area. It was noted that the site is zoned Office / Light Industrial. The abutting residential area is a M.G.L. Ch. 40B development built on land zoned OLL.

F17. That during the public hearing the Board and the Applicant discussed emergency access to the site. The site will be enclosed by a fence with a black aluminum fence installed Road only. The fencing will be black coated chain link fence. The Application (EXHIBIT #1) noted the office hours would be from 8:00 a.m. to 5:00 p.m. During the public hearing Mr. Addeo stated that the self-storage facility will have regular office hours of 8:00 a.m. to 7:00 p.m. with open access to the business office. Access to the self-storage and solar facilities will be via a scissor style gate. He stated that afterhour's access to the site will be by appointment only or in the event of emergency.

It was discovered that emergency access through the site would have to be addressed as part of a modification to a previously approved Special Permit (SP 2012-4 – See PROJECT OVERVIEW section of this DECISION). Emergency access through the site would require a modification to allow for Knox Box Systems for use by the police and fire department to travel through the site along the access road to the abutting solar farm. At the time of DECISION the Board finds that the Applicant was granted the minor modification of Special Permit SP 2012-4 to ensure adequate emergency access into and through the site.

F18. The Board finds that it received comments from the Police Department regarding alarm systems: “If alarm systems are installed, owner has full understanding of Alarm By-Law. Owner will ensure that contacts are provided should first responders need to access the site in an emergency. Contacts shall be able to respond to the site 24/7.”

At their meeting of June 22, 2015 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. Mr. Hanna, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

F19. 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, and traffic flow are adequate. The Applicant demonstrated to the Board's satisfaction that the proposed use would not significantly impact the existing traffic patterns or flow on Milford Road (see EXHIBIT #10 and FINDING #F19). With regard to control and access in case of fire or catastrophe - are adequate. The minor modification of Special Permit 2012-4 satisfies this requirement (see FINDING #F21. EXHIBIT #22) with regards to emergency access.

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- F20. 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, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory. The Applicant owns the properties immediately adjoining the site to the east, south and west. The abutters in the M.G.L. Ch. 40B townhouse condominium complex adjoining the property, many of which were opposed to the project indicating that their property values would decrease, did not present any documentation to support their argument. With regards to glare, the Board finds that the impacts regarding glare. The issue of glare relevant to the solar generating facilities is reviewed in Special Permit (SP 2015-2 – FINDING #F21). The lighting plan submitted by the Applicant was found to be satisfactory. (See FINDING # F16).
- F21. 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. The location of the dumpster pad on site is appropriately situated (see EXHIBIT #21).
- F22. 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. The issue of adequate screening is considered very important in this particular case where a large residential development is directly across the street. Minimizing the visual impacts was discussed at length and the Applicant complied with a series of revised plans that took the neighbor's and Town's input into consideration (see FINDING #F14 and EXHIBIT #21).
- F23. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. No signs are proposed in this Application (see EXHIBIT #21). Exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. Concerns were raised about the lighting plan and the potential impacts to the abutting residential neighborhood. The issues were reviewed and additional documentation was provided (see FINDING #F16). Based on the information received, the Board finds that the Applicant adequately addressed the issue of the impacts of potential glare generated from the lighting plan.
- F24. 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. The site plan demonstrated that all setback requirements have been met.
- F25. With regard to Section 1.5.5(g) of the ZBL, that based upon the Findings stated within this Decision, this Application as conditioned by this Special Permit Decision is generally compatible with adjacent properties and properties in the district. The site located within an Office and Light Industrial (OLI) district and the proposed self-storage facilities is compatible for the district. The abutting 256 unit townhouse condominium complex is a M.G.L. Ch. 40B housing development that was built on property where the zoning is also OLI. The Board appreciates the abutters concerns about compatibility but notes that the zoning for the area is OLI and that the proposed self-storage facilities use is compatible with uses allowed the OLI zone.
- F26. 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

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be any significant adverse impact on any public or private water supply. The site will be served by public water (EXHIBIT #2) and sewer systems (EXHIBIT #21).

- F27. With regard to Section 1.5.5(i) 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 or cumulative impact upon municipal water supplies (see FINDING #F27). The site is not located with the Water Supply Protection Overlay District.
- F28. With regard to Section 1.5.5(j) of the ZBL that based upon the Findings stated within this Decision, protection of important historic and cultural landscapes is satisfactory. No historic or cultural resources were identified in the Application or indentified through project review by the Town. With regards to scenic landscapes the proposed use is satisfactory. The site has not been designated a scenic landscape by the State.

At their meeting of June 22, 2015 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. Mr. Hanna, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

- F29. 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.
- F30. 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 finds that the Applicant submitted an Application for a Site Plan Approval (SPA 2015-2 and SPA 2015-3) in conjunction with this Special Permit Application. The Site Plan Approval Applications were considered in conjunction with this Special Permit Application at a joint public hearing as noted in the Project Overview of this Decision.

IV. WAIVERS

- W1. At their meeting of June 22, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, as well as consideration for the size and scope of the project, the Grafton Planning Board (motion by Mrs. Hassinger, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from the requirements of Section 8.2 (Traffic Study) of the ZBL. See FINDING #F15.

V. DECISION and CONDITIONS

At their meeting of June 22, 2015, 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. Hanna, seconded by Mrs. Hassinger) voted 5-0 in favor to **GRANT** this Special Permit with the following conditions:

- C1. Special Permit (SP 2015-3) & Site Plan Approval for the self-storage facilities and Special Permit (SP 2015-2) & Site Plan Approval for the solar generating facilities are not mutually exclusive. The

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rooftop solar generating facilities are specific to the buildings, landscaping and screening proposed in the self-storage facilities Application. Each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions for use and site plan development. (See PROJECT OVERVIEW).

- C2. This Special Permit and Site Plan Approval specifically authorizes the construction of self-storage facilities and associated site improvements including but not limited to stormwater management facilities, paving, landscaping and installation of site fencing as described within the EXHIBITS and FINDINGS of this Decision.
- C3. All conditions of Special Permit (SP 2015-2) and Site Plan Approval for the solar generating facilities are incorporated into this DECISION.
- C4. Prior to the issuance of the a building permit, the Applicant shall submit a final plan set to be reviewed and approved by the Planning Board or its Agent to include:
 - All revisions and changes made during the course of the public hearing and in particular the Landscaping & Lighting Plan (EXHIBIT 14, see FINDING #F16).
 - Conditions of this Special Permit & Site Plan Approval and Special Permit (SP 2015-2) & Site Plan Approval (SPA 2015-2).
- C5. Prior to the issuance of a building permit, the Applicant shall submit a construction and occupancy phasing plan identifying the elements of the project to be constructed in phases and a timeline for completion of each element. Specific Structures to be constructed in each phase shall be identified on the phasing plan. The phasing plan shall also provide information on how site access shall be maintained for construction of subsequent phases following the occupancy of the first phase. The phasing plan shall ensure that access is maintained to the Solar Facility in Northbridge. The phasing plan shall also ensure that the installation of storm water systems and landscaping shall be done so as to be completed prior to the issuance of the first certificate of occupancy.
- C6. The hours of operation for the self-storage facility will be 8:00 a.m. to 7:00 p.m., seven days a week. After hours site access shall be by appointment only through the OWNER and or their Agent.
- C7. All site work including drainage structures, stormwater management facilities, total site fencing, landscaping, security and emergency access features shall be installed during the first phase of site development and prior to the issuance of a Certificate of Occupancy for any building.
- C8. Prior to the issuance of a building permit, the Applicant shall submit and maintain a positive construction period review fee account to be administered by the Town. Said fee shall be used for site inspections and associated work by a professional engineer to ensure compliance with this DECISION. The amount of the initial fee shall be determined by the estimated work items by the Board or its Agent and the consulting engineer. Any remaining balance of construction period review fees collected shall be returned to the OWNER upon completion of all site work and final issuance of Certificate of Occupancy.
- C9. In order to ensure a healthy landscape screening and buffering plan as discussed and agreed upon during the public hearing the Applicant will adhere to the following:
 - Pre-Installation Inspection – the Board or its Agent shall inspect plant material delivered to the site prior to installation to ensure it is compliant with the landscaping plan.

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- Ensure that the plant material is maintained properly to ensure proper establishment especially during the first five years after installation.
 - Replace any plant material that fail to thrive either through death or disease in a timely manner. Replacement material shall be in kind. Any change in plant material must be approved by the Board or its Agent.
 - Regular Inspections – prior to the issuance of a Certificate of Occupancy for any new structure on site, the Planning Board or its Agent shall inspect the site, with particular attention to the landscaping, to ensure continued compliance with this Special Permit and Site Plan Approval.
 - Maintain the landscaping and fencing in perpetuity regardless of ownership of the site or management of the facility.
- C10. The Planning Board reserves the right to require additional screening measures on the Site (e.g., vegetation, fencing, etc.) along the property boundaries for up to one (1) year after the issuance of an Occupancy Permit by the Building Department for the uses authorized by this Decision if, in the opinion of the Board, such measures are necessary to ensure adequate screening and/or buffering of the proposed use from abutting residential property. The Applicant shall be notified in writing of any such determination by the Planning Board.
- C11. The Applicant shall and install and maintain emergency access security features per the requirements of the Fire and Police Departments not only for solar generating facilities and self-storage site but to ensure adequate emergency access through the site to the abutting solar farm (see FINDING #F21), as required by the SP 2012-4 decision as amended.
- C12. The Applicant shall comply with the Town's Alarm By-Law and requirements of the Police Department including but not limited emergency contact information to gain access to the site (see FINDING #22, EXHIBIT #9).
- C13. Hours of construction and earthwork proposed shall only occur Monday through Saturday 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.
- C14. There shall be no outside storage of equipment, materials and supplies related to the uses authorized by this Decision (see FINDING #F15).
- C15. The self-storage units shall be used solely for storage. No other activities including but not limited to running a small business or non-storage activities are allowed (see FINDNG #F15).
- C16. Prior to the issuance of a Certificate of Occupancy for the final building constructed on site, the Applicant shall submit "As-Built" plans prepared by a professional engineer. Said as-built plans shall be subject to review and approval by the Planning Board or its Agent prior to issuance of an Certificate of Occupancy.
- C17. The work authorized by this Special Permit shall be solely for the purposes noted within Condition #2 of this Decision. Changes to plans 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.

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- C18. The Applicant shall comply with any Order of Conditions and/or permits issued by the Grafton Conservation Commission.
- C19. 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.
- C20. 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.
- C21. Prior to the start of any construction activity on the Site, an initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control / site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant/developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.
- C22. Prior to the start of any construction activity on the Site, the Applicant shall submit to the Town (through the Planning Board) a bond or other type of security acceptable to the Board, in an amount to be determined by the Board or its Agent, for the purposes of ensuring adequate stormwater management and erosion control /site stabilization during the construction process. Said bond/security shall not be released until the Site is stabilized and all stormwater management facilities are functioning to the satisfaction of both the Planning Board and Conservation Commission.
- C23. In accordance with Section 1.3.3.8 of the ZBL, this Site Plan Approval shall be valid for two (2) years from the date of approval. All work proposed in the site plan or required by conditions to which the approval was subject must be completed within two (2) years from the date of approval.
- C24. In accordance with Section 1.5.8 of the ZBL, this Special Permit 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.
- C25. This Special Permit shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and a copy provided to the Planning Board and the Building Department. Said copy will include recording information such as the WDRD Book and Page Number and/or Instrument Number.

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C26. By recording this Special Permit 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.

VII. 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 Applications for a self-storage facility and associated site improvements at 100 Milford Road based on the information received at the public hearing and the aforementioned findings.

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

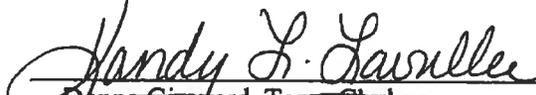
DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

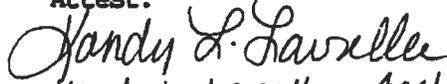

Joseph Laydon, Town Planner

6-26-2016
Date

- cc: Applicant
- Owner
 - Graves Engineering
 - Board of Assessors
 - Building Inspector

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 Girouard, Town Clerk~~
Kandy Lavalley, Asst. Town Clerk
July 23, 2015
Date

A true copy,
Attest:

Kandy L. Lavalley, Asst. Town Clerk
~~Donna M. Girouard, Town Clerk~~
Grafton, MA

ATTEST: WORC. Anthony J. Vigliotti, Register

