

**DECISION  
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2016-3) & SITE PLAN APPROVAL  
Recreational Facilities a/k/a Super Park  
4 and 6 Upton Street, Grafton, MA**

**Town of Grafton Super Park Committee (Applicant)  
Town of Grafton (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the Town of Grafton Super Park Committee, Grafton Memorial Municipal Center, 30 Providence Road, Grafton, MA 01519 (hereinafter the APPLICANT / OWNER), for the construction of playground facilities including associated public amenities on property located at 4 and 6 Upton Street, Grafton, MA, Assessors Map 74, Lots 89 & 90, owned by the Town of Grafton (hereinafter the SITE) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 47599, Page 27. Said property is located partially in a Neighborhood Business (NB) zoning district and partially located within in a Low Density Residential (R-40) zoning district.

The Application was filed with the Planning Board February 22, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 25 and March 3, 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 March 14, 2016 and continued on March 28 and April 11, 2016. During the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on April 11, 2016.

The following Board members were present throughout the public hearing: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and members Linda Hassinger and David Robbins. At the hearing, Town Administrator and Super Park Committee Chairwoman Jennifer Thomas presented the proposal. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

**I. SUBMITTALS**

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

**EXHIBIT 1.** Unbound application submission materials prepared and submitted by the Town of Grafton, received February 22, 2016; consisting of the following:

- Application for Special Permit, 1 page.
- Application for Site Plan Approval, 1 page.
- Certificate of Good Standing, 1 page.
- Certified List of Abutters, dated February 10, 2016, 1 page.
- Correspondence from the Office of the Town Administrator, Waiver Request, dated February 17, 2016, 1 page.
- Property Record Card, Town of Grafton Assessing Department, 4 Upton Street, dated February 10, 2016, 1 page.
- Property Record Card, Town of Grafton Assessing Department, 6 Upton Street, dated February 10, 2016, 1 page.
- Aerial Photograph of Site, 8 ½ x 11", color, Town of Grafton GIS, 4-6 Upton Street, dated February 17, 2016, 1 page.

- Site Map, 8 ½ x 11”, color, Town of Grafton GIS, 4-6 Upton Street, dated February 17, 2016, 1 page.
- Massachusetts Department of Environmental Protection Order of Conditions #164-904, 4 and 6 Upton Street, Grafton, MA; dated January 15, 2016, 7 pages.
- Grafton Wetlands Bylaw and Regulations Permit #737, Grafton Conservation Commission; dated January 5, 2016; 3 pages.
- Grafton Stormwater Bylaw and Regulations Permit #15-006, Grafton Conservation Commission; dated January 15, 2016; 6 pages.
- Plan Set; “Grafton Superpark”, A Community Playground and Recreation Project; color, 11 x 17” and 8 ½ x 11”, prepared by Land Planning, Inc., dated December 1, 2015, revised December 8, 2015; 5 sheets as follows:
  - Sheet 1: Cover Sheet
  - Sheet 2: Layout, Grading and Utility Plan
  - Sheet 3: Sedimentation and Erosion Control Plan
  - Sheet 4: Construction Details Plan
  - Sheet 5: Survey Plan

**EXHIBIT 2.** Email correspondence from Board of Health, Grafton “Super Park” – Town of Grafton, received March 2, 2016; 2 pages.

**EXHIBIT 3.** Super Park Narrative, no date; received March 3, 2016; 4 pages.

**EXHIBIT 4.** Copy of correspondence from Graves Engineering to Conservation Agent Maria Mast, Grafton Super Park, 4 & 6 Upton Street, Notice of Intent and Stormwater Management Review; dated November 9, 2015, received March 10, 2016; 2 pages.

**EXHIBIT 5.** Copy of correspondence from Graves Engineering to Conservation Agent Maria Mast, Grafton Super Park, 4 & 6 Upton Street, Notice of Intent and Stormwater Management Review; dated December 14, 2015, received March 10, 2016; 2 pages.

**EXHIBIT 6.** Public Hearing Sign In Sheet, March 14, 2016.

**EXHIBIT 7.** Public Hearing Continuance, Written Request to continue the hearing to March 28, 2016; received at the March 14, 2016 public hearing; signed by the Applicant; 1 page.

**EXHIBIT 8.** Correspondence from Timothy McInerney, Town Administrator; Super Park Narrative and Request of Waivers; dated and received on March 24, 2016; 5 pages.

**EXHIBIT 9.** Correspondence from Timothy McInerney, Town Administrator; Request of Waivers; dated and received on March 24, 2016; 5 pages.

**EXHIBIT 10.** Memorandum from Joseph Laydon, Town Planner; Staff Comment on Super Park Application; dated March 24, 2016; 3 pages.

**EXHIBIT 11.** Public Hearing Sign In Sheet, March 14, 2016.

## **II. FINDINGS**

At their meeting of [REDACTED] after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] 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 EXHIBITS submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the site improvements shown on the Plan, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3. That the subject Site is located partially in a Neighborhood Business (NB) district and primarily within a Low Density Residential (R40) district.
- F4. That this Application is for the construction of a, playground, parking are, and an access road. The Board further finds that Site Plan Approval is required for said petition as the Grafton Zoning By-law (hereinafter ZBL) states, in part, that Site Plan Review is “For the purpose of assuring proper drainage, screening, safe access, adequate parking and loading spaces, public convenience and safety, adequate consideration of abutting land owners and compliance with the provisions of this By-Law,...”.
- F5. That during the public hearing the Board and the Applicant discussed the access drive crossing over the existing parking lot at the entrance to the site. The The current lot is covered in reclaimed asphalt which is a pervious material. Access to the park will be a paved driveway at the south side of the parking lot and is specified to be regular asphalt, an impervious material. It was noted that the driveway is not considered a road but is designed to accommodate future access to the southern end of the lot if so desired. The Board discussed the various aspects of this design element noting that the current parking lot surface was acceptable for the current use but that the added traffic across the lot for patrons and maintenance vehicles may be problematic. Town Planner Joe Laydon noted that changing the park driveway across the current lot to regular asphalt would require review by the Conservation Commission as it would change the stormwater calculations by changing the area from pervious to impervious (see EXHIBIT #10).
- F6. That during the public hearing the Board and the Applicant discussed sidewalks along the frontage of the site on Upton Street. The current sidewalk stops partially across the frontage now. The proposed plan shows that the sidewalk will be extended along the whole frontage of the site excluding the parking lot / park driveway entrance. The Board noted that this was an important public safety element given the proximity of the site to the Common and the Library and the need to have a clear pedestrian path along the busy street frontage.
- F7. That during the public hearing the Board and the Applicant discussed the proposed fencing around the park area. It was noted that the plan indicated that the fence would not encompass the whole play area as proposed and that it cut through the site. This was determined to be error on the part of the

engineer, one that could be addressed on a revised plan to show the site enclosed in its entirety. The Applicant noted that fencing plan was reviewed with the Police Department with regards to public safety, particularly at night for security monitoring. The fence is to be four feet high and constructed of black vinyl coated chain link. The Board expressed concerns about the fencing along the property line between the site and the abutting railroad. The Applicant noted that there was a four foot berm between the two properties which added an additional measure of separation. It was noted that the plan did not indicate the specific fencing type for that area an item that needed to be incorporated onto the final plan.

- F8. That during the public hearing the Board and the Applicant discussed the lighting plan. The Applicant noted that a specific light fixture had not been chosen at this time but that they would be downward illuminating. Concerns about visual impacts on abutting properties were raised (see FINDING #F15). The Applicant noted that the lighting was intended for night time security only as the park will be closed after dark. The Board noted that the lighting fixture and lumens should be reflected on a revised plan.
- F9. That during the public hearing the Board and the Applicant discussed parking. The Applicant noted that parking area for the new park had been designed to accommodate the use. The Board noted that there was a parking lot on the adjacent library site. The Applicant noted that these two parking areas were separate and that there was some distance between the two.
- F10. That during the public hearing the Board and the Applicant discussed the wetlands on site and the need for accurate signage location to be identified on the plans. The Board noted that the plan did not accurately reflect the distance between “No Disturb” signage around the wetlands as required in the Conservation Commission Order of Conditions. It was noted that this would have to be corrected on a revised plan.
- F11. That during the public hearing the Board and the Applicant discussed hours of construction. It was noted that the standard condition allowed for construction on Monday through Saturday from 7:00 a.m. to 5:00 p.m. and no construction on Sundays or Federal holidays. Mr. Scully noted that the Super Park Committee would be organizing a Community Build Day where volunteers would install the playground equipment such as was done at North Grafton Elementary School which would result in a cost savings. These volunteer weekends typically require some flexibility of the construction conditions of other projects where hired contractors were completing the work. The Board noted that the Decision could be conditioned to accommodate for limited flexibility to allow for a Community Build scenario.
- F12. That during the public hearing the Board and the Applicant discussed the need for a revised site plan that reflected all the inconsistencies, discrepancies and omissions not on the current plan and / or identified by Town staff. The Board noted, as example, that the site plan shows a library expansion that was never realized. That area is now used for parking which was discussed during the public hearing as it relates to potential pedestrian access to the site. Other items such as lighting and fencing are related to public safety and abutter impacts that need to be represented on the plan to ensure that the conditions of this Decision are fulfilled now and in the future. The Applicant noted that this was a public project approved at Town Meeting and that the Town’s resources with regards to funding needed to be spent wisely. Multiple revisions of the plan would be expensive and a number of items

such a specific lighting fixture could not be identified at this time. However, it was noted that many of these items would need to be finalized before the Town released a Request for Proposals for the sake of the public bidding process. The Board expressed concern about considering a Decision without the benefit of reviewing the revised plan so that it could be adequately addressed in any draft Conditions of Approval. The Applicant noted that there would be a fully revised plan prior to the public bidding process. The Board noted that they as well as abutters would need the opportunity to review a fully revised plan in a public meeting before the Board with adequate notification to abutters. The Board further noted that if the revised plan substantially deviated from the plan submitted with this Application then the Applicant would be required to submit a request for Modification of the Special Permit and Site Plan Approval.

- F13. That during the public hearing the Board and the Applicant discussed the phasing of the project. The Applicant noted that all the infrastructure including lighting, fencing, parking and access road would be constructed in the first phase. The play structures and other recreational components would be phased as funds are raised to support the project. The Board noted that the fully built out play structures were represented on the plan. The Applicant noted that that was for illustrative purposes only and that only a portion would be installed in the first phase. Abutter concerns about ongoing construction were taken into consideration as the installation of play structures would occur over several phases. The Board noted that abutter notification of installation activities that required an extension of the standard construction conditions by any volunteer group would apply even in future phases.
- F14. That during the public hearing the Board and the Applicant discussed the need for a traffic study. The Applicant noted that the proposed use was recreational and seasonal in nature for use during the daytime. These factors indicate that the traffic volume would be minimal and that a full traffic study was not warranted.
- F15. That during the public hearing the Board and the Applicant discussed pedestrian pathways connecting the library to the new park. Concerns were raised about people cutting across the library parking lot and over into the new park instead of using the sidewalk along Upton Street. The Applicant noted that the proposed plan did not provide for any connections at this time but could be considered later.
- F16. That during the public hearing the Board received testimony from Lisa Desrosiers of 3 South Street, an abutter to the site. She raised concerns about the hours of operations during the construction period and the the visual impacts of the proposed lighting plan which the Board addressed (see FINDINGS #F8). She also raised concerns about people cutting through her yard to take a shortcut to the new park instead of travelling along the sidewalk around the library. The Applicant noted that there was a large wetland area between her property and the park which would be a difficult and unlikely “cut through” from her property. The Board reviewed the proximity of her property to the proposed park site and determined that there was approximately 300 feet between her rear property line and the park location. Ms. Desrosiers also raised concerns about night time security of the site particularly as a hangout for kids. The Applicant noted that the police would be monitoring the site and that the lighting and fencing were designed to provide maximum sight lines into the site for all to see. She asked if there were going to be any public toilets on site. When told no, she expressed concern that people would not seek out nearby facilities and use the park or the surrounding wetland area instead. Ms. Desrosiers stated that construction related activities would impact her. The Board discussed this with the Applicant (see FINDINGS #F11 and #F13).

- F17. The Board finds that it received comments from Town Planner Joseph Laydon (see EXHIBIT #10). Items reviewed included a review of plan revisions required prior to the public bidding process including but not limited to: revised stormwater calculations, recommended change in paving materials at the entrance, fencing, and lighting. Mr. Laydon noted that all the items could be addressed in one final plan revision which must be complete in order for the Town to release a Request for Proposal for the construction of the park.
- F18. The Board notes that the Applicant did not submit waiver requests from a number of items required in the Zoning By-Law and asked for that information. The Board finds that the Applicant complied (see EXHIBIT #9).

At their meeting of [REDACTED] after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] to make the following Findings with regard to the specific issues listed in Section 1.5.5 of the ZBL:

- F19. With regard to Section 1.5.5(a), the Board finds that based on Exhibits and Findings stated within this Decision, ingress and egress to the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, **is / is not** adequate.
- F20. With regard to Section 1.5.5(b), the Board finds that based on the Exhibits and the Findings stated within this Decision, that off-street parking **is / is not** adequate. The Board further finds with regard to Section 1.5.5(b) that the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district **are / are not** satisfactory.
- F21. With regard to Section 1.5.5(c), the Board finds that based on the Exhibits and the Findings stated within this Decision, that refuse collection or disposal and service areas **are / are not** satisfactory.
- F22. With regard to Section 1.5.5(d), the Board finds that based on the Exhibits and the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character **are / are not** adequate.
- F23. With regard to Section 1.5.5(e), the Board finds and based upon on the Exhibits and the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect **is / is not** compatible and in harmony with properties in the district.
- F24. With regard to Section 1.5.5(f), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, the required yards and other open space requirements **are / are not** adequate.
- F25. With regard to Section 1.5.5(g), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, that the proposed use of the facility **is / is not** generally compatible with adjacent properties and other properties in the district.
- F26. With regard to Section 1.5.5(h), the Board finds that based upon on the Exhibits and the Findings stated within this Decision and upon satisfying and complying with all applicable requirements of the

Massachusetts DEP, Grafton Water District, and all other applicable agencies, the proposed facility **will / will not** have any significant adverse impact on any public or private water supply.

- F27. With regard to Section 1.5.5(i), the Board finds that the site is located within the Water Supply Protection Overlay District. The Board further finds that, based upon on the Exhibits and the Findings stated within this Decision, and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, there **will / will not** be any significant adverse impact upon municipal water supplies.
- F28. With regard to Section 1.5.5(j), the Board finds that important historic, cultural and scenic landscapes **are / are not** protected.

At their meeting of [REDACTED] after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted **\_-\_** to make the following Findings:

- F1.) That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F2.) 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.
- F3.) The Board 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. The Board finds that the Applicant submitted waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1).
- F4.) That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, **are / are not** contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3.1 of the ZBL.

### III. WAIVERS

- W1. At their meeting of [REDACTED] after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted **\_-\_** to **GRANT / DENY** the Applicant's request for waivers from **Section 1.3.3.3.b – Fees** the ZBL.

In **granting / denying** this waiver request the Board finds that [REDACTED]

- W2. At their meeting of [REDACTED] after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED])

voted   -   to **GRANT / DENY** the Applicant's request for waivers from the following requirements of the ZBL with regard to Section **1.3.3.3.d – Site Plan – Number of Copies** to be Submitted.

In **granting / denying** this waiver request the Board finds that                     

**W3.** At their meeting of                      after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by                     , seconded by                     ) voted   -   to **GRANT / DENY** the Applicant's request for waivers from the following requirements of the ZBL with regard to **Section 1.3.3.3.d – Site Plan – preparation** - as follows:

- **(3)** Present use(s) of the land and description and use(s) of existing building(s) thereon, if any
- **(11)** Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines;
- **(15)** Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/ landscaped areas;
- **(16)** Parking calculations for proposed use(s), including all existing use(s) that will continue to exist on the property, if applicable;
- **(17)** Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location(s) of such activity;
- **(24)** Sewage, refuse and other waste disposal;

In **granting / denying** this waiver request the Board finds that                     

**W4.** At their meeting of                      after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by                     , seconded by                     ) voted   -   to **GRANT / DENY** the Applicant's request for waivers from the following requirements of the ZBL with regard to **Section 1.3.3.3.e –A stormwater management hydrological study**.

In **granting / denying** this waiver request the Board finds that                     

**W5.** record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by                     , seconded by                     ) voted   -   to **GRANT / DENY** the Applicant's request for waivers from the following requirements of the ZBL with regard to **Section 1.3.3.3.f. – Volume of Earth Removal**.

In **granting / denying** this waiver request the Board finds that                     

**W6.** At their meeting of                      after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within

this Decision, the Grafton Planning Board (motion by \_\_\_\_\_, seconded by \_\_\_\_\_) voted \_\_\_-\_\_\_ to **GRANT / DENY** the Applicant's request for waivers from the following requirements of the ZBL with regard to **Section 8.2 – Traffic Study**.

In **granting / denying** this waiver request the Board finds that \_\_\_\_\_

#### **IV. DECISION & CONDITIONS**

At their meeting of \_\_\_\_\_ after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by \_\_\_\_\_, seconded by \_\_\_\_\_) voted \_\_\_-\_\_\_ in favor to **APPROVE / DENY** the Special Permit and Site Plan Approval with the following conditions:

##### **Standard Conditions**

- C1.)** The Office of the Town Administrator shall be responsible for ongoing management of this project including construction period oversight and permit compliance.
- C2.)** Any signage required by this Decision, or proposed at a later date, shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. Signage and pavement markings for traffic and pedestrian safety, in addition to that specified on the Plan, may be added at the discretion of the DPW Director, Grafton Police Department, and the Grafton Fire Department provided said signage and markings conform to the provisions of the Grafton Zoning By-law and all other applicable regulations.
- C3.)** Any modification to the use of site as described within this Decision and as presented to the Board during the public hearing and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is a major or minor change to the materials and information used in making this Decision. If determined to be a major change, the Applicant shall be required to follow the process for modification of a Special Permit and Site Plan Approval in accordance with the Grafton Zoning By-law.
- C4.)** The Planning Board reserves the right to solicit comments from other Town departments, boards and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) 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. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.
- C5.)** The Town and all users of the subject Site shall comply with all applicable Town usage policies for recreational fields and facilities.
- C6.)** The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the ZBL, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, or conducting any inspections or other work associated with the construction of the Site.

In accordance with Section 1.5.1.1, any fees or expenses associated with such reviews shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.

- C7.)** As stated in Section 1.5.8 of the Grafton Zoning By-law, this special permit shall lapse two (2) years after the date of granting if substantial use, or construction, has not been commenced except in accordance with law.
- C8.)** If any Order of Conditions and/or permits from the Conservation Commission require substantial modification(s) to any of the plan approved or conditions of this Special Permit and Site Plan Approval, the procedure specified within the Conditions of this Decision shall govern such change(s).
- C9.)** 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 Special Permit to be invalid.
- C10.)** This Decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. The Office of the Town Administrator shall be responsible for the filing of this Decision. 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. By recording this Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Decision.
- C11.)** Unless modified by this Decision, the Site shall be developed, constructed and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the Plans identified as EXHIBIT #1 as modified by this Decision. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction.

**Prior to Bid Process Conditions**

- C12.)** The Board recognizes that the development of the site to achieve the full the full build out as presented on the plan will require a phased approach particularly with regards to the play structures. It is expected that the infrastructure such as access, access roadway, sidewalks, parking area, landscaping and fencing will be completed in the first phase of build out. The Applicant shall be responsible for providing project updates to the Planning Board or its agent with regards to future construction related to the phased build out of the site. All conditions of this Decision shall apply for the duration of the development of the site.
- C13.)** Prior to the commencement of the public bidding process and in conformance with this Decision, a revised plan set shall be submitted to the Planning Board for review. The revised plan set shall incorporate changes reviewed by the Board and submitted as EXHIBIT #10 as well as any other plan revisions required by Town staff in conjunction with the Applicant.
- C14.)** The revised plan set shall be made available to the public prior to the commencement of Board's review of the revised plan. The immediate abutters to the site shall be notified about the about the

location and availability of said documents and will be given a minimum of two weeks' notice about the meeting date when the Planning Board will be reviewing the revised plan.

**Construction Period Conditions**

- C15.)** The hours of construction shall be limited to Monday through Saturday from 7:00 a.m. and 5:00 p.m. There shall be no construction activity on Federal holidays. The installation of the playground equipment by a volunteer group may require construction hour flexibility such as hours beyond 5:00 p.m. and on Sundays. In this case, the Applicant shall notify the immediate abutter by mail two weeks in advance of the planned dates and include information pertaining to the dates and hours which they plan to be installing the play structures. This only applies to work conducted by volunteers for the installation of play structures.
- C16.)** All grading and construction shall be performed in accordance with the Plans as amended by this Decision, 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, resource areas, abutting properties from the site and its associated improvements during and after completion of construction.
- C17.)** All site development and improvements shall be inspected at the appropriate stage of construction by the Planning Board or its designee upon request made by the Applicant to the Planning Board or its designee.
- C18.)** The Applicant shall submit written notification to the Planning of any field changes made during the construction period. Any field changes that qualify as a major modification will require a formal modification of this Special Permit and Site Plan Approval.

**Post Construction Period Conditions**

- C19.)** In the event that the Applicant proceeds with the installation of additional play structure equipment based on a phased approach the Applicant shall be responsible for providing a written status report to the Planning Board identifying type and location of said equipment. The hours of construct operations identified in Condition #C15 shall apply to future installations of playground equipment. In addition, the Applicant shall notify the immediate abutting property owners in accordance with Condition #C15 of this Decision.

**V. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted \_\_\_-\_\_\_ to **APPROVE / DENY** the Special Permit & Site Plan Approval Application with Conditions for the construction of a playground and associated public amenities at 4-6 Upton Street based on the information received at the public hearing and the aforementioned findings.

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

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

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Joseph Laydon, Town Planner

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Date

- cc: Applicant / Town Administrator
- Super Park Committee
  - Jeff Walsh, Graves Engineering
  - Norman Hill, Land Planning

- Building Inspector
- Assistant Town Engineer

**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