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DECISION
GRAFTON PLANNING BOARD

SPECIAL PERMIT (SP 2016-5) & SITE PLAN APPROVAL
Construct a Pump Station

25R Trinity Avenue, Grafton, MA

Grafton Water District (Applicant / Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the Grafton Water District, 44 Millbury Avenue, Grafton, MA 01519 (hereinafter the APPLICANT / OWNER), for a Special Permit and Site Plan Approval under Section 3.2.3.1 to construct a pump station on property located at 25R Trinity Avenue, Grafton MA and shown on Grafton Assessor's Map 98, Lot 121 by deed recorded in the Worcester District Registry of Deeds in Book 54457, Page 152.

I. BACKGROUND

The above referenced application for a Special Permit / Site Plan Approval (hereinafter APPLICATION) was submitted on March 17, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 24 and March 31, 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 April 11 and continued to May 16, 2016. At the May 16th hearing the Applicant requested a continuance to June 13, 2016. The Applicant was advised that there may be change in the Board membership due to Town Elections scheduled for May 17, 2016. In order to ensure that the Board had an adequate number of members to vote on the Special Permit it was decided jointly between the Board and the Applicant to re-advertise the hearing to allow any new members the opportunity to participate and vote. The second public hearing was advertised on May 26 and June 2, 2016 and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

At the hearing the following people presented the Application: Matt Pearson, System Manager for the Grafton Water District, and Matthew Berry of Tata and Howard. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on June 13, 2016.

The following Board members were present throughout the public hearings and deemed eligible to vote on a Decision: Michael Scully, Robert Hassinger, Linda Hassinger and David Robbins.

II. SUBMITTALS

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

EXHIBIT 1. Application Packet; Special Permit & Site Plan Approval Application Package; prepared by Tata & Howard.; received March 17, 2016; includes the following:

- Application for Special Permit, dated March 15, 2016; 1 page.
- Application for Site Plan Approval; dated March 15, 2016, 1 page.
- Certificate of Good Standing, signed by the Office of the Treasurer / Collector on March 9, 2016; 1 page.

- Certified Abutters List; signed by the Office of the Board of Assessors on December 4, 2016; 1 page.
- Correspondence from Tata & Howard; Trinity Avenue Pump Station, Grafton Water District, Application Fee Waiver Request; dated March 16, 2016; 1 page.
- Application Packet: Trinity Avenue Pump Station, Grafton Water District; prepared by Tata & Howard; dated March 2015; 68 pages.
- Plan Set; prepared by Tata & Howard; 11" X 17"; color and 24" x 26" black & white; dated March 2016; received March 17, 2016; 29 sheets.

EXHIBIT 2. Email Correspondence; Departmental Review; submitted by Nancy Connors, Board of Health; dated and received March 31, 2016; 1 page.

EXHIBIT 3. Email Correspondence; Departmental Review; Submitted by Chief Normand A. Crepeau Jr., Police Department; dated and received March 31, 2016; 1 page.

EXHIBIT 4. Email Correspondence; Departmental Review; Submitted by Katrina Koshivos, Zoning Board of Appeals; dated and received April 1, 2016; 1 page.

EXHIBIT 5. Correspondence; Re: Grafton Water District, Trinity Avenue Pump Station; submitted by Assistant Chief, Stephen L. Charest, Fire Department; dated and received April 6, 2016; 1 page.

EXHIBIT 6. Public Comment Email Correspondence Form; Subject: SP 2016-5: Trinity Avenue Pump Station – 25R Trinity Avenue; submitted by Scott Lamont of 25 Trinity Ave.; dated April 10, 2016; received April 11, 2016; 2 pages.

EXHIBIT 7. Public Hearing Sign In Sheet, April 11, 2016; 1 page.

EXHIBIT 8. Written Request for Continuance of Public Hearing to May 16, 2016; signed by the Applicant / Owner, dated and received April 11, 2016; 1 page.

EXHIBIT 9. Email Correspondence; Subject: Re: Trinity Avenue; from Matt Pearson; dated April 26, 2016; received April 27, 2016; 1 page.

EXHIBIT 10. Peer Review Correspondence; Subject: Trinity Avenue Pump Station – 25R Trinity Avenue Special Permit and Site Plan Review; submitted by Jeff Walsh, P.E. of Graves Engineering, Inc.; dated April 15, 2016; 5 pages.

EXHIBIT 11. Letter of Correspondence; Subject: Trinity Avenue Pump Station – 25 R Trinity Avenue, Special Permit and Site Plan Review, Town of Grafton, Massachusetts; submitted by Karen Gracey, P.E. of Tata & Howard, Inc.; dated and received May 12, 2016; 11 pages.

EXHIBIT 12. Letter of Correspondence; Subject: Trinity Avenue Pump Station – 25 R Trinity Avenue, Special Permit and Site Plan Review, Town of Grafton, Massachusetts; submitted by Karen Gracey, P.E. of Tata & Howard, Inc.; dated May 12, 2016; received May 12, 2016; 7 pages.

EXHIBIT 13. Plan Set; prepared by Tata & Howard; 11" X 17"; black and white; dated May 2015; received May 12, 2016; 7 revised sheets as follows:

- Sheet C-2.....Utility Plan 1
- Sheet C-3.....Grading Plan

- Sheet C-6.....Details 1
- Sheet C-7.....Details 2
- Sheet S-5 .....Bridge Abutments Plan and Sections
- Sheet E-2.....Electrical Power Plan

EXHIBIT 14. Plan Set; prepared by Tata & Howard; 24" x 36""; black & white; dated May 2015; received May 12, 2016; 7 revised sheets as follows:

- Sheet C-2.....Utility Plan 1
- Sheet C-3.....Grading Plan
- Sheet C-6.....Details 1
- Sheet C-7.....Details 2
- Sheet S-5 .....Bridge Abutments Plan and Sections
- Sheet E-2.....Electrical Power Plan

EXHIBIT 15. Peer Review Correspondence; Subject: Trinity Avenue Pump Station – 25R Trinity Avenue Special Permit and Site Plan Review; submitted by Jeff Walsh, P.E. of Graves Engineering, Inc.; dated and received May 12, 2016; 6 pages.

EXHIBIT 16. Public Hearing Sign In Sheet, May 16, 2016; 1 page.

EXHIBIT 17. Written Request for Continuance of Public Hearing to June 13, 2016; signed by the Applicant / Owner, dated and received May 16, 2016; 1 page.

EXHIBIT 18. Board of Assessors Request for Abutters List (see notation at bottom dated May 27, 2016) and Certified Abutters List signed by the Office of the Board of Assessors on May 27, 2016; 2 pages.

EXHIBIT 19. Correspondence and attached report, Supplemental Responses to the Special Permit and Site Plan Approval, Plans, and Notice of Intent Review; prepared by Tata & Howard; dated June 3, 2016, received June 8, 2016; 69 pages.

EXHIBIT 20. Plan Set; prepared by Tata & Howard; 24" x 36""; black & white; dated June 2016; received June 8, 2016; 4 revised sheets as follows:

- Sheet C-3.....Grading Plan
- Sheet C-4.....Utility Plan 1
- Sheet C-6.....Details 1
- Sheet C-7.....Details 2

EXHIBIT 21. Letter of Correspondence; Subject: Trinity Avenue Pump Station – 25 R Trinity Avenue, Special Permit and Site Plan Review, Town of Grafton, Massachusetts; submitted by Karen Gracey, P.E. of Tata & Howard, Inc.; dated June 3, 2016; received June 8; 2 pages.

EXHIBIT 22. Peer Review Correspondence; Subject: Trinity Avenue Pump Station – 25R Trinity Avenue Special Permit and Site Plan Review; submitted by Jeff Walsh, P.E. of Graves Engineering, Inc.; dated and receive June 14, 2016; 4 pages.

EXHIBIT 23. Email Correspondence; Subject: Re: Trinity Avenue; from Matthew Berry, Tata & Howard; dated and received June 13, 2016 at the Planning Board Public hearing; 1 page.

EXHIBIT 24. Revised Plan; Site Layout, prepared by Tata & Howard; 24" x 16"; black and white; dated June 2016; received June 13, 2016 at the Planning Board Public hearing; 1 sheet.

EXHIBIT 25. Public Hearing Sign in Sheet, June 13, 2016; 1 page.

EXHIBIT 26. Mullin Certification for the May 16, 2016 Planning Board hearing, signed by David Robbins on June 27, 2016; 1 page

III. FINDINGS

At their meeting of July 1, 2016 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mrs. Hassinger, seconded by Mr. Robbins) voted 4-0 in favor to make the following Findings:

F1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.

F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.

F3. That the subject site (as identified by the Applicant and shown in EXHIBIT #1 and EXHIBIT #17 of this Decision) is located within a Residential 20 (R20) zoning district and the Water Supply Protection Overlay District (WSPOD). The proposed pump house is allowed within the R20 zone upon issuance of Special Permit and Site Plan Approval under Section 3.2.3.1 – Public Utility Uses. The Applicant is seeking to build a pump station on land at 25R Trinity Avenue, Grafton.

F4. That during the public hearing the Board and Applicant discussed the nature of the application. The property was originally owned by the Department of Fish & Wildlife Services. The Grafton Water District was able to obtain the property once it was discovered that the underlying water source was of high quality. It is part of a plan to expand their system to accommodate the increase in population and development activity in Town as well as provide necessary system redundancy. The Massachusetts Department of Environmental Protection approved water source to be drawn upon as a water source for the Town in 2013. The site consists of three gravel packed wells. Mr. Person noted that water will be drawn from underground sources and not surface water from Fisherville Mill Pond. The plan is to build a 21 x 28 foot building on a concrete foundation with and exterior backup generator to provide electrical service in the event of an outage. The facility will be remotely operated by the Water District's main office on Millbury Street and no employees will be on site except for maintenance purposes. The site plan includes security fencing, exterior lighting, landscaping, an access road a bridge over the wetlands to access the facility. The pump station will be in continuous operation to push the water drawn from the source up the slope and into the existing delivery system in Trinity Avenue.

F5. That during the public hearing the Board and Applicant discussed the variances required from the Zoning Board of Appeals. Mr. Pearson noted that they had received the following waivers on May 5, 2016 from the Zoning Board of Appeals: relief from the 125 foot frontage requirement and relief from the 10 foot stabilized vegetative border requirement. Both of these requirements were necessitated by the configuration of the lot which has narrow access strip of approximately 18.5 feet

of frontage on Trinity Avenue. The Town Planner, Mr. Laydon, noted access point and lot configuration was a result of the layout of the Trinity Avenue subdivision. The access point / frontage of this lot is constricted by the abutting properties and it immediately abuts the driveway of 24 Trinity Avenue. The Applicant noted that the access driveway will be 10 feet in width and that its edges will be stabilized. It was further noted that permanent easements to accommodate road and infrastructure will need to be agreed upon between the abutter at 25 Trinity Avenue and the Applicant / Owner. Mr. Pearson and the abutter had reached an agreement and this information was shown on a later plan (see EXHIBIT #20).

F6. That during the public hearing the Board received testimony from Scott Lamont of 25 Trinity Avenue (see EXHIBIT #6 and #9). In addition they received comments during the public hearing from Joe Groccia of 24 Trinity Avenue. Many of the issues raised and the response from the Applicant were either in written form from the Applicant / Owner (EXHIBIT #9) or outlined in FINDINGS #F8 through #F15 below. Mr. Pearson noted that the Grafton Water District had been working with the abutters to address their concerns presented during the public hearing, via email and by meeting with them. At the close of the public hearing there was no additional commentary from the abutters. Both Mr. Lamont and Mr. Groccia stated that they were satisfied with the outcome of the discussions with the Board and the Grafton Water District. The Board notes that it is satisfied that Mr. Pearson was able to resolve any outstanding questions or concerns presented by the abutting property owners.

F7. That during the public hearing the Board and the Applicant discussed fencing. Mr. Pearson noted that chain link fencing will be installed according to plan for security reasons. Barbed wire will be installed only along the southwestern edge of the site for additional security. A swing gate will be installed approximately 30 feet from the entrance on Trinity Avenue.

F8. That during the public hearing the Board and the Applicant discussed snow storage. The abutters noted that the Department of Public Works had been using the lot frontage to push snow off the road and the cul de sac. Mr. Pearson noted that they would work with the Town to ensure snow removal and would remove the snow themselves if an issue arose (see EXHIBIT #9).

F9. That during the public hearing the Board and the Applicant discussed noise impacts. Mr. Pearson noted that the pump house equipment will be enclosed by the building with no noise impacts to the neighbors. A backup generator will be on site and housed in a waterproof enclosure attached to the building. The facility will run all the time and requires a backup electrical source to ensure ongoing operations in the event of a power outage. The generator will require a twice monthly run time of 20 minutes to run the maintenance cycle. They will be run during the day and will be on timers. He noted that the same type of generator is at their East Street site and he has not received any noise complaints. The generator will produce 66 decibels of noise which is comparable to a normal conversation heard within 25 feet. By comparison it was noted that a lawn mower generates 90 decibels. The generator will be approximately 180 feet from the rear of the nearest residence.

F10. That during the public hearing the Board and the Applicant discussed exterior lighting and potential impacts to the abutters. There will be lights on the building but they will be motion activated only. MADEP requires exterior lighting for security purposes. No lighting on the fencing or the security gate is proposed.

F11. That during the public hearing the Board and the Applicant discussed landscaping and screening. The abutters noted that views down the slope of the land down to the site would make the facility visible from their yards. The Board noted that landscaping and screening plan had not been submitted as part

of the plan set. Mr. Pearson noted that he would work with the Town and the abutters to provide adequate screening in terms of species and placement. He further committed to allocating $20,000 landscaping fence work (see EXHIBIT #9).

F12 That during the public hearing the Board and the Applicant discussed the temporary construction easement. It was noted that there would be a need to utilize some of the abutting property to provide the necessary access to the site as the access road is under development. Without the temporary easement they would not be able to access the site.

F13 That during the public hearing the Board and the Applicant discussed electrical service to the site. The current pole located near the proposed access road will have to be moved. Electrical service to the pump station facility will be run underground to the security gate and then will come above ground and run along poles to the facility. He noted that the relocation of the pole at the Trinity Avenue location will be at the discretion of National Grid. The abutters will continue to have a above ground electrical feed from the new pole location.

F14 That during the public hearing the Board and the Applicant discussed the use of chemicals and potential impact on the surrounding water supply for the abutters. Mr. Pearson reviewed the types and need for chemicals to treat the water before it is pumped into the existing delivery system at the top of the site in Trinity Avenue. It is important to treat the water prior to incorporating it into the existing system which carries water that has already been treated in a similar manner. Very minimal chemical treatment is required. Additional chemicals are required to clean the facility and equipment. There will be a monthly delivery of the necessary chemicals and they will be housed within the pump station facility. The Trinity Avenue neighborhood is served by the Grafton Water District and there are no private wells.

F15 That during the public hearing the Board and the Applicant discussed construction period impacts. Concern was raised about ensuring that the site remain stabilized during construction. Mr. Pearson noted that they would follow best practices for construction period activities. He noted that there would be no blasting, that trees to be removed will be marked and that construction vehicles may occasionally block the areas during construction. Other issues of concern addressed by Mr. Pearson including providing temporary construction fencing to protect the safety of Mr. Lamont's dog and to move Mrs. Lamont's rock pile further onto her property so as not to lose access to them (see EXHIBIT #9). It was further noted that the Conservation Commission requires construction period inspections.

F16 That during the public hearing the Board and the Applicant discussed the various review and approvals required by the Conservation Commission. Ongoing coordination will be required with regards to construction period inspections, erosion control and other issues relating to stormwater and wetlands. The Board notes that the peer review engineer, Jeff Walsh of Graves Engineering, submitted a final review report on June 13, 2016 (see EXHIBIT #22). All but one issue was addressed to the satisfaction of the peer review engineer. He noted that the final three compensatory flood storage areas were reasonable. However an alternative was proposed by the design engineer which would reduce the overall clearing and disturbance of the area, in particular along the edges of the access road and the gravel driveway. Mr. Pearson noted that this is an issue to be managed by the Conservation Commission who have expressed an interest in participating at the time of site clearing to finalize this requirement.

F17 That during the public hearing the Board and the Applicant discussed the ZBL requirement that there be 50 feet separations from driveways. It was noted that separation from the proposed access road to the driveway of 24 Trinity Avenue will be less than 15 feet. Mr. Pearson noted that there was other access to the site and that he received a waiver for the 125 frontage requirement from the ZBA for similar reasons (see FINDING #F5).

F18 The Board notes that it received email correspondence from the Board of Health regarding project review (See EXHIBIT #2). The Board of Health stated that they did not have any comments.

F19 The Board notes that it received email correspondence from the Police Department regarding project review (See EXHIBIT #3). The Police Department stated that they did not have any comments.

F20 The Board notes that it received email correspondence from the Fire Department regarding project review (See EXHIBIT #5). The submitted two comments:

- The 10 foot wide roadway and bridge should be capable of handling a vehicle of 60,000 pounds. Mr. Pearson noted that the bridge design will allow for a vehicle load of 72,000 pounds.
- The building will have a suppression system installed that the Fire Department approves.

At their meeting of July 1, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mrs. Hassinger, seconded by Mr. Robbins) voted 4-0 in favor to make the following Findings:

F21. With regard to Section 1.5.5(a) of the ZBL that based upon the Findings stated within this Decision ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate. The Board finds that the reference to automotive safety, pedestrian safety & convenience and traffic flow and control are not applicable given the nature of the proposed project. With regards to access in case of fire or catastrophe, the Board notes that the issue has been adequately addressed (see EXHIBITS #1 and #17).

F22. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory. The Board finds that the references to off street parking and loading areas are not applicable to given the nature of the proposed project (see FINDING #F4). When fully operational, this will be an unoccupied facility with no need for off street parking and / or loading areas. The Board notes that after review of the Application material that there would be no significant economic impacts. The issues of noise and glare impacts based on the location of the site and the proximity to surrounding residential properties were addressed to the satisfaction of the Board and the abutting property owners during the course of the public hearing (see FINDING #6 and EXHIBIT #9).

F23. 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 Board finds that these items are not applicable given the nature of the proposed project. When fully operational, this will be an unoccupied facility with no need for refuse collection or disposal. Periodic maintenance vehicles

will visit the facility as needed for the maintenance of on-site equipment and landscaping as necessary.

F24. 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 Board finds that the screening and buffering of the site are important to the protection of the viewsheds from the adjacent properties (see FINDING #F11). The Board notes that this Decision includes Conditions that reflect best practices with regards to design, installation and maintenance of a screening plan for the life of the permit.

F25. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. No signs are proposed (see EXHIBIT #1 and #17). The issue of exterior lighting and glare were adequately addressed during the course of the public hearing (see FINDING #F10).

F26. With regard to Section 1.5.5(f) of the ZBL that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate and have met the requirements of the Zoning By Law except where waived by the Zoning Board of Appeals (see FINDING #F5).

F27. With regard to Section 1.5.5(g) of the ZBL, that the proposed use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is generally compatible with adjacent properties and properties in the district. The Board notes that the new pump station is located in a residential area. The location was chosen based on the proximity to the necessary resources to provide additional capacity to the public water supply system.

F28. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply. The Board finds that the Applicant addressed issues raised regarding stormwater management so far as required as part of this permitting process. The new pump station will improve the capacity of the public water supply system (see FINDING #F4).

F29. With regard to Section 1.5.5(i) of the ZBL, the site being partially located within the Water Supply Protection Overlay District, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies (see FINDINGS #F27 and F4).

F30. With regard to Section 1.5.5(j) of the ZBL that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. No material was submitted to address these issues.

At their meeting of July 1, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mrs. Hassinger, seconded by Mr. Robbins) voted 4-0 in favor to make the following Findings:

F31. 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.

F32. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.

F33. That pursuant to Section 1.3.3.4 of the ZBL, the Applicant requested waivers from the following requirements for preparing site plans, as follows (see EXHIBIT #1):

a. Section 1.5.1.1 – Fees

b. Section 4.2.4.2 – Driveway Sideline

IV. WAIVERS

W1. At their meeting of July 1, 2016 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 Mrs. Hassinger, seconded by Mr. Robbins) voted 4-0 to **GRANT** the Applicant's request for a waiver from **Section 1.5.1.1 - Fees** of the ZBL with regard to submitting special permit and site plan approval applications. The Planning Board noted that the Grafton Water District is a tax exempt organization providing a public utility service.

W2. At their meeting of July 1, 2016 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 Mrs. Hassinger, seconded by Mr. Robbins) voted 4-0 to **GRANT** the Applicant's request for a waiver from **Section 4.2.4.2 – Driveway Sideline** of the ZBL with regard to 50 foot separation of driveways. The board notes that there is no other practical access to the site due to the layout of the lots of the Trinity Avenue subdivision (see FINDINGS #F17 and #F5). The Board further notes that the Applicant / Owner had vetted all issues regarding impacts to abutters who would be most directly affected by lack of driveway separation and found that there were no outstanding objections or concerns (see FINDING #F6)/

V. DECISION and CONDITIONS

At their meeting of July 1, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mrs. Hassinger, seconded by Mr. Robbins) voted 4-0 in favor to **APPROVE** this Special Permit and Site Plan Approval with the following conditions:

A. <u>Standard Conditions</u>

1. This Special Permit and Site Plan Approval specifically authorizes the construction of a pump station, access road, security features such as fending and a gate, and landscaping as described within the EXHIBITS and FINDINGS of this Decision (EXHIBITS #1 and #17).

2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted

provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.

3. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
4. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
5. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
6. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
7. By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

B. <u>Conditions to be Met Prior to the Start of Construction</u>

1. 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:
    a. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans suitable for recording at the Worcester District Registry of Deeds.
    b. Additional details shall be added to require that site fencing is to be clearly and adequately posted with "No Trespassing" signage. The Applicant will submit a "No Trespass" letter to the Grafton Police Department.
2. Prior to the commencement of work, the Planning Board shall be provided with the following:
    a. a. Five (5) full size, 24" x 36", endorsed and recorded plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
    b. An electronic copy of the endorsed and recorded plan set. The electronic copy shall be in a "PDF" compatible format.

3. Prior to any clearing the site shall be inspected by the Planning Board or its designee to review the delineated limits of work, erosion control and site stabilization measure

C. Conditions to be Met During Construction

1. The Applicant / Owner shall submit a landscaping plan satisfactory to the Board and / or its designee which identifies the types and locations of proposed plantings. Proposed plantings shall be of native species to promote long term viability and prevent invasive behavior. All planting locations shall be staked and the locations shall inspected by the Town Planner prior to installation. Locations may be amended in the field with the approval of the Town Planner.
2. Hours of construction and earthwork proposed shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
3. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.
4. The Applicant / Owner shall act in good faith to provide the services and accommodations with regards to impacts to abutter at 25 Trinity Avenue, specifically fencing to ensure the safety of his dog and moving an existing rock pile further onto his property (see FINDING #F15).
5. The Applicant / Owner shall comply with requests set forth in the comments submitted by the Grafton Fire Department (see FINDING #F20 an EXHIBIT #5).

D. Conditions to be Met After Construction

1. The Applicant / Owner shall ensure that the landscaping is maintained for the life of the permit. 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:
   - Ensure that the plant material is maintained properly especially during the first three 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 – the Planning Board or its Agent reserves the right to 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.
2. The access road, gate and security facilities shall be maintained at all times to the satisfaction of the Grafton Fire and Grafton Police departments to ensure that emergency service providers will have adequate access and maneuverability at all times. The access road will be maintained at all times to ensure proper emergency service access

VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 4-0 to **APROVE** the Applicant's Special Permit & Site Plan Approval Application for the construction of a pump station with Conditions based on the information received at the public hearing and the aforementioned findings.

Michael Scully, Chairman	AYE	David Robbins, Clerk	AYE
Robert Hassinger, Vice Chairman	AYE	Linda Hassinger, Member	AYE

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

7-1-2016
Date

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

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

Donna Girouard, Town Clerk

Date