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**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION OF SITE PLAN APPROVAL
Construction/Renovation of Little League Field, Children's Soccer Field, and
Expansion/Improvements to Existing Parking Area**

**North Street ("Norcross Park/Miner Field"), Grafton, MA
(Grafton Assessor's Map 65, Lot 145)**

Town of Grafton, MA (Applicant/Property Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the Town of Grafton, MA, 30 Providence Road, Grafton, MA (hereinafter the Applicant), to modify the previously granted Site Plan Approval (Site Plan 2002-3) for the renovation/construction of a Little League baseball field, children's soccer field and expansion/improvements for the existing parking area. This petition seeks to modify the previous approval specifically to allow changes to the outfield wall of the baseball field and the parking area, on property located at 18 North Street ("Norcross Park"), and shown on Grafton Assessor's Map 65, Lot 145 hereinafter the Site), and owned by the Town of Grafton by deed recorded in the Worcester District Registry of Deeds: Book 394, Page 579.

I. BACKGROUND

The above referenced application for Modification of Site Plan Approval (hereinafter Application) was submitted to the Planning Board on June 8, 2004. The public hearing on the Application was held on June 28, 2004. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 9 and 16, 2004, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chairman Keith Regan, Vice-Chairman Robert Hassinger, and Clerk Margaret Small. At the hearing, Dennis Miner represented the Applicant and 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.

II. SUBMITTALS

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

- EXHIBIT 1: Application for Modification of Site Plan Approval.
- EXHIBIT 2: Correspondence from Applicant (1 page), re: proposed modifications.
- EXHIBIT 3: Correspondence from Pare Engineering, dated 4/27/04, re: outfield wall.
- EXHIBIT 4: 8 1/2" x 11" copies of photographs (2) of outfield wall.

- EXHIBIT 5: 11" x 17" plan entitled: "As-Built" Wall ("The Green Monster"), Edward P. Miner Memorial Field, dated April 2004, prepared by Pare Engineering Corp., Lincoln, RI.
- EXHIBIT 6: 11" x 17" plan entitled: Post Construction Drainage Plan for The Edward P. Miner Memorial Field in Grafton, Massachusetts – Parking Lot As-Built, dated 6/2/04, scale 1" = 40', prepared by Guerriere & Halnon, Inc., Whitinsville, MA.
- EXHIBIT 7: Certified List of Abutters.
- EXHIBIT 8: Public Hearing Legal Notice.
- EXHIBIT 9: Return memo from Town Clerk's Office, received 6/10/04.
- EXHIBIT 10: Return memo from Grafton Sewer Department, received 6/14/04.
- EXHIBIT 11: Correspondence from Town Administrator/Board of Selectmen, received 6/18/04.
- EXHIBIT 12: Correspondence from Grafton Board of Health, received 6/24/04.
- EXHIBIT 13: Correspondence from Roger Hohman (4 pages), received 6/24/04.
- EXHIBIT 14: Correspondence from Grafton Building Department, received 6/25/04.
- EXHIBIT 15: Correspondence from Graves Engineering, dated 6/28/04, re: as-built plan review (fax and original copy).
- EXHIBIT 16: Planning Board "Sign-In Sheet" for 6/28/04 Public Hearing.
- EXHIBIT 17: Correspondence from Roger Hohman (1 page), received 6/28/04.
- EXHIBIT 18: Correspondence from Applicant (1 page), received 7/9/04.
- EXHIBIT 19: Copy of Site Plan Approval decision (Site Plan 2002-3), dated December 2, 2002.

III. FINDINGS

At their meeting of July 26, 2004, 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 Ms. Small, seconded by Mr. Hassinger) voted unanimously 3 – 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 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 approved under the previous Site Plan Approval, or as modified by this Decision, and maintenance of the Site in accordance with the previous Site Plan Approval or any modifications, as well as all applicable Federal, State and Local regulations, permits and approvals, except where modified by this Decision.
- F3.) That the subject Site is located in a Residential R-40 zoning district.
- F4.) That this petition is for a modification of a Site Plan Approval (Site Plan 2002-3) granted by the Grafton Planning Board by decision dated December 2, 2002 (EXHIBIT 19 of this Decision). Said Approval is for the construction/renovation of the Little League field, children's soccer field, and expansion/improvements to the existing parking area on the Site. The Board also finds that this petition specifically seeks the following modifications to the previous Site Plan Approval:

- to allow changes to the outfield wall of the baseball field, specifically to approve the configuration (type) and height of said wall as presently constructed, and to not require the wall to be the height and type (i.e., removable sections) as approved under the previous Site Plan Approval;
- to modify the layout/configuration of the parking area shown on the previously approved site plan, and to allow said area to be approved as shown on the “as-built” plan submitted with this Application (EXHIBIT 6 of this Decision).

The Board further finds that the Applicant did not request any other modifications other than those referenced above, and that no other modifications to the original Site Plan Approval and related plans were considered in the review of this Application.

- F5.) That the use of and improvements to the Site that are the subject of this Application, and the previous Site Plan Approval (Site Plan 2002-3), are subject to the License Agreement issued by the Board of Selectmen, dated 3/4/03.
- F6.) That during the public hearing on this Application, residents and abutters to the Site expressed concerns regarding the visibility of the outfield wall from both abutting properties and North Street.
- F7.) That during the public hearing on this Application, the Applicant's representative, Dennis Miner, acknowledged that at the time of the hearing for the original application for Site Plan Approval, the outfield wall was proposed to be constructed with a maximum height of fourteen feet (14'), with the top seven feet (7') of the structure designed to be removable in order to reduce the visual impact during the off-season for Little League games. The Board also finds that Mr. Miner stated during the public hearing on this Application that after the granting of the original Site Plan Approval, he learned that the “removable” design of the wall was not practical due to the weight of the wall sections and the need for volunteers to perform such activity. The Board further finds that Mr. Miner stated that the maximum height of the constructed wall varies, but is no greater than twelve feet (12') at the highest point above the ground.
- F8.) That during the public hearing for this Application, the Applicant stated his willingness to provide additional vegetation and/or other types of screening in order to reduce the visual impact of the constructed wall.
- F9.) That the previously approved plans (Site Plan 2002-3) depict a total of forty (40) proposed parking spaces to be constructed, and that the plan submitted with this Application (EXHIBIT 6 of this Decision) depicts a total of forty-six (46) parking spaces constructed on the Site. The Board also finds that the plan identified in EXHIBIT 6 does not indicate whether the parking area/spaces complies with the applicable requirements of the ZBL, particularly with regard to the size of the parking stalls and the width of the maneuvering aisle between such spaces.

- F10.) That during the public hearing on this Application, Mr. Miner noted that the intent of the parking area design is to limit traffic circulation to one direction, with vehicles only entering and exiting the Site as indicated by the pavement markings (arrows) shown on the Plans identified as EXHIBIT 6 of this Decision.
- F11.) That during the public hearing for this Application, Mr. Miner stated that the parking area was constructed differently than shown on the previously approved plans (Site Plan 2002-3) as such construction would have disturbed existing trees on the Site.
- F12.) That the Board acknowledges the Applicant's explanation regarding the design of the outfield wall as constructed (i.e., without the "removable" panels/sections) and the effort to address concerns of the individuals (i.e., volunteers) assisting with maintaining the facility. The Board also finds that the purpose of the original design was to reduce the visual impact of the wall, and that the maximum height of the constructed wall (without removable panels) will be less than the original design. The Board also finds that the Applicant stated his willingness to provide additional vegetation and/or other types of screening in order to further reduce the visual impact of the constructed wall. The Board further finds that consideration of the individuals assisting with maintaining the facility and the resulting design of the wall combined with the proposed additional screening (trees) is, on balance, more beneficial.

IV. DECISION and CONDITIONS

At their meeting of July 26, 2004, 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 Ms. Small, seconded by Mr. Hassinger) voted 2 -1 in favor (Mr. Hassinger opposed) to **APPROVE** the Application for Modification of Site Plan Approval with the following conditions:

- 1.) This modification of Site Plan Approval specifically authorizes the following modifications to the previous Site Plan Approval (Site Plan 2002-3) granted by the Grafton Planning Board by decision dated December 2, 2002:
 - The outfield wall shall remain as constructed, as shown on the "as-built" plan identified in EXHIBIT 5 of this Decision. The Applicant shall, to the satisfaction of the Planning Board, install coniferous vegetation to the rear of the outfield wall in order to reduce the visual impact of the constructed wall and serve as a buffer to the abutting properties during times of the year with minimal vegetation. The Applicant shall conduct a site walk with the Grafton Tree Warden in order to determine the locations and size of the trees to be planted, and to install wooden stakes at the locations. Said site walk shall be completed at a time, determined by the Tree Warden, when conditions exhibit the least amount of vegetation and provide optimal conditions for assessing the visibility of the wall. Upon completing the site walk, the Applicant shall notify the Planning Board in writing with regard to the number and species of trees determined to be planted, as well

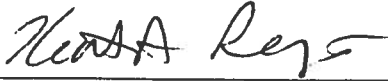
as submit a plan depicting the approximate locations. Said trees shall be planted under the direction of the Tree Warden.

The Applicant shall submit to the Planning Board evidence of a bond or other type of security acceptable to the Board, in an amount to be determined by the Tree Warden, for the purposes of ensuring the health and suitability of the trees for their intended purpose of screening and buffering. Said bond/security shall remain in place for one (1) year, and shall not be released until the Planning Board receives written notice from the Tree Warden stating that the health of the trees is acceptable. If, in the opinion of the Planning Board or its designee, it is determined during said one-year period that the health and/or condition of any tree(s) is not satisfactory with regard to achieving their intended purpose, the Applicant shall replace said tree(s). The Applicant shall be notified in writing of any such determination by the Planning Board, and any replacement tree(s), including the type and size, shall be approved by the Planning Board prior to the Applicant replanting.

- The parking area adjacent to the entrance driveway (as depicted on the Plan) containing the angled parking spaces shall be widened to the extent necessary to maintain a minimum maneuvering aisle width of fourteen feet (14'), and parking stalls shall be striped in accordance with the applicable standards for such design. The two parking spaces nearest to the street and the two spaces depicted as "parallel" parking within said parking area shall be removed or designated in manner that precludes use of said spaces. Pavement markings and appropriate signage shall be installed to direct one-way traffic circulation as indicated on the Plan. Said work shall be performed under the direction of the Department of Public Works Director.
- 2.) Except as described within this Decision, this Modification of Site Plan Approval does not authorize any changes or modifications to the Site as shown on the Plans approved as part of the previous Site Plan Approval (Site Plan 2002-3). All applicable conditions of said Site Plan Approval decision remain in full force and effect.
 - 3.) This Modification of Site Plan Approval does not supersede the provisions of the License Agreement, dated 3/4/03, issued by the Board of Selectmen for the use of and improvements to the Site. This Approval only authorizes the modifications as described herein (as referenced in Condition #1 above) with respect to the Zoning By-law and does not modify said License Agreement or any of the conditions or stipulations contained therein with respect to the use of and improvements to the Site. The granting of this Modification of Site Plan Approval by the Planning Board does not supersede the necessity for the Applicant to obtain all other applicable Federal, State and Local permits/approvals for the modifications authorized by this Decision. Failure by the Applicant to maintain all other permits/approvals required for completing such modifications shall cause this Approval to become void.
 - 4.) All grading and construction shall be performed in accordance with the 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, resource areas and abutting properties from the site and its associated improvements during, and after completion of, construction.


- 5.) 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.
- 6.) Any work to be performed within the layout of North Street (a public way), including the proposed modifications to the points of ingress/egress to and from the site, shall be performed in accordance with all requirements of the Grafton Department of Public Works Director.
- 7.) The Planning Board reserves the right to require additional parking control measures (e.g., signage, pavement markings, etc.) for up to one (1) year after the date of completion of the parking area improvements shown on the Plans or the issuance of an occupancy permit / certificate of completion (whichever occurs later), if the Board deems such measures are necessary. The Building Inspector / Zoning Enforcement Officer shall be responsible for certifying the date of completion of said improvements and shall notify the Planning Board in writing of such date.
- 8.) If applicable, this Modification of Site Plan Approval is subject to approval by the Grafton Conservation Commission regarding the work shown on the Plans identified as EXHIBIT 6 of this Decision. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Decision. If such Order of Conditions and/or permits require substantial modifications to the Plans identified as EXHIBIT 37 of this Decision, the Planning 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. Any Modification of this Decision shall be made in accordance with the procedure identified in Condition # 13 of this Decision.
- 9.) 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. Payment of all fees associated with this condition shall be made prior to the issuance of an Occupancy Permit.
- 10.) Any inability or failure or refusal by the Applicant to comply with the requirements of this Modification of Site Plan Approval Decision, or any applicable Federal, State or Local regulations or approval, when notified of failure of compliance shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

WITNESS our hands this 11th day of August, 2004.



Keith Regan, Chairman

Donald Chouinard, Member (not voting)



Robert Hassinger, Vice Chairman

Virgil Gray, Member (not voting)



Margaret Small, Clerk

cc: Applicant
Owner
Board of Selectmen
Board of Health
Conservation Commission
Board of Assessors

Board of Appeals
DPW Director / Highway Department
Town Engineer
Building Inspector
Grafton Water District
Board of Sewer Commissioners