



**PLANNING  
DEPARTMENT**

**TOWN OF GRAFTON**  
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**April 24, 2020**

**Planning Board  
Grafton, MA**

April 24, 2020

Mr. David Robbins, Chairman  
Grafton Planning Board  
Grafton, MA 01519

**Exhibit 10**

Re: 274 Providence Road  
Multi-Family Special Permit  
Site Plan Approval

Dear Mr. Robbins:

The Grafton Planning Department has reviewed the following documents in reference to the above project:

**EXHIBIT 1.** Original Application Submission, received March 12, 2020 to include the following:

- a. Application for a Special Permit, signed by 274 Providence Road, LLC (Applicant), dated March 6, 2020, date stamped by the Town Clerk on March 13, 2020 and date stamped received by the Planning Board on March 12, 2020, 1 page.
- b. Application for a Site Plan Approval, signed by 274 Providence Road, LLC (Applicant), dated March 6, 2020, date stamped by the Town Clerk on March 13, 2020 and date stamped received by the Planning Board on March 12, 2020, 1 page.
- c. Certificate of Good Standing, signed by Beth Schrottman, dated February 27, 2020 and date stamped received by the Planning Board on March 12, 2020, 1 page.
- d. Abutters Listing for 274 Providence Road, Map 115, Lot 31, dated January 6, 2020, signed by Kenneth Michael O'Brien, MAA, Grafton Data Collector and date stamped received by the Planning Board on March 12, 2020, 1 page.
- e. Project Narrative titled, "PROVIDENCE VILLAGE; 274 Providence Street, Grafton, MA", prepared by Guerriere & Halnon, Inc., 333 West Street, Milford, MA, 01757, received by the Planning Board on March 12, 2020, 1 page.

**EXHIBIT 2.** Plan: "Providence Village; A Condominium Site Plan", dated February 26, 2020, prepared by Guerriere & Halnon, Inc., 333 West Street, Milford, MA, 01757, in six (6) sheets.

**EXHIBIT 3.** Report: "Stormwater Report", prepared by Guerriere & Halnon, Inc., 333 West Street, Milford, MA, 01757, dated February 26, 2020.

**EXHIBIT 4.** Public Hearing Notice, date stamped by the Town Clerk on April 10, 2020, 1 page.

**EXHIBIT 5.** Email from Katrina Koshivos, Zoning Board of Appeals, to the Grafton Planning Board, regarding "274 Providence Road – Providence Village – 8 Unit Condo Development", dated April 21, 2020.

- EXHIBIT 6.** Email from Leah Cameron, Conservation Agent, to the Grafton Planning Board, regarding “274 Providence Road – Providence Village – 8 Unit Condo Development”, dated April 21, 2020.
- EXHIBIT 7.** Email from Nancy Connors, Health Department, to the Grafton Planning Board, regarding “SP 2020-4/SPA, 274 Providence Road”, dated April 21, 2020.
- EXHIBIT 8.** Email from Steve Teixeira, 276 Providence Road, to the Grafton Planning Board, regarding “274 Providence Road – Providence Village – 8 Unit Condo Development”, dated April 21, 2020.

We offer the following comments, which need to be addressed:

### **DEPARTMENTAL COMMENTS**

#### Building Department:

1. This property is located in the Water Supply Protection Overlay District, as such the applicant should have the current calculations of pervious vs. impervious and the what the increase will be with the construction of the 8 unit complex. Please see below,
  - a. 7.5.E. Limitation on Impervious Material: Within the Water Supply Protection Overlay District, not more than 25%, or five thousand (5000) square feet, whichever is greater, of any lot area shall be rendered impervious; the remainder shall be retained as unoccupied space free of all buildings, parking, pavement, including street access drives and walks, and other conditions rendering the land surface impervious; except that the Inspector of Buildings may, after consultation with the Town Engineer and the Conservation Commission, allow up to 75% of the lot area to be rendered impervious, provided that techniques satisfying the requirements set forth above are used to maximize groundwater recharge without risking groundwater contamination. All required unoccupied areas shall be landscaped or stabilized with plant material (except as may be otherwise set forth in Section 5.2.2.3 as pertaining to multi-family dwellings).
2. In reviewing the plans, I did not see any calculations regarding the Water Supply Protection Overlay District. WSPOD.

#### Conservation:

1. If the proposed work will disturb over 1,000 cubic yards of earth, they will need to file for a Stormwater Bylaw Permit with the Conservation Commission.

### **APPLICATION COMMENTS**

1. The check submitted for Legal Advertising Fee is in the amount of \$136.00. The required fee is \$168.00. The applicant should coordinate with the Planning Department to resolve the remaining \$32.00.

### **PLAN COMMENTS**

All Sheets

1. Approximate location of buildings, driveways, and parking areas of abutting land within a maximum distance of two hundred feet (200') of the property lines shall be added in accordance with Section 1.3.3.3(d.11) of the Grafton Zoning Bylaw unless a waiver is granted.
2. Proposed Lighting shall be added in accordance with Section 1.3.3.3(d.22) of the Grafton Zoning Bylaw unless a waiver is granted. Such lighting shall be designed to meet the requirements of Section 12.10.7 of the Grafton Zoning Bylaw.
3. Proposed Signage shall be added in accordance with Section 1.3.3.3(d.23) of the Grafton Zoning Bylaw unless a waiver is granted. Such signage shall be designed in accordance with Section 12.10.9 of the Grafton Zoning Bylaw.

#### Sheet 1 (Existing Conditions)

4. Existing vegetation shall be added in accordance with Section 1.3.3.3(d.30) of the Grafton Zoning Bylaw unless a waiver is granted.

#### Sheet 2 (Site Plan)

5. Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/ landscaped areas shall be added in accordance with Section 1.3.3.3(d.15) and Section 7.5.E of the Grafton Zoning Bylaw unless a waiver is granted.
6. Parking calculations for proposed uses shall be added in accordance with Section 1.3.3.3(d.16) and Section 12.7.6 of the Grafton Zoning Bylaw unless a waiver is granted.
7. Calculations of the volume of earth material to be removed or filled on the property, and delineation of the locations of such activity shall be added in accordance with Section 1.3.3.3(d.17) of the Grafton Zoning Bylaw unless a waiver is granted.

### **WAIVER REQUESTS**

1. The Applicant has not submitted a Waiver Request Form. A number of application materials required by Section 1.3.3.3 of the Grafton Zoning Bylaw remain outstanding including:
  - a. Material Fill/Removal Report in accordance with Section 1.3.3.3(f) of the Grafton Zoning Bylaw.
  - b. Written Statements in accordance with Section 1.3.3.3(g) of the Grafton Zoning Bylaw.
  - c. Traffic Study in accordance with Section 8.2.1 of the Grafton Zoning Bylaw.
2. Waivers for the abovementioned items should be submitted to the record for the Board's consideration.

### **CRITERIA FOR SPECIAL PERMIT**

I remind the Board that the approval of this Special Permit should be based upon the following criteria outlined in Section 1.5.5 and Sections Section 12.7 through Section 12.9 of the Grafton Zoning Bylaw. We provide the following comments:

#### **Section 1.5.5**

- a. Ingress and egress to 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.

*A Traffic Plan is required in accordance with Section 8.2.1 of the Grafton Zoning Bylaw.*

*Provided plans feature provision of pedestrian and vehicular infrastructure. No bicycle infrastructure is specifically featured on provided plans. Pedestrian access is provided from the public way through the site but does not connect to the proposed structure's entrances in accordance with Section 12.9.1 of the Grafton Zoning Bylaw.*

*Two of the eight proposed building entrances face the public street. We defer to the Board and Applicant if it is feasible and/or desirable to design the site with additional entrances facing the public way(s).*

- b.** Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.

*Parking Calculations should be added to plans as noted in PLAN COMMENTS #5 above. We note eight garage spaces with an additional eight driveway spaces are proposed.*

*Outdoor furnishings such as benches, trash receptacles, and bike racks, should be identified on the plans, with associated construction details, and be of high quality.*

- c.** Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.

*All proposed dumpster locations are enclosed and located in areas that minimize potential for nuisance.*

- d.** Screening and buffering with reference to type, dimensions and character.

*A detailed Landscaping Plan has not been provided in accordance with Section 12.9.2 of the Grafton Zoning Bylaw.*

- e.** Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

*See PLAN COMMENTS #2 & #3 above.*

- f.** Required yards and other open space; and

*Landscape Plans must be prepared by a registered landscape architect, unless waived by the Board in accordance with Section 12.9.2 of the Grafton Zoning Bylaw. The Board may wish to request additional information regarding patio, landscape and seating features; calculations of outside space and type (civic, public, private), and other considerations outlined in the Outdoor Amenity Space illustration.*

- g.** General compatibility with adjacent properties and other property in the district.

*Design standards included in Section 12.10 of the Grafton Zoning Bylaw should be reviewed and included.*

- h.** There will not be any significant adverse impact on any public or private water supply.

*See PLAN COMMENTS #5 above.*

- i.** If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.  
(T.M. 10-28-86)

*See PLAN COMMENTS #5 above.*

- j. Protect important historic, cultural and scenic landscapes. (TM 10-18-99)

*We defer to the Board if there are existing historic, cultural or scenic landscapes on the property which are feasible to incorporate.*

### **Section 12.7 through Section 12.9**

1. The Applicant should also review Sections 12.5, 12.6, and 12.10 through 12.12 of the Grafton Zoning Bylaw and provide supplemental information regarding the required design standards.
2. Proposed Plans indicate two curb cuts, one on Main Street and one on Providence Road. Only one curb cut is permitted in accordance with Section 12.8.2.1 of the Grafton Zoning Bylaw unless by a finding of the Board that the additional curb cut is justified.
3. Pedestrian access is provided from the public way through the site but does not connect to the proposed structure's entrances in accordance with Section 12.9.1 of the Grafton Zoning Bylaw.
4. A detailed Landscaping Plan has not been provided in accordance with Section 12.9.2 of the Grafton Zoning Bylaw.

### **DECISION COMMENTS**

The following comments should be included in the decision as conditions of approval, if granted. We reserve the right to add additional comments as the review process proceeds.

1. This Special Permit is specifically to allow multi-family dwelling structures on the Site as shown on the Plans identified as EXHIBIT 2 of this Decision. The total number of dwelling units shall not exceed eight (8). Any increase in the total number of units shall require Planning Board approval as a modification of this Special Permit in accordance with Section 1.5 of the ZBL.
2. 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 2 of this Decision. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
3. Any modification to the use authorized by this Decision, Site, structure(s) and/or site improvements 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 substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments 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 1.5 of the Zoning By-law, and any other applicable regulations.
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 or resource areas from the site and its associated improvements during construction, and after completion.

5. 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.
6. 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 and 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.
7. Once construction activity commences, the Site shall be inspected on a weekly basis by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant/developer, in order to monitor the stormwater management system/facilities and erosion control/site stabilization measures. The frequency of inspections may be decreased only upon written authorization by the Planning Board. The Planning Board reserves the right to require additional stormwater management and 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) day of receiving said notice, or other time as agreed upon by both the Planning Board and Conservation Commission.
8. Upon commencing any construction activity on the Site, and in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant/developer. A copy of this document shall be forwarded to the Planning Board, Conservation Commission and Department of Public Works prior to commencing any construction activity.
9. No building permit(s) shall be issued until the access drives and subdivision road shown on the Plans are constructed with a binder course of pavement in accordance with the Grafton Subdivision Rules and Regulations, and all stormwater management structures/system are operational, or other temporary measures for stormwater management and erosion control, are installed and operational to the satisfaction of the Planning Board, Conservation Commission, and their agent(s).
10. Based upon Finding # F[TBD], the multi-family dwelling structures authorized by this Decision shall be serviced by public water and sewer. This Approval shall not be construed as final approval of any on-site or off-site improvements or work associated with water, sewer, or other utilities installation for this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the

development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Water District (EXHIBIT [TBD]) and the Grafton Board of Sewer Commissioners/ Sewer Department, (EXHIBIT [TBD]) are hereby incorporated by reference as a requirement of this Decision.

11. Except as otherwise approved by the Planning Board, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the Rules and Regulations. All applicable site improvements shall be inspected at the appropriate stage of construction in accordance with the Subdivision Rules and as required by the Board.
12. All site development and construction shall be performed in accordance with the approved Plans and the Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts (revised through 11-29-99), as well as with all applicable Federal, State and Town laws, ordinances and regulations. In the event of a discrepancy between the Plans and the Rules and Regulations, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision, the requirements of the Rules and Regulations shall apply. All required permits and approvals shall be secured at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
13. Construction of the improvements and development of the Site as 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 and shall constitute a condition of this Decision. 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. Any modification of this Decision shall be made pursuant to Section 1.5 of the ZBL, as noted in Condition # 2.
14. Upon the creation of an association or organization of unit owners as specified in Section 5.2.2.6 of the ZBL, any and all documents relating to said association or organization shall be filed with the Planning Board and the Town Clerk in accordance with said Section. Said document(s) shall include a requirement for the filing of a report as specified in Section 5.2.2.6, in addition to any other requirements identified within the Conditions of this Decision.
15. The access driveways serving the multi-family dwellings as shown on the Plans shall remain private drives, and any name given to said driveway(s) shall be approved by both the Police Chief and Fire Chief. Written approval of any such names shall be submitted to the Planning Office. Maintenance and repair of said driveways shall be the responsibility of the Applicant/developer until such time an association or organization of unit owners (as noted in Condition # 14 of this Decision) is established. After such association or organization is created, maintenance and repair of said driveways shall be the responsibility of such entity. Any document(s) associated with an association or organization (such as that noted in Condition #14 of this Decision) shall note this condition and make reference to such responsibilities.
16. Based upon Finding # F[TBD] of this Decision, any document(s) establishing an association or organization of unit owners, as noted in Condition # 14 of this Decision, shall include a requirement that garbage or trash disposal shall be the responsibility of such association or organization, and that any and all receptacles used on the Site for such purposes shall conform to, and be maintained in accordance with, all applicable Grafton Board of Health regulations.

17. Maintenance of the Site and compliance with the Conditions of this Special Permit shall be the responsibility of the Applicant until such time an association or organization of unit owners (as noted in Condition # 14 of this Decision) is established. After such association(s) are created, maintenance of the Site and compliance with the Conditions of this Special Permit shall be the responsibility of the respective association. Any document(s) associated with an association or organization (such as that noted in Condition # 14 of this Decision) shall note this condition and make reference to such responsibilities.
18. The Operation and Maintenance Plan for Stormwater Management (O & M Plan), including its schedule for inspections and maintenance, is hereby incorporated by reference as a requirement of this Special Permit. Any document(s) associated with an association or organization (such as that noted in Condition # 15 of this Decision) shall include the applicable inspection and maintenance items in the O & M Plan and make reference to such responsibilities.
19. The use permitted under this Special Permit shall be conducted in accordance with all applicable regulations and requirements of the Grafton Board of Health, as well as any applicable Federal or State regulations and requirements.
20. Construction and installation of the roadways/driveways/parking areas and municipal services shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., and there shall be no construction activity on state and federal holidays.
21. Any signage and pavement markings shown on the Plans, 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 and all other applicable regulations.
22. Any work to be performed within the layout of Providence Road (Route 122) shall be performed in accordance with all requirements of the Massachusetts Highway Department.
23. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the issuance of any Occupancy Permits for this development.
24. 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 subdivision. 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.
25. Construction of the project shall not commence until the Applicant has recorded this Special Permit at the Worcester District Registry of Deeds and provided the Planning Board and the Building Inspector with a certified copy of such. This requirement is in addition to all other conditions contained in this Decision and relevant to commencing construction activity on the Site.
26. A copy of such recorded Special Permit decision, including the Deed Book and Page Numbers, shall be submitted to the Planning Board Office within thirty (30) days of recording.
27. 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 such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.

28. 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 Decision.
29. Any inability or failure or refusal by the Applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

Please let me know if you need any additional information and explanations. I would be happy to meet with the applicant and their engineer to review any items in this letter.

Sincerely,



Christopher J. McGoldrick, Town Planner  
Grafton Planning Department

Copy to:        Dave Claro, Applicant (via email)  
                      Dan Hazen, G&H, Inc. (via email)  
                      Jeff Walsh, P.E., Graves Engineering (via email)  
                      Natalia Alward, Office Manager (via email)