

**DECISION  
GRAFTON PLANNING BOARD**

**SITE PLAN APPROVAL (SPA 2019-1)  
Town of Grafton – Grafton Public Library  
35 Grafton Common, Grafton, MA**

**Town of Grafton (Applicant/Owner)**

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the Town of Grafton, 30 Providence Road, Grafton, MA, 01519 (hereinafter the Applicant), for Site Plan Approval for the demolition of rear stack box and rear entrance and the construction of a new addition with parking area and driveways located at 35 Grafton Common and shown as Grafton Assessor's Map 74, Lots 89, 90, and 91 (hereinafter the Site), and owned by the Town of Grafton by deed recorded in the Worcester District Registry of Deeds (WDRD) Book 2428, Page 425 and Book 47599, Page 297.

**I. BACKGROUND**

The application for the above referenced Site Plan Approval (hereinafter Application) was received on February 15, 2019. The public hearing on the Application was opened on March 25, 2019 and continued, at the request of the applicant with concurrence of the Planning Board, to the April 22 and May 20, 2019 meetings. The Board deliberated on its decision on May 20, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 7 and 14, 2019, 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 Robert Hassinger, Vice Chairman Linda Hassinger, Clerk Sharon Carroll-Tidman, Member David Robbins. Member Michael Scully, while present for the first two hearings and was present for the vote for Waiver under Section 8.2.1, resigned from the Board and was not present for the May 20, 2019 hearing and therefore did not act on the application. At the hearing, Kenneth C. Best of Drummey Rosane Anderson, Inc., 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. EXHIBITS**

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

**EXHIBITS:**

1. Original Application Submission, received February 15, 2019 to include the following:
  - a. Application for Site Plan Approval, signed by Ron Kenneth C. Best, dated February 12, 2019, date stamped by the Town Clerk on February 15, 2019 and date stamped by Planning on February 15, 2019, 1 page.
  - b. Certificate of Good Standing, signed by JoAnn Haffty, dated February 12, 2019, and date stamped by Planning on February 15, 2019, 1 page.

- c. Abutters Listing for Assessors Map 74, lots 89,90 and 91, dated February 7, 2019 and signed by Ken O'Brien, MAA, Grafton Data Collector, and date stamped by Planning on February 15, 2019, 1 page.
- d. Document entitled "The Grafton Public Library – Expansion and Renovation," including narrative and waiver requests, dated February 6, 2019, Rev 1 and date stamped by Planning on February 15, 2019, 3 pages.
- e. Document entitled "Grafton Library – Site Lighting Cuts," date stamped by Planning on February 15, 2019, 3 pages.
- f. Document entitled "The Grafton Public Library – Expansion and Renovation: Application for Site Plan Approval," regarding application fee waiver, dated February 14, 2019 and date stamped by Planning on February 15, 2019, 1 page.
2. Plans: "The Grafton Public Library," prepared by DRA Architects, dated January 31, 2019 and date stamped by Planning on February 15, 2019, 14 sheets (24" x 36").
3. Plan: "Site Lighting," prepared by DRA Architects, dated February 8, 2018, and date stamped by Planning on February 15, 2019, 1 sheet.
4. Letter to Mr. Kenneth C. Best, from Jeffrey Santacruce, dated February 11, 2019, regarding "Grafton Town Library Expansion – Traffic Study Requirements Waiver Request," including attachments, and date stamped by Planning on February 15, 2019; 66 pages.
5. Report: "Stormwater Management Report For: Town of Grafton Public Library," prepared by CDW Consultants, Inc., dated January 29, 2019 and date stamped by Planning on February 15, 2019; 171 pages.
6. Plans: "The Grafton Public Library, Pre-Development Watershed" and "The Grafton Public Library, Post-Development Watershed," by Drummey Rosane Anderson, Inc. (DRA Architects), dated January 31, 2019, and date stamped by Planning on February 15, 2019, 2 sheets (24 " x 36").
7. Public Hearing Notice, date stamped by the Town Clerk on February 27, 2019, 1 page.
8. Email from Nancy Connors, Board of Health, dated March 3, 2019 and date stamped by Planning on March 4, 2019, 1 page.
9. Email from Katrina Koshivos, Zoning Board of Appeals, dated March 4, 2019 and date stamped by Planning on March 4, 2019, 1 page.
10. Power-point presentation entitled "Site Plan Review, Grafton Public Library," date stamped by Planning on March 22, 2019, 18 pages.
11. Public Hearing Continuance, dated March 25, 2019, signed by Kenneth C. Best and date stamped by Planning on March 25, 2019, 1 page.
12. Public Hearing Sign-In Sheet, dated March 25, 2019, 1 page.
13. Letter to Joseph Laydon from Jeffrey M. Walsh, P.E., Graves Engineering, Inc., regarding "The Grafton Public Library, 35 Grafton Common, Special Permit, Site Pan, Wetland Regulations and Stormwater Regulations Review," dated April 10, 2019 and date stamped by Planning on April 10, 2019, 3 pages.
14. Letter to Joseph Laydon from Eric Wilhelmsen, PE, Associate Principal, CDW Consultants, Inc., regarding "Response to Graves Engineering Peer Review Comments, The Grafton Public Library, 35 Grafton Common," dated April 19, 2019 and date stamped by Planning on April 22, 2019, 3 pages.
15. Plans: revised site plans entitled "The Grafton Public Library," dated January 31, 2019, revised April 19, 2019 and date stamped by Planning on April 22, 2019, 8 pages (11" x 17").

16. Public Hearing Sign-In Sheet, dated April 22, 2019, 1 page.
17. Public Hearing Continuance, dated April 22, 2019, signed by Kenneth C. Best and date stamped by Planning on April 22, 2019, 1 page.
18. Report: entitled “Grafton Town Library Expansion – Traffic Study,” letter from Jeffrey Santacruce, PE, PTOE, Project Manager, Weston & Sampson, 100 Foxborough Blvd, Suite 250, Foxborough, MA, to Kenneth C. Best AIA, ALA, Drummey, Rosane, Anderson, Inc., dated May 1, 2019, and date stamped by Planning on May 1, 2019, 80 pages.
19. Plan: “The Grafton Public Library: Planting Plan Option A,” prepared by Drummey Rosane Anderson, Inc. (DRA Architects), dated January 30, 2019, and date stamped by Planning on May 3, 2019, 1 sheet (11” x 17”).
20. Plan: “The Grafton Public Library: Planting Plan Option B,” prepared by Drummey Rosane Anderson, Inc. (DRA Architects), dated January 30, 2019, and date stamped by Planning on May 3, 2019, 1 sheet (11” x 17”).
21. Letter regarding “The Grafton Public Library, 35 Grafton Common, Special Permit, Site Plan, Wetland Regulations and Stormwater Regulations, Preliminary Plan Review,” addressed to Joseph Laydon, Town Planner, from Jeffrey M. Walsh, P.E., Principal, Graves Engineering, Inc., dated May 3, 2019, and date stamped by Planning on May 3, 2019, 3 pages.
22. “Public Hearing Continuance” request, dated May 6, 2019, signed by Kenneth C. Best and date stamped by Planning on May 6, 2019, 1 page.
23. Public Hearing Sign-In Sheet, dated May 6, 2019, 1 page.
24. Plan: “The Grafton Public Library: Planting Plan,” prepared by DRA Architects, dated May 10, 2019 and date stamped by Planning on May 15, 2019, 1 sheet (11’ x 17”) )
25. Letter regarding “Zoning Review for Library Expansion,” addressed to Joseph Laydon, Town Planner, from Ginny Kremer, Town Counsel, Blatman Bobrowski & Haverty, LLC, dated April 19, 2019 and date stamped by Planning on May 16, 2019, 1 page.
26. Public Hearing Sign-In Sheet, dated May 20, 2019, 1 page

### III. FINDINGS

At their meeting of May 20, 2019, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 4-0 in **FAVOR** to make the following Findings:

1. That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the materials and information submitted and presented in association with the Application.
2. That determinations regarding the following findings are also predicated upon satisfactory completion of the site improvements shown on the Plans (Exhibit #1, #15, and #24) and maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
3. That the subject Site is located in a Neighborhood Business (NB) zoning district with a portion in Low Density Residential (R-40) zoning district and, based upon the plans and Exhibits submitted, is comprised of three parcels of land (Assessor's Map 74, Lots 89, 90, and 91).

4. That this Application is for the demolition of rear stack box and rear entrance of the existing library and the construction of a new library addition with parking area and driveways, as shown on the Plans and described in the Exhibits identified within this Decision.
5. That Grafton Public Library is a pre-existing non-conforming use located at 35 Grafton Common. The proposed project requires the alteration of the pre-existing structure, though the alteration does not increase the degree of non-conformity. Town Counsel Ginny Kramer provided an opinion dated April 19, 2019 in which it is concluded that due to the library being considered an educational use and protected under the so-called Dover Amendment, that it was recommended that “while Site Plan Review cannot be required, my recommendation is for the Town to voluntarily agree to such a review” (Exhibit #25).
6. That this Application is for demolition of 3,280 square feet, the construction of a 22,628 square foot addition, resulting in a total library building area of 26,766 square feet. In addition to the building expansion, the project includes the expansion of the parking lot, movement of the driveway to the east of the current location, the installation of associated drainage and other site improvements such as patios and walkways. as shown on the Plans and described in the Exhibits.
7. That during the public hearing the Applicant stated the facility currently has ten (10) employees at any one time, with sometimes twenty (20) as shifts overlap, with works hours of Monday through Thursday, 9:00 a.m. to 9:00 p.m., Friday and Saturdays, 10:00 a.m. to 6:00 p.m., and Sundays 1:00 p.m. to 6:00 p.m. It was stated that hours could change based on future funding.
8. 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 also 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 further finds that no waivers from the submittal requirements for site plans (Section 1.3.3.3 of the ZBL) were requested as part of this Application.
9. That the Applicant requested (Exhibit #1) a waiver from strict adherence to Section 1.3.3.3 (e) – Stormwater Management Hydrological Study, of the Grafton Zoning Bylaw. The Board further finds that the Applicant is adhering to the stricter stormwater guidelines as set by the Grafton Conservation Commission Stormwater Bylaws and has been submitted as part of their application.
10. That Section 8.2.1 of the ZBL requires a traffic study to be submitted with each application for special permit with site plan review unless otherwise waived by a four-fifths vote of the special permit granting authority.
11. That although the Plans depict signage locations for the library sign, vehicular traffic, and other signs, no signage for building identification is indicated or shown. The Board further finds that any signage proposed for this development, whether required as a condition associated with any permits/approvals for the Site or proposed by the Applicant at a later date, shall be installed in accordance with, and conform to, the ZBL.

#### **IV. WAIVERS**

At their meeting on May 6, 2019, the Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from the strict adherence to Section 8.2.1 of the ZBL which requires the full submission of a traffic study as follows:

1. Section 8.2.3 – The need to analyze the AM peak hour (7:00-9:00 AM)
2. Section 8.2.4a – The use of Institute of Transportation Engineers (ITE) Trip generation Data
3. Section 8.2.3 – The need to analyze additional streets or intersections beyond the site driveway intersections with Upton Street.

At their meeting of May 20, 2019, 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 Mr. Robbins, seconded by Mrs. Hassinger) voted 4-0 to **GRANT** the Applicant's request for the following waivers:

1. Section 1.3.3.3 (e) – Strict adherence to Stormwater Management Hydrological Study. In granting this request the Board notes that as stated in Finding #10, the Applicant has submitted a Stormwater Management Hydrological Study adhering to the stricter regulations set forth by the Grafton Conservation Commission's Stormwater Bylaw.
2. Section 4.2.3.2 – To allow parking and loading in Front Yard Zone. The waiver is granted/denied based on the library being a corner lot, and that the Upton Street and Grafton Common frontages are both considered front yards, that there is parking currently adjacent to Upton Street, and due to the limited nature of loading and off loading of library deliveries.

#### **V. DECISION and CONDITIONS**

At their meeting of May 20, 2019, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 4-0 in favor to **APPROVE** the Site Plan Approval with **CONDITIONS** as follows:

##### **A. Standard Conditions**

1. This Site Plan Approval specifically authorizes the for the demolition of rear stack box and rear entrance and the construction of a new addition with parking area and driveways located at 35 Grafton Common as described within the EXHIBITS and FINDINGS of this Decision.
2. The work authorized 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. The Applicant shall provide details of any proposed directional signs prior to applying for sign permits with the Building Department. The details shall be submitted to the Planning Board for their review and approval. Written approval by the Board or its agent shall be entered into the project file and shall be submitted to the Building Department at the time of application for sign permits for the directional signage.
5. In accordance with Section 1.3.3.8 of the ZBL, this Site Plan Approval shall be valid for two (2) years from the date of approval. All work must be completed within two (2) years from the date of approval. Any request for an extension of said period of validity shall be considered a Modification of this Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.3.3.8 of the ZBL. Any change in the site layout including but not limited to any increase or reduction of parking spaces as presented in this Application shall be considered modifications. 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 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. Any costs associated with peer review by the Town's consulting engineer shall be the responsibility of the Applicant.
6. The Planning Board reserves the right to require the submission of an "as built" plan prepared by a professional engineer if it is determined upon inspection (by either the Board or its agent), and prior to the issuance of an occupancy permit, that the project was not constructed as shown on the approved plans.

**B. Conditions to be Met Prior to Issuance of Building Permit and the Start of Construction**

1. Prior to the issuance of a building permit, the Applicant shall submit a final consolidated 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.
  - b. Sequential sheet numbering.
  - c. A final revision date.
2. No clearing or construction activity shall occur on the Site until the Applicant receives written authorization from both the Planning Board and Conservation Commission and/ or their agents

regarding the adequacy of the initial erosion control and site stabilization measures as well as the accepted limit of work.

3. Prior to the commencement of work, the Planning Board shall be provided with the following:
  - a. Five (5) full size, 24" x 36", plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
  - b. An electronic copy of the plan set. The electronic copy shall be in a "PDF" compatible format.

**C. Conditions to be Met During Construction**

1. 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.
2. 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.
3. The Applicant shall submit a copy of any permits required and obtained relating to the proposed work in the Upton Street layout as it relates to site grading to the Planning Department. The Applicant will coordinate all roadway work with the Grafton Department of Public Works.

**D. Conditions to be Met After Construction**

1. The Applicant / Owner shall ensure that the landscaping is maintained for the life of the permit in order to ensure a healthy landscape screening and buffering plan as discussed and agreed upon during the public hearing. The Applicant will adhere to the following:
  - Ensure that the plant material is maintained properly especially during the first three years after installation.
  - Replace any plant material that fails to thrive either through death or disease. Material shall be replaced in a timely manner. Replacement material shall be in kind. Any change in plant material must be approved by the Planning 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.

**VI. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 4-0 to **APPROVE** the Applicant's Site Plan Approval (SPA 2019-01) for the expansion of the Grafton Public Library with Conditions based on the information received at the public hearing and the aforementioned findings.

Robert Hassinger, Chairman

Sharon Carroll-Tidman, Clerk

Linda Hassinger, Vice Chairman

David Robbins, Member

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Joseph Laydon, Town Planner

5-23-2019  
\_\_\_\_\_  
Date

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

**To Whom It May Concern:** This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

\_\_\_\_\_  
Kandy Lavalley, Town Clerk

\_\_\_\_\_  
Date