

Linda M. Hutchins  
3 Spanish River Rd  
Grafton, MA 01519

February 23, 2022

Grafton Planning Board  
Grafton Memorial Municipal Center  
30 Providence Rd.  
Grafton, MA 01519

Subject: Public Comment: Proposed Brigati Village Development  
41 Church St. and 41 West St.  
SP-2019-2

Dear Planning Board members:

I understand the Brigati Village development denial by the Grafton Planning Board was appealed, vacated and remanded to the Board for reconsideration and explanation. I commented on the 2019 Grafton Planning Board review via its public hearings and reviewed the 12/19/2021 Worcester Land Court Findings of Fact and Conclusions of Law.

Since the Planning Board's decision has been vacated, I urge you to again deny the project, reconsider findings, waivers and include sound rationale for the denial to include landslide hazards, traffic, and road safety on Church Street, as well as impacts to the historic character of the area.

#### **Basis of Denial: Affordability Requirements vs. Dead End Length**

It seems ironic that the Worcester Land Court cites, and the applicant suggests as a reason for the project's denial:

At some point during the hearing process, the Board suggested that Brigati Village include affordable units in the Project, even though the By-Law at that time didn't require the Project to include such units. Brigati Village declined the suggestion.

Brigati Village further argues that the Board denied a waiver in this case because Brigati Village declined to add affordable housing to the Project.

The first Planning Board meeting on this project March 25, 2019 included on its agenda as Item 6A, a public hearing on Proposed Zoning Amendments to Grafton Zoning Bylaws. Article 5 was

the Residential Multi-Family (RMF) Affordability Requirement. The Brigati Village Request for a Special Permit appeared on the same agenda later that night as Item 6D; so, it's really not surprising that Planning Board members and the public asked whether the development would include affordable housing. I can attest that affordable housing was discussed at many Grafton development application hearings during 2019. A lack of affordable housing inclusion didn't seem to be a primary motivation of the Board's decisions and in fact the Planning Board's final decision document (October 22, 2019) acknowledged in Finding 9 that the Brigati Village project was not subject to the affordable housing requirements.

Dead-End limitations were discussed in detail at the Planning Board meetings on August 26, 2019 and September 30, 2019 with deliberations between Board members regarding the legal requirements of the Town dead-end street by-laws, findings, and waivers. Many of the Findings cited in the Planning Board's Decision address the dead-end specifications and it appears the Worcester Land Court agreed with the Board's determinations in this regard. The distinction of why dead-end waivers were not granted for the Brigati Village project must be explained; the project has a number of traffic and safety concerns that should be revisited and documented by the Board.

### **Special Permit Approvals**

The Worcester Land Court cites Section 1.5.5 of Grafton's Zoning Bylaw that directs decisions to be made on the basis of (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. The Brigati Village development should be denied on this basis. I find the strongest arguments could be made in Findings 48 and 59 (nuisance, hazard, or congestion) and ask the Planning Board to reconsider their votes on these items.

- **Traffic:** The traffic study seems to underestimate the traffic generation from the development. Even without additional traffic generated by the proposed Brigati Village development, traffic at the Common is congested during the morning and evening commutes. Many public comments cited traffic concerns.
- **Pedestrian and Vehicular Safety on Church Street:** The poor line of sight on Church Street caused by the steep windy road presents a significant hazard. The proposed signs at the cross-walk at West Street will not be adequate because drivers coming up the hill on Church Street will not be able to see pedestrians in time to slow down. Particularly troubling is the potential for a school bus stop at the intersection of Church Street and West Street to service the development. This concern was voiced by both the public and Planning Board members during the 2019 review process.

- **Landslide Hazard:** The development's hillside adjacent to Church Street is mapped as a high slope landslide hazard in the town's 2016 Hazard Mitigation Plan. This area of the property would be cleared of vegetation and host stormwater detention basins and other elements of the drainage system. Although geotechnical analysis of the hillside was conducted, outstanding concerns remained with the Factor of Safety applied in the analysis. Both the public and Board members expressed discomfort with the design after lengthy discussion on the night of August 12, 2019.

Planning Board Finding 40.d. indicates the removal of existing trees has been minimized though the avoidance of disturbance of the area off Church Street; and Finding 40.e concludes the plans preserve scenic views from streets. I disagree with these findings, as the plans depict a wide clear-cut downhill of the detention basins. Removal of the trees will contribute to the landslide threat in addition to affecting the views from Church Street. As the Land Court pointed out, "what looks good on paper can look terrible in the field." The hillside has been stable as it was formed by intense glacial pressure some 10,000 years ago. When construction crews start digging it up, man will have a hard time replacing what nature so solidly built. I have seen many instances of natural and man-made landslides in New England and would hate to see that repeated in Grafton because we did not exercise extreme caution. Once disturbed, the hill will represent a significant landslide hazard not only to the developer but to the entire town.

- **Historic District Impacts:** During the Planning Board's review, the developer provided architectural renderings of the view from Bruce Hollow, but not from the abutting Grafton Center Historic District including Church Street and South Street listed on the National Register of Historic Places (#88000707). The Planning Board should request renderings and an architectural historian opinion of the development's impact on the Historic District viewshed to validate Finding 54 regarding compatibility with adjacent properties and Finding 57 regarding important historic, cultural and scenic landscapes.

The general Findings 58 through 61 should be reconsidered by the Board in light of the factors cited above.

In summary, I concur with the Planning Board's denial of this development but believe the Board should more fully express the many concerns surrounding this proposal in its final decision. Thank you for your careful review of the project and consideration of these comments.

Sincerely,

Linda Hutchins  
Hydrologist, Professional Geologist, Certified Floodplain Manager