

**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2019-13) & SITE PLAN APPROVAL
Reconstruct of Existing Pump Station**

98 Worcester Street, Grafton, MA

Grafton Water District (Applicant / Owner)

RECEIVED TOWN CLERK
GRAFTON, MA
2019 NOV 26 AM 9:19

TC

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 reconstruct a pump station on property located at 98 Worcester Street, Grafton MA and shown on Grafton Assessor's Map 46, Lot 50.A by deed recorded in the Worcester District Registry of Deeds in Book 11149, Page 275.

I. BACKGROUND

The above referenced application for a Special Permit / Site Plan Approval (hereinafter APPLICATION) was submitted on September 9, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on September 5 and 12, 2019 and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was scheduled for September 23, 2019. No testimony was heard on the 23rd and the hearing was continued to October 7th and then to October 28, 2019 at which time the Board formally opened the hearing and testimony was received. 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. The Board closed the hearing on October 28, 2019.

The following Board members were present at the public hearings: Vice Chair Robert Hassinger, Clerk Justin Wood, and Members Linda Hassinger and Prabhu Venkataraman. It is noted that Chair David Robbins was absent for the October 28, 2019 hearing but remained eligible to vote on the DECISION upon submission of a Mullin Certification prior to deliberation on the decision (see EXHIBIT #15).

II. SUBMITTALS

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

EXHIBIT 1. Original Application Submission, received August 21, 2019 to include the following:

- Application for a Special Permit, signed by Matt Pearson for the Grafton Water District (Applicant/Owner), dated September 3, 2019, date stamped by the Town Clerk on September 9, 2019 and date stamped received by the Planning Board on September 3, 2019, 1 page.
- Application for Site Plan Approval, signed by Matt Pearson for the Grafton Water District (Applicant/Owner), dated August 21, 2019, date stamped by the Town Clerk on August 27, 2019 and date stamped received by the Planning Board on August 21, 2019, 1 page.
- Certificate of Good Standing, signed by Beth Schrottman, dated August 21, 2019 and date stamped received by the Planning Board on August 21, 2019, 1 page.

- Abutters Listing, Map 46, Lot 50A (98 Worcester Street), dated August 19, 2019, signed by Ken O'Brien, MMA, Grafton Data Collector and date stamped received by the Planning Board on August 21, 2019, 1 page.
 - Project Narrative with appendix, prepared by Tighe & Bond and date stamped received by the Planning Board on August 21, 2019, 8 pages.
- EXHIBIT 2. Plans entitled "Grafton Water District Worcester Street Pump Station, Replacement Project, Permit Drawings," dated August 2019, prepared by Tighe & Bond, and date stamped received by the Planning Board on August 21, 2019, 14 pages.
- EXHIBIT 3. Report entitled "Stormwater Management Report," prepared by Tighe & Bond, dated August 2019 and date stamped received by the Planning Board on August 21, 2019, 424 pages.
- EXHIBIT 4. Public Hearing Notice, date stamped by the Town Clerk on August 30, 2019, 1 page.
- EXHIBIT 5. Email from Nancy Connors, Health Department, dated August 30, 2019 and date stamped received by the Planning Board on August 30, 2019, 1 page.
- EXHIBIT 6. Email from Katrina Koshivos, Zoning Board of Appeals, dated September 3, 2019 and date stamped received by the Planning Board on September 4, 2019, 1 page.
- EXHIBIT 7. Email from Danielle Teixeira, PE, Tighe & Bond, requesting a public hearing continuance, dated September 13, 2019 and date stamped received by the Planning Board on September 13, 2019, 1 page.
- EXHIBIT 8. Peer Review: "Grafton Water District, 98 Worcester Street Pump Station, Site Plan and Stormwater Management Review," prepared by Jeffrey M. Walsh, P.E., Graves Engineering, Inc., dated September 30, 2019 and date stamped received by the Planning Board on September 30, 2019, 3 pages.
- EXHIBIT 9. Email Correspondence; Subject: Re: Trinity Avenue; from Matt Pearson; dated April 26, 2016; received April 27, 2016; 1 page.
- EXHIBIT 10. Memorandum with attachments, entitled "Response to Comments Memorandum, Worcester Street Pump Station, Grafton, Massachusetts," addressed to the Grafton Conservation Commission and the Grafton Planning Board, from Timothy J. Grace, Tom Mahanna, P.E. and Danielle Teixeira, P.E., Tighe & Bond, dated October 10, 2019 and date stamped received by the Planning Board on October 10, 2019, 3 pages.
- a. Revised Plans entitled "Grafton Water District Worcester Street Pump Station, Replacement Project, Permit Drawings," dated August 2019, with a revised "plotting date" of October 10, 2019, prepared by Tighe & Bond, 14 pages.
 - b. Revised document Entitled "Attachment B – Revised Stormwater Data" received by the Planning Board on October 10, 2019, 63 pages.
- EXHIBIT 11. Peer Review Follow-up: "Grafton Water District, 98 Worcester Street Pump Station, Site Plan and Stormwater Management Review," prepared by Jeffrey M. Walsh, P.E., Graves Engineering, Inc., dated October 11, 2019 and date stamped received by the Planning Board on October 11, 2019, 3 pages.

- EXHIBIT 12. Letter regarding “SW #19-6 – Stormwater Management Bylaw Permit Approval with Special Conditions, 98 Worcester Street (Assessor’s Map 46, Lot 50A),” from Leah Cameron, Conservation Agent/Assistant Planner, Grafton Conservation Commission, dated October 22, 2019, and date stamped received by the Planning Board on October 22, 2019, 7 pages.
- EXHIBIT 13. Letter regarding “DEP# 164-971 / WP #793 – Order of Conditions Approval with Special Conditions, 98 Worcester Street (Assessor’s Map 46, Lot 50A),” from Leah Cameron, Conservation Assistant, Grafton Conservation Commission, dated April 11, 2019 and date stamped received by the Planning Board on October 22, 2019, 22 pages.
- EXHIBIT 14. Public Hearing Sign-In Sheet, dated October 28, 2019, 1 page.
- EXHIBIT 15. Mullin Certification for the October 28, 2019 Planning Board hearing, signed by David Robbins on November 25, 2019; 1 page

III. FINDINGS

At their meeting of November 25, 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 Mrs. Hassinger, seconded by Mr. Venkataraman) voted 5-0 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 EXHIBITS #1, #2, and #10b of this Decision) is located within a Low Density Residential 40 (R40) zoning district and the Water Supply Protection Overlay District (WSPOD). The proposed pump house is allowed within the R40 zone upon issuance of Special Permit and Site Plan Approval under Section 3.2.3.1 – Public Utility Uses. The Applicant is seeking to rebuild the pump station on land at 98 Worcester Street, Grafton.
- F4. That during the public hearing the Board and Applicant discussed the nature of the application. The site contains the existing Worcester Street pump station facility and accessory structures. The proposed project includes the demolition of the existing pump station and the construction of a new pump station facility. The project also includes upgrading the existing well head, as well as a new building, driveway, backup generator, and stormwater management system (Exhibit 1e).
- F5. That during the public hearing the Board and the Applicant discussed that the Conservation Commission has jurisdiction under the Stormwater Management Bylaw and Local Wetland Regulations. The September 23rd and October 9th hearings were continued to allow for the Applicant’s team to finish Conservation Commission’s review and make necessary changes to the Plan required by the Commission and the Town’s peer consultant.

- F6. That during the public hearing the Board and the Applicant discussed how the existing site will essentially operate in the same manner as it does today and that there is no increase in impacts to abutting properties.
- F7 The Board notes that it received email correspondence from the Board of Health regarding project review (See EXHIBIT #5). The Board of Health stated that they did not have any comments.
- F8 The Board notes that it received email correspondence from the Zoning Board of Appeals regarding project review (See EXHIBIT #6). The Board of Health stated that they did not have any comments.
- F9 The Board notes that it received correspondence from the Conservation Commission regarding their issuance of a Stormwater Management Bylaw Permit approving the project with conditions (See EXHIBIT #12).
- F10 The Board notes that it received correspondence from the Conservation Commission regarding their issuance of an Order of Conditions approving the project with conditions (See EXHIBIT #13).

At their meeting of November 25, 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 Mrs. Hassinger, seconded by Mr. Venkataraman) voted 5-0 in favor to make the following Findings:

- F11 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 and that it is not accessible to the general public. With regards to access in case of fire or catastrophe, the Board notes that the project involves the reconstruction of existing facilities and is not making any change to access for emergency vehicles.
- F12 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, given the nature of the proposed project. 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.
- F13 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.

- F14 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 adequate as this is an existing facility that will be reconstructed and there is existing vegetation surrounding the property that will remain and screen the facility from abutting properties.
- F15 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 new signs are proposed and there are existing signs denoting the site is the property of the Grafton Water District that will remain and are unlit.
- F16 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.
- F17 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 project involves the reconstruction of existing structures and facilities on the current Grafton Water District property. While new pump station is located in a residential area access is through a long single driveway off a residential street and is not visible to adjacent residential properties to the east. To the south is the Existing retail plaza containing Stop and Shop.
- F18 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.
- F19 With regard to Section 1.5.5(i) of the ZBL, the site being located within the Water Supply Protection Overlay District, the Board finds there will not be any significant or cumulative impact upon municipal water supplies as the project is proposed to improve the conditions of the existing water supply infrastructure.
- F20 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 November 25, 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 Mrs. Hassinger, seconded by Mr. Venkataraman) voted 5-0 in favor to make the following Findings:

- F21 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.

- F22 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.

IV. DECISION and CONDITIONS

At their meeting of November 25, 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 Mrs. Hassinger, seconded by Mr. Venkataraman) voted 5-0 in favor to **APPROVE** this Special Permit and Site Plan Approval with the following conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval specifically authorizes the demolition of the existing pump station and the construction of a new pump station facility. The project also includes upgrading the existing well head, as well as a new building, driveway, backup generator, and stormwater management system within the EXHIBITS and FINDINGS of this Decision (EXHIBITS #1, #2 and #10b).
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. 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.
4. 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.
5. 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.
6. 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. Conditions to be Met Prior to the Start of Construction

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.
 - b. Plans shall include a revision date denoting changes that have occurred to the Plan set during the review process.
2. Prior to the commencement of work, the Planning Board shall be provided with the following:
 - a. Five (5) full size, 24” x 36”, endorsed plan sets, one of which shall be sent directly to the Town’s peer review consulting engineer.
 - b. An electronic copy of the endorsed 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 measures.

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.

V. RECORD OF VOTE

Constituting a supermajority of the Planning Board, the following members voted 5-0 to **APPROVE** 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.

<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

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 the twenty (20) days have elapsed since this decision was filed in the Town Clerk’s office and that no such appeals have been filed in the reference to the same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavallee, Town Clerk

Date