

**DECISION  
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2022-4) & SITE PLAN APPROVAL  
Existing Booster Pump Station Replacement**

**10 Pigeon Hill Drive, Grafton, MA**

**Grafton Water District (Applicant / Owner)**

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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 an existing pump station on property located at 10 Pigeon Hill Drive, Grafton MA and shown on Grafton Assessor's Map 75, Lot 4A 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 April 27, 2022. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 5 and 12, 2022 and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on May 23, 2022. At the hearing Matt Pearson, Grafton Water District presented the Application. During the public hearings, all those wishing to speak to the petition were heard. The Board closed the hearing on June 13, 2022.

The following Board members were present at the public hearings: Chair David Robbins, Vice Chair Justin Wood, Clerk Linda Hassinger, Members Robert Hassinger and Prabhu Venkataraman, and Associate Member Maura McCormack.

**II. SUBMITTALS**

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

**EXHIBIT 1.** Original Application Submission, received April 27, 2022 to include the following:

- Application for a Special Permit, signed by Matt Pearson for the Grafton Water District (Applicant/Owner), dated April 25, 2022, 1 page.
- Application for Site Plan Approval, signed by Matt Pearson for the Grafton Water District (Applicant/Owner), dated April 25, 2022, 1 page.
- Certificate of Good Standing, signed by Christine Atchue, dated April 14, 2022, 1 page.
- Abutters Listing, Map 75, Lot 4A (10 Pigeon Hill Road), dated April 15, 2022, signed by Tammy Kalinowski, Principal Assessor, 1 page.
- Waiver Request Form, 3 pages.
- Project Narrative with appendix, prepared by Tighe & Bond and dated April 27, 2022, 16 pages.

**EXHIBIT 2.** Plans entitled "Pigeon Hill Drive Booster Pump Station Replacement" dated April 27, 2022, prepared by Tighe & Bond, 8 sheets.

**EXHIBIT 3.** Public Hearing Notice, 1 page.

- EXHIBIT 4. Email from Nancy Connors, Health Department, dated May 16, 2022, 1 page.
- EXHIBIT 5. Email from Michael Killeen, Fire Department, dated May 16, 2022, 1 page.
- EXHIBIT 6. Email from Katrina Koshivos, Zoning Board of Appeals, dated May 17, 2022, 1 page.
- EXHIBIT 7. Email from Normand Crepeau, Police Chief, dated May 17, 2022, 1 page.
- EXHIBIT 8. Peer Review: “Pigeon Hill Drive Booster Pump Station Replacement” prepared by Jeffrey M. Walsh, P.E., Graves Engineering, Inc., dated May 20, 2022, 2 pages.
- EXHIBIT 9. Memorandum with attachments, entitled “Response to Comments Memorandum, Pigeon Hill Drive Booster Pump Station Replacement, Grafton, Massachusetts”, from Danielle Teixeira, P.E., Tighe & Bond, dated May 23, 2022, 2 pages.
- EXHIBIT 10. Plans entitled “Pigeon Hill Drive Booster Pump Station Replacement” dated April 27, 2022, revised May 23, 2022, prepared by Tighe & Bond, 9 sheets.
- EXHIBIT 11. Public Hearing Continuance Request, dated June 8, 2022, signed by Matthew Pearson, Grafton Water District, 1 page.
- EXHIBIT 12. Peer Review: “Pigeon Hill Drive Booster Pump Station Replacement” prepared by Jeffrey M. Walsh, P.E., Graves Engineering, Inc., dated June 8, 2022, 2 pages.
- EXHIBIT 13. Disclosure of Appearance of Conflict of Interest, signed by Justin Wood, dated June 9, 2022, 2 pages.

### **III. FINDINGS**

At their meeting of June 13, 2022, 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 Justin Wood, seconded by Robert Hassinger) voted five (5) in favor and zero (0) opposed 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 #10 of this Decision) is located within a Low Density Residential 40 (R40) zoning district. The subject site is not located within 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 replace the existing underground pump station with an above ground station.
- F4. That during the public hearing the Board and Applicant discussed the nature of the application. The site contains the existing Pigeon Hill pump station facility and accessory structures. The

proposed project includes the demolition of the existing underground pump station and the construction of a new, approximately 250sf, above-ground pump station facility, housing two (2) 120 gallon per minute pumps, one (1) 510 gallon per minute pump, hydropneumatic tank, chemical feed day tank, and metering pump. The project also includes installation of an exterior self-contained emergency generator and an infiltration basin for stormwater management.

- F5. 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, Fire Department, ZBA, and Police Department regarding project review (See EXHIBITS #5-#7) which were taken into consideration.
- F8 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.
- F9 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.
- F10 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.
- F11 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.
- F12 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.
- F13 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.
- F14 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.
- F15 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.
- F16 With regard to Section 1.5.5(i) of the ZBL, the subject property is not located within the Water Supply Protection Overlay District. 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 or cumulative impact upon municipal water supplies.

- F17 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 and no public input was received.
- F18 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.
- F19 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. WAIVERS**

- W1. At their meeting of June 13, 2022, 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 Justin Wood, seconded by Robert Hassinger) voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant's request for waivers from the following requirements of *Section 1.3.3.3* of the ZBL with regard to preparing site plan for the reasons stated within the Findings of this Decision:

*Section 1.3.3.3 (d)*

- (16) Parking calculations for proposed use(s)
- (20) Service Areas and all facilities for screening
- (21) Landscaping
- (22) Lighting

*Section 1.3.3.3(e):* Stormwater management hydrological study.

- W2. At their meeting of June 13, 2022, 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 Justin Wood, seconded by Robert Hassinger) voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant's request for a waiver from the requirements of *Section 8.2 – Traffic Study*.

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

At their meeting of June 13, 2022, 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 Justin Wood, seconded by Robert Hassinger) voted five (5) in favor and zero (0) opposed 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 underground pump station and the construction of a new, approximately 250sf, above-ground pump station facility, housing two (2) 120 gallon per minute pumps, one (1) 510 gallon per minute pump, hydropneumatic tank, chemical feed day tank, and metering pump. The project also includes installation of an exterior self-contained emergency generator and an infiltration basin for stormwater management.

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 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**

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

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**



July 29, 2022

\_\_\_\_\_  
Christopher J. McGoldrick, 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.

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Kandy Lavalley, Town Clerk

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Date