

**DECISION**

**GRAFTON PLANNING BOARD  
SPECIAL PERMIT (SP 2020-02) & SITE PLAN APPROVAL  
MODIFICATION #1**

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2022 SEP 13 11:03:07

**Mixed Use Development**

**100 Westboro Road  
Pulte Homes of New England, LLC (Applicant)  
D&F Afonso Builders, Inc. (Owner)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Pulte Homes of New England, LLC (hereinafter the APPLICANT) for Modification of a Special Permit & Site Plan Approval (SP 2020-02) for a Mixed Use Development, "Afonso Village", consisting of two 3-story mixed use buildings, each containing approximately 7,022 square feet of commercial/business space on the first floor and 16 dwelling units on the upper floors, two 4-story residential buildings each containing 50 dwelling units, and five townhome units with associated roadways, parking and utilities, on property located at 100 Westboro Road (hereinafter the SITE) and shown on the Grafton Assessor's Map 12, Lot 22, and owned by D&F Afonso Builders, Inc. (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds Book 34122, Page 57.

**I. BACKGROUND**

The application for the Modification of a Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on June 14, 2022. A public hearing on the Application was opened on July 11, 2022. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 23 and 30, 2022, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chairman Justin Wood, Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger and Prabhu Venkataraman, and Associate Member Maura McCormack. At the hearing, Essek Petrie, Pulte Homes of New England, LLC, and Matthew Leidner, P.E., Civil Design Group, LLC, presented the Application to the Board on behalf the Applicant / Owner. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on August 22, 2022.

**II. PROJECT HISTORY AND OVERVIEW**

This application represents the first modification of Special Permit and Site Plan Approval (SP 2020-02) for 100 Westboro Road. This modification deals specifically with a request to modify the site layout and residential unit makeup of the previously approved project, as presented at the hearings and shown in the FINDINGS and EXHIBITS. The permitting history of this site for this use includes:

1. Special Permit (SP 2020-02) and Site Plan Approval - *Approved July 27, 2020* – to construct a mixed use development consisting of five 3-story buildings, four town houses and associated roadways, parking and utilities, including 105 housing units and approximately 14,000 sq. ft. of retail space. This Decision is recorded in the Worcester District Registry of Deeds (Bk:64283 Pg: 343).

### **III. SUBMITTALS**

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

- EXHIBIT 1.** Unbound Application packet submitted by Essek Petrie, Pulte Homes of New England, LLC (Applicant), received June 14, 2022, including the following:
- Application for Modification of a Special Permit and Site Plan Approval; dated June 13, 2022; 1 page.
  - Certificate of Good Standing; Signed by Treasurer/Collector’s Office on February 8, 2022; 1 page.
  - Certified Abutters List; Signed by Assessor’s Office on January 28, 2022; 1 page.
  - Project Narrative, prepared by Matthew A. Leidner, P.E., Civil Design Group, LLC, 2 pages.
  - Waiver Request Form, 3 pages.
- EXHIBIT 2.** Plan: “Site Plan and Special Permit; ‘Afonso Village’; A Mixed Use Development”, prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA 01845, dated June 8, 2022, 14 sheets.
- EXHIBIT 3.** Plan: “Architectural Plans for Afonso Village”, prepared by Pulte Homes of New England, LLC, 115 Flanders Road, Suite 200, Westborough, MA 01581, dated May 2022, 18 sheets.
- EXHIBIT 4.** Plan: “Proposed Site Plan Documents”, prepared by Bohler Engineering, 352 Turnpike Road Southborough, MA 01772, dated June 14, 2022, 5 sheets.
- EXHIBIT 5.** Report: “Stormwater Memorandum”, dated June 8, 2022 Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA 01845, 155 pages.
- EXHIBIT 6.** Public Hearing Legal Notice, Grafton Planning Board; Town Clerk Stamp on June 16, 2022; 1 page.
- EXHIBIT 7.** Email from Michael Killeen, Fire Department, regarding “Request for Comments: SP2020-02.1/SPA, 100 Westboro Road, Pulte Homes of NE, LLC”, dated June 30, 2022, 2 pages.
- EXHIBIT 8.** Email from Nancy Connors, Health Department, regarding “SP2020-02.1/SPA, 100 Westboro Road, Pulte Homes of NE, LLC”, dated July 5, 2022, 1 page.
- EXHIBIT 9.** Plan: “Afonso Village; A Mixed Use Development”, dated January 14, 2020, revised February 12, 2020, March 2, 2020, April 3, 2020, May 22, 2020, June 22, 2020 and July 13, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in one (1) sheet.

- EXHIBIT 10.** Plan: “Site Plan Rendering”, prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA 01845, dated June 8, 2022, 1 sheet
- EXHIBIT 11.** Public Hearing Continuance Request, signed Essek Petrie, Pulte Homes of New England, LLC, dated July 12, 2022, 1 page.
- EXHIBIT 12.** Public Hearing Continuance Request, signed Essek Petrie, Pulte Homes of New England, LLC, dated July 21, 2022, 2 pages.
- EXHIBIT 13.** Email from Jefte Lugo, 95 Westboro Road, regarding “100 Westboro Rd”, dated July 23, 2022, 1 page.
- EXHIBIT 14.** Email from Daniel Gomes de Oliveira, 93 Westboro Road, regarding “Afonso Village Multifamily Community Village Mixed”, dated July 23, 2022, 1 page.
- EXHIBIT 15.** Public Hearing Continuance Request, signed Essek Petrie, Pulte Homes of New England, LLC, dated August 8, 2022, 1 page.
- EXHIBIT 16.** Peer Review Report: “Afonso Village”, dated August 8, 2022, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, in two (2) pages.
- EXHIBIT 17.** Peer Review Response: “Re: Comments from Graves Engineering, Inc.: Afonso Village, 100 Westboro Road” dated August 12, 2022, prepared by Pulte Homes of New England, LLC, 115 Flanders Road, Suite 200, Westborough, MA 01581, two (2) pages.
- EXHIBIT 18.** Plan: “Site Plan and Special Permit; ‘Afonso Village’; A Mixed Use Development”, prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA 01845, dated June 8, 2022, revised through August 12, 2022, 20 sheets.
- EXHIBIT 19.** Letter from Matthew Pearson, Grafton Water District, to Essek Petrie, Pulte Homes of New England, LLC, dated February 17, 2022, 4 pages.
- EXHIBIT 20.** Email from Matthew Pearson, Grafton Water District, to Essek Petrie, Pulte Homes of New England, LLC, dated June 22, 2022, 3 pages.
- EXHIBIT 21.** Memorandum from Paul Cournoyer, Superintendent of Sewers, dated June 22, 2022, 1 page.
- EXHIBIT 22.** Peer Review Report: “Afonso Village”, dated August 19, 2022, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, in three (3) pages.
- EXHIBIT 23.** Technical Memorandum: “Updated Traffic Impact and Access Study; Afonso Village Mixed Use Development; Westboro Road & Institute Road – Grafton, Massachusetts”, dated August 19, 2022, prepared by Ms. Rebecca L. Brown, P.E., Senior Project Manager and Ms. Susannah E. Theriault, P.E., Project Engineer, Greenman-Pedersen, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, 60 pages.
- EXHIBIT 24.** Mullin Rule Certification Form: David Robbins, dated August 22, 2022, 1 page.

### **III. FINDINGS**

At their meeting of September 12, 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 David Robbins, seconded by Linda 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 documents and plans identified in this Decision, as well as the information and EXHIBITS 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 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.
- F3.)** That the 15.72-acre site is located in a Village Mixed Use – Transit Village (VMU-TV) zoning district. The site is partially located within the Water Supply Protection Overlay District. The Applicant is seeking a modification of Special Permit (SP 2020-02) for a Mixed Use Development, “Afonso Village”, consisting of two 3-story mixed use buildings, each containing approximately 7,022 square feet of commercial/business space on the first floor and 16 dwelling units on the upper floors, two 4-story residential buildings each containing 50 dwelling units, and five townhome units with associated roadways, parking and utilities, on the subject property. Said uses are allowed with the issuance of a Special Permit in a VMU - TV zone and is further subject to Site Plan Approval as required by the Zoning By-law.
- F4.)** That during the public hearing the Applicant presented the proposed modification. Essek Petrie, Pulte Homes of New England, LLC, and Matthew Leidner, P.E., Civil Design Group, LLC, were present to discuss the Application.

### **IV DECISION**

At their meeting of September 12, 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 David Robbins, seconded by Linda Hassinger) voted five (5) in favor and zero (0) opposed to **APPROVE** the Special Permit (SP 2020-02) and Site Plan Approval – Modification #1 - with the following conditions:

- C1.)** This Special Permit and Site Plan Approval (SP 2020-2.1) specifically authorizes the modification of site layout and unit makeup as noted in the Findings and EXHIBITS of this Decision. All other conditions within Special Permit and Site Plan Approval (SP 2020-02) shall remain in full force and effect unless modified by this DECISION.
- C2.)** This Decision also specifically modifies Condition B1 of the Special Permit and Site Plan Approval (SP 2020-02), as recorded at the Worcester District Registry of Deeds (Bk:64283 Pg: 343), as follows:

1. In accordance with Section 12.2.4 of the Grafton Zoning Bylaw, twenty-five percent (25%) of the thirty-two (32) proposed rental units, equaling eight (8) rental units, and twenty percent of the one hundred and five (105) proposed condominium units, equaling twenty-one (21) units in the Project shall be low-or moderate-income units, meaning they shall be rented to, and occupied by, households whose income is no more than eighty percent (80%) of the area median income, as determined by the United States Department of Housing and Urban Development (“HUD”) and DHCD.


- C3.) The Applicant shall maintain the site in accordance with the originally approved plan and subsequent modifications granted by this Decision. The Applicant shall proceed in a manner that conforms to CONDITIONS set forth in this DECISION as well as the plans identified within EXHIBITS #3, #4, and #18.
- C4.) The Amended Special Permit Approval applies to the entire Afonso Village project as shown on the approved plans referenced herein. Afonso Village, as contemplated, will be subdivided into 2 lots and will be constructed and subsequently operated by the Owner of each lot. The owner of each lot within Afonso Village shall be responsible for the construction, operation and maintenance, and compliance of the terms and conditions contained within the Amended Special Permit Approval applicable to each owner’s lot. Violation of any of the conditions of the Amended Special Permit Approval shall be grounds for enforcement against the owner of the applicable lot of Afonso Village upon which the violation has occurred or the party responsible for the violation.
- C5.) This Decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period.
- C6.) A copy of such recorded Decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C7.) By recording this Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Decision.

**V. RECORD OF VOTE**

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

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

  
 \_\_\_\_\_  
 Christopher J. McGoldrick, Town Planner

  
 \_\_\_\_\_  
 Date

- cc: Applicant / Owner
- Building Inspector
  - Assessor
  - Board of Health
  - Conservation Commission
  - Graves Engineering

**To Whom It May Concern:** This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

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Kandy Lavalley, Town Clerk

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Date