TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
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TOWN CLERK

Donna M. Girouard
Town Clerk

2016 00132686
Bk: 56323 Pg: 264
Page: 1 of 7 11/17/2016 03:03 PM WD

CERTIFICATE OF NO APPEAL

APPROVAL:	PLANNING BOARD Modification #1 Special Permit (SP 2015-3.1) & Site Plan Approval (2015-3.1)
PETITIONER:	Rocco Addeo 100 Milford Road, South Grafton, MA 01560
OWNER:	Rocco Addeo 100 Milford Road, South Grafton, MA 01560
DEED REFERENCE:	100 Milford Road Assessors Map 133, Lot 1B Book 64266, Page 1 Worcester District Registry of Deeds

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton on the petition for Special Permit (SP 2015-3.1) and Site Plan Approval to construct a self storage facility with associated site improvements on property located at 100 Milford Road, South Grafton was received and filed in the Office of the Town Clerk on October 26, 2016 at 12:28 P.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on November 15, 2016.

A true copy,
Attest:
(Seal)

Donna M. Girouard
Town Clerk – Grafton, Massachusetts

(7)

DECISION
GRAFTON PLANNING BOARD

MODIFICATION #1

SPECIAL PERMIT (SP 2015-3.1)
SITE PLAN APPROVAL (SPA 2015-3.1)

Construct a Self-Storage Facility – Modifications to Landscaping Plan

100 Milford Road, South Grafton

Rocco Addeo, Jr. d/b/a Hilltop Self-Storage of Grafton, LLC (Applicant)
Rocco Addeo, Jr. d/b/a Hilltop Properties, LLC (Owner)

RECEIVED TOWN CLERK
GRAFTON, MA
2016 OCT 25 PM 12 28

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Rocco Addeo, Jr. d/b/a Hilltop Self-Storage of Grafton, LLC., 100 Milford Road, South Grafton, 01560 (hereinafter the APPLICANT), for Modification of Special Permit (SP 2015-3.1) and Site Plan Approval to construct a self-storage facility with associated site improvements on property located at 100 Milford Road, South Grafton MA and shown on Grafton Assessor's Map 133, Lot 1B and owned by Rocco Addeo, Jr. d/b/a Hilltop Properties, LLC., 116 Milford Road, South Grafton, 01560 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 64266, Page 1.

I. BACKGROUND

The above referenced Application for Modification of a Special Permit & Site Plan Approval (hereinafter APPLICATION) was submitted on August 18, 2016. Notice of the public hearing and the subject matter thereof was scheduled to be published in the Grafton News on August 25 and September 1, 2016 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on September 12, 2016. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on September 12, 2016.

After the close of the hearing it was determined that the legal notice which was mailed to the abutters had not been advertised in the local newspaper in accordance with the law. A second public hearing was advertised in the Grafton News on October 6 and October 16, 2016. Abutters were notified of the new hearing date via First Class Mail. The Planning Board considered the Application at a properly posted meeting of said Board on October 24, 2016. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on October 24, 2016.

The following Board members were present throughout the public hearing: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger and Tracy Lovvorn, and Associate Member Sharon Carroll-Tidman. At the hearing the following people presented the Application: Attorney Christopher Senie (representing the Hilltop Farms Condominium Association), Mr. Travis Brown of Andrews Survey & Engineering, Inc. (representing the Applicant / Owner), and Mr. Rocco Addeo, Applicant / Owner.

II. SUBMITTALS

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

EXHIBIT 1. Application packet submitted by the Applicant / Owner, received August 18, 2016; consisting of the following:

- Application for Modification of Site Plan Approval; dated August 12, 2016; 1 page.
- Application for Modification of Special Permit; dated August 12, 2016; 1 page.
- Certificate of Good Standing; singed by the Treasurer/Collector Office on August 18, 2016; 1 page.
- Certified Abutter's List; Signed by Assessor's Office Manager on August 17, 2016; 8 pages.
- Correspondence from the Applicant / Owner, no date; 1 page.
- Plans; Sheet C-6.0: Landscaping & Lighting Plan; prepared by Andrews Survey & Engineering; dated February 4, 2016, revised through August 5, 2016; 11" x 17", black & white; 2 sheets.

EXHIBIT 2. Public Hearing Notice, Posted with the Town Clerk on August 22, 2016; 1 page.

EXHIBIT 3. Email Correspondence; Subject: 114 Merriam Road; sent from Katrina Koshivos, Zoning Board of Appeals; dated August 24, 2016; received August 24, 2016; 1 page.

EXHIBIT 4. Public Hearing Sign In Sheet, September 12, 2016; 1 page.

EXHIBIT 5. Plan; Sheet C-6.0: Landscaping & Lighting Plan; prepared by Andrews Survey & Engineering; dated February 4, 2016, revised through September 12, 2016; 24" x 36", black & white; 1 sheet; submitted at the September 12, 2016 Public Hearing.

EXHIBIT 6. Public Hearing Notice, Posted with the Town Clerk on September 30, 2016; 1 page.

EXHIBIT 7. Public Hearing Sign In Sheet, September 12, 2016; 1 page.

III. FINDINGS

At their meeting of October 24, 2016, 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 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 Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.

F3. That during the public hearing the Board and Applicant discussed the nature of the Application. Attorney Christopher Senie, representing the condominium association for Hilltop Farms, was present to discuss the request for modification. He reviewed the negotiations between Rocco Addeo and the association to reach an agreement on a revised landscaping plan beyond what was approved by the Planning Board. The two parties have negotiated a revised plan that, in the opinion of the association, will provide more visual screening and be visually consistent with the condominium landscaping along Milford Road. Travis Brown of Andrews Survey reviewed the proposed revisions which include planting a row of white pines along the top of the western berm of the detention basin which is currently under construction. The berm is approximately 8 feet in height. In addition, changes were made to the planting plan near the entrance of the building to include two red maples. The maples and the white pines are scheduled to be planted in Phase I of the site development. They plan to install a temporary fence around the area to be developed during Phase II. He noted that this plan was agreed to by both parties.

F4. That during the public hearing the Board and the Applicant discussed the species to be installed along the berm. The Board noted that the original plan calls for white pine which hasn't changed in the proposed revision. Mr. Senie stated that the association had originally agreed to that species but had since requested that blue spruce be installed instead. Mr. Matt Leidner of Civil Design representing Mr. Addeo noted that there was no interest in revising the agreed upon species selection. It was noted that white pine grows at a faster rate than blue spruce and which would insure that the screening was achieved more rapidly. The Board discussed the advantages and disadvantages of both species including rate of growth to height and width and the fact that white pine tend to lose their lower branches when fully mature. Mr. Senie stated that the association had presented their request to Mr. Addeo who did not wish to renegotiate for several reasons including cost. Mr. Senie stated that while the association would prefer blue spruce that they were in agreement that white pine would be acceptable. Mr. Laydon noted that white pine are more visually consistent with the landscaping across the street at the Hilltop condominium frontage. Mr. Robbins noted that the change in location of the white pines didn't appear to be as problematic as the species selection. He added that the Board could consider conditions to the modified permit which would allow for flexibility in species changes in the event that the association and Mr. Addeo negotiated and agreed upon future changes.

F5. That during the public hearing the Board and the Applicant discussed visual impacts – changes affected by the proposed revisions. Mr. Hassinger asked if the planting of trees on the 8 foot high berm would be enough to screen the approved rooftop solar panels as that was a point of discussion during the original hearing. Mr. Brown noted that the solar panels would be mounted at such a low profile that the trees would block that view. Ms. Lovvorn asked about the proposed addition of trees near the building entrance. Mr. Brown noted that the association had requested three trees but agreed to two once it was explained that third proposed tree could not be planted in their preferred location due to underground utilities. It was noted that the proposed changes did not detrimentally change the original intent to screen the front of the building. Mr. Hassinger noted that the views of the site when travelling north on Milford Road would not be significantly impacted and the views from the southbound side would only really change as result of the white pines being elevated on the 8 foot high berm. Mr. Laydon demonstrated that the white pines would be adequate screening. The Board noted that the proposed changes were not seen as problematic or a significant deviation from the originally approved plan.

F6. That during the public hearing the Board and the Applicant discussed the drainage design and modifications that may require Conservation Commission review. The Board asked if the proposed changes impacted the originally approved drainage system which was a topic of concern at the original hearing. Mr. Laydon noted that system was currently being built according to plan and that the relocation of the white pine trees from the front of the basin to the top of the berm behind the basin would not impact that design. No further review / approval from the Conservation Commission is required.

F7. That during the public hearing the Board and the Applicant discussed the status of the construction to completed to date. Mr. Addeo noted that all plant material to be installed in Phase 1 was in the process of installation. He plans to place the order for the white pines the following week and hopes to have all the material installed within the next two weeks to ensure adequate growing time this fall. Mr. Laydon noted that he had conducted a site visit and found that the installation process was proceeding in an appropriate manner. It was further noted that Mr. Addeo intends to install an irrigation system which will support the long term maintenance of the plan material.

F8. That during the public hearing the Board discussed means to enforce the conditions set forth in the Decision. Ms. Carroll-Tidman asked if the Board could require some form of surety such as a bond to ensure the health and longevity of the plant material. Mr. Laydon that any failed landscape material would have to be addressed as part of an enforcement action. He noted that the conditions of the original permit stated a number of benchmarks for ensuring that the screening was installed and maintained properly for the life of the permit. If Mr. Addeo fails to adhere to the conditions then someone could file a complaint with the Building Inspector / Zoning Enforcement Officer who would be responsible for enforcing the terms of the permit. It was noted that all the conditions of the original permit would remain in full force and effect and that the modifications would not change any of that. Ms. Carroll-Tidman noted that the intent of the permit to ensure appropriate and adequate screening. The conditions of the original permit must be adhered to and conditions of a modified permit can address the potential need to review and add additional screening if the modification fails to achieve its intended goal.

F9. That during the public hearing the Board received verbal comments from the public, primarily from the residents of the Hilltop Farms condominium development directly across the street from the site. They noted that they were in support of the proposed changes which would provide more visual screening. Mr. Al Sanborn of 38 Cherry Lane asked if a certified professional or arborist would be overseeing the installation of landscape material and in particular the trees. The answer was no and that such a requirement was not a part of the original decision but that there were conditions that required that the landscaping be maintained for the life of the permit.

F10. The Board notes that it received written comments from the Zoning Board of Appeals (see EXHIBIT #3) which stated: "The ZBA has no comments at this time."

V. DECISION and CONDITIONS

At their meeting of October 24, 2016, 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 5-0 in favor to GRANT this Modification of Special Permit and Site Plan Approval with the following conditions:

C1. This Modification of Special Permit (SP 2015-3.1) and Site Plan Approval specifically authorizes the modification of the landscaping plan as submitted – see EXHIBIT #5. The species to be planted along the detention pond berm shall be white pine as discussed (see FINDING #F4). The Board futher authorizes the installation of a temporary fence to enclose the area to be developed during Phase II of the construction of the site.

C2. The Board reserves the right to allow for landscape material species changes in the event that the condominium association and the Owner mutally agree on those changes. Any proposed changes must be submitted to the Planning Board or its Agent to determine if such changes are deemed minor modifications and if such proposed change continues to provide maximum visual screening. All proposed changes must be submitted in writing and must demonstrate that both the Owner and the Association are in agreement by way of joint signature of both parties. If the Board determines that the proposed changes are not minor then the Owner shall be required to file an application for a formal modification pursuant to Section 1.5 of the Grafton Zoning By-Law.

C3. All other conditions within Special Permit (SP 2015-3) and Site Plan Approval shall remain in full force and effect unless modified by this DECISION.

C4. This Modification of Special Permit (SP 2015-3.1) & Site Plan Approval Decision shall not take effect until it has been recorded at the Worcester District Registry of Deeds (WDRD) and a copy provided to the Planning Board and the Building Department. Said copy will include recording information such as the WDRD Book and Page Number and/or Instrument Number.

C5. By recording this 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.

VII. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **GRANT** the Applicant's Modification of Special Permit & Site Plan Approval Application to modify the landscaping plan for a self-storage facility at 100 Milford Road based on the information received at the public hearing and the aforementioned findings.

Michael Scully, Chairman	AYE	Linda Hassinger, Member	AYE
Robert Hassinger, Vice Chairman	AYE	Tracy Lovvorn	AYE
David Robbins, Clerk	AYE		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

10-25-2016
Date

cc: Applicant / Owner
- Owner
- Graves Engineering
- Building Inspector

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.

Donna M Girouard
Donna Girouard, Town Clerk

Nov. 16, 2016
Date

A true copy,
Attest:
Donna M Girouard
Donna M. Girouard, Town Clerk
Grafton, MA