

**DECISION  
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2018-10) & SITE PLAN APPROVAL  
Town of Grafton - Department of Public Works  
30 Providence Road, Grafton, MA**

**Town of Grafton (Applicant/Owner)**

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of the Town of Grafton Department of Public Works (DPW), 30 Providence Road, Grafton, MA, 01519 (hereinafter the Applicant), for a Special Permit / Site Plan Approval for the construction of a new facility and associated parking on property located at 48 Old Westboro Road, and shown as Grafton Assessor's Map 48, Lot 12, (hereinafter the Site), and owned by the Town of Grafton by deed recorded in the Worcester District Registry of Deeds (WDRD) Book 30447, Page 60.

**I. BACKGROUND**

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was received on July 2, 2018. The public hearing on the Application was opened on July 23, 2018, and continued, at the request of the applicant with concurrence of the Planning Board, to the August 13, 2018 meeting. The Board deliberated on its decision on August 27, 2018. Notice of the public hearing and the subject matter thereof was published in the Grafton News on July 5 and 12, 2018, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman Linda Hassinger, Clerk Sharon Carroll-Tidman, Members David Robbins and Michael Scully, and Associate Member Paul Monroe. At the hearing, James R. Fair, P.E. of Weston & Sampson Engineers, Inc., represented the applicant and presented the proposal. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board. During the Board's deliberation on the decision on August 27<sup>th</sup>, Chairman Hassinger appointed Mr. Monroe to vote on the decision due to the absence of Ms. Carroll-Tidman.

**II. EXHIBITS**

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

1. Unbound application materials submitted by the Applicant, received on July 2, 2018, including the following:
  - Application for Special Permit; received by the Town Clerk on July 2, 2018; 1 page.
  - Application for Site Plan Approval; received by the Town Clerk on July 2, 2018; 1 page.
  - Certificate of Good Standing; signed by the Treasurer/Collector on March 29, 2018; 1 page.
  - Certified Abutters List; signed by Assessor's Office Manager; dated May 2, 2018; 1 page.

- Letter: Re: Grafton DPW Facility – 48 Old Westboro Road, Special Permit and Site Plan Written Description; Weston & Sampson Engineers, Inc.; dated June 26, 2018; 2 pages.
  - Memo: Re: Compliance Statements for Grafton DPW Submission; signed by James R. Fair, P.E. of Weston & Sampson Engineers, Inc. and Paul Cournoyer, Grafton DPW Director; dated June 27, 2018; 1 page.
2. Application Package Report by Weston & Sampson Engineers, Inc.: “New DPW Facility Application for Site Plan Review and Special Permit”, dated June 2018; received June 27, 2018; 69 pages.
  3. Earthwork Report by Weston & Sampson Engineers, Inc.; dated June 2018; received June 27, 2018; 9 pages.
  4. Traffic Study Report by Weston & Sampson Engineers, Inc.; dated June 2018; received June 27, 2018; 33 pages.
  5. Plan Set: “Grafton, MA, Department of Public Works Facility, Site Plan Review,” prepared by Weston & Sampson Engineers, Inc.; 24” x 36”, black and white; dated June 22, 2018; includes the following:
    - Sheet 1 – Cover Sheet
    - Sheet 2 – C-0.00, General Notes and Legend
    - Sheet 3 – C-1.00, Existing Conditions
    - Sheet 4 – C-1.01, Plan of Property
    - Sheet 5 – C-1.02, Plot Plan
    - Sheet 6 – C-2.00, Site Preparation and Erosion Controls
    - Sheet 7 – C-3.00, Layout and Materials Plan / Turning Templates
    - Sheet 8 – C-3.01, Layout and Materials (South)
    - Sheet 9 – C-3.02, Layout and Materials (North)
    - Sheet 10 – C-4.00, Utility Plan
    - Sheet 11 – C-5.00, Grading and Drainage Plan
    - Sheet 12 – C-5.01, Grading and Drainage Plan (South)
    - Sheet 13 – C-5.02, Grading and Drainage Plan (North)
    - Sheet 14 – C-7.01, Details I
    - Sheet 15 – C-7.02, Details II
    - Sheet 16 – C-7.03, Details III
    - Sheet 17 – C-7.04, Details IV
    - Sheet 18 – C-7.05, Details V
    - Sheet 19 – C-7.06, Details VI
    - Sheet 20 – FP-0.01, Fire Protection, Legend, Details & Notes
    - Sheet 21 – LP-1.00, Planting Plan
    - Sheet 22 – A-1.01, Overall Elevations
    - Sheet 23 – A-1.02, Salt Shed Elevations

- Sheet 24 – E-1.01, Site Lighting Plan

6. Stormwater Management Report by Weston & Sampson Engineers, Inc.; dated June 19, 2018; received June 27, 2018; 306 pages.
7. Public Hearing Legal Notice; stamped by Town Clerk on July 3, 2018; 1 page.
8. Email correspondence: Re: 48 Old Westboro Rd. – DPW Facility; Board of Health; dated July 5, 2018; 1 page.
9. Correspondence: Graves Engineering, Inc. – Re: Proposed Department of Public Works Facility, 48 Old Westboro Road, Special Permit, Site Plan and Stormwater Regulations Review; dated July 19, 2018; received July 19, 2018; 3 pages.
10. Comment: Town Planner – Re: Town Planner Comments – Grafton DPW Facility; dated July 19, 2018, received July 20, 2018; 2 pages.
11. Presentation: “Grafton, MA, DPW Project, Special Permit and Site Plan Application,”, prepared and presented by Weston & Sampson Engineers, Inc.; dated July 23, 2018; 25 pages.
12. Correspondence: James R. Fair, P.E. of Weston and Sampson Engineers – Re: Special Permit, Site plan, and Stormwater Regulation Review Comments, Attached: Updated HydroCAD Report, Site Lighting Specifications; dated August 8, 2018, received August 9, 2018; 29 pages.
13. Revised Plan Sheets: “Grafton, MA, Department of Public Works Facility, Site Plan Review,” prepared by Weston & Sampson Engineers, Inc.; 24” x 36”, black and white; revised date August 8, 2018; twelve (12) sheets includes the following:
  - Sheet 3 – C-1.00, Existing Conditions
  - Sheet 7 – C-3.00, Layout and Materials Plan / Turning Templates
  - Sheet 8 – C-3.01, Layout and Materials (South)
  - Sheet 9 – C-3.02, Layout and Materials (North)
  - Sheet 11 – C-5.00, Grading and Drainage Plan
  - Sheet 12 – C-5.01, Grading and Drainage Plan (South)
  - Sheet 13 – C-5.02, Grading and Drainage Plan (North)
  - Sheet 17 – C-7.04, Details IV
  - Sheet 19 – C-7.06, Details VI
  - Sheet 20 – FP-0.01, Fire Protection, Legend, Details & Notes
  - Sheet 21 – LP-1.00, Planting Plan
  - Sheet 24 – E-1.01, Site Lighting Plan
14. Presentation: “Grafton, MA, DPW Project, Special Permit and Site Plan Application,”, prepared and presented by Weston & Sampson Engineers, Inc.; dated as received August 13, 2018; 31 pages.

15. Correspondence: Graves Engineering, Inc. – Re: Proposed Department of Public Works Facility, 48 Old Westboro Road, Special Permit, Site Plan and Stormwater Regulations Review; dated August 13, 2018; received August 13, 2018; 3 pages.

### III. FINDINGS

At their meeting of August 27, 2018, 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 Ms. Hassinger) voted 5-0 in **FAVOR** to make the following Findings:

1. That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the materials and information submitted and presented in association with the Application.
2. That determinations regarding the following findings are also predicated upon satisfactory completion of the site improvements shown on the Plans (Exhibit #5 & #13) 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.
3. That the subject Site is located in a Low Density Residential (R-40) zoning district and, based upon the plans and Exhibits submitted, is comprised of one parcel of land (Assessor's Map 64, Lot 12) approximately 46.5 acres in size.
4. That this Application is for the construction of a Department of Public Works building with garage bays, salt shed, associated parking and infrastructure, as shown on the Plans and described in the Exhibits identified within this Decision. The Board further finds that on May 10, 2017, the Grafton Town Meeting approved the project/use that is the subject of this Application.
5. That municipal uses voted by Town Meeting are permitted in a R-40 zoning district only upon the issuance of a Special Permit by Planning Board, in accordance with Section 1.5 and 3.2.3.1 of the Grafton Zoning By-law (hereinafter ZBL).
6. That this Application is for the construction of a 33,800 square-foot building, which will provide space for administrative functions, employee facilities, workshops, vehicle maintenance, vehicle wash and vehicle/equipment storage along with a 4,800 square-foot salt shed, an access drive, and drainage facilities as shown on the Plans and described in the Exhibits.
7. That during the public hearing the Applicant stated the facility currently has twelve (12) employees – two Mechanics, nine Highway Department employees and one Superintendent with works hours of Monday through Friday, 7:00 a.m. to 3:30 p.m. with exceptions made during extreme weather events. The Applicant stated during the public hearing that employees currently located on the second floor of the Memorial Municipal Building will not be relocating.
8. 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.

9. 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 also 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. The Board further finds that no waivers from the submittal requirements for site plans (Section 1.3.3.3 of the ZBL) were requested as part of this Application.
10. That the Applicant requested (Exhibit #1) a waiver from strict adherence to Section 1.3.3.3 (e) – Stormwater Management Hydrological Study, of the Grafton Zoning Bylaw. The Board further finds that the Applicant is adhering to the stricter stormwater guidelines as set by the Grafton Conservation Commission Stormwater Bylaws and has been submitted as part of their application.
11. That Section 8.2.1 of the ZBL requires a traffic study to be submitted with each application for special permit with site plan review unless otherwise waived by a four-fifths vote of the special permit granting authority.
12. That although the Plans depict signage for vehicular/pedestrian traffic, no signage for building identification is indicated or shown. The Board further finds that any signage proposed for this development, whether required as a condition associated with any permits/approvals for the Site or proposed by the Applicant at a later date, shall be installed in accordance with, and conform to, the ZBL.
13. 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, is adequate.
14. 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 with particular attention to the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.
15. 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.
16. 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.
17. 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.
18. 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.

19. With regard to Section 1.5.5(g) of the ZBL, that the proposed use of the property (as presented in the Exhibits of this Decision and by the Applicant during the public hearing, and further described within the Findings of this Decision) is generally compatible with adjacent properties and properties in the district.
20. 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.
21. With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, and upon satisfying all of the conditions contained in all permits/approvals required for the work proposed by this Application, there will not be any significant or cumulative impact upon municipal water supplies.
22. 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.
23. That for the reasons stated within the Findings of this Decision, the special permit application is in harmony with the general purpose and intent of the ZBL.
24. That for the reasons stated within the Findings of this Decision, the special permit application if granted would not create a nuisance, hazard or congestion.
25. That for the reasons stated within the Findings of this Decision, the special permit application if granted would not cause a substantial harm to the neighborhood.
26. That for the reasons stated within the Findings of this Decision, the special permit application if granted would not derogate from the general purpose and intent of the Bylaw or the stated district objectives or applicable use criteria.

#### **IV. WAIVERS**

At their meeting of August 27, 2018, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Robbins, seconded by Ms. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from the strict adherence to Section 1.3.3.3 (e) – Stormwater Management Hydrological Study. In granting this request the Board notes that as stated in Finding #10, the Applicant has submitted a Stormwater Management Hydrological Study adhering to the stricter regulations set forth by the Grafton Conservation Commission's Stormwater Bylaw.

**V. DECISION and CONDITIONS**

At their meeting of August 27, 2018, 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 Ms. Hassinger) voted 5-0 in favor to **APPROVE** the Special Permit (SP 2018-10) and Site Plan Approval with **CONDITIONS** as follows:

**A. Standard Conditions**

1. This Special Permit is specifically authorizes the use/construction of a Department of Public Works building with garage bays, salt shed, associated parking and infrastructure on the Site as shown on the Plans identified as Exhibit #5 & #13 of this Decision, or as modified by the Conditions of this Special Permit.
2. The work authorized by the Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to the 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 purposes 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 Bylaw. 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 two (2) years 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 proof of filing provided to the Planning Board and Building Department within thirty (30) days after the appeal period.
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.
7. Any inability, failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, may be grounds for immediate denial of building construction or occupancy permit with respect to this project.

8. Any modification to the use authorized by this Decision, Site, structure(s) and/or site improvements as described within this Decision and as presented to the Board during the public hearing and in the above referenced Exhibits shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.5 of the Zoning By-law, and any other applicable regulations.
9. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, septic, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Board of Health, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.

**B. Conditions to be Met Prior to the Start of Construction**

1. Prior to the issuance of the 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.
2. Prior to the commencement of work, the Planning Board shall be provided with the following:
  - a. Five (5) full size, 24" x 36", plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
  - b. An electronic copy of the plan set. The electronic copy shall be in a "PDF" compatible format.
3. Prior to the start of any construction activity on the Site, an initial inspection of the delineated limits of work, erosion control and site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deems such measures necessary. The Applicant/developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving



said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.

### **C. Conditions to be Met During Construction**

1. The Site shall be inspected by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant / Developer, in order to monitor the stormwater management system/facilities and erosion control/site stabilization measures. The frequency of inspections may be increased or decreased by the Planning Board and/ or its agent based on construction activities. The Applicant / Developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as agreed upon by both the Planning Board and Conservation Commission.
2. All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.
3. At the time of site clearing, necessary clearing shall be done along Old Westboro Road to achieve intersection sight distance of 390 feet at the southern driveway of the site. The Applicant shall have the sight distance verified by their engineer and provide documentation to the Planning Department for review and confirmation.
4. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
5. 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 5:00p.m. There shall be no construction activity on Sundays or State and Federal holidays.
6. All grading and construction shall be in accordance with the approved Plans and the Conditions of this Special Permit, 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 from the site and its associated improvements during construction, and after completion.

### **D. Conditions to be Met After Construction**

1. Prior to applying for a building permit, the Operation and Maintenance Plan for Stormwater Management (O & M Plan), including its schedule for inspections and maintenance, shall be submitted as a separate document and filed with the Planning Board and Department of Public Works. Said O & M Plan, and all requirements contained therein, is hereby incorporated by reference as a requirement of this Special Permit.
2. Unless modified by this Decision, the Site shall be developed, constructed and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the Plans

identified as Exhibit #5 of this Decision or as modified by the Conditions of this Special Permit. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.

3. No building permit(s) shall be issued until all stormwater management structures/system are operational, or other temporary measures for stormwater management and erosion control, are installed and operational to the satisfaction of the Planning Board, Conservation Commission, and their agent(s).
4. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the issuance of any Occupancy Permits for this development.
5. The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the ZBL, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, or conducting any inspections or other work associated with the construction of the subdivision. In accordance with Section 1.5.1.1, any fees or expenses associated with such reviews shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.

**VI. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Applicant's Special Permit (SP 2018-10) and Site Plan Approval for the construction of a DPW facility with Conditions based on the information received at the public hearing and the aforementioned findings.

Robert Hassinger, Chairman

David Robbins, Member

Linda Hassinger, Vice Chairman

Michael Scully, Member

Paul Monroe, Associate Member

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Joseph Laydon, Town Planner

*8-28-2018*  
\_\_\_\_\_  
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 twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

\_\_\_\_\_  
Kandy Lavalley, Town Clerk

\_\_\_\_\_  
Date