

**DECISION  
GRAFTON PLANNING BOARD**

**SITE PLAN APPROVAL (SPA 2020-1)**

**Group Home / Duplex  
80 Snow Road, Lot #3, Grafton, MA 01519**

**CIL Realty of Massachusetts (Applicant)  
One Six Three, LLC (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of CIL Realty of Massachusetts, 157 Charter Oak Avenue, Hartford, CT 06106 (hereinafter the APPLICANT), represented by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, for a Group Home / Duplex on property located at 80 Snow Road, Lot #3, Grafton, MA, (hereinafter the SITE) Assessors Map 28, Lot 66, owned by One Six Three, LLC, 154 Newton Street, Weston, MA 02493 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 61339, Page 356. Said property is located in a Residential (R-20) zone.

The Application was filed with the Planning Board May 18, 2020 and with the Town Clerk on June 4, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 4 and June 11, 2020, and posted with the Town Clerk's Office on June 4, 2020. Abutters were notified by First Class Mail. The public hearing on the Application was opened on June 22, 2020 and continued, at the request of the applicant with concurrence of the Board to July 13, 2020, July 27, 2020, August 10, 2020, August 24, 2020, and September 14, 2020. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on August 24, 2020.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members Linda Hassinger and Prabhu Venkataraman. 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.

**I. SUBMITTALS**

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

- EXHIBIT 1.** Application submittal materials, received May 18, 2020, consisting of the following:
- a. Application Packet, stamped by the Town Clerk on June 4, 2020; 1 pages.
  - b. Certificate of Good Standing, signed by Beth Schrottman, dated April 24, 2020 and date stamped received by the Planning Board on May 18, 2020, 1 page.
  - c. Abutters Listing for 80 Snow Road, Map 28, Lot 66, dated May 15, 2020, signed by Mary Oliver, Assessor, and date stamped received by the Planning Board on May 18, 2020, 1 page.
  - d. Project Narrative, dated May 15, 2020, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, 3 pages.
  - e. Waiver Request Form, 3 pages.
  - f. Letter from James Tetreault, P.E., to the Grafton Planning Board, dated May 15, 2020, 1 page.

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- EXHIBIT 2.** Report: “Drainage Report; 80 Snow Road, Grafton, MA” dated March 9, 2020, revised April 8, 2020, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, forty-one (41) pages.
- EXHIBIT 3.** Plans: Pre and Post Development Drainage Plans titled, “Site Plan of Land”, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, dated March 9, 2020, revised April 8, 2020, in two (2) sheets.
- EXHIBIT 4.** Plans: “Site Plan of Land”, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, dated March 9, 2020, revised April 8, 2020, April 22, 2020, and May 13, 2020, in eight (8) sheets.
- EXHIBIT 5.** Public Hearing Legal Notice, stamped by the Town Clerk’s Office on June 4, 2020; 1 page.
- EXHIBIT 6.** Peer Review: “80 Snow Road, Lot 2 and Lot 3”, dated June 19, 2020, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, in five (5) pages.
- EXHIBIT 7.** Email from Gregory Pueschel, 4 Greany Drive, to the Planning Department, dated June 19, 2020, in eight (8) pages.
- EXHIBIT 8.** Email from Richard Sullivan, 5 Greany Drive, to the Planning Department, dated June 22, 2020, in two (2) pages.
- EXHIBIT 9.** Letter from Timothy and Tracy Grady, 3 Tracy Ann Drive, to the Planning Board, dated June 22, 2020, three (3) pages.
- EXHIBIT 10.** Email from Andrew Burton, 6 Greany Drive, to the Planning Department, dated June 23, 2020, one (1) page.
- EXHIBIT 11.** Email from Michael Derry, 7 Greany Drive, to the Planning Department, dated June 23, 2020, one (1) page.
- EXHIBIT 12.** Letter from James Tetreault, P.E., to the Grafton Planning Board, dated June 22, 2020, 1 page.
- EXHIBIT 13.** Letter from Christopher McGoldrick, Town Planner, to Grafton Upton Railroad Company, 42 Westborough Road, North Grafton, MA 01536, via email and U.S. mail, dated June 23, 2020, three (3) pages.
- EXHIBIT 14.** Letter from James Tetreault, P.E., to the Grafton Conservation Commission, dated July 15, 2020, five (5) pages.
- EXHIBIT 15.** Plans: “Site Plan of Land”, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, dated March 9, 2020, revised April 8, 2020, April 22, 2020, May 13, 2020, and July 7, 2020, in eight (8) sheets.
- EXHIBIT 16.** Report: “Drainage Report; 80 Snow Road, Grafton, MA” dated March 9, 2020, revised April 8, 2020 and July 7, 2020, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, forty (40) pages.
- EXHIBIT 17.** Plans: Pre and Post Development Drainage Plans titled, “Site Plan of Land”, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570,

Boylston MA 01505, dated March 9, 2020, revised April 8, 2020, and July 7, 2020, in two (2) sheets.

**EXHIBIT 18.** Email from Christopher McGoldrick, Town Planner, to James Tetreault, P.E., dated July 17, 2020, two (2) pages.

**EXHIBIT 19.** Sight Distance Exhibits including:

- a. Letter from James Tetreault, P.E., to the Grafton Planning Board, dated July 20, 2020, 1 page.
- b. Plans: “Sight Distance Plan”, prepared by James Tetreault, P.E., Thompson-Liston Associates, Inc., 51 Main Street, PO Box 570, Boylston MA 01505, dated July 17, 2020, in one (1) sheet.

**EXHIBIT 20.** Email from Gregory Pueschel, 4 Greany Drive, to the Planning Department, dated July 24, 2020, in five (5) pages.

**EXHIBIT 21.** Peer Review: “80 Snow Road, Lot 2 and Lot 3”, dated July 27, 2020, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, in five (5) pages.

**EXHIBIT 22.** Letter from Peter Benvie, Senior Real Estate Developer, CIL Realty of Massachusetts, to the Grafton Planning Board, dated July 30, 2020, in twenty four (24) pages.

**EXHIBIT 23.** Email from Gregory Pueschel, 4 Greany Drive, to the Planning Department, dated July 31, 2020, in one (1) page.

**EXHIBIT 24.** Email from Gregory Pueschel, 4 Greany Drive, to the Planning Department, dated July 31, 2020, in two (2) pages.

**EXHIBIT 25.** Email from John DeWaele, Grafton Upton Railroad Company, to Christopher McGoldrick, Town Planner, dated August 5, 2020, two (2) pages.

**EXHIBIT 26.** Letter from Ginny Sinkel Kremer, Esq., Town Counsel, to Christopher McGoldrick, Town Planner, dated July 29, 2020, one (1) page.

**EXHIBIT 27.** Email from Elisabeth Levison, 8 Tracy Ann Drive, to the Planning Department, dated August 1, 2020, one (1) page.

**EXHIBIT 28.** Email from Tracy Grady, 3 Tracy Ann Drive, to the Planning Department, dated August 10, 2020, one (1) page.

**EXHIBIT 29.** Email from Gregory Pueschel, 4 Greany Drive, to the Planning Department, dated August 20, 2020, in three (3) pages.

**EXHIBIT 30.** Letter from James Tetreault, P.E., to the Grafton Planning Board, dated August 11, 2020, 1 page.

## **II. FINDINGS**

At their meeting of September 14, 2020, 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 plans identified in this Decision, as well as the information submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are predicated on the satisfactory 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 subject site is located within the Residential (R-20) District. The site is not located within the Water Supply Protection Overlay District.
- F4. That during the public hearing the Board and the Applicant discussed the proposed project. The property is currently undeveloped. The Applicant stated that they are proposing to construct a group home duplex on the subject property to be leased/sold by Massachusetts Association for the Blind and Visually Impaired (see EXHIBIT 1d and EXHIBIT 20).
- F5. That the proposed use is exempt from Special Permit review and requirements in accordance with G.L. c.40A, Section 3 (see EXHIBIT 26).
- F6. That during the public hearing the Board discussed the signed petition and correspondence from residents opposed to the proposal. The Board noted that although the signed petition was not procedurally binding, it reflected the opinions of a number of nearby residents. The Board took the comments and petition under advisement (see EXHIBIT 7).
- F7. That during the public hearing the Board and the Applicant discussed sight lines. A sight line plan was submitted by the Applicant and reviewed by the Board and Peer Review Engineer (see EXHIBIT 19). The Applicant noted that they were amenable to a condition requiring installation of a sight line mirror across the street and completion of the proposed sight line grading and clearing prior to the issuance of a building permit for structures on the property, subject to the satisfactory compliance with the plans, by the Board or its designee.

### **III. WAIVERS**

- W1. At their meeting of September 14, 2020, 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 **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (d) Site Plan Requirements** of the ZBL with regard to preparing site plans, for the reasons stated within the Exhibits and Findings of this Decision:
  - (16.) Parking calculations
  - (19.) Parking and loading spaces
  - (20.) Service areas and all facilities for screening
  - (21.) Landscaping
  - (22.) Lighting
  - (23.) Proposed signs
- W2. At their meeting of September 14, 2020, 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 **GRANT** the Applicant's request for waivers from the requirements of **Section 1.3.3.3 (f) Earthwork Calculations** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.

- W3. At their meeting of September 14, 2020, 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 **GRANT** the Applicant's request for waivers from the requirements of **Section 8.2 Traffic Study** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.

#### **IV. DECISION**

At their meeting of September 14, 2020, 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 JUSTIN WOOD, voted five (5) in favor and zero (0) opposed to **APPROVE** the Application for Site Plan Approval with the following conditions:

##### **A. Standard Conditions**

- C1.) This Site Plan Approval application specifically authorizes the construction of a group home duplex on the subject property to be leased/sold by Massachusetts Association for the Blind and Visually Impaired (See FINDING F4) as described within the EXHIBITS and FINDINGS of this Decision.
- C2.) The work authorized by this 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.
- C3.) Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision 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.
- C4.) Signage denoting entrance and exit shall be installed in conformance with this decision and Exhibit 15 and Exhibit 19b prior to the issuance of an occupancy permit from the Building Department.
- C5.) 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.
- C6.) In accordance with Section 1.5.8 of the ZBL, this 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 Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.

- C7.) This 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.
- C8.) By recording this Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Site Plan Approval Decision.
- C9.) The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, and conducting any inspections or other work associated with the construction of the development. In accordance with the applicable sections of the ZBL, any fees or expenses associated with such reviews and inspections 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.
- C10.) The Planning Board reserves the right to require the submission of an “as built” plan prepared by a professional engineer if it is determined upon inspection (by either the Board or its agent), and prior to the issuance of an occupancy permit, that the project was not constructed as shown on the approved plans.
- C11.) Any inability, failure, or refusal by the Applicant to comply with the requirements of this Site Plan Approval, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

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

- C12.) 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 than the plan presented within the EXHIBITS of this Decision. 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.
- C13.) Prior to commencement of work, a pre-construction meeting shall occur with representatives from the Applicant and appropriate Town Departments/ Board’s. The Applicant shall contact the Planning Department to arrange the pre-construction meeting.
- C14.) Prior to the start of any construction activity on the Site, an initial inspection of erosion control /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) deem 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.

- C15.) Prior to the start of any construction activity on the Site, the Applicant shall install a traffic mirror to improve sight line and traffic visibility, in coordination with the Planning Department and Department of Public Works, in accordance with Finding F7.
- C16.) Prior to the start of any construction activity on the Site, the Applicant shall complete grading and vegetation clearing work as identified in Finding F7 of this Decision and Exhibit 19. Once completed, the grading and vegetation clearing work shall be reviewed and inspected by an agent(s) of the Planning Department and the Town's Peer Review Engineer, in accordance with Condition 9 of this Decision. Following inspection, the Planning Department shall issue one of the following:
- a. A formal written letter determining the sight lines to be sufficient in accordance with Exhibit 19 and authorizing the remaining work to proceed.
  - b. A recommendation to the Applicant and Board that additional modifications/site work be conducted via Site Plan Approval modification, in accordance with Condition 2 of this Decision in order to meet the proposed sight distances.

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

- C17.) Hours of construction and site work shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
- C18.) All construction vehicles and vehicles of all workers are to be parked on site and shall not impede traffic along Snow Road or the Grafton Upton Railroad tracks at any time.
- C19.) 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.
- C20.) 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.
- C21.) During clearing operations, all efforts will be taken to retain trees within the development. Trees along limits of work and adjacent to the roadway shall be examined during site inspections for being preserved where grading changes are minimal.
- C22.) Upon commencing any construction activity on the Site, and in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution

Prevention Plan shall be maintained at all times on the Site by the Applicant/developer. A copy of this document shall be forwarded to the Planning Board, Conservation Commission and Department of Public Works, prior to commencing any construction activity.

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

C23.) 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.

**V. RECORD OF VOTE**

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>David Robbins, 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**

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

  
\_\_\_\_\_  
Date

- cc: Applicant / Owner
- Building Inspector
  - Assessors
  - Conservation Commission

**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 Lavallee, Town Clerk

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Date