

DECISION

GRAFTON PLANNING BOARD SPECIAL PERMIT (SP 2016-16) & SITE PLAN APPROVAL

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Contractor's Yard

104 Creeper Hill Road
Russo Brothers, Inc. (Applicant)
104 Creeper Hill Road, LLC (Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Russo Brothers, Inc. (hereinafter the APPLICANT) for Special Permit & Site Plan Approval to construct a contractor's yard on property located at 104 Creeper Hill Road (hereinafter the SITE) and shown on the Grafton Assessor's Map 17, Lot 8A, and owned by 104 Creeper Hill Road, LLC (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds Book 56111, Page 144.

I. BACKGROUND

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on November 2, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on November 10 and November 17, 2016, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

A public hearing on the Application was opened on November 28, 2016 and continued to December 12, 2016 and January 9, 2017. The following Board members were present throughout the public hearing: Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger and Tracy Lovvorn, and Associate Member Sharon Carroll-Tidman. At the hearing, Brian Nelson of Metrowest Engineering 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 January 9, 2017.

Prior to the close of the public hearing Vice Chairman Hassinger appointed Associate Member Sharon Carroll-Tidman as a voting member for the sake of taking action on this Application.

II. PROJECT HISTORY AND OVERVIEW

The ownership and permitting history of the site as it relates to the current Application is as follows:

- The Town of Grafton purchased the property in September 2012. This purchase was authorized via Town Meeting vote on May 14, 2012 (Article 7).
- The Town of Grafton entered into a lease agreement in 2016 with U.S. Wireless, Inc. and Vertical Bridge to allow for the development of a wireless communications tower, associated equipment, installation of antenna and equipment by Verizon on a portion of the site measuring approximately 100' x 100' on the western portion of the site. The agreement also addresses access to the facility across the property from Creeper Hill Road. The Town will receive financial remuneration over the

course of the long term lease. U.S. Wireless, Inc. & Vertical Bridge submitted an application to develop the wireless communications

- The Russo Brothers, Inc. (Applicant / Owner) purchased the property from the Town of Grafton on September 2016. This purchase was authorized via Special Town Meeting vote on August 8, 2016 (Article 2). The sale was contingent upon the Town retaining a perpetual use easement and access to the wireless communications facility to be developed as outlined in the Special Permit (SP 2016-16) & Site Plan Approval submitted on July 7, 2016.
- The Planning Board approved the application for a Special Permit (SP 2016-16) & Site Plan Approval for the development of a wireless communications facility on a portion of the site on November 14, 2016.

III. SUBMITTALS

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

EXHIBIT 1. Unbound Application packet submitted by Russo Brothers, Inc. (Applicant / Owner), received November 2, 2016, including the following:

- Application for Special Permit, 1 page.
- Application for Site Plan Approval, 1 page.
- Certificate of Good Standing, signed by the Treasurer / Collector's Office on November 2, 2016, 1 page.
- Certified Abutters List, signed by the Assessor's office on July 12, 2016; 1 page.
- Project Narrative for Proposed Site Development 104 Creeper Hill Road, Grafton, MA; 4 pages.
- Site Plan Set Proposed Site Development 104 Creeper Hill Road Grafton, MA; prepared By Metrowest Engineering, Inc.; dated November 1, 2016; 11"x17", color; 12 sheets.
- Stormwater Report, Proposed Site Development, Russo Brothers, Inc., 104 Creeper Hill Road, Grafton, MA 01519; prepared by MetroWest Engineering, Inc.; dated November 2016.

EXHIBIT 2. Public Hearing Notice, stamped by the Office of the Town Clerk on November 4, 2016; 1 page.

EXHIBIT 3. Interdepartmental Comments From: Board of Health Re: 104 Creeper Hill Road; dated November 3, 2016, received November 4, 2016; 1 page.

EXHIBIT 4. Graves Engineering, Inc. Site Visit Report; Project: 104 Creeper Hill Road Contractor's Garage; dated October 31, 2016, received November 15, 2016; 2 Pages.

EXHIBIT 5. Correspondence; Annette Perkins Huff; dated: November 17, 2016, received November 21, 2016; 1 Page.

- EXHIBIT 6.** Email; Isabel Perkins-Lovejoy, West Hartford, CT; Re: Special Permit (SP 2016-15) & Site Plan Approval – Contractors Yard – 104 Creeper Hill Road; dated November 16, 2016m received November 17, 2016; 2 pages.
- EXHIBIT 7.** Correspondence; Graves Engineering, Inc.; To: Joseph Laydon, Town Planner & Maria Mast, Conservation Agent – Re: Proposed Contractor's Garage 104 Creeper Hill Road Special Permit, Site Plan, Stormwater Regulations and Wetland Regulations Review; dated & received November 18, 2016; 3 pages.
- EXHIBIT 8.** Correspondence; Isabel Perkins-Lovejoy; no date, received November 21, 2016; 1 page.
- EXHIBIT 9.** Correspondence; Joseph & Joan Zinkevich; dated and received November 22, 2016; 1 page.
- EXHIBIT 10.** Interdepartmental Comments from Doug Willardson, Assistant Town Administrator; Re: 104 Creeper Hill Road; dated November 3, 2016, received November 4, 2016; 1 page.
- EXHIBIT 11.** Public Hearing Sign In Sheet for the November 28, 2016 hearing, 1 page.
- EXHIBIT 12.** Written Request for Continuance of Public Hearing to December 12, 2016; submitted by the Applicant at the November 28, 2016 public hearing; 1 page.
- EXHIBIT 13.** Submission of Additional Application materials, received December 5, 2016; includes the following:
- Copy of Correspondence to Graves Engineering; RE: Conservation Commission and Planning Board Site Plan Review Application 104 Creeper Hill Road, Grafton MA; from Robert A. Gemma and Brian Nelson of MetroWest Engineering, Inc.; dated December 4, 2016; 5 pages.
 - Plan Set; Proposed Site Development, 104Creeper Hill Road Grafton, MA; revised through December 4, 2016; prepared by MetroWest Engineering, Inc.; color, 11" X 17"; 12 sheets.
- EXHIBIT 14.** Email from Brian Nelson, MetroWest Engineering; To: Joe Laydon – Re: 104 Creeper Hill Road; regarding relocation of easement; dated and received December 12, 2016; 5 pages.
- EXHIBIT 15.** Written Request for Continuance of Public Hearing to January 9, 2017; submitted by the Applicant at the December 12, 2016 public hearing; 1 page.
- EXHIBIT 16.** Public Hearing Sign In Sheet for the December 12, 2016 hearing, 1 page.
- EXHIBIT 17.** Submission of Additional Application materials, received December 16, 2016; includes the following:
- Copy of Correspondence to Graves Engineering; RE: Conservation Commission and Planning Board Site Plan Review Application 104 Creeper Hill Road, Grafton MA; from Robert A. Gemma and Brian Nelson of MetroWest Engineering, Inc.; dated December 15, 2016; 3 pages.
 - Website information from GroundwaterSoftware.com regarding Hantush Mounding Calculator; dated December 9, 2016; 3 pages.

- Plan Set; Proposed Site Development, 104 Creeper Hill Road Grafton, MA; revised through December 14, 2016; prepared by MetroWest Engineering, Inc.; black & white, 24" x 36"; 12 sheets.

EXHIBIT 18. Correspondence; Graves Engineering, Inc.; Proposed Contractor's Garage 104 Creeper Hill Road Special Permit, Site Plan, Stormwater Regulations and Wetland Regulations Review; dated & received December 20, 2016; 4 pages.

EXHIBIT 19. Public Hearing Sign In Sheet for the January 9, 2017 hearing, 1 page.

III. FINDINGS

At their meeting of January 9, 2017 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. Carroll-Tidman) voted 5-0 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 Site is located in an Office / Light Industrial (OLI) zoning district. The site is not located within the Water Supply Protection Overlay District. The Applicant is seeking a Special Permit for developing a contractor's yard as defined in Section 2.1 of the Grafton Zoning By-law which defines contractor's yard as such: "*Premises used by a contractor or subcontractor for storage of equipment and supplies, materials, and parking of wheeled equipment.*" Said use is allowed by Special Permit in an OLI zone and is further subject to Site Plan Approval as required by the Zoning By-law.
- F4.)** An overview of the Town's interest in the property and permitting history was provided (see SECTION II. PROJECT HISTORY AND OVERVIEW and EXHIBIT #10).
- F5.)** That during the public hearing the Applicant presented Application. Mr. Nelson reviewed the existing conditions of the site and their ongoing work the Conservation Commission regarding wetlands and stormwater management. The proposed scope of work involves clearing approximately 3.2-acres of land adjacent to Creeper Hill Road followed by the construction of a 12,000-square foot building, storage shed, gravel and paved areas for material storage, supporting utilities and a stormwater management system. The facility will be used as their, office, shop and storage yard. A 20-foot wide gravel driveway is proposed along the westerly side of the property to provide access for residents living to the north of the property and for the new wireless service tower located on the northerly portion of the site. Landscaping along the site frontage is proposed to provide buffering. The site would be secured along the frontage

with a fence and a sliding gate to secure the contractor’s yard and a swing gate to secure the access drive.

Proposed site development for this project will be limited to approximately 140,000 square feet (3.2-acres) of area located along Creeper Hill Road and the easement associated with the wireless service tower. The remainder of the parcel, approximately 12.2-acres will remain undeveloped (see EXHIBIT #1). Development of the site will occur on approximately 20 percent of the lot, leaving the majority of the lot undeveloped. The proposed development will be supported by a stormwater management system, subsurface sewage disposal system and supporting utilities and will be in full compliance with applicable state and local regulations.

- F6.) That during the public hearing the Board and the Applicant discussed the location of the exterior storage area and the materials proposed for exterior storage. The Applicant noted that they had reviewed the plans with the Fire Department adding that there would be no exterior storage of mulch.
- F7.) That during the public hearing the Board and the Applicant discussed Low Impact Development (LID) techniques with regards to stormwater and drainage. It was suggested that the addition of a rain garden in the rear parking area might address some of the issues. It was further noted that this issue was a part of a larger discussion with the Conservation Commission currently underway. The Board notes that the revised plan set included LID techniques as discussed and recommended by the Conservation Commission (see EXHIBIT #17).
- F8.) That during the public hearing the Board and the Applicant discussed adjustments to the design of the access drive. Lengthy discussion was conducted about a number of design elements over the course of the hearing in response to an abutting property owner (see FINDING #F11). The Board requested that the Applicant adjust the design to accommodate better turning radii at the access drive entrance at Creeper Hill Road and where the access drive leaves the site to the north west to accommodate the abutter in light of the trucks he has and will continue to haul over the site along the access drive as part of his easement agreement. The Board further asked that the Applicant address the road width and gravel compaction depth to accommodate the large trucks used by the abutting neighbor. The Applicant complied with all requests which resulted in a twenty foot wide gravel access drive with shoulders on each side. The depth of gravel compaction was doubled from the original design to accommodate heavy loads. In addition the grading at the entrance was adjusted to prevent large trucks from bottoming out.
- F9.) That during the public hearing the Board and the Applicant discussed the volume of traffic expected to be generated from the site. The Applicant noted that there will be four to five employees on site – 1 to 2 office staff and 2 to 3 mechanics at any given time. They estimated that there would be approximately 20 car trips per day and 20 large truck trips per day.
- F10.) That during the public hearing the Board and the Applicant discussed the parking as it relates to landscaping requirements. The Applicant reviewed the parking plan noting that there will be three spaces in the front of the building and ten spaces behind the building which will be hidden from the street view. It was noted that there is a parking space to tree ratio required. Town Planner Joe Laydon noted that the parking are at the rear of the site did not meet this requirement but that the parking area was not visible from the street and that the area would be screened naturally to the north

as the Applicant was not proposing to clear vegetation which might increase visibility. It was also noted that the Applicant had provided additional landscaping along the site frontage to offset the visual impacts of the site and that this could be viewed as in kind buffering in a location that would be of more public benefit.

- F11.)** That during the public hearing the Board received written and verbal testimony from the following:
- a. Isabel Perkins-Lovejoy & David Lovejoy, Annette Perkins Huff (see EXHIBITS #5, #6, #8, and #14) – property owners of 2 Sargent Island Drive, Shrewsbury (abutting neighbor with access easement): These abutters noted that their family had owned the property for over 30 years. They expressed a number of concerns of relocating the existing access drive to the new location for a number of reasons: could the foundation of a road be put in that location given the history of dumping and the potential for unstable debris to undermine a new access drive; the durability, maintenance and upkeep of a new road in light of the fact that the existing drive is so well compacted requiring little to no upkeep. They expressed their opposition to a new access drive. The Applicant and the abutters discussed these matters and others outside the public hearing environment and the plans were adjusted to address their concerns. Email correspondence was submitted that indicates that these abutters found the revised plans acceptable. They further noted that if the access drive is maintained by others that they would agree to relocation (see EXHIBIT #14).
 - b. Joseph and Joan Zinkevich, property owners of 1 Sargents Island, Shrewsbury (abutting neighbor with access easement), maintained their opposition to the relocation of the access drive throughout the course of the public hearing in written and verbal testimony. Issues raised included the following:
 - i. Nature of Easement – there was a lot of discussion about the intent of their easement to pass over the property. The Zinkevichs maintain that legal easement filed with the Worcester District Registry of Deeds is specific enough to require the property owner to leave the existing access drive in the current location. The Town of Grafton had these documents reviewed during the course of the purchase authorized by Town Meeting and it was determined that the language required only that the property owners provide the ability to pass over the property and that there was no language in the easement that specified a fixed location. That easement passed from the Town to the current owner upon sale of the property. The Zinkevichs asked if the Board could hold off the proceedings on this Application until the legal issues had been resolved. The Board noted that any disputes regarding the language and intent of easement was a legal matter beyond the purview of the Board and the scope of Special Permit and Site Plan Approval application submitted by the Applicant / Owner.
 - ii. Current Use of Easement – The Zinkevichs currently use the access drive to haul goods and materials in large trucks (18 wheels) to their property to the northwest of the site over the Town line in Shrewsbury. The road is also used for good and service deliveries for their home and business. It is their only means of access. They noted that the current access drive is located on top of an existing rail bed spur that served the earlier ice house operations. As such they believe that the road provides the best

support for the large vehicles and that they don't believe that the new access drive can be built to a standard that would be comparable.

- iii. Access Drive - existing vs. proposed location – There was much discussion about the new location for the access drive. They noted that there was lot of dumping in that new location and that the buried debris would undermine the foundation of any new access drive. The Board noted that, if found, any debris that might compromise the integrity of the access drive would have to be removed so that it could be built to design standards. They raised concerns about the topography and grades in the vicinity of Creeper Hill Road. Mr. Zinkevich expressed concerns about the maneuverability and safety of his trucks as they travel up and over the grade differential where the access drive meets Creeper Hill Road. In his opinion, the grade differential in that area could be a safety issue as his trucks attempt to pull out onto Creeper Hill Road. The Board finds that the Applicant adjusted the design to address this issue to accommodate the trucks described by the Zinkevichs (see EXHIBIT #17).
- iv. Access Drive Design Concerns – Concerns were noted about the turning radii in two locations: entrance to the site at Creeper Hill Road and where the access drives exits the property to the northwest into the utility easement. The Board finds that the Applicant adjusted the design to address this issue (see EXHIBIT #17). Additional concerns were raised about the depth of gravel compaction to accommodate the weight of the large vehicles. The Board notes that Applicant adjusted the design which was found to be above and beyond the standard set forth in the Town's regulations.
- v. Access Drive – Width: The final design calls for a twenty foot gravel drive with shoulders on each side to accommodate passing of large vehicles (when necessary) and for snow storage. The Zinkevichs strongly oppose this proposal stating that the width of the gravel drive is not wide enough to accommodate their needs. The Zinkevichs stated that the current access drive was wider than the proposed drive and that they were entitled to a comparable replacement, not a reduction. The Board notes that the site plan depicted the surveyed location of the existing travel way used by the Zinkevichs, however there was no specific dimensions or alignment information depicted on the site plan.
- vi. Security – It was noted that the site was prone to dumping especially in the vicinity of Creeper Hill Road. Presently there is a gate at the entrance to the property and it was requested that a gate be included in the proposed design. Concerns were also raised about the location of the gate. The Zinkevichs requested that it be set further off Creeper Hill Road to allow them to pull their trucks completely off the road so they can unlock the gate in safety and not block Creeper Hill Road. The Board finds that the Applicant revised the plans to show a 28 foot wide swing gate set 40 feet off of Creeper Hill Road (see EXHIBIT #17).
- vii. Maintenance – Plowing, Grading, and General Maintenance – The Zinkevichs wanted assurances that the access drive would be maintained and plowed throughout the year particularly during snow events. The Board noted that the owners of the wireless communication facility located on a perpetual use easement owned by the Town at

the northwest end of the site would maintain access including plowing during those times when they needed to access their site for maintenance, repairs and emergencies. The Applicant stated that they would not be maintaining the access drive as they were only required to provide the access drive and that maintenance was not included as part of the access easement language referenced in their deed. The Zinkevichs took exception to both points and stated that they expected other parties to maintain and plow the road. The Board questioned who had done that work in the past and they stated that they did. They noted that now they would be sharing the access drive with the wireless communication facility. The Board reiterated the fact that the wireless communication facility owners were responsible for maintenance as it relates to their needs and as specified in their agreement with the Town.

- F12.)** That during the public hearing the Board and the Applicant reviewed correspondence from the Board of Health (see EXHIBIT #3). The Board of Health notes “Soil testing was performed in June, 2016. Soil results have not been submitted as of this date (November 3, 2016). The Board notes that Graves Engineering, the Town’s peer review engineer, submitted a copy of the results on November 15, 2016 (see EXHIBIT #4).
- F13.)** The Board notes that it has received a peer review report from Graves Engineering which addressed outstanding issues identified at the November 28 and December 12, 2016 hearing dates. The Board notes that all items and issues had been addressed to the satisfaction of the peer review engineer and that no outstanding issues remain with regards the submission materials and specifically to the plan set revised through December 4, 2016 (see EXHIBIT #13). The Board notes that the Applicant submitted a final revised plan set which reflects the changes required by the Conservation Commission and incorporated all changes required by the Planning Board (see EXHIBIT #17).
- F14.)** The Board notes that any Decision and / or Conditions made with regards to this Application shall be deemed to alter, supersede or increase any of the rights of the abutters and all abutters rights shall be determined by the new, existing written easements as they are recorded at the Worcester District Registry of Deeds (WDRD).

At their meeting of January 9, 2017 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. Carroll-Tidman) voted 5-0 to make the following Findings with regard to the specific issues listed in Section 1.5.5 of the ZBL:

- F15.)** With regard to Section 1.5.5(a), the Board finds that based on Exhibits and Findings stated within this Decision, ingress and egress to the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, is adequate. The Board notes that the site circulation was discussed and that no adjustments to the site plan were required based on the location of the site and nature of the proposed use.
- F16.)** With regard to Section 1.5.5(b), the Board finds that based on the Exhibits and the Findings stated within this Decision, that off-street parking is adequate. The Board further finds with regard to Section 1.5.5(b) that the economic, noise, glare, or odor effects of the special permit on adjoining

properties and properties generally in the district are satisfactory. The Board notes that the site is located within an Office / Light Industrial (OLI) zone as are the abutting properties. It is noted that the Faulkner Road residential development is also zoned OLI but that the nearest residence is approximately 1,800 feet from the proposed structure and yard related activities. No public comment was received regarding impacts associated with this condition for granting. Other surrounding uses are industrial in nature.

- F17.)** With regard to Section 1.5.5(c), the Board finds that based on the Exhibits and the Findings stated within this Decision, that refuse collection or disposal and service areas are satisfactory. The Board notes that the Applicant addressed the need for identifying the refuse collection area on the site plan and no concerns were raised by the peer review (see EXHIBITS #17 and #18) and no public comment was received on this matter.
- F18.)** With regard to Section 1.5.5(d), the Board finds that based on the Exhibits and the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate. The Board notes that the Applicant addressed the issue about landscaping along the site frontage in the site plan to the satisfaction of the Board given the nature of the proposed use and site location (see EXHIBIT #17 and FINDING #F10). No public comment was received on this matter.
- F19.)** With regard to Section 1.5.5(e), the Board finds and based upon on the Exhibits and 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. No signs are proposed as part of this Application. Exterior lighting will be limited to building entrances and garage doors (see EXHIBITS #17 and #18; see also FINDINGS #F13 and #F15).
- F20.)** With regard to Section 1.5.5(f), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, the required yards and other open space requirements are adequate (see EXHIBIT #17).
- F21.)** With regard to Section 1.5.5(g), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, that the proposed use of the facility is generally compatible with adjacent properties and other properties in the district. The site is located in an Office / Light Industrial zone with businesses of similar or greater intensity of use than the proposed contractor's yard (see also FINDING #F13). No public comment was received regarding this condition for granting.
- F22.)** With regard to Section 1.5.5(h), the Board finds that based upon on the Exhibits and the Findings stated within this Decision and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, the proposed facility will not have any significant adverse impact on any public or private water supply. The Board notes that the Applicant adequately satisfied this required through the peer review process (see EXHIBIT #18).
- F23.)** With regard to Section 1.5.5(i), the Board finds that the site is not located within the Water Supply Protection Overlay District. The Board further finds that, based upon on the Exhibits and the Findings stated within this Decision, and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, there will not be any significant adverse impact upon municipal water supplies (see FINDING #F19).

F24.) With regard to Section 1.5.5(j), the Board finds that important historic, cultural and scenic landscapes are protected. It is noted that records indicate that an ice house operation was once located northwest of the property (see EXHIBIT #1 and FINDING #F11). This use is no longer extant and no information was received regarding the need for additional investigation into the impacts to historic or cultural resources pertaining to the ice house operation. No comments were received from potentially interested parties in this matter.

At their meeting of January 9, 2017 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. Carroll-Tidman) voted 5-0 to make the following Findings:

F25.) That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.

F26.) 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.

F27.) The Board 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 finds that the Applicant did not submit waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1).

F28.) That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3.1 of the ZBL.

IV DECISION

At their meeting of January 9, 2017 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. Carroll-Tidman) voted 5-0 to **APPROVE** the Special Permit (SP 2016-16) & Site Plan Approval with the following conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval specifically authorizes the construction of a contractors yard and associated site improvements, access drive, security features such as fencing and a gate, and landscaping as described within the EXHIBITS and FINDINGS of this Decision (EXHIBITS #1 and #17).
2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #A1 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. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference. 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.
4. 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.
5. 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.
6. 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.
7. By recording this Special Permit and Site Plan Approval Decision in the WDRD, 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 commencement of work, the Planning Board shall be provided with the following:
 - a. Six (6) full size, 24” x 36”, 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.
2. 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.

D. Conditions to be Met After Construction

1. The Applicant / Owner shall ensure that the landscaping is maintained for the life of the permit. order to ensure a healthy landscape screening and buffering plan. The Applicant will adhere to the following:
 - a. Ensure that the plant material is maintained properly especially during the first three years after installation.
 - b. Replace any plant material that fail to thrive either through death or disease in a timely manner. Replacement material shall be in kind. Any change in plant material must be approved by the Board or its Agent.
 - c. Regular Inspections – the Planning Board or its Agent reserves the right to inspect the site, with particular attention to the landscaping, to ensure continued compliance with this Special Permit and Site Plan Approval.
 - d. Maintain the landscaping and fencing.

2. Access to the portion of the site under perpetual use easement for the Town of Grafton and any facilities developed thereon shall be to the satisfaction of the Grafton Fire and Grafton Police departments to ensure that emergency service providers will have adequate access and maneuverability. Maintenance of said access will be the responsibility of those parties required by duly recorded easements. Any locking mechanism installed on any gate associated with the access drive shall be in accordance with local emergency service providers such as Police and Fire. Such measures may include (but not limited to) installation of a Knox Box with a key provided to the Town for access purposes.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Special Permit (SP 2016-16) & Site Plan Approval Application with Conditions to construct a contractor's yard based on the information received at the public hearing and the aforementioned findings.

<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Tracy Lovvorn, Member</u>	<u>AYE</u>
<u>David Robbins, Clerk</u>	<u>AYE</u>	<u>Sharon Carroll-Tidman, Associate Member</u>	<u>AYE</u>
<u>Linda Hassinger, Member</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

1-10-2017

Date

- cc: Applicant / Owner
- Building Inspector
 - Assessor
 - 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.

Donna Girouard, Town Clerk

Date

