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**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2023-10) & SITE PLAN APPROVAL
Manufacturing and Warehousing Fabrication/Flex Building Facility
7 Main Street, Grafton, MA**

Mike Labbe, Rod LLC (Applicant/Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Mike Labbe, Rod LLC, 172 Keith Hill Road, South Grafton, MA 01560 (hereinafter the APPLICANT), for a Special Permit and Site Plan Approval under Section 12 and Section 3.2.3.1 of the Grafton Zoning By-law to operate a Manufacturing and Warehousing Fabrication/Flex Facility on property located at 7 Main Street, Grafton MA, and shown on Grafton Assessor's Map 115, Lot 67 and owned by Mike Labbe, Rod LLC by deed recorded in the Worcester District Registry of Deeds in Book 68121, Page 107. Said Manufacturing and Warehousing Facility is to consist of two 7,440-square foot buildings with 20 parking spaces over 12,910 sq. ft. of paved parking area and 4,525 sq. ft. of gravel parking area.

I. BACKGROUND

The above-referenced application for a Special Permit / Site Plan Approval (hereinafter the APPLICATION) was formally received on August 16, 2023. The Planning Board considered the Application at a properly posted meeting of said Board on September 11, 2023. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 24, 2023, and August 31, 2023, and posted with the Town Clerk's Office on August 22, 2023. Abutters were notified by First Class Mail. The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, and Members James Davidson and Prabhu Venkataraman. At the hearings, the following people presented on behalf of the Applicant: Zac Couture, Senior Project Engineer, and Lesley Wilson, Senior Project Engineer, of H.S. & T. Group, 75 Hammond Street 2nd Floor, Worcester, MA 01610. The hearing was continued to September 25, October 23, November 13, November 27, December 11, 2023, and January 22, 2024. During the public hearings, all those wishing to speak to the petition were heard. Following public input, the Board (motion by Justin Wood, seconded by Robert Hassinger) voted four (4) in favor, zero (0) opposed, and one (1) absent to close the hearing on January 22, 2024. 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 the Office of the Planning Board.

II. SUBMITTALS

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

EXHIBIT 1. Application Package prepared and submitted by Mike Labbe, Rod LLC including the following components:

- a. Application for a Special Permit, signed by the Applicant, dated August 11, 2023, date stamped by the Town Clerk on August 16, 2023, and date stamped received by the Planning Board on August 16, 2023, 1 page.
- b. Application for a Site Plan Approval, signed by the Applicant, dated August 11, 2023, date stamped by the Town Clerk on August 16, 2023, and date stamped received by the Planning Board on August 16, 2023, 1 page.

- c. Certificate of Good Standing, signed by Jack Henderson, dated August 10, 2023, and date stamped received by the Planning Board on August 16, 2023, 1 page.
- d. Letter, titled “7 Main Street – Special Permit & Site Plan Review,” dated August 15, 2023, prepared by Zac Couture, Senior Project Engineer, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, 1 page.
- e. Waiver Request Form, date stamped received by the Planning Board on August 16, 2023, 3 pages.
- f. Abutters Listing for 7 Main Street, Map 115, Lot 67, dated August 11, 2023, signed by Megan Lavoie, Assessor Assistant, 2 pages.

- EXHIBIT 2.** Site Plan: “7 Main Street Grafton Massachusetts Special Permit and Site Plan Approval,” dated August 10, 2023, prepared by Hossein Haghanizadeh, P.E., and Daniel J. Tivnan, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, received by the Planning Board on August 16, 2023, in seven (7) sheets.
- EXHIBIT 3.** Drainage Report: “Hydrology and Stormwater Management Report,” dated August 8, 2023, prepared by Hossein Haghanizadeh, P.E., H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, received by the Planning Board on August 16, 2023, 172 pages.
- EXHIBIT 4.** Public Hearing Notice, stamped by the Town Clerk’s office on August 22, 2023, and published in the Grafton News on August 24, 2023, and August 31, 2023, 1 page.
- EXHIBIT 5.** Email from Leah Cameron, Conservation Commission, to the Grafton Planning Department, regarding “7 Main Street,” dated August 22, 2023, 1 page.
- EXHIBIT 6.** Email from Nancy Connors, Board of Health, to the Grafton Planning Department, regarding “SP 2023-10/SPA, 7 Main Street, Rod LLC,” dated August 23, 2023, 1 page.
- EXHIBIT 7.** Email from Katrina Koshivos, Zoning Board of Appeals, to the Grafton Planning Department, regarding “7 Main Street - Rod LLC - Special Permit (Manufacturing),” dated August 23, 2023, 2 pages.
- EXHIBIT 8.** Email from Michael Killeen, Grafton Fire Department, to the Grafton Planning Department, regarding “Request for Comments: SP 2023-10/SPA, 7 Main Street, Rod LLC,” dated August 31, 2023, 1 page.
- EXHIBIT 9.** Memorandum: “SP 2023-10, Manufacturing, 7 Main Street, Owner/Applicant: Mike Labbe, Rod LLC,” dated September 8, 2023, prepared by Fiona Coughlan, Town Planner, received by the Planning Board on September 8, 2023, 18 pages.
- EXHIBIT 10.** Public Hearing Continuance Request, dated September 11, 2023, signed by Zac Couture, Senior Project Engineer, H.S.&T. Group, Inc., received by the Planning Board on September 11, 2023, 1 page.
- EXHIBIT 11.** Revised Site Plan: “7 Main Street Grafton Massachusetts Special Permit and Site Plan Approval,” dated August 10, 2023, revised September 19, 2023, prepared by Hossein Haghanizadeh, P.E., and Daniel J. Tivnan, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, in seven (7) sheets.

- EXHIBIT 12.** Public Hearing Continuance Request, dated September 25, 2023, signed by Zac Couture, Senior Project Engineer, H.S.&T. Group, Inc., received by the Planning Board on September 25, 2023, 1 page.
- EXHIBIT 13.** Peer Review: “7 Main Street Special Permit and Site Plan Review,” dated October 16, 2023, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, 3 pages.
- EXHIBIT 14.** Memorandum: “SP/SPA 2023-10, 7 Main Street, Mike Labbe, Rod LLC (APPLICANT/OWNER),” dated October 17, 2023, prepared by Fiona Coughlan, Town Planner, received by the Planning Board on October 17, 2023, 2 pages.
- EXHIBIT 15.** Public Hearing Continuance Request, dated October 18, 2023, signed by Zac Couture, Senior Project Engineer, H.S.&T. Group, Inc., received by the Planning Board on October 18, 2023, 1 page.
- EXHIBIT 16.** Public Hearing Continuance Request, dated November 8, 2023, signed by Lesley Wilson, Senior Project Engineer, H.S.&T. Group, Inc., received by the Planning Board on November 8, 2023, 1 page.
- EXHIBIT 17.** Peer Review Response: “7 Main Street – Special Permit and Site Plan Review,” dated November 20, 2023, prepared by Lesley Wilson, Senior Project Engineer, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, 25 pages.
- EXHIBIT 18.** Revised Drainage Report: “Hydrology and Stormwater Management Report,” dated August 8, 2023, revised November 17, 2023, prepared by Hossein Haghanizadeh, P.E., H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, 144 pages.
- EXHIBIT 19.** Revised Site Plan: “7 Main Street Grafton Massachusetts Special Permit and Site Plan Approval,” dated August 10, 2023, revised September 19, 2023, and November 20, 2023, prepared by Hossein Haghanizadeh, P.E., and Daniel J. Tivnan, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, in eight (8) sheets.
- EXHIBIT 20.** Public Hearing Continuance Request, dated November 27, 2023, signed by Lesley Wilson, Senior Project Engineer, H.S.&T. Group, Inc., received by the Planning Board on November 27, 2023, 1 page.
- EXHIBIT 21.** Peer Review: “7 Main Street Special Permit and Site Plan Review”, dated November 27, 2023, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, 4 pages.
- EXHIBIT 22.** Peer Review Response: “7 Main Street – Special Permit and Site Plan Review,” dated November 28, 2023, prepared by Lesley Wilson, Senior Project Engineer, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, 26 pages.
- EXHIBIT 23.** Public Hearing Continuance Request, dated December 11, 2023, signed by Lesley Wilson, Senior Project Engineer, H.S.&T. Group, Inc., received by the Planning Board on December 11, 2023, 1 page.

- EXHIBIT 24.** Email from Michael Killeen, Grafton Fire Department, to the Grafton Planning Department, regarding “7 Main Street,” dated December 18, 2023, 2 pages.
- EXHIBIT 25.** Email from Fiona Coughlan, Town Planner, to Lesley Wilson, H.S.&T. Group, Inc., regarding “Clarification,” dated December 18, 2023, 3 pages.
- EXHIBIT 26.** Public Hearing Continuance Request, dated January 4, 2024, signed by Lesley Wilson, Senior Project Engineer, H.S.&T. Group, Inc., received by the Planning Board on January 4, 2024, 1 page.
- EXHIBIT 27.** Peer Review Response with Attachments: “7 Main Street – Special Permit and Site Plan Review,” dated January 4, 2024, prepared by Lesley Wilson, Senior Project Engineer, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, 159 pages.
- EXHIBIT 28.** Revised Site Plan: “7 Main Street Grafton Massachusetts Special Permit and Site Plan Approval,” dated August 10, 2023, revised September 19, 2023, November 20, 2023, and January 4, 2024, prepared by Hossein Haghanizadeh, P.E., and Daniel J. Tivnan, H.S.&T. Group, Inc., 75 Hammond Street Worcester, MA 01610, in eight (8) sheets.
- EXHIBIT 29.** Peer Review: “7 Main Street Special Permit and Site Plan Review,” dated January 17, 2024, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, 3 pages.

III. FINDINGS

At their meeting of January 22, 2024, 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 Justin Wood, seconded by James Davidson) voted four (4) in favor, zero (0) opposed, and one (1) absent to make the following FINDINGS:

- F1.** That determinations regarding the following FINDINGS are based upon the plans identified in this Decision (see EXHIBITS 2, 11, and 19), 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 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 this Special Permit and Site Plan Approval Application is for the construction of a Manufacturing and Warehouse Fabrication/Flex Building facility consisting of two, 7,440 sq. ft. buildings, 12,910 sq. ft. of paved parking area and 4,525 sq. ft. of gravel parking area to accommodate 20 parking spaces, and loading spaces at the front of the two buildings under Sections 1.3.3, 1.5, 3.2.3.1, and 12.6.2 of the Grafton Zoning By-law (hereinafter ZBL), as described in the EXHIBITS of this Decision.

- F4.** That the subject property is located within the Village Mixed Use (VMU) and the Water Supply Protection Overlay (WSPOD) zoning districts. The use classification noted in FINDING 3 within a VMU and WSPOD zoning district is allowed only upon the issuance of a Special Permit and Site Plan Approval from the Planning Board.
- F5.** That during the public hearing, the Board and the Applicant discussed the nature and specifics of the Application. The Site consists of 1.2 acres and is presently a developed, paved area bounded by Main Street (Route 122A) to the north, residential uses to the west, commercial uses to the east, and the Blackstone River, with surrounding vegetation, to the south. The site was home to the former Polish Club and was acquired by All Phase Glass to expand their operation in Grafton.
- F6.** That during the public hearing, the Town Planner confirmed the area is in Fisherville Mill Village area – an area that has been the subject of the 2006 South Grafton Villages Master Plan Report. The project aligns with the report’s vision of protecting, preserving and promoting significant cultural, historical and environmental characteristics while offering opportunities for economic advancement.
- F7.** That during the public hearing, the Town Planner confirmed the site is located within an Environmental Justice Census Tract, qualifying under the “Minority” criteria.
- F8.** That during the public hearing, the Applicant confirmed there will be no work within the 200 ft. riverfront area, and no disturbance greater than 40,000 sq. ft. (or 1,000 cubic yards) per the Town of Grafton’s Stormwater Bylaw, eliminating the need for a Stormwater Permit from the Conservation Commission.
- F9.** That the subject property is served by municipal water and sewer. New utilities will be installed underground, and existing utilities will be verified in the field following the Special Permit process.
- F10.** That during the public hearing, the Town Planner requested clarification on the amount of impervious vs. pervious surface via a Lot Coverage Analysis. The Applicant revised the Site Plans to confirm that the impervious surface is 32,734 square feet and the pervious surface is 29,466 square feet. As the amount of impervious surface exceeds the 25 percent requirement for the WSPOD, Graves Engineering was tasked with confirming recharge standards were met per Section 7.5.E of the ZBL. A letter must be submitted to the Building Inspector and Conservation Agent, prior to issuance of a Building Permit, describing the percentage of impervious surface and techniques to mitigate impact, with Graves’ findings attached.
- F11.** That during the public hearing, the Town Planner requested clarification on the Applicant’s request for waivers from Earthworks Calculations. The Applicant stated the work will be minimal, despite reducing the volume of pavement by approximately 12,000 square feet (see EXHIBITS 1 and 17). The Applicant revised the Site Plans to provide a Cut and Fill Analysis at the Town Planner’s request (see EXHIBIT 28). The analysis confirmed there will be a net cut of 125 cubic yards, with

569 cubic yards of cut and 444 cubic yards of fill. The Applicant also confirmed that the overall paved area decreased from 28,858 square feet to 28,664 square feet.

- F12.** That during the public hearing, the Applicant discussed elevations and basic specifications of the two proposed buildings. The Applicant is proposing a height of 24 feet with 302.25 feet of garage floor elevation. The Applicant must provide final architectural plans prior to applying for a Building Permit.
- F13.** That during the public hearing, the Applicant confirmed compliance with the Town of Grafton Fire Department's minimum requirements. The Applicant requested a second review of Application, including a confirmation that the parking lot between the two buildings is satisfactory in terms access and circulation. The Town Planner questioned why there were no hydrants on the Plans. Graves Engineering confirmed the presence of off-site hydrants comply with local requirements. Captain Michael Killeen, Grafton Fire Department, confirmed that he reviewed the revised plans and did not have any concerns or questions regarding meeting the minimum requirements (see EXHIBIT 24).
- F14.** That during the public hearing, the Applicant confirmed they will not be working with or handling hazardous materials or substances on the site, per Sections 7.4.C and 7.4.H. The Applicant is in compliance with Section 7.4.D. of the ZBL as they will not generate on-site waste disposal or toxic/hazardous runoff recharge from impervious surfaces and on-site operations.
- F15.** That during the public hearing, the Board and the Applicant discussed traffic and parking. The Applicant requested a waiver from providing a Traffic Study. The Town Planner questioned the impact of the use and how Route 122A will be affected by potential increases in vehicle and truck traffic on a site that has been vacant since 2020. The Applicant confirmed that they have met the minimum parking requirements that will be servicing a staff of between 5 and 6 employees, between the hours of 8:00 am and 4:30 pm, and that there will be up to 4 deliveries per month via truck or van. The Applicant confirmed there will be no tractor trailers coming to and from the site (see EXHIBIT 17). The truck activity should be immaterial during peak hours, with non-truck activity making up the majority of peak-hour traffic volumes.
- F16.** That during the public hearing, the Applicant stated that the only tenants will be All Phase Glass and that they will not need to keep their trucks docked at the Site overnight. Idling should also be minimized to the maximum extent possible. There are no proposed changes to the buildings or use, such as increases in: the square footage, hours of operation and/or deliveries, the maximum number of employees, or any other changes as presented by the current Application (see EXHIBIT 17).
- F17.** That during the public hearing, the Applicant confirmed there are 6 loading spaces and garage bays are located at the front of the two proposed buildings.
- F18.** That during the public hearing, the Town Planner requested clarification on lighting via a Photometric Plan and fixture schematics. The Applicant revised the Site Plans to include the photometrics indicating the location and type of lighting fixtures to be used, including pole-mounted lights and wall-pack lights. The Applicant confirmed that lighting shall be uniform

throughout the site to minimize glare, be adequately provided in pedestrian areas, placed at all entrances and exits, confined to the site, and meet other minimum requirements per Section 12.10.7.2 of the ZBL.

- F19.** That during the public hearing, the Applicant discussed signage. The Applicant confirmed there shall be one Business I.D. and site address sign at the entrance. The Applicant also confirmed correspondence with the Department of Public Works, the Police Department, and the Fire Department, who requested clear address signage. Signage permitting will be applied for separately as necessary/required.
- F20.** That during the public hearing, the Applicant stated that no outdoor storage is proposed on the Site.
- F21.** That during the public hearing, the Applicant confirmed provisions for dust control were included in the Operations and Maintenance Plan of the revised Hydrology and Stormwater Management Report (see EXHIBIT 27).
- F22.** That during the public hearing, the Applicant provided additional landscaping to act as a screen and buffer between the site and the abutting property of 3 Main Street.
- F23.** That during the public hearing, the Applicant confirmed that no accessory buildings or uses are included with this Application. An existing shed associated with the previous use is located in the side yard and will be kept by the Applicant. Per Section 3.3.2.5 of the ZBL, no accessory building shall be located within any required front or side yard; however, this Application complies upon confirmation by the Town Planner (see EXHIBIT 9).
- F24.** That during the public hearing, the Applicant submitted a landscaping plan that confirms at least 10 feet from the property line around the perimeter is stabilized with vegetation, landscaping, or plant materials per Section 3.3.3.4 of the ZBL. The landscaping plan also meets the minimum requirements of Section 12.9.2 of the ZBL, as determined by the Planning Board, and ensures the parking area contains/is bordered within 5 feet of the spaces by at least one tree of 2" caliper for each 5 spaces, per Section 4.2.5.2 of the ZBL.
- F25.** That during the public hearing, the Board questioned the placement of the parking spaces and their location in the center of the paved parking area. As presented, they posed an obstruction by not allowing trucks or vehicles to maneuver without affecting parking space or the parking lot aisle. The Applicant revised the Site Plans to place all parking behind the buildings and to the rear of the property (see EXHIBIT 28), maintaining compliance with Section 4.2.3.4 of the ZBL.
- F26.** That during the public hearing, the Town Planner conferred with Graves Engineering to confirm the Applicant's compliance with Section 4.2.4.2 of the ZBL. The site as previously and currently designed satisfies the minimum distance requirements between sidelines of drives and sidelines of intersecting streets or any other street access drives.

F27. That during the public hearing, the Applicant discussed comments from the Town Planner, including plan modifications and adding materials to the Application confirming compliance with applicable regulations from Sections 12.7.3, 12.9, 12.10, 12.11, and 12.12. Upon confirmation from Town Counsel, certain regulations are not able to be waived and deviation from them will require a variance from the Zoning Board of Appeals (ZBA). The Town Planner noted in correspondence with the Applicant that the following Sections did apply to this Application and were unable to be waived or were not considered optional:

12.7.3	12.10.2	12.10.8
12.9.1	12.10.3	12.10.10
12.9.2	12.10.5	12.11.1.1 b.)
12.9.2.1 b.)	12.10.5.1	12.11.1.2 or 12.11.1.3
12.9.2.1 d.)	12.10.6	12.12.3.4 a.)
12.9.2.3 a.) – c.)	12.10.7.1	12.12.3.4 c.)
12.10.1	12.10.7.2	12.12.3.8

The Applicant addressed each of the listed regulations and submitted a response letter and revised Site Plan to that effect (see EXHIBITS 27 and 28).

F28. That during the public hearing, the Applicant confirmed they will provide a picnic table to satisfy requirements in Section 12.10.6 of the ZBL. The quality of all site furnishings must comply with Section 12.10.8 of the ZBL, as acknowledged by the Applicant (see EXHIBIT 27).

F29. That during the public hearing, the Board and Town Planner confirmed the Applicant must provide Publicly Oriented Private spaces (POPS) per Section 12.11.1.1 b.) of the ZBL, and the required 20 percent outdoor amenity space per Section 12.11.1.2. The Applicant confirmed they will not opt to provide a payment in lieu of outdoor amenity space per Section 12.11.1.3 as they have met the 20 percent open space requirement through the provision of 47.37 percent of open space (see EXHIBIT 28).

F30. That during the public hearing, the Applicant confirmed they will provide new, ADA-accessible sidewalks on-site that are continuous for the full length of the block face. Sidewalks were added to the front and back sides of the two proposed buildings and include handicap ramps adjacent to the handicap parking spaces, per Section 12.12.3.4 of the ZBL.

F31. That during the public hearing, the Town Planner confirmed that Furnishing Zones are optional based on the language in the ZBL, therefore the Applicant does not need to comply with Section 12.12.3.6. The site also lacks the necessary space between the property line and the sidewalk to

meet minimum planting requirements, and the Town recently completed a highway reconstruction, restoration and rehabilitation with MassDOT along Route 122A/Main Street right of way.

- F32.** That during the public hearing, the Board discussed pedestrian crosswalks and safety. The Applicant commits to installing crosswalks to connect the on-site parking area to the sidewalks in front of both buildings. The Board notes that the Applicant submitted a final revised plan set that reflects the changes and that complies with Section 12.12.3.8 of the ZBL (see EXHIBIT 28).
- F33.** That during the public hearing, the Applicant discussed stormwater infrastructure. The Applicant was deemed compliant with Section 12.10.10 *Stormwater Management*, and other local and MassDEP stormwater management and hydraulic calculations pending modification to the pre- and post-development hydrology models and the Cultec Pond elevations, and upon confirmation of catch basin maintenance. The Board finds that the Applicant submitted a final revised plan set and Hydrology and Stormwater Management Report which reflects the changes requested (see EXHIBITS 27 and 28), which was confirmed by Graves Engineering (see EXHIBIT 29). The Applicant is proposing sediment control around the entirety of the Site and does not require permitting with the Conservation Commission for the proposed work.
- F34.** That the Board retained the services of Graves Engineering to review the Application and provide recommendations for compliance. The Applicant discussed the peer review reports during the public hearing, addressed each of the concerns listed, and revised the Plans and Hydrology Report, including hydrology/hydraulic and engineering calculations, accordingly. The Board further finds the Applicant submitted the final revised plan set reflecting the changes (see EXHIBIT 28). A peer review response from Graves Engineering to the Planning Board (see EXHIBIT 29) confirms the Applicant's conformance with all applicable regulations.
- F35.** 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, are adequate.
- F36.** 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, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.
- F37.** 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.
- F38.** 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.
- F39.** With regard to Section 1.5.5(e) of the ZBL and based upon Findings and Exhibits stated within this Decision, the Board finds that there is sufficient evidence that signage and exterior lighting,

with respect to glare, traffic safety, economic effect, is compatible and in harmony with properties in the district.

- F40.** 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 and have met the requirements of the Zoning By-law.
- F41.** With regard to Section 1.5.5(g) of the ZBL, the proposed use, as presented in the Findings and Exhibits stated within this Decision and by the Applicant during the public hearing, is generally compatible with adjacent properties and properties in the district.
- F42.** 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.
- F43.** With regard to Section 1.5.5(i) of the ZBL, the subject property is located within the Water Supply Protection Overlay District. 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 or cumulative impact upon municipal water supplies.
- F44.** 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. No material was submitted to address this requirement as this does not apply to this Application.
- F45.** With regard to Section 1.5.5(k) of the ZBL, that based upon the Findings stated within this Decision, uses and their accessory uses will not have detrimental effects which outweigh their benefits to the neighborhood, Town, or zoning district in which they are located, the proposed development is satisfactory.
- F46.** With regard to Section 6 of the ZBL, that based upon the Findings stated within this Decision, the Board finds compliance with this Section of the By-law is not required as the Application does not extend development into a flood plain district.
- F47.** With regard to Section 7 of the ZBL, that based upon the Findings stated within this Decision, the Board finds the design and operations comply with the applicable criteria specified in Section 7.5 of the ZBL through the submission of documentation required by the bylaw or through submission of documentation supporting waivers requested from provisions of the bylaw. Sections 7.5.A, 7.5.B, and 7.5.C do not apply to this Application, as there are no toxic hazardous materials or on-site waste disposal systems proposed on Site. Per Section 7.5.D, runoff will be recharged on Site, dry wells are not proposed, and there is no discharge directly into surface waters or wetlands. Per Section 7.5.E, more than 25 percent, or five thousand (5,000) square feet, of the lot is impervious. Graves Engineering confirmed recharge standards outlined in the Application are met to satisfy this section of the ZBL.

- F48.** 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 Sections 1.2 and 1.3.3.1 of the ZBL.
- F49.** 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.
- F50.** 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.
- F51.** 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 during the public hearing, the Applicant requested waivers to authorize deviation from strict compliance with requirements under Section 1.3.3.3 and Section 8.2 as part of the Application submission (see EXHIBIT 1).
- F52.** This special permit application is in harmony with the general purpose and intent of the ZBL.
- F53.** The special permit application, if granted, would not create a nuisance, hazard or congestion.
- F54.** The special permit application, if granted, would not cause substantial harm to the neighborhood.
- F55.** The special permit application, if granted, would not derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

IV. WAIVERS

At their meeting of January 22, 2024, 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 Justin Wood, seconded by James Davidson) voted four (4) in favor, zero (0) opposed, and one (1) absent to **GRANT** the Applicant's request for a waiver from the following requirements for the reasons stated within the FINDINGS of this DECISION:

W1. Section 1.3.3.3 (d) - Site Plan Requirements

A Site Plan prepared by a professional architect or registered professional engineer, at a scale of one-inch equals forty ft. (1" = 40'), or at such other scale as may be necessary to show all detail clearly and accurately. Sheet sizes shall not exceed twenty-four inches by thirty-six inches (24" x 36") and shall not be less than eleven inches by seventeen inches (11" x 17"). If multiple sheets are used, they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale.

(8.) Locus Map (scale of 1"=1,000') and north arrow;

(17.) Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location(s) of such activity;

(22.) Lighting;

(23.) Proposed signs (business, traffic, etc.);

The Applicant's rationale for a waiver from Section 1.3.3.3 (d) (8.), is that a locus map with a smaller scale of 1"=300' is more legible for the reader. Such a map and scale have been provided in the Applicant's site plans. The Applicant's rationale for a waiver from Section 1.3.3.3 (d) (17.) is that the scope of work as described within this Decision requires minimal earthwork, resulting in a net cut of 125± CY. The Applicant provides volumes to be removed in the Applicant's site plans (see EXHIBIT 19). Zac Couture of H.S. & T. Group confirmed during the public hearing that the Cut Volume is 569± CY and the Fill Volume: 444± CY. The Applicant's rationale for a waiver from Section 1.3.3.3 (d) (22.), is that lighting is shown as fixtures located on the two proposed buildings and in the landscaped row of the parking area only. The Applicant provides information on lighting via a Photometric Plan in the Applicant's site plans (see EXHIBIT 19). The Applicant's rationale for a waiver from Section 1.3.3.3 (d) (23.) is that no signs are proposed and therefore, the requirement does not apply.

W2.*Section 1.3.3.3 (f) – Earthworks Calculations*

The Applicant's rationale for a waiver is that although no official report is provided, information on volumes to be removed is in Application narrative and site plans to complete this requirement. The scope of work requires minimal earthwork, resulting in a net cut of 125± CY. The Applicant's engineer provides volumes to be removed (see EXHIBIT 19) and confirmed during the public hearing that the Cut Volume is 569± CY and the Fill Volume: 444± CY.

W3.*Section 8.2 – Traffic Study*

The Applicant's rationale for a waiver is that the Manufacturing and Warehousing Facility will generate less traffic than the previous use of the site – the former Polish Club. Zac Couture of H.S. & T. Group stated during the public hearing that the resulting vehicle trips were not enough to warrant a complete Traffic Impact and Access Study (TIAS).

W4.*Section 12.12.3.8. c) – Pedestrian Crosswalks*

The ZBL requires that crosswalk markings must be aligned with the walkway of all adjacent sidewalks unless granted a waiver by the Planning Board in the VMU Districts. The Applicant has provided 5 foot sidewalks along the front and rear of each building, handicap spaces, and striped crosswalks from the rear parking area to those sidewalks. The Applicant rationale for a waiver is that these modifications satisfy the minimum requirements and the provision of markings from the sidewalks near the entrance of the site are not necessary.

V.CONDITIONS

At their meeting of January 22, 2024, 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 Justin Wood, seconded by James Davidson) voted four (4) in favor, zero (0) opposed, and one (1) absent to **APPROVE** this Special Permit and Site Plan Approval with the following conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval is for the use and structures specified in this Application, specifically the construction of two, 7,440-square foot buildings with paved and gravel parking area to accommodate 20 parking spaces and 6 loading spaces and garage bays to operate a Manufacturing and Warehousing Facility, classified as a Fabrication/Flex Building per the ZBL on the subject property, as described within the EXHIBITS and FINDINGS of this Decision.
2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within CONDITION 1 of this Decision. 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. Requests for such change(s) shall be submitted in writing to the Planning Board.
3. Unless modified by this Decision, the Site shall be developed, constructed and maintained as shown on and in accordance with the Plans and materials identified within the EXHIBITS referenced in this Decision, and shall conform to all applicable Federal, State, and Local regulations. 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.
4. 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.
5. All Site development and improvements shall be inspected at the appropriate stage of construction by the Planning Board's designee upon request made by the Applicant or the Planning Board or its designee.
6. 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 Site. 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. Payment of all fees associated with this Condition shall be made prior to the issuance of an Occupancy Permit for the building.

7. The provisions of this Special Permit and Site Plan Approval Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers or assigns its interest in the development, this Special Permit and Site Plan Approval Decision shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees, or assignees.
8. The Applicant, their successors and assigns, will not sell or rent any space in the development until the construction of essential project infrastructure necessary to adequately serve such space has been completed in accordance with the approved Plans, including but not limited to stormwater, paved areas, and utilities.
9. Any future change in use at the site that will generate outside bulk storage, a contractor's yard, disposal area or open storage related to manufacturing, processing, warehousing, wholesale trade or a public utility facility, shall be screened from adjacent residential uses by a solid stockade fence six (6) feet in height or densely planted trees or shrubs six (6) feet or more in height or be equivalently obscured by natural vegetation. Such change shall be considered a Modification of this Special Permit and Site Plan Approval for review and approval by the Planning Board.
10. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton ZBL. This Decision shall not be construed as approving or authorizing any such signage, which may be permitted in conformance with the ZBL.
11. 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. One-year extensions may be provided upon showing of good cause.
12. Any work to be performed within the layout of Main Street, a public way, shall be performed in accordance with all requirements of the Grafton Department of Public Works. All applicable off-site improvements shall also require approval from the Department of Public Works.
13. The main means of ingress and egress to the Site shall be from Main Street, with entry and exit provided via a full-access driveway. At no time will vehicles be allowed to back onto Main Street.

14. The Applicant shall be responsible for employing techniques to satisfy Section 7.5.E of the ZBL for the life of the permit, maximizing groundwater recharge without risking groundwater contamination. All required unoccupied areas shall be landscaped or stabilized with plant material to satisfy this condition (see CONDITION B6).
15. The Applicant and any tenant thereof will not allow truck idling or the generation of unsatisfactory noise conditions (see FINDING 36). Should the Planning Board or Zoning Enforcement Officer receive formal complaints related to idling or unusually high noise above ambient levels at the Site, enforcement measures shall be taken by the Zoning Enforcement Officer to mitigate the issue. Mitigation may include:
 - a. Posting signage throughout the Site and enforcing the MassDEP Anti-Idling Law to reduce idling vehicles, noise and air emissions at all times;
 - b. Requiring training of managers and employees on efficient scheduling and loading management to eliminate queuing and idling of trucks;
 - c. Promoting and encouraging the use of white noise backup alarms, to the extent permitted by law;
 - d. Requiring all doors be closed when not in use to minimize interior noise from buildings;
 - e. Maintaining site paved areas to reduce truck noise from uneven pavement; and
 - f. Performing preventative maintenance of rooftop equipment to minimize sound from mechanical equipment.

The Applicant shall be responsible for meeting these conditions in the event of a complaint and providing documentation proving compliance to the Planning Department and the Zoning Enforcement Officer in a timely manner.

16. This Special Permit Decision shall be recorded at the Worcester District Registry of Deeds (WDRD) within thirty (30) days following the expiration of the appeal period.
17. A copy of such recorded Special Permit Decision, including Deed Book and Page Number shall be submitted to the Planning Department within thirty (30) days of recording. This Special Permit and Site Plan Approval shall not take effect, and construction of the project shall not commence, until the Applicant has recorded the Decision 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.
18. 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.

19. Any inability, failure, or refusal by the Applicant to comply with the requirements of this Special Permit, 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

1. Prior to the commencement of work, a pre-construction meeting shall occur with representatives from the Applicant and appropriate Town Departments/Boards. The Applicant shall contact the Planning Department to arrange the pre-construction meeting.
2. Prior to the commencement of work, the Planning Board shall be provided with the following:
 - a) Six (6) full size copies of the plan set, 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.
 - c) An electronic copy of the final Plan in a format compatible for import to the Town's GIS system, as specified by Planning Department Staff.
3. Prior to any demolition, the Site shall be inspected by the Planning Board or its designee to review the delineated limits of work. All efforts will be taken to retain trees within the development. Trees along limits of work shall be examined during Site inspections for preservation where grading changes are minimal.
4. Prior to the commencement of work, an initial inspection of erosion control and Site stabilization measures shall be performed by agent(s) of the Planning Board in the presence of a representative of the Applicant/Developer and notice of such inspection forwarded to the Board. No construction activity shall occur on the Site until the Applicant/Developer receives written authorization from both the Planning Board 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 or its 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 the Planning Board.
5. Prior to the issuance of a Building Permit, the Applicant will have registered architect prepare a final, detailed set of architectural plans and elevations that confirm compliance with the following Sections of the ZBL:

12.10.1

12.10.2.1

12.10.2.3

12.10.2

12.10.2.2

12.10.2.4

12.10.2.5

12.10.3

12.10.5.1

12.10.2.6

12.10.5

A copy of this document shall be forwarded to the Planning Department and the Building Department for review and approval prior to the issuance of a Building Permit.

6. As more than 25 percent of the site is impervious and within the WSPOD, the Applicant must provide a letter to the Building Inspector and the Conservation Agent describing the percentage of impervious surface on site and the techniques used to maximize groundwater recharge and reduce risk of contamination per Section 7.5.E of the ZBL, prior to the issuance of a Building Permit. A copy of Graves Engineering peer review reports, as listed in the EXHIBITS, must be attached to the letter.
7. Prior to the issuance of a Building Permit, the Applicant shall forward a letter from the Grafton Sewer Department to the Planning Board and the Building Inspector, confirming the sewer design and infrastructure are adequate and do not require modifications.

C. Conditions to be Met During Construction

1. 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. to 4:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
2. All construction vehicles and vehicles of all workers are to be parked on site except during the period of the initial clearing of the property.
3. The Applicant will take all necessary precautions, including but not limited to using a sweeper and water truck to reduce and minimize dust generated by construction.
4. 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.
5. Except as otherwise approved or waived by the Planning Board, all drainage, driveways, and utilities shall conform to the construction standards of the Subdivision Rules and Regulations.
6. The Applicant shall install at a minimum the landscaping as described within this Decision and as presented to the Board during the public hearing and in the above referenced EXHIBITS. The Town reserves the right to conduct a site inspection of the lot to verify that the approved landscaping has been properly installed and remains healthy. If plant material has failed (either by death or disease) within twenty-four (24) months of initial planting, new material shall be installed at the expense of the Property Owner and/or its Agent or Builder. All work to replace plant material will be done to the satisfaction of the Planning Department.

7. Prior to the Certificate of Occupancy, any traffic safety devices, signage, and pavement markings shown on the Plans, required by this Decision, or proposed at a later date shall be installed in accordance with, and conform to, the Town of Grafton ZBL and all other applicable standards and regulations. The Applicant shall be responsible for submitting a final approval to the Planning Board from both the Police Department and the Department of Public Works that all signs and other public safety controls have been identified and installed to their satisfaction.
8. Prior to the Certificate of Occupancy, the Applicant shall fund the design and installation of a pedestrian crosswalk from the parking areas to the sidewalks fronting the two buildings on the Site, subject to review and approval by the Grafton Department of Public Works.
9. Prior to the Certificate of Occupancy, 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 or its designee.
10. Prior to Certificate of Occupancy, certification that the project is complete, and that all Conditions of the Decision are complied with, the Applicant shall submit an As-Built Plan that shall contain infrastructure such as water, sewer, stormwater management, edge of pavement, foundation, signs, and other improvements. The As-Built Plan shall be provided electronically in PDF format and in a format that complies with MassGIS standards. Said as-builts shall be subject to review and approval by the Planning Board or its designee.

D. Conditions to be Met After Construction

1. The Applicant/Owner shall ensure that all service, loading and trash storage areas viewable from a public right of way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact for the life of the permit.
2. The Applicant/Owner shall ensure that the landscaping and fencing is maintained for the life of the permit in order to ensure a healthy landscape screening and buffering plan and will 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.
3. The Applicant/Owner shall ensure that the lighting plan (see EXHIBITS 27 and 28) is maintained for the life of the permit in order to ensure nonobtrusive light levels that do not pose adverse effects on surrounding properties.
4. The Applicant will be required to provide notice to the Planning Board if a new tenant(s) is secured for both buildings. Upon selection of an end-user tenant(s), the Applicant will provide the Planning Board with the following as required under Section 1.3.3.3(c) of the ZBL, in a timely manner:
 - a. Hours of operation of the proposed use(s) or activity(ies);

- b. The maximum number of employees on the largest shift;
- c. Shipping/receiving activity, including types of delivery vehicles, number/frequency of delivery;
- d. Use of any hazardous materials or substances in the operation of the proposed use; and
- e. Any potential for future changes to the buildings or use(s) of the buildings.

VI. RECORD OF VOTE

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>James Davidson, Member</u>	<u>AYE</u>
<u>David Robbins, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>ABSENT</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD



Fiona Coughlan, Town Planner

11/24/24

Date

- cc: Applicant / Owner
- Building Inspector
 - Board of Assessors
 - Conservation Commission
 - Department of Public Works
 - Grafton Fire Department
 - Grafton Police Department

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.

Kandy Lavalley, Town Clerk

Date

