

**DECISION
GRAFTON PLANNING BOARD**

PLAN APPROVAL (PA 2021-01)

**Transit Oriented Mixed-Use Development
8 Pine Street, Grafton, MA 01519**

**GSX-ODG, LLC (Applicant)
Town of Grafton (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of GSX-ODG, LLC, 800 Kelly Way, Holyoke, MA 01040 (hereinafter the APPLICANT), represented by Jean E. Christy, P.E., Tighe & Bond, Inc., 53 Southampton Road, Westfield, MA 01085, for a Transit Oriented Mixed-Use Development on property located at 8 Pine Street, Grafton, MA, (hereinafter the SITE) Assessors Map 5, Lot 5, owned by the Town of Grafton, 30 Providence Road, Grafton, MA 01519 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 60949, Page 392. Said property is located in a North Grafton Transit Village Overlay District (NGTVOD) zone, a Chapter 40R Smart Growth District.

The Application was filed with the Planning Board on February 26, 2021 and with the Town Clerk on February 26, 2021. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 4 and March 11, 2021, and posted with the Town Clerk's Office on March 4, 2021. Abutters were notified by First Class Mail. The public hearing on the Application was opened on March 22, 2021 and continued, at the request of the applicant with concurrence of the Board to April 12, 2021; April 26, 2021; May 4, 2021; May 24, 2021; June 14, 2021; and **June 28, 2021**. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on **June 28, 2021**.

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. On June 14, 2021 Board member positions were reorganized through a regular course of business, but overall membership remained unchanged. 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 February 26, 2021, consisting of the following:

- a. Application Packet, stamped by the Town Clerk on _____, 2021; _____ pages.
- b. Certificate of Good Standing, signed by _____, dated _____, 2021 and date stamped received by the Planning Board on _____, 2021, 1 page.
- c. Abutters Listing for 8 Pine Street, Map 5, Lot 5, dated _____, 2021, signed by **Mary Oliver, Assessor**, and date stamped received by the Planning Board on _____, 2021, 1 page.
- d. Project Narrative, dated _____, 2021, prepared by Jean E. Christy, P.E., Tighe & Bond, Inc., 53 Southampton Road, Westfield, MA 01085, 3 pages.
- e. **Waiver Request Form, 3 pages.**

EXHIBIT 2. Report:

EXHIBIT 3. [EXHIBITS TO BE ADDED TO REFLECT RECORD]

II. FINDINGS

At their meeting of June 28, 2021, 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 [MEMBER], seconded by [MEMBER], voted [] () in favor and [] () 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 North Grafton Transit Village Overlay District (NGTVOD) zone, a Chapter 40R Smart Growth 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 the former Grafton State Hospital. The Applicant stated that they are proposing to demolish the existing structures and construct a Transit Oriented Mixed-Use Development on the subject property, consisting of 316 residential rental units, and 11,340 square foot retail village with associated parking and appurtenances (see EXHIBIT 1).
- F5. That twenty-five percent (25%) of the housing units, or a total of 79 units, will be restricted as affordable housing for income-eligible tenants (see EXHIBIT 1).
- F6. That Transit Oriented Mixed-Use Development may be allowed by Plan Approval via the Planning Board in accordance with G.L. Chapter 40R, 760 CMR 59.00 and Section 13 of the Grafton Zoning Bylaw. Permitted uses are specified in Section 13.6.A(2) of the Grafton Zoning Bylaw.
- F7. That Section 13.7.C of the ZBL defines the procedure for Plan Approval, including a description of the plans and materials to be submitted to the Planning Board.
- F8. The Board finds that Section 13.7.C(3) of the ZBL allows an applicant to request waivers from certain requirements of the Plan Approval procedure.
- F9. With regard to Section 13.7.C(4), the Board finds that based on Exhibits and Findings stated within this Decision, the provided site plans, are/are not adequate to satisfy the criteria outlined in Section 13.7.C(4a-z) of the Grafton Zoning Bylaw.
- F10. With regard to Section 13.7.C(5), the Board finds that based on Exhibits and Findings stated within this Decision, the stormwater management hydrological study, is/is not adequate to satisfy the Design Standards referenced in Section 13.2.
- F11. With regard to Section 13.7.C(6), the Board finds that based on Exhibits and Findings stated within this Decision, volume of earth material calculations, are/are not adequate.
- F12. With regard to Section 13.7.C(7), the Board finds that based on Exhibits and Findings stated within this Decision, the Draft Housing Marketing and Selection Plan, is/is not adequate.

- F13. With regard to Section 13.7.C(8), the Board finds that based on Exhibits and Findings stated within this Decision, the Project **complies/does not comply** with the cost and eligibility requirements of Section 13.5.C.
- F14. With regard to Section 13.7.C(9), the Board finds that based on Exhibits and Findings stated within this Decision, the Project **complies/does not comply** with the requirements of Section 13.5.E.
- F15. With regard to Section 13.7.C(10), the Board finds that based on Exhibits and Findings stated within this Decision, the Project **provides/does not provide** a form of Affordable Housing Restriction that satisfies the requirements of Section 13.5.F.
- F16. With regard to Section 13.7.C(11), the Board finds that based on Exhibits and Findings stated within this Decision, the Project **complies/does not comply** with the Design Standards.
- F17. With regard to Section 13.7.C(12i-ii), the Board finds that based on Exhibits and Findings stated within this Decision, the Project **complies/does not comply** with the required building plans and materials palette.

III. WAIVERS

- W1. At their meeting of **June 28, 2021**, 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 [MEMBER], voted in favor and opposed to **GRANT/DENY** the Applicant's request for waivers from the following requirements of **Section 13.10.A Dimensional Requirements** of the ZBL with regard to minimum street setback and structures in side rear and front setbacks, for the reasons stated within the Exhibits and Findings of this Decision.

Board Discussion:

IV. DECISION

At their meeting of **June 28, 2021**, 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 [MEMBER], voted in favor and opposed to **APPROVE/DENY** the Application for Plan Approval with the following conditions:

A. Standard Conditions

- C1.) This Plan Approval application specifically authorizes the construction of a Transit Oriented Mixed-Use Development as described within the EXHIBITS and FINDINGS of this Decision.
- C2.) The work authorized by this 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.) This Plan Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Water District, Grafton Board of Health, Grafton Police Department, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.
- 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.) All construction and site improvements shall be completed within two years of the date of plan endorsement or thirty (30) months from the date of this Decision, whichever occurs sooner. This Decision shall lapse after said applicable time period, and no other work may occur, and the subdivision approval shall be deemed automatically rescinded unless the Planning Board grants an extension pursuant to the Section 13.7.C of the ZBL. Requests for extensions shall require a public hearing in accordance with all applicable requirements for conducting such hearings.
- C7.) This 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 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 complete grading and vegetation clearing work as identified in Finding F9 and F11 of this Decision and final Endorsed Plans. 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 8 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 **XX** and authorizing the remaining work to proceed.
- b. A recommendation to the Applicant and Board that additional modifications/site work be conducted via Plan Approval modification, in accordance with Condition 2 of this Decision in order to meet the proposed sight distances.

C16.) The Applicant shall submit to the Planning Board written approval from the Grafton DPW Highway Superintendent / Tree Warden a Tree Plan for the proposed species of trees to be used as street trees. The plan submitted for endorsement by the Board shall include all relevant details

for said trees (e.g., size, type, planting details, etc.) as approved by the Tree Warden/DPW Director.

- C17.) Prior to the commencement of work, the Planning Board shall be provided with the following:
- a. Five (5) full size plan sets, 24” x 36”, endorsed and recorded, one of which shall be sent directly to the Town’s peer review consulting engineer.
 - b. An electronic copy of the endorsed and recorded plan set. The electronic copy shall be in a “PDF” compatible format.
- C18.) The Applicant / Developer shall install orange snow fencing around the limits of work for the purpose of maintaining the existing tree cover. Fencing shall be inspected by the Planning Board or its Agent and receive approval thereof prior to the commencement of construction activity on site. The Developer shall maintain fencing throughout the construction of the development. The fencing shall be inspected periodically by the Board or its Agent to ensure compliance.
- C19.) In advance of any site clearing, the Applicant / Developer and/or its Agent shall participate in a site walk with the Town Planner to determine if any Heritage Trees exist on site as defined under Article 33 – Shade Tree of the Town’s General By-Laws. Trees on site identified as such shall have orange snow fencing around them. Fencing shall be inspected by the Town Planner and Tree Warden and will receive written approval thereof prior to the commencement of construction activity on site. The Developer shall maintain fencing throughout the construction of the development. The fencing shall be inspected periodically by the Board or its Agent to ensure compliance.
- C20.) Prior to commencing any work within a public way, all required permits / approvals shall be obtained from the Grafton Department of Public Works.
- C21.) 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.

C. Conditions to be Met During Construction

- C22.) 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.
- C23.) All construction vehicles and vehicles of all workers are to be parked on site and shall not impede traffic along Pine Street, Green Street or Centech Boulevard at any time.
- C24.) 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.

- C25.) 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.
- C26.) 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.

D. Conditions to be Met After Construction

- C27.) 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.
- C28.) Prior to the issuance of any Occupancy Permits, a determination shall be made by the Planning Board, through its designated consulting engineer, as to whether the detention basins, rain gardens, as well as all other improvements, are constructed and operate as designed on the approved plan(s). If a negative determination is made, the Applicant shall, at their own expense, remedy any and all deficiencies to the satisfaction of the Board.
- C29.) Prior to the issuance of any Occupancy Permits, a final inspection by the Police Department and Department of Public Works will be conducted to ensure that all public safety signage and roadway markings have met the required standards. The Town reserves the right to require additional public safety controls in the event that site conditions may warrant. The Applicant / Developer shall be responsible to submitting a final approval 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.
- C30.) Prior to the issuance of any Occupancy Permits, the Planning Board or its designated agent shall inspect all plantings to ensure that all the plantings have been installed as specified on the approved Tree Plan.
- C31.) Prior to the issuance of any Occupancy Permits, the Applicant shall provide sufficient evidence of compliance with the affordability requirements and cost eligibility requirements as outlined in the EXHIBITS and FINDINGS of this Decision (see Finding 5, 12, 13 and 15). Specifically, evidence of approval by the Department of Housing and Community Development (DHCD) shall be provided indicating the eligible units have been included on the Subsidized Housing Inventory (SHI).

V. RECORD OF VOTE

<u>David Robbins, Chairman</u>	<u>AYE/NAY</u>	<u>Robert Hassinger, Member</u>	<u>AYE/NAY</u>
<u>Justin Wood, Vice Chairman</u>	<u>AYE/NAY</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE/NAY</u>
<u>Linda Hassinger, Clerk</u>	<u>AYE/NAY</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.

Kandy Lavalley, Town Clerk

Date