

**DECISION
GRAFTON PLANNING BOARD**

**SCENIC ROAD PERMIT (SRP 2015-1)
Remove of Two (2) +/- 6" pine trees
Removal and Reuse of Approximately Thirty Eight (38) Feet of Stone Wall
Reconstruction of Stone Wall**

**114 Merriam Road
Grafton, MA
Frederic & Margot Churchill (Applicant / Owner)**

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Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Frederic & Margot Churchill (hereinafter the APPLICANT / OWNER) for a Scenic Road Permit for the removal of two (2) +/- 6" pine trees and removal / reuse of approximately thirty eight (38) feet of stone wall at 114 Merriam Road, and shown on the Grafton Assessor's Map 59, Lot 24, and owned by Frederic & Margot Churchill, 243 Pleasant Street, South Yarmouth, MA 02664 by deed recorded in the Worcester District Registry of Deeds Book 6442, Page 94 & Page 187; Book 12253, Page 286; and Book 22858, Page 359.

The above referenced Application for a Scenic Road Permit (hereinafter APPLICATION) was submitted on April 22, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 29 and May 6, 2015 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on May 18, 2015. Following public input, the hearing was closed on May 18, 2015.

The following Board members were present during the entire public hearing process: Sargon Hanna, Michael Scully, Robert Hassinger, Linda Hassinger, and David Robbins. 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.

I. BACKGROUND

This Scenic Road Permit Application was presented at a joint hearing with Special Permit 2015-6 which is for a Common Driveway at the same address. The proposed common driveway and the work relating to this Application are a co-joined in that the full development of the site requires both permits.

Each application will generate an individual Decision but are not mutually exclusive in that the common driveway plan requires the issuance of Scenic Road Permit. Each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions (see FINDING #1 and CONDITION #2).

II. SUBMITTALS

The following items were submitted to the Board for its consideration of these applications:

- EXHIBIT 1. Unbound application packet prepared by Quinn Engineering, Inc. on behalf of the Applicant, submitted on April 22, 2015, including the following:

- Application for a Hearing Under the Scenic Road By-Law, 1 page.
- Correspondence from Quinn Engineering, Proposed Common Driveway & Scenic Road Curb Cuts, 114 Merriam Road; dated April 22, 2015; 9 pages.
- Certified Abutters List, April 14, 2015, 1 page.
- Certificate of Good Standing, signed by the Treasurer / Collector's office on April 0, 2015; 1 page.
- Property Record Card, 114 Merriam Road, printed from the Town of Grafton GIS system; dated April 7, 2015; 1 page.
- Plan Set, Lot Development Plan, Grafton Massachusetts, 114 Merriam Road; prepared by Quinn Engineering, Inc.; 11" x 17", black & white; dated November 18, 2014, revised through April 16, 2015; 7 sheets as follows:
 - Sheet 1: Existing Conditions Plan
 - Sheet 2: Proposed Lot Layout Plan
 - Sheet 3: Proposed Lot Development Plan
 - Sheet 4: Erosion Control and Stormwater Pollution Prevention Plan
 - Sheet 5: Profile, Details & Notes
 - Sheet 6: Details & Notes
 - Sheet 7: Notes
- Draft Concept Subdivision Plan in Grafton Massachusetts, prepared by Quinn Engineering, Inc.; revised through April 16, 2015; 24" x 36", black & white; 1 sheet.
- Draft Proposed Lot Development Plan (Conforming Plan) in Grafton Massachusetts, prepared by Quinn Engineering, Inc.; dated April 16, 2015; 24" x 36", black & white; 1 sheet.

EXHIBIT 2. Plan Set, Lot Development Plan, Grafton Massachusetts, 114 Merriam Road; prepared by Quinn Engineering, Inc.; 11" x 17", color; dated November 18, 2014, revised through May 11, 2015; received May 11, 2015; 7 sheets as follows:

- Sheet 1: Existing Conditions Plan
- Sheet 2: Proposed Lot Layout Plan
- Sheet 3: Proposed Lot Development Plan
- Sheet 4: Erosion Control and Stormwater Pollution Prevention Plan
- Sheet 5: Profile, Details & Notes
- Sheet 6: Details & Notes
- Sheet 7: Notes

EXHIBIT 3. Project Review Memorandum, Historical Commission; received May 15, 2015; 2 pages.

EXHIBIT 4. Public Hearing Sign-in Sheet, May 18, 2015; 1 page.

III. FINDINGS

At their meeting of July 13, 2015, 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 Mrs. Hassinger, seconded by Mr. Robbins) voted 5-0 to make the following findings:

- F1. That during the public hearing Mr. Carl Hultgren of Quinn Engineering presented the project on behalf of the Applicant. Mr. Hultgren reviewed the work associated with the Scenic Road Permit during the course of the joint hearing for the Common Driveway (Special Permit SP 2015-6). The Scenic Road Application is part and parcel of the overall site development plan reviewed as part of the common driveway application. The Applicant reviewed the plan set (see EXHIBIT #1) noting that all work associated with both Applications have been incorporated together. Work associated with the Scenic Road Permit Application is outlined on Sheet 3: Proposed Lot Development Plan.
- F2. That during the public hearing the Board and the Applicant discussed the Application in relation to the Common Driveway Application (SP 2015-6). The Applicant noted that the work proposed in the Scenic Road Permit Application was necessitated by the proposed design of the common driveway. The proposed location of the common driveway was constrained by a number of significant environmental factors including proximity to wetlands, site location within the Miscoe Brook Area of Critical Environmental Concern, proximity to the Miscoe Brook and other existing site conditions. The engineering for the stormwater management system further constrained the options for access and lot lay out. The proposed cuts in the stone wall and cutting of two trees along the scenic road were presented as the only viable option to gain access to the site for the proposed Common Driveway.
- F3. That during the public hearing the Board and Applicant discussed the two pine trees proposed for cutting. Staff noted that the proposed work had been reviewed with David Crouse, the Tree Warden. Mr. Crouse had made a site visit to observe the two trees in question and he reported to staff that he had no objection to the proposed work. Assistant Planner, Ann Morgan, noted that she was a member of the Historical Commission. Upon review of the Application the Commission had submitted comments (see EXHIBIT #3). She added that the Commission did not find the two trees proposed to be cut to be significant and did not object to proposed tree work. Upon review of the submitted material and testimony of the Tree Warden, the Board finds that the two trees proposed for cutting provide no substantial contribution to the overall scenic condition of roadway.
- F4. That during the public hearing the Board discussed the two proposed cuts in the stone wall. The Applicant is proposing 2 curb cuts. One cut would be required for the common driveway which would necessitate a 38 foot disturbance in the stone wall. The other cut would act as driveway access for lot D which would require rounding to accommodate fire access. The cut for Lot D would require an 18 foot break in the stone wall. All stones removed would be repurposed to repair a segment of the wall, which was previously used as tractor access by the owner, and to repairing other areas where the wall has since deteriorated. Staff noted that a site visit had been conducted and it was confirmed that the area of the proposed stone wall cuts were mostly a loose rubble style wall with no formal stacking pattern.
- F5. That during the public hearing the Board reviewed comments submitted by the Historical Commission as follows: "Note A on the Proposed Lot Development Plan outlines the work proposed

in the Scenic Road Permit application. The Commission advocates for the least amount of disruption and/or removal of trees and/or stone walls. Any changes in the location of the proposed driveways which result in new or additional removal of trees and/or stone wall should be considered a modification of the Scenic Road Permit.” (see EXHIBIT #3)

At their meeting of July 13, 2015, 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 Mrs. Hassinger, seconded by Mr. Robbins) voted 5-0 make the following findings as required under the *Grafton Scenic Roads Regulations* (hereinafter SRR) Section 6, Sub-sections (a) through (f):

- F6. As per SRR §6.a., the Board considered the degree to which the proposed action would adversely affect the scenic, aesthetic, and historical values upon which the scenic road designation was originally based. The Board finds the proposed action is acceptable as to these requirements. (See FINDING #F3 and #F4)
- F7. As per SRR §6.b., the Board considered the necessity for the proposed action in terms of public safety, welfare or convenience. The Board finds the proposed action is acceptable as to these requirements.
- F8. As per SRR §6.c., the Board considered the availability of reasonable alternatives to the proposed action which could reduce or eliminate anticipated damage to trees or stone walls. The Board finds the layout of the Common Driveway Application (SP 2015-6) which is the co-joined Application to this Scenic Road Application requires the proposed work to avoid other, more significant environmental impacts (See FINDING #F2 and EXHIBITS #1 and #2). The Board finds the proposed action is acceptable as to these requirements.
- F9. As per SRR §6.d., the Board considered whether the proposed action would compromise or harm other environmental or historical values (see FINDING #F2, #F4, #F8). The Board finds the proposed action is acceptable as to these requirements.
- F10. As per SRR §6.e., the Board considered the compensatory actions proposed, such as replacement of trees or walls (see FINDING #F4 and #F5, EXHIBITS #1 and #3). The Board finds the proposed action is acceptable as to these requirements.
- F11. As per SRR §6.f., the Board considered the consistency of the proposed action with previously adopted Town plans and policies (see FINDING #F2). The Board finds the proposed action is acceptable as to these requirements.

IV. DECISION

At their meeting of July 13, 2015, 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 Mrs. Hassinger, seconded by Mr. Robbins) voted 5-0 to **GRANT** the Scenic Road Permit subject to the following conditions:

- C1. This Decision reflects the Board’s approval of Scenic Road Permit SRP 2015-1. This permit are for the removal of two (2) +/- 6” pine trees and the removal / reuse of thirty eight (38) feet of stone wall within the Town’s right of way as described in the FINDINGS and EXHIBITS and shown on the plan submitted by the Applicant (see EXHIBIT #3).
- C2. This Scenic Road Permit (SRP 2015-1) and the Common Driveway Special Permit (SP 2015-6) for the same site are not mutually exclusive. Each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions for the Common Driveway and Scenic Road Permit (see PROJECT OVERVIEW). All conditions for Special Permit (SP 2015-6) are incorporated into this DECISION. Failure to maintain a valid Special Permit for the Common Driveway will cause this DECISION to be null and void.
- C3. Stones from the wall removed to accommodate the Common Driveway curb cuts (2) will be used to fill in an existing break and supplement existing wall. Stone work will match existing wall in height, width and thrown style of existing stone wall with no visible mortar.
- C4. Pursuant to Article 24 (Scenic Roads Regulations), Section 5.7 of the Town of Grafton By-laws, no work shall be performed until all applicable provisions of the Public Shade Tree Law, M.G.L. Ch.87, have been complied with.
- C5. The Applicant shall comply with any Order of Conditions and/or permits issued by the Grafton Conservation Commission.
- C6. All applicable requirements of Town, State or Federal agencies are hereby incorporated by reference as a requirement of this Decision.
- C7. Any modification to work authorized by this Decision 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 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.
- C8. All work authorized under this Scenic Road Permit shall be completed in accordance with the plan and description identified in the EXHIBITS and FINDINGS of this Decision, as well as all conditions of this Decision.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **GRANT** the Applicant’s Scenic Road Permit with Conditions for work within the Town’s Right of Way at 114 Merriam Road based on the information received at the public hearing and the aforementioned findings.

<u>Sargon Hanna, Chairman</u>	AYE	<u>Linda Hassinger, Member</u>	AYE
<u>Michael Scully, Vice Chairman</u>	AYE	<u>Robert Hassinger, Member</u>	AYE
<u>Robert Hassinger, Clerk</u>	AYE		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD


Joseph Laydon, Town Planner

7-21-2015
Date

- cc: Applicant / Owner
- Graves Engineering
 - Tree Warden / Highway Superintendent
 - Assistant Town Engineer
 - Building Inspector