

**DECISION  
GRAFTON PLANNING BOARD**

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GRAFTON, MA *DW*

**SCENIC ROAD PERMIT (SRP 2016-1)  
Cut in Stone Wall and Removal of One Tree  
113 Adams Road  
Grafton, MA**

2016 AUG 9 PM 12 22

**Guaranteed Builders & Developers, Inc. (Applicant)  
Kathlyn Laflamme (Owner)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Guaranteed Builders & Developers, Inc., 14 West Street, Douglas, MA 01516 (hereinafter the APPLICANT) for a Scenic Road Permit for the removal of a portion of a stone wall and removal of one tree on property located at 113 Adams Road, Grafton, and shown on the Grafton Assessor's Map 32, Lot 05, and owned by Kathlyn Laflamme, 112 Adams Road, Grafton, MA 01519 (hereinafter after the OWNER) by deed recorded in the Worcester District Registry of Deeds Book 13167, Page 345.

The above referenced Application for a Scenic Road Permit (hereinafter APPLICATION) was submitted on June 24, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on July 7 and July 14, 2016 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on July 25, 2016. Following public input, the hearing was closed on July 25, 2016.

The following Board members were present during the entire public hearing process: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins and Members Linda Hassinger and Tracy Lovvorn. 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 duly advertised joint hearing with the Tree Warden in pursuant to Article 24 – Scenic Road By-Law and Article 33 – Shade Tree By-law of the Grafton General By-Laws. Notice for the joint hearing was published in the Grafton News on July 7 and July 14, 2016.

## **II. SUBMITTALS**

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

- EXHIBIT 1. Unbound application packet submitted by the Applicant on June 24, 2016, including the following:
- Application for a Hearing Under the Scenic Road By-Law, dated June 22, 2016; 1 page.
  - Certificate of Good Standing; signed by the Office of the Treasurer /Collector on May 26, 2016; 1 page.
  - Certified Abutters List; signed by Board of Assessors Office Manager on June 16, 2016. 1 page.
  - Color photographs of the proposed work area, 8 ½ x 11”; 2 pages.

- EXHIBIT 2. Scenic Road and Shade Tree Public Hearing Notice, filed with the Town Clerk on July 5, 2016; 1 page.
- EXHIBIT 3. Email correspondence, Project Review Memorandum, Board of Health; received June July 5, 2016; 1 page.
- EXHIBIT 4. Color photograph of the proposed work area; received July 22, 2016, 8 ½ x 11”; 1 page.
- EXHIBIT 5. Plan, Scenic Road Driveway Opening, 113 Adams Road; prepared by Empire Mapping, LTD., 11” x 17”, black & white; dated July 20, 2016, received July 22, 2016; 1 sheet.
- EXHIBIT 6. Email correspondence from David Crouse, Tree Warden; Tree Hearing; dated and received July 25, 2016; 1 page.
- EXHIBIT 7. Public Hearing Sign-in Sheet, July 25, 2016; 1 page.

### **III. FINDINGS**

At their meeting of August 8, 2016 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 Mrs. Hassinger) voted 4-0 to make the following findings:

- F1. That during the public hearing Karen Keegan representing the Owner and the Applicant presented the Application. The lot was recently created for the purposes of constructing a single family home. Proposed work associated with this Application includes removal of 25 feet of stone wall and removal of one 18” oak tree to accommodate the driveway for the new site (see EXHIBITS #1 and #5). It was noted that the new driveway would be graveled.
- F2. That during the public hearing the Board received written testimony from the Tree Warden, David Crouse (see EXHIBIT #6). He noted that he had inspected the tree proposed for removal. It is located outside the right of way and the overall health of the tree was good. If the tree were to be removed he recommended that a new tree be planted nearby. Mr. Crouse further noted that many of the trees in this area of Adams Road are in poor or declining health.
- F3. That during the public hearing the Board heard staff assessment of the proposed work from the Town Planner, Joseph Laydon. He reviewed the proposed site plan along with photographs of the lot frontage (see EXHIBITS #4 & #5). He noted that the stone wall in this area had been covered up by material and is not that visible. Some of the saplings can be removed as they do not fall under the Scenic Road By-Law. The Board noted that the Applicant was seeking to remove the one healthy tree of significant stature and asked if it would be possible to relocate the proposed driveway further to the south to eliminate the necessity of cutting this tree. The Applicant stated that a revised location would be agreeable.
- F4. That the Board received correspondence from the Board of Health stating that they had reviewed the application and had no comments.
- F5. That the Board solicited public comment at the hearing. None was received in written or verbal format.

At their meeting of August 8, 2016 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 Mrs. Hassinger) voted 4-0 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 not adversely affect the scenic, aesthetic, and historical values upon which the scenic road designation was originally based. (See FINDING #F3)
- F7. As per SRR §6.b., the Board considered the necessity for the proposed action in terms of public safety, welfare or convenience. See FINDING # F2 and EXHIBIT #6.
- 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. See FINDING #F3 and CONDITIONS #C2 and #C3.
- F9. As per SRR §6.d., the Board considered whether the proposed action would compromise or harm other environmental or historical values. No issues were identified or raised throughout the public hearing.
- F10. As per SRR §6.e., the Board considered the compensatory actions proposed, such as replacement of trees or walls. See FINDINGS #F2 & #F3 and CONDITIONS #C2 and #C3.
- F11. As per SRR §6.f., the Board considered the consistency of the proposed action with previously adopted Town plans and policies. The Board finds that revised scope of work as identified in CONDITIONS #C2 and #C3 is acceptable as to these requirements.

#### **IV. DECISION**

At their meeting of August 8, 2016 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 Mrs. Hassinger) voted 4-0 to **GRANT** the Scenic Road Permit subject to the following conditions:

- C1. This Decision reflects the Board's approval of Scenic Road Permit SRP 2016-1. The Applicant has requested the removal and repurposing of approximately 25 feet of existing stone wall as conditioned by this DECISION. The removal of the 18" oak identified in Application (see EXHIBIT #1) is not approved as part of this Decision (see FINDING #F3).
- C2. Prior to the issuance of a driveway permit or any site work associated with disturbance of the stone wall or removal of vegetation along the frontage of this lot, the Applicant and/ or Owner shall receive written permission from the Planning Board and /or its Agent as to the revised location for the driveway opening as discussed at the public hearing (see FINDING #F3). The Tree Warden and the Town Planner shall inspect the site with the Applicant and/or Owner and will reach consensus as to the revised driveway access from Adams Road. The Applicant and/ or Owner shall clearly mark the following points with orange stakes: northern and southern area

of disturbance and the centerline of the proposed driveway. These stakes shall be installed prior to the aforementioned site visit by the Town Planner and the Tree Warden to review the revised driveway location.

- C3. Stones from the wall removed to accommodate the new driveway access from Adams Road will be used to fill in existing wall along the frontage of the site. All stones removed will be used to refurbish the remaining stone wall along the frontage of this site and not stones shall be hauled away. Stone work will match existing wall in height, width and thrown style of existing stone wall.
- 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 4-0 to **GRANT** the Applicant’s Scenic Road Permit with Conditions for the removal and repurposing of the twenty five (25) feet of stone wall at 113 Adams Road based on the information received at the public hearing and the aforementioned findings.

<u>Michael Scully, Chairman</u>	<u>ABSENT</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<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>		

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Joseph Laydon, Town Planner

8-9-2016  
\_\_\_\_\_  
Date

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

