

**DECISION  
GRAFTON PLANNING BOARD**

**SCENIC ROAD PERMIT (SRP 2019-1)  
Removal and Alterations to a Stone Wall**

**155 George Hill Road, Grafton MA**

**Industria Engineering, Inc (Applicant)  
James W. and Nancy A. Padula (Owner)**

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Industria Engineering, Inc, 91 Cedar Street, Suite 2 Milford, MA 01757 (hereinafter the Applicant), for a Scenic Road Permit for the removal and alterations to the stone wall on property located at 155 George Hill Road, Grafton, MA 01519 (hereinafter the Site), and shown on Grafton Assessor's Map 102, Lot 30 and owned by James W. and Nancy A. Padula (hereinafter the Owner) by deed recorded in the Worcester District Registry of Deeds in Book 6986, Page 24.

**I. BACKGROUND**

The application for the above referenced Scenic Road Permit (hereinafter Application) was submitted on April 30, 2019. A public hearing, which was concurrent with the public hearing for SP 2019-7, was scheduled for June 24, 2019, notice was sent to the Grafton News for publishing and posted with the Town Clerk's Office and abutters were notified by First Class Mail Notice of the public hearing. While the initial legal notice was published on June 6, 2019, the second required posting was not published by the Grafton News. Due to the lack of the second publication of the legal advertisement in the Grafton News, a new public hearing was scheduled for July 8, 2019 and notice was sent to the Grafton News for publishing. The notice was posted with the Town Clerk's Office and abutters were notified by First Class Mail. Notice of the public hearing was published in the Grafton News on June 20 and 27, 2019. The public hearing on the Application was held on July 8 and continued to July 22 and August 12, 2019. At the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on August 12, 2019.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Robert Hassinger, Clerk Justin Wood, Member Linda Hassinger. Member Prabhu Venkataraman was absent at the July 22, 2019 hearing but submitted a Mullin Certification verifying that he watched a copy of the taped hearing thus being eligible to vote at the time of Decision. At the hearing the following people presented the Application: Mike Lotti and Rich McCarthy of Industria Engineering, Inc., and Andy Baum of Summit Engineering.

**II. EXHIBITS**

The following items were submitted to the Board for its consideration of this application and that of SP 2019-7:

- Exh 1. Original Application Submission, received April 24, 2019 to include the following;
- a. Application for Special Permit, signed by James W. Padula and Michael Lotti, dated April 23, 2019, date stamped by the Town Clerk on April 30, 2019 and date stamped received by the Planning Board on April 24, 2019, 1 page.
  - b. Application for Site Plan Approval, signed by James W. Padula and Michael Lotti, dated April 23, 2019, date stamped by the Town Clerk on April 30, 2019 and date stamped received by the Planning Board on April 24, 2019, 1 page.
  - c. Certificate of Good Standing, signed by Beth Schrottman, dated April 23, 2019, and date stamped received by the Planning Board on April 24, 2019, 1 page.
  - d. Abutters Listing for Assessors Map 102, Lot 30, Assessors Map 103, Lot 24; dated April 12, 2019 and signed by Ken O'Brien, MAA, Data Collector, and date stamped received by the Planning Board on April 24, 2019, 1 page.
  - e. Letter to the Planning Board regarding "Application for Special Permit / Site Plan Approval and Scenic Road Permit, Photovoltaic Solar Energy Generation and Storage Facility, 155 George Hill Road, Grafton, MA," including narrative and waiver request, from Michael S. Lotti, LSP, Vice President, Industria Engineering, dated April 24, 2019 and date stamped received by the Planning Board on April 24, 2019, 7 pages.
- Exh 2. Plan: plan set entitled "Definitive Site Plan: 155 George Hill Road Solar Facility," dated April 24, 2019, and date stamped received by the Planning Board on April 24, 2019, 16 sheets (24" x 36").
- Exh 3. Report: entitled "Stormwater Management Submittal for Industria Solar Panel Project, George Hill Rd.," prepared by Summit Engineering & Survey, Inc., 710 Main Street, North Oxford, MA, prepared on April 23, 2019 and date stamped received by the Planning Board on April 24, 2019, 83 pages.
- Exh 4. Letter from Stephen L. Charest, Inspector, Grafton Fire Department, to the Grafton Planning Board, dated May 9, 2019 and date stamped received by the Planning Board on May 9, 2019, 1 page.
- Exh 5. Letter regarding "Completeness Review of Special Permit/Site Plan and Scenic Road Applications," to Michael Lotti, Industria Engineering, Inc., from Joseph Laydon, Town Planner and dated April 30, 2019, 4 pages.
- Exh 6. Letter to Grafton Planning Board, regarding "Response to Completeness Review by Town Planner on Application for Special Permit/Site Plan Approval and Scenic Road Permit, Photovoltaic Solar Energy Generation and Storage Facility, 155 George Hill Road, Grafton, MA," from Michael S. Lotti, LSP, Vice President, Industria Engineering, dated May 17, 2019 and date stamped received by the Planning Board on May 17, 2019, 5 pages.
- Exh 7. Plan: plan set entitled "Definitive Site Plan: 155 George Hill Road Solar Facility," dated April 24, 2019, revised May 16, 2019 and date stamped received by the Planning Board on May 17, 2019, 16 sheets (24" x 36").
- Exh 8. Public Hearing Notice, date stamped by the Town Clerk on May 30, 2019, 1 page.
- Exh 9. Emails from Nancy Connors, Health Department, dated May 31, 2019, one email regarding SP 2019-7/SPA and one email regarding SRP2019-1 and date stamped received by the Planning Board on May 31, 2019, 2 pages.

- Exh 10. Email from Brian Szczurko, Department of Public Works, Engineering, dated June 3, 2019 and date stamped received by the Planning Board on June 3, 2019, 1 page.
- Exh 11. Email from Katrina Koshivos, Zoning Board of Appeals, dated June 4, 2019 and date stamped received by the Planning Board on June 4, 2019, 1 page.
- Exh 12. Email from Anne Borgerson, 152 George Hill Road, dated June 4, 2019 and date stamped received by the Planning Board on June 4, 2019, 3 pages.
- Exh 13. Email from Richard and Sandra Bianco, 150 George Hill Road, dated May 23, 2019 and date stamped received by the Planning Board on June 4, 2019, 1 page.
- Exh 14. Letter regarding “155 George Hill Road Solar Facility; Special Permit, Site Plan and Stormwater Management Regulations Review,” from Jeffrey M. Walsh, P.E., Principal, Graves, Engineering, Inc., dated June 13, 2019 and date stamped received by the Planning Board on June 13, 2019, 3 pages.
- Exh 15. Letter regarding “Notice of Intent,” to James and Nany Padula, Owners, from Mary M. Oliver, MAA, Principal Assessor, Town of Grafton, dated June 13, 2019 and date stamped received by the Planning Board on June 13, 2019, 1 page.
- Exh 16. Public Hearing Notice, revised, date stamped by the Town Clerk on June 14, 2019, 1 page.
- Exh 17. Email from Paul Cournoyer, Department of Public Works, dated June 18, 2019 and date stamped received by the Planning Board on June 18, 2019, 1 page.
- Exh 18. Plan: “Draft Site Plan,” Visualization #1, prepared by Summit Engineering & Survey, Inc., dated April 4, 2019 and received by Planning on July 8, 2019, 1 sheet.
- Exh 19. Plan: “Draft Site Plan,” Visualization #2, prepared by Summit Engineering & Survey, Inc., dated April 4, 2019 and received by Planning on July 8, 2019, 1 sheet.
- Exh 20. Public Hearing Sign-In Sheet, dated July 8, 2019, 1 page.
- Exh 21. Public Hearing Continuance form, signed by Michael S. Lotti, dated July 8, 2019, and date stamped received by the Planning Board on July 8, 2019, 1 page.
- Exh 22. Public Meeting Sign-In Sheet, dated July 8, 2019, 2 pages.
- Exh 23. Letter to the Planning Board regarding “Response to Comments on Application for Special Permit/Site Plan Approval and Scenic Road Permit, Photovoltaic Solar Energy Generation and Storage Facility, 155 George Hill Road, Grafton, MA,” from Michael S. Lotti, Vice President, Industria Engineering, Inc., dated July 15, 2019 and date stamped received by the Planning Board on July 15, 2019, 4 pages.
- Exh 24. Plans: plan set entitled “Definitive Site Plan of 155 George Hill Road, Grafton, MA,” prepared by Summit Engineering & Survey, Inc., dated April 24, 2019, revised on May 16, 2019 and July 15, 2019, and date stamped received by the Planning Board on July 15, 2019, 20 sheets (24”x36”).
- Exh 25. Report: entitled “Stormwater Management Submittal for Industria Solar Panel Project, George Hill Rd., Grafton, Massachusetts,” prepared by Summit Engineering & Survey, Inc., dated April 23, 2019, revised June 15, 2019 and date stamped received by the Planning Board on July 15, 2019, 135 pages.
- Exh 26. Letter regarding “155 George Hill Road Solar Facility; Special Permit, Site Plan and Stormwater Management Regulations Review,” from Jeffrey M. Walsh, P.E., Principal, Graves, Engineering, Inc., dated July 19, 2019 and date stamped received by the Planning Board on June 19, 2019, 3 pages.

- Exh 27. Email from Debra Holden-Snyder, 130 George Hill Road, dated July 20, 2019 and date stamped received by the Planning Board on July 22, 2019, 1 page.
- Exh 28. Plans: Site Plan Set, Rendering, dated May 21, 2018, revised July 15, 2019, stamped received by the Planning Board on July 22, 2019, 1 sheet (11 X 17).
- Exh 29. Public Hearing Sign-In Sheet, dated July 22, 2019, 1 page.
- Exh 30. Public Hearing Continuance form, signed by Richard McCarthy, dated July 22, 2019, and date stamped received by the Planning Board on July 22, 2019, 1 page.
- Exh 31. Solar Panel Height and Design Diagram, stamped received by the Planning Board on August 7, 2019, 1 page.
- Exh 32. Plans: plan set entitled “Definitive Site Plan of 155 George Hill Road, Grafton, MA,” prepared by Summit Engineering & Survey, Inc., comprising of 20 sheets dated April 24, 2019, revised on May 16, 2019, July 15, 2019 and August 2, 2019, and date stamped received by the Planning Board on August 7, 2019, 20 sheets (24”x36”).
- Exh 33. Email from Robert Aberg, President of the Grafton Land Trust, dated August 9, 2019 and date stamped received by the Planning Board on August 9, 2019, 1 page.
- Exh 34. Email from Jeffrey Walsh, Graves Engineering, peer review of revised culvert detail, dated August 9, 2019 and date received stamped by Planning Board on August 9, 2019, 1 page.
- Exh 35. Plan: “Trail Re-Configuration at 155 George Hill Road, Grafton MA,” prepared by Summit Engineering & Survey, Inc., dated August 9, 2019, 1 sheet.
- Exh 36. Public Hearing Sign-In Sheet, dated August 12, 2019, 1 page.
- Exh 37. Mullin Rule Certification for the July 22, 2019 public hearing, signed by Prabhu Venkataraman on August 19, 2019; 1 page.

### **III. FINDINGS**

At their meeting of August 19, 2019, 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. Hassinger) voted 5\_ - 0 in **FAVOR** to make the following Findings:

1. That during the public hearing Mr. Andrew Baum of Summit Engineering, representing the Owner and Applicant, presented the Application. He stated the application proposes the construction of a 24-foot-wide opening in the existing stone wall at 155 George Hill Road. The existing opening in the wall used by farming equipment will be closed using stones displaced for the construction of the new entrance. He stated the entrance was originally to the left of the proposed access drive which would have required the removal of a 20-inch hickory tree. He stated the entrance was moved to avoid the tree.
2. That during the public hearing the Board and the Applicant discussed the location of the proposed new access drive and associated improvements within the right-of-way for George Hill Road. It was noted that the new access drive required the installation of a box culvert (Exhibit 32) and that the culverts under the existing access would be removed and graded to maintain an open swale.

3. That during the public hearing the Board and Applicant discussed the stone wall and the Town Planner displayed a picture taken at a recent staff site walk of the existing wall informing the Board that the wall appears to comprise of two parts; the older dry laid stone wall and behind it disorganized stones of varying sizes that likely were pushed up against the stone wall during farming activities.
4. 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. That the proposed changes include removal of approximately 24 feet of the existing wall and restacking the removed existing stones to close the existing opening in the wall; therefore, the Application satisfies this requirement.
5. As per SRR §6.b., the Board considered the necessity for the proposed action in terms of public safety, welfare or convenience. The proposed removal and modification of the stone wall does not have an impact on public safety, welfare, or convenience; therefore, the Application satisfies this requirement.
6. 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 proposed alterations were proposed in order to preserve a 24-inch caliper hickory tree to the north and because the widening of the existing opening would have required the removal of two trees in addition to the widening of the entrance for construction and emergency response vehicles. The Board finds the Application satisfies this requirement.
7. 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.
8. As per SRR §6.e., the Board considered the compensatory actions proposed, such as replacement of trees or walls, as not being necessary since there removal of the stone wall for the new access drive will be used to fill the existing opening, thus maintaining only one cut in the wall at 155 George Hill Road.
9. 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 the scope of work as identified in the Application is acceptable as to these requirements.

#### **IV. DECISION and CONDITIONS**

At their meeting of August 19, 2019, 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. Hassinger) voted 5\_ - 0 to **APPROVE** this Scenic Road Permit (2019-1) subject to the following conditions:

1. This Decision reflects the Board's approval of Scenic Road Permit SRP 2019-1. The Applicant has requested the removal 24 feet of stone wall to construct an access drive for a solar electric generating facility in the rear of the property and approved by the Board as

SP 2019-7. The stones that will be removed are to be used to close the existing opening in the wall that accesses the field south of the proposed entrance. (see Finding #1).

2. Stones from the wall will be restacked to close the existing opening to match the surrounding stone walls on George Hill Road and no stones that are part of the scenic wall shall be hauled away. Stones that are located behind the scenic wall may be used in the newly stacked wall, however the stones facing George Hill Road that are visible should be used as the face of the stone wall.
3. While the stones behind the wall may be removed by heavy equipment, the stones that are within the scenic wall facing George Hill shall be moved by hand. Equipment may be used to transport stones from the proposed opening to the existing opening, but stones should be moved by hand to and from equipment.
4. A pre-construction meeting shall occur prior to the commencement of work with the Town Planner, Applicant, and/or the contractor to discuss proposed wall reconstruction. Once work has commenced, the Town Planner shall inspect to determine if work is consistent with the Board's Decision and walls in the surrounding neighborhood.
5. All applicable requirements of Town, State or Federal agencies are hereby incorporated by reference as a requirement of this Decision.
6. 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.
7. 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 (motion by Mrs. Hassinger, seconded by Mr. Hassinger) voted 5\_- 0 to **APPROVE** the Applicant's Scenic Road Permit (SRP 2019-1) for the removal and alterations to the stone wall on property located at 155 George Hill Road, Grafton, MA 01519, based on the information received at the public hearing, exhibits, and the aforementioned Findings:

David Robbins, Chairman

Justin Wood, Member

Robert Hassinger, Vice Chairman

Linda Hassinger, Member

Prabhu Venkataraman, Member

**BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Joseph Layden, Town Planner

*8-20-2019*  
\_\_\_\_\_  
Date

cc: Applicant/Owner  
Building Inspector  
Assessor

Board of Health  
Conservation Commission  
Graves Engineering

**To Whom It May Concern:** This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

\_\_\_\_\_  
Kandy Lavallee, Town Clerk

\_\_\_\_\_  
Date