

**DECISION  
GRAFTON PLANNING BOARD**

**SCENIC ROAD PERMIT (SRP 2017-2)  
Cut in Stone Wall  
17 Keith Hill Road  
Grafton, MA**

**Terrence Gaffney (Applicant / Owner)**

RECEIVED TOWN CLERK  
GRAFTON, MASSACHUSETTS  
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Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Terrence Gaffney, 14 Gould Hill Road (hereinafter the APPLICANT / OWNER) for a Scenic Road Permit for the removal of a portion of a stone wall on property located at 17 Keith Hill Road, Grafton, and shown on the Grafton Assessor's Map 93, Lot 05.B, by deed recorded in the Worcester District Registry of Deeds Book 55185, Page 1.

The above referenced Application for a Scenic Road Permit (hereinafter APPLICATION) was submitted on July 12, 2017. Notice of the public hearing and the subject matter thereof was published in the Grafton News on July 27 and August 3, 2017 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on August 14, 2017. Following public input, the hearing was closed on August 14, 2017.

The following Board members were present during the entire public hearing process: Chairman Michael Scully, Vice Chair Robert Hassinger, Clerk J. Daniel Graham, Members Linda Hassinger and David Robbins. Chairman Michael Scully was absent for the vote. 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. 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 July 12, 2017, including the following:
  - a. Application for a Hearing Under the scenic Road Bylaw; signed by the Applicant on July 12, 2017; received by the Town Clerk on July 17, 2017; 1 page.
  - b. Certificate of Good Standing; dated by the Treasurer / Collectors Office on July 11, 2017; 1 page.
  - c. Certified Abutters List; signed by Mary Oliver, Assessors Office Principal Assessor; dated July 11, 2017, received July 12, 2017; 1 page.
  - d. GIS Site Map; July 11, 2017; 1 page.
  - e. Site Images & Narrative; color – 8 ½" X 11"; 1 page.
  - f. ANR Plan 23 Keith Hill Road Grafton, MA; prepared by Land Planning, Inc.; 11" X 17", black and white; 1 sheet.
- EXHIBIT 2. Revised Site Images & Narrative; color – 8 ½ X 11"; 1 page.
- EXHIBIT 3. Public Hearing Legal Notice; dated July 25, 2017; 1 page.
- EXHIBIT 4. Email Correspondence, Subject: 17 Keith Hill Rd., Comments from Board of Health, dated and received July 28, 2017.

EXHIBIT 5. Email Correspondence, Subject: Scenic Road Permit (SRP 2017-2) & Shade Tree Hearing – 17 Keith Hill Road – T. Gaffney, Comments from Police, dated and received July 31, 2017.

### **FINDINGS**

At their meeting of August 28, 2017, 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 Mr. Gaffney, Owner / Applicant, presented the Application. The lot was recently created through an Approval Not Required (ANR) application which was approved by the Board in November 2016. Proposed work associated with this Application includes removal and repurposing of 20 feet of stone wall to accommodate a new driveway for the lot (see EXHIBIT #2). It was noted that no trees in the right of way would be disturbed or are proposed for cutting. Mr. Gaffney noted that the trees he plans to remove on the lot are on private property and not within the right of way. The Board notes that trees on private property are not subject to or part of this Scenic Road Permit Application.
- F2. That during the public hearing the Board and the Applicant discussed the existing condition of the stone wall. Mr. Gaffney noted that the stone wall extends the length of the lot frontage. The section of the wall he is seeking to cut is approximately 20 feet in depth and three layers of stones. This portion of the wall is overgrown with plants and vines (see EXHIBIT #1e).
- F3. That the Board received correspondence from the Zoning Board of Appeals stating that they had they had no comment at this time (see EXHIBIT #2).
- F4. That the Board received correspondence from the Police Department stating that they had no comments or objections to the application as proposed (see EXHIBIT #3).
- F5. That the Board received correspondence from the Board of Health stating that they had reviewed the application and had no comments (see EXHIBIT #4).
- F6. That the Board solicited public comment at the hearing. None was received in written or verbal format.

At their meeting of August 28, 2017, 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):

- F7. 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.
- F8. As per SRR §6.b., the Board considered the necessity for the proposed action in terms of public safety, welfare or convenience.
- F9. 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 #F1 and CONDITION #C2.

- F10. 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.
- F11. As per SRR §6.e., the Board considered the compensatory actions proposed, such as replacement of trees or walls. See FINDINGS #F1 and CONDITION #C2.
- F12. 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 FINDING #F1 and CONDITION #C2 is acceptable as to these requirements.

## **II. DECISION**

At their meeting of August 28, 2017, 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 Mrs. Hassinger) voted 4 - 0 to **APPROVE** the Scenic Road Permit subject to the following conditions:

- C1. This Decision reflects the Board's approval of Scenic Road Permit SRP 2017-2. The Applicant has requested the removal and repurposing of approximately 20 feet of existing stone wall as conditioned by this DECISION. (see FINDING #F1).
- C2. Stones from the wall removed to accommodate the new driveway access from Keith Hill Road will be reused to reinforce the existing wall along the street and no stones shall be hauled away. Stone work will match existing wall in height, width and style of existing stone wall (see FINDING #F2).
- C3. The Applicant shall comply with any Order of Conditions and/or permits issued by the Grafton Conservation Commission.
- C4. All applicable requirements of Town, State or Federal agencies are hereby incorporated by reference as a requirement of this Decision.
- C5. 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.
- C6. 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.

## **IV. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 4 - 0 to **APPROVE** the Applicant's Scenic Road Permit with Conditions for the removal and repurposing of the twenty (20) feet of stone wall at 17 Keith Hill Road based on the information received at the public hearing and the aforementioned findings.

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<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Daniel Graham, Clerk</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>

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

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

\_\_\_\_\_  
Date

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