

**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2018-17)
Relief from Requirements for Signs**

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**32 Wheeler Road (“Brigham Hill Wildlife Area”), Grafton, MA
6 Meadowbrook Road (“Nicholson Family Preserve”), Grafton, MA
111 Brigham Hill Road (“Brigham Hill Connector”), Grafton, MA
104 Brigham Hill Road (“Marsters Preserve Connector”), Grafton, MA**

Grafton Land Trust (Applicant/Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Grafton Land Trust, P.O. Box 114, Grafton, MA, (hereinafter the Applicant), for a Special Permit under Section 4.4.4 (Signs - Special Cases/Relief) of the Grafton Zoning By-law for relief from the requirements for signs in a Residential zoning district. Said petition seeks approval for six (4) free-standing signs, 3.75 square-feet in size (18" x 30"), to identify the donor of conservation land. Said signs to be installed on the following properties:

32 Wheeler Road, shown as Grafton Assessor’s Map 45, Lot 7 and owned by Grafton Land Trust by deed recorded in the Worcester Registry of Deeds in Book 54771, Page 338.

6 Meadowbrook Road, as shown on Grafton Assessor’s Map 76, Lot 14.C and owned by Grafton Land Trust by deed recorded in the Worcester Registry of Deeds in Book 58149, Page 317.

111 Brigham Hill Road, as shown on Grafton Assessor’s Map 54, Lot 2.A and owned by Grafton Land Trust by deed recorded in the Worcester Registry of Deeds in Book 53654, Page 47.

104 Brigham Hill Road, shown Grafton Assessor’s Map 54, Lot 16, and owned by Grafton Land Trust by deed recorded in the Worcester District Registry of Deeds in Book 53654, Page 47.

I. BACKGROUND

The application for the above referenced Special Permit (hereinafter Application) was submitted to the Planning Board on October 19, 2018. Notice of the public hearing and the subject matter thereof was published in the Grafton News on November 1 & 8, 2018, posted with the Town Clerk’s Office on October 30, 2018 and abutters were notified by First Class Mail. The public hearing on the Application was held on November 19, 2018. At the public hearing, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice-Chairman Linda Hassinger, Clerk Sharon Carroll-Tidman, Members David Robbins and Michael Scully, and Associate Member Paul Monroe. At the hearing, Robert Aberg, President of the Grafton Land Trust, presented the Application. 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.

II. EXHIBITS

The following items were submitted to the Board for its consideration of this application:

1. Original Application Submission; 32 Wheeler Road, received on October 19, 2018 to include the following:
 - Application for Special Permit, dated October 19, 2018, 1 page.
 - Certificate of Good Standing, signed by Treasurer/Collector's office October 19, 2018, 1 page.
 - Certified Abutters List, dated May 16, 2018, 1 page.
 - Assessors Map, dated May 16, 2018, 1 page.
 - Photos and description of 32 Wheeler Road, 1 page.
 - Description and site map of 32 Wheeler Road, 1 page.

2. Original Application Submission; 6 Meadowbrook Road, received on October 19, 2018 to include the following:
 - Application for Special Permit, dated October 19, 2018, 1 page.
 - Certificate of Good Standing, signed by Treasurer/Collector's office October 19, 2019, 1 page.
 - Certified Abutters List, dated May 16, 2018, 1 page.
 - Assessors Map, dated May 16, 2018, 1 page.
 - Photos and description of 6 Meadowbrook Road, 1 page.
 - Description and site map of 6 Meadowbrook Road, 1 page.

3. Original Application Submission; 111 Brigham Hill Road, received on October 19, 2018 to include the following:
 - Application for Special Permit, dated October 19, 2018, 1 page.
 - Certificate of Good Standing, signed by Treasurer/Collector's office October 9, 2018, 1 page.
 - Certified Abutters List, dated May 16, 2018, 1 page.
 - Assessors Map, dated May 16, 2018, 1 page.
 - Photos and description of 111 Brigham Hill Road, 1 page.
 - Description and site map of 111 Brigham Hill Road, 1 page.

4. Original Application Submission; 104 Brigham Hill Road, received on October 19, 2018 to include the following:
 - Application for Special Permit, dated October 19, 2018, 1 page.
 - Certificate of Good Standing, signed by Treasurer/Collector's office October 19, 2018, 1 page.
 - Certified Abutters List, dated May 16, 2018, 1 page.
 - Assessors Map, dated May 16, 2018, 1 page.
 - Photos and description of 104 Brigham Hill Road, 1 page.
 - Description and site map of 104 Brigham Hill Road, 1 page.

5. Correspondence from Applicant, project descriptions, 1 page.
6. Diagram of sign post, dated July 6, 2018, received October 19, 2018, 1 page.
7. Diagram of sign, including dimensions and lettering, dated September 12, 2014, received October 19, 2018, 1 page.
8. Color Photo, entitled “Example of Existing Permitted Grafton land Trust Property Sign,” received October 19, 2018, 1 page.
9. Email Correspondence from Board of Health, dated/received October 24, 2018, 1 page.
10. Email Correspondence from Zoning Board of Appeals, dated/received October 25, 2018, 1 page.
11. Document entitled “Grafton Land Trust – Proposed Sign Locations,” including color photos, dated/received October 26, 2018, 5 pages.
12. Public Hearing Notice, stamped by the Town Clerk’s office on October 30, 2018, 1 page.

III. FINDINGS

At their meeting of December 10, 2018, 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 5-0 in **FAVOR** to make the following Findings:

1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and maintenance of the Sites in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
3. That the subject Sites (as identified by the Applicant and shown in the EXHIBITS of this Decision) are located within the following zoning districts:

Low Density Residential (R-40) zoning district

- 32 Wheeler Road – Assessor’s Map 45, Lot 7;
- 104 Brigham Hill Road – Assessor’s Map 54, Lot 16

Agricultural (A) zoning district

- 6 Meadowbrook Road – Assessor’s Map 76, Lot 14.C
- 111 Brigham Hill Road – Assessor’s Map 54, Lot 2.A;

4. That this Application is for a Special Permit under Section 4.4.4 of the Grafton Zoning By-law (hereinafter ZBL) to authorize relief, as permitted and specified in said Section, from the requirements for signs in Residential zoning districts. The Board also finds that the Applicant is seeking relief specifically to allow the following signs in the locations depicted on the plans identified as EXHIBIT 6 and as further described within the EXHIBITS of this Decision:
- Four (4) free-standing signs (as depicted in EXHIBIT 5), each 18" x 30" in size, to identify the premises of certain Grafton Land Trust properties.

The Board further finds that no other signs were proposed by the Applicant, and that the Board only considered the signs described within this Finding in reviewing this Application.

5. That Section 4.4.4.2 of the ZBL provides for certain types of relief from the requirements of Section 4.4 (*Signs*), as specified in said Section, and that such relief may only be obtained through the issuance of a Special Permit granted by Planning Board. The Board also finds that Section 4.4.4.2 of the ZBL states the reasons and/or circumstances for which the Planning Board may consider granting relief from the requirements for signs, and that said section requires the Planning Board to make findings with regard to certain criteria defined in said Section. The Board further finds that this Application is being considered under subsection 4.4.4.2.4 of the ZBL, which provides for the following:
- *Relief from the requirements of Section 4.4 with respect to size, minimum setback, location (on- or off-premises) or quantity of sign(s).*
6. That the Applicant stated during the public hearing that the purpose of the proposed signs is to make the public aware of the presence of open space and protected land.
7. That the Applicant stated, both during the public hearing and within the Exhibits (see Exhibit #5) of this Decision, that the proposed signs will be located on the Applicant's property and will not be illuminated internally or externally.
8. That with regard to Section 4.4.4.2(a), public safety, convenience and traffic-flow will be improved thereby, and the sign(s) will not be a nuisance or a hazard to vehicles and pedestrians.
9. That with regard to Section 4.4.4.2(b), the Board finds that these parcels are open space and contain no structures therefore this is not applicable to the Application.
10. That with regard to Section 4.4.4.2(c), the sign(s) will not cause visual confusion, glare, offensive lighting in the neighborhood or surrounding properties.
11. That with regard to Section 4.4.4.2(d), said Section is not applicable to this particular Special Permit application as the relief being sought by the Applicant is not the result of topography or site conditions unique to the proposed location of the signs.

12. That with regard to Section 4.4.4.2(e), a unique and particular type of use requires additional signage in order to identify the premises adequately.
13. That with regard to Section 4.4.4.2(f), the sign(s) in question are appropriately located and reasonably adapted to the proper use.
14. That with regard to Section 4.4.4.2(g), the sign(s) will not significantly alter the character of the zoning district or be a detriment to the surrounding area.
15. That with regard to Section 4.4.4.2(h), the sign(s) will not be detrimental to the public safety and welfare.
16. That with regard to Section 4.4.4.2(i), the granting of the Special Permit does not derogate substantially from, and will be in harmony with, the intent and purposes of the Bylaw.
17. With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate.
18. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required with particular attention to the items in Finding # F17 above, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.
19. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory.
20. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate.
21. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district.
22. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate.
23. With regard to Section 1.5.5(g) of the ZBL, that the proposed signs and their use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) are generally compatible with adjacent properties and properties in the district.
24. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply.

25. With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies.
26. With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory.
27. That for the reasons stated within the Findings of this Decision, the special permit application is in harmony with the general purpose and intent of the ZBL.
28. That for the reasons stated within the Findings of this Decision, the special permit application if granted would not create a nuisance, hazard or congestion.
29. That for the reasons stated within the Findings of this Decision, the special permit application if granted would not cause a substantial harm to the neighborhood.
30. That for the reasons stated within the Findings of this Decision, the special permit application if granted would not derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

IV. DECISION and CONDITIONS

At their meeting of December 10, 2018, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** this Special Permit with the following conditions:

1. This Special Permit specifically authorizes four (4) free-standing signs, each 18" x 30" in size, to identify the premises of Grafton Land Trust properties, as described within the EXHIBITS and Findings of this Decision. Said signs shall be constructed and located on the Applicant's property in accordance with the plans and diagrams identified within the EXHIBITS of this Decision.
2. Unless specifically modified by this Decision, the signs authorized by this Special Permit shall be installed in accordance with, and maintained to conform to, the Conditions stated within this Decision, all applicable requirements of the Grafton Zoning Bylaw, and all applicable Federal, State and Local regulations.
3. The signs authorized by this Special Permit shall be installed and maintained so as not to create a nuisance or a hazard to vehicles and pedestrians.
4. The use of the signs authorized by this Special Permit shall be solely for the purposes noted within Condition #1 of this Decision. Modifications of signage shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the

signs presented within the EXHIBITS of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.

5. In accordance with Section 1.5.8 of the ZBL, this Special Permit shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
6. This Special Permit shall not take effect and installation of the authorized signs shall not commence until the Applicant has recorded this Special Permit 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.
7. By recording this Special Permit Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision.
8. Any inability or failure or refusal by the Applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted to **APPROVE** the Applicant's Special Permit (SP 2018-17) for sign relief as described in this Decision with Conditions at 32 Wheeler Road, 6 Meadowbrook Road, 111 Brigham Hill Road, 104 Brigham Hill Road, Grafton, based on the information received at the public hearing, exhibits and the aforementioned Findings:

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Linda Hassinger, Vice-Chairman</u>	<u>AYE</u>	<u>Michael Scully, Member</u>	<u>AYE</u>
<u>Sharon Carroll-Tidman, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

12-11-2018

Date

cc: Applicant/Owner
Building Inspector

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