
DECISION

**GRAFTON PLANNING BOARD
SPECIAL PERMIT (SP 2023-02) & SITE PLAN APPROVAL**

Common Driveway

**62 Wesson Street Grafton, MA 01536
Willard House Clock Museum, Inc. (APPLICANT/ OWNER)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of the Willard House Clock Museum, Inc. (hereinafter the APPLICANT/OWNER) for a Special Permit & Site Plan Approval for the construction of a Common Driveway on property located at 62 Wesson Street (hereinafter the SITE), and shown on the Grafton Assessor's Map 22, Lot 12, and owned by Willard House Clock Museum, Inc., 11 Willard Street, Grafton, MA, 01536 by deed recorded in the Worcester District Registry of Deeds Book 9132, Page 116.

I. BACKGROUND

The above referenced application for a Special Permit & Site Plan Approval (hereinafter the APPLICATION) was submitted on March 2, 2023. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 9, 2023, and March 16, 2023, and posted with the Town Clerk's Office on March 7, 2023. Abutters were notified by First Class Mail. The Planning Board considered the APPLICATION at a properly posted meeting of said Board on March 27, 2023, and continued, at the request of the APPLICANT with concurrence of the Board, to April 24, 2023, May 22, 2023, and June 12, 2023. No testimony was heard, nor action taken at the March 27, 2023, and April 24, 2023, public hearings. During the public hearings, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on June 12, 2023.

The following Board members were present during the entire public hearing process: Chair Robert Hassinger, Vice Chair David Robbins, Clerk Justin Wood, and Associate Member Maura McCormack. Member Prahbu Venkataraman was absent during the hearing on March 27, 2023. Member Linda Hassinger's term expired on May 16, 2023, therefore, she was absent for any subsequent hearings. Her successor, James Davidson, was appointed on May 16, 2023, and attended the May 22, 2023, public hearing. 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.

This Special Permit & Site Plan Approval APPLICATION was presented at a joint hearing with the Approval Not Required (ANR) Plan 2023-9 for the creation of three buildable lots at the SITE. The proposed Common Driveway and the creation of the three lots relating to this APPLICATION are co-joined in that the full development of the SITE requires both approvals. This APPLICATION will generate an individual Decision but is not mutually exclusive in that the Common Driveway plan is required to overcome access issues to Lots 2 and 3.

II. SUBMITTALS

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

- EXHIBIT 1.** Original APPLICATION Submission, received March 2, 2023, to include the following:
- a. APPLICATION for a Special Permit, signed by Wayne Andrews (APPLICANT), dated January 27, 2023, date stamped by the Town Clerk on March 2, 2023, and date stamped received by the Planning Board on March 2, 2023, 1 page.
 - b. APPLICATION for a Site Plan Approval, signed by Wayne Andrews (APPLICANT), dated February 28, 2023, date stamped by the Town Clerk on March 2, 2023, and date stamped received by the Planning Board on March 2, 2023, 1 page.
 - c. Certificate of Good Standing, signed by Christine Achtue, dated February 27, 2023, and date stamped received by the Planning Board on March 2, 2023, 1 page.
 - d. Project Narrative, date stamped received by the Planning Board on March 2, 2023, 7 pages.
 - e. Abutters Listing for 62 Weston Street, Map 22, Lot 12, dated January 27, 2023, signed by Megan Lavoie, Assessor Assistant, and date stamped received by the Planning Board on January March 2, 2023, 2 pages.
 - f. Waiver Request Form, date stamped received by the Planning Board on March 2, 2023, 3 pages.
- EXHIBIT 2.** Plan: “Common Driveway Special Permit Site Plan” dated February 9, 2023, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in one (1) sheet.
- EXHIBIT 3.** Public Hearing Notice, date stamped by the Town Clerk on March 7, 2023, and published in the Grafton News on March 9, 2023, and March 16, 2023, in one (1) page.
- EXHIBIT 4.** Email from Leah Cameron, Grafton Conservation Commission, to the Grafton Planning Board, regarding “62 WESSON STREET - WILLARD HOUSE CLOCK MUSEUM INC. - COMMON DRIVEWAY,” dated March 15, 2023.
- EXHIBIT 5.** Declaration of Common Driveway, Easements and Covenants, prepared for the Willard House Clock Museum, Inc., date stamped received by the Planning Board on March 15, 2023, in six (6) pages.
- EXHIBIT 6.** Public Hearing Continuance request form, signed by Norman Hill, dated March 16, 2023, received by the Planning Board on March 16, 2023, one (1) page.
- EXHIBIT 7.** Email from Michael Killeen, Grafton Fire Department, to the Grafton Planning Board, regarding “SP 2023-02/SPA, 62 Wesson Street,” dated March 15, 2023.
- EXHIBIT 8.** Email from Nancy Connors, Grafton Board of Health, to the Grafton Planning Board, regarding “SP 2023-02/SPA, 62 Wesson Street,” dated March 15, 2023.
- EXHIBIT 9.** Email from Normand Crepeau, Grafton Police Department, to the Grafton Planning Board, regarding “62 WESSON STREET - WILLARD HOUSE CLOCK MUSEUM INC. - COMMON DRIVEWAY,” dated March 24, 2023.
- EXHIBIT 10.** Public Hearing Continuance request form, signed by Norman Hill, dated April 19, 2023, received by the Planning Board on April 19, 2023, one (1) page.

- EXHIBIT 11.** Letter: “Submission of Revised Materials for the Common Driveway Special Permit Application,” dated April 28, 2023, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in two (2) sheets.
- EXHIBIT 12.** Declaration of Common Driveway, Easements and Covenants, prepared for the Willard House Clock Museum, Inc., date stamped received by the Planning Board on March 15, 2023, in six (6) pages.
- EXHIBIT 13.** Plan: “On-Site Sewage Disposal System 62 Wesson Street Lot 1” dated April 5, 2023, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in three (3) sheets.
- EXHIBIT 14.** Plan: “On-Site Sewage Disposal System 62 Wesson Street Lot 2” dated April 5, 2023, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in three (3) sheets.
- EXHIBIT 15.** Report: “Stormwater Report; ‘62 Wesson Street Lots 1, 2, and 3’; Grafton, MA” dated April 26, 2023, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in one hundred and eighteen (118) pages.
- EXHIBIT 16.** Memorandum from Fiona Coughlan, Grafton Town Planner, regarding, “Approval Under Subdivision Control Not Required Plan (ANR 2023-05) – 62 Wesson Street, Willard House Clock Museum, Inc. (applicant/owner),” and “Request for Special Permit (SP 2023-02/SPA) and Site Plan Approval, 62 Wesson Street, Willard House Clock Museum, Inc. (applicant/owner),” dated May 16, 2023, in five (5) pages.
- EXHIBIT 17.** Peer Review: “62 Wesson Street, Lots 2 and 3 Common Driveway Review”, dated May 22, 2023, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, in three (3) pages.
- EXHIBIT 18.** Public Hearing Continuance request form, signed by Norman Hill, dated May 22, 2023, received by the Planning Board on May 22, 2023, one (1) page.
- EXHIBIT 19.** Email from Michael Killeen, Grafton Fire Department, to the Grafton Planning Board, regarding “62 Wesson Street Common Driveway Application - Time Sensitive,” dated June 8, 2023.
- EXHIBIT 20.** Letter: No title, dated June 12, 2023, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in one (1) sheet.
- EXHIBIT 21.** Email from Fiona Coughlan, Grafton Town Planner, to the Grafton Fire Department, regarding “62 Wesson Street Common Driveway Application - Time Sensitive,” dated June 12, 2023.
- EXHIBIT 22.** Plan Sheet: “Porous Asphalt Paving Cross Section,” submitted at the May 22, 2023, Planning Board Meeting, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in one (1) sheet.

EXHIBIT 23. Photograph: “Fire Hydrant Location,” submitted at the June 12, 2023, Planning Board Meeting, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, in one (1) sheet.

III. WAIVERS

W1.) At their meeting of June 12, 2023, 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 David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to **GRANT** the APPLICANT’s request for waivers from the following requirements of *Section 1.3.3.3d*:

- *Section 1.3.3.3d (17)* - Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location(s) of such activity.
- *Section 1.3.3.3d (20)* – Service areas and all facilities for screening.
- *Section 1.3.3.3d (21)* – Landscaping.
- *Section 1.3.3.3d (22)* – Lighting.
- *Section 1.3.3.3d (23)* – Proposed signs (business, traffic, etc.).
- *Section 1.3.3.3d (25)* – Stormwater management facilities (drainage). The APPLICANT has prepared a Stormwater Management Hydrological Study prepared in accordance with the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (Sections 3.3.3.19 and 4.7.8).
- *Section 1.3.3.3d (26)* – All structures and buildings associated with the proposed and existing use(s) on the property.
- *Section 1.3.3.3d (27)* – Exterior storage areas and fences.
- *Section 1.3.3.3d (29)* – Provisions for dust and erosion control.

In granting these requests, the BOARD notes that the APPLICANT does adequately address these concerns and there are no adverse impacts on the SITE and its surroundings.

W2.) At their meeting of June 12, 2023, 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 David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to **GRANT** the APPLICANT’s request for waivers from the following requirements of *Section 1.3.3.3f – Earthworks Calculations* of the Grafton Zoning Bylaw (hereinafter ZBL) with regard to preparing the Site Plan for the reasons stated within the FINDINGS of this DECISION.

W3.) At their meeting of June 12, 2023, 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 David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to **GRANT** the APPLICANT’s request for a waiver from the requirements of *Section 8.2 – Traffic Study* with regard to preparing the Site Plan for the reasons stated within the FINDINGS of this DECISION.

IV. FINDINGS

At their meeting of June 12, 2023, 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 David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to make the following FINDINGS:

- F1.)** That determinations regarding the following FINDINGS are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the APPLICATION.
- F2.)** 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 SITE in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3.)** That during the public hearing, Mr. Norman Hill of Land Planning, Inc. presented the project on behalf of the APPLICANT. Mr. Hill reviewed the work associated with the Special Permit Application during the course of the public hearing for the ANR Application (2023-9). The ANR Application is part of the overall SITE development plan and is reviewed as part of the Common Driveway APPLICATION. The APPLICANT reviewed the Plan set (see EXHIBIT #2), noting that all work associated with both Applications have been incorporated together.
- F4.)** That the 17.3-acre site is located in the Low-Density Residential (R-40) zoning district. The SITE is not located within the Water Supply Protection Overlay District (WSPOD). The APPLICANT is proposing to divide the property into three (3) lots, two of which will be served by a Common Driveway. The APPLICANT is seeking a Special Permit for the Common Driveway, and each proposed lot served by the Common Driveway meets the minimum frontage requirements of at least 140 feet along Wesson Street.
- F5.)** That a Common Driveway is permitted as an accessory use in an R-40 zoning district only upon the issuance of a Special Permit by the Planning Board, in accordance with Sections 5.9 and 1.5 of the ZBL and is further subject to Site Plan Approval as required by the ZBL.
- F6.)** That during the public hearing the Board and the APPLICANT discussed the proposed layout of the Common Driveway. The design included the development of an exclusive driveway radiating from a split at the end of the Common Driveway. Review of the concept with the Town confirmed the design addresses concerns raised by Graves Engineering and the Fire Department relative to emergency response access, fire hydrant locations and whether a turnaround for emergency vehicles (see EXHIBIT #17) and would result in less impervious surface and adequate access to the wetland on Lot 3. The proposed driveway is 115 feet long. (See EXHIBIT #2). The driveway length will allow emergency access vehicles to gain close access to the house lots and will allow for a turnaround area for those vehicles to access the house lots. The APPLICANT stated that the design was more environmentally sensitive and provided the necessary access for emergency vehicles. The Grafton Fire Department reviewed the Plans again upon request of the BOARD,

following the May 22, 2023 hearing, and found the project must “include the minimum width of 24 feet, a turnaround after 100’, the entrance shall be void of any obstacles to a minimum of 30 feet, and grade changes cannot change more than 5% in any 75 foot length, and hydrants shall be provided every five hundred running feet (500’) or portion thereof on one (1) side of each street, as follows, or as specified by the Fire Department. A hydrant shall in all cases be installed at the terminal end of each water main. A hydrant shall be located on each new main within five hundred feet (500’) of the nearest supply main or, if no hydrants exist, within two hundred feet (200’) of the connecting point and, where practical, at all road intersections. All applicable requirements in accordance with Massachusetts General Law 148, Rules and Regulations Governing the Land of Grafton, Massachusetts, and the Massachusetts Comprehensive Fire Safety Code 527 CMR shall apply.” The Board found that, upon second review at the June 12, 2023, hearing, the final design presented is satisfactory based on comments from the Fire Department.

- F7.)** That during the public hearing the Board and the APPLICANT discussed the waiver requests – Site Plan Requirements Section 1.3.3.3d (17, 20-23, 25-27, 29), Earthworks Calculations (Section 1.3.3.3f of the Grafton ZBL), and a Traffic Study (Section 8.2 of the Grafton ZBL). The APPLICANT reviewed the design based on a number of factors including comments received from the Town Departments (see EXHIBITS #4, #7, #8 and #9) and noted that the final design took into consideration all factors including site constraints for lot development, environmental constraints such wetlands, and stormwater system design. The APPLICANT noted that the traffic impacts will be minimal in nature. The waiver requests are reflective of the final design (see EXHIBIT #2).
- F8.)** That during the public hearing the Board and the APPLICANT discussed legal frontage for the proposed house lots. The APPLICANT reviewed the lot configuration noting that each lot will have legal frontage on Wesson Street (Lot 1 will have 180 feet, Lot 2 will have 160 feet, and Lot 3 will have 140 feet of frontage). The lot configurations were created to accommodate the Common Driveway design that was situated to avoid impacts to the wetlands and reduce disturbance to the stone wall along Wesson Street.
- F9.)** That during the public hearing the Board and the APPLICANT discussed comments received from the Conservation Commission (see EXHIBIT #4) which states they are “Awaiting an Application with the Conservation Commission.” The Board finds that the APPLICANT is proposing to pave the Common Driveway (see EXHIBIT #1 and #2). The Town Planner recommends confirming compliance with the Grafton Wetlands and Stormwater Regulations, and that the Conservation Commission may require changes to the Site Plan that must be reflected on the Planning Board’s Site Plan, which may require a modification of the Special Permit through the Planning Board (see EXHIBIT #16).
- F10.)** That during the public hearing the Board and the APPLICANT discussed comments received from the Board of Health (see EXHIBIT #8) which states “The Title 5 Agent witnessed soil testing with Norman Hill on December 28, 2022. No septic plans have been submitted yet.” The Town Planner notes that the Site Plans demonstrate septic and sewer compliance with the ZBL and *Subdivision Rules and Regulations*, however the APPLICANT will need to submit septic plans to the Board of

Health to confirm compliance (see EXHIBIT #16). The Board of Health may require changes to the Site Plan that must be reflected on the Planning Board's Site Plan, which may require a modification of the Special Permit through the Planning Board.

- F11.)** That during the public hearing the Board and the APPLICANT discussed the need for a Scenic Road Permit for the Common Driveway. There is a 40"+/- diameter oak tree located within the Wesson Street right-of-way approximately 20 feet northeast of the Common Driveway. Graves Engineering confirmed the tree should be shown on the plans, and the driveway construction must not impact the tree. There is also a 36"+/- diameter oak located southwest of the driveway that should be shown on the Plans (see EXHIBIT #17). The Town Planner indicated this is satisfied, as there will be fewer breaks in the stone wall with the project as proposed. The Scenic Road Special Permit must include relevant Conditions within the Common Driveway Special Permit (see EXHIBIT #16).
- F12.)** The Board finds that the Town's consulting engineer, Graves Engineering, conducted a full review of the APPLICATION and submitted several sets of comments to be addressed by the APPLICANT's engineering firm, Land Planning, Inc. The Board finds that there were unaddressed issues of (see EXHIBITS #16 and #17):
- Access, location of hydrants, and turnarounds for emergency vehicles presented in the final project review report submitted by Graves Engineering. The BOARD requested further information and a second review of the Plans by the Grafton Fire Department. At the meeting on June 12, 2023, the APPLICANT provided the necessary materials to satisfy the BOARD (see EXHIBITS #20, 21, 22, and 23).
 - Utilities indicated on the Plans. Graves Engineering and the Town Planner indicated utilities should include electric and telecommunication utilities along the Common Driveway and should note whether these utilities will be underground or overhead. At the meeting on June 12, 2023, the APPLICANT and BOARD agreed the final installation methodology will be at the APPLICANT's discretion and that is satisfactory to the BOARD.
 - That brush and understory growth along the Wesson Street right-of-way that may inhibit sight lines for drivers exiting the Common Driveway. Graves Engineering recommends including a Condition that requires the APPLICANT to remove brush and understory growth on their property and in the Wesson Street right-of-way where necessary to create and maintain the sight lines shown on the plans.
 - That the plans need to include a construction detail of the Common Driveway cross section. The cross section needs to include the driveway cross slope, materials, and material thicknesses. Whereas the plans propose porous (aka permeable) pavement, the cross section also needs to include the requisite filtering material and reservoir courses. The APPLICANT confirmed these details have been addressed in their submission and submitted additional documentation to that effect (see EXHIBIT #22).
 - That the Grafton Water District will review the plans relative to proposed connections to the water system.

F13.) That during the public hearing the Board received testimony from Kelly Barnhart of 68 Wesson Street, an abutter to the project. She voiced her concerns about the following: Are there caves on the hills behind the proposed SITE and if so, are they habitats for rare species, as caves are uncommon, and the Town has a population of bats? The APPLICANT confirmed they have not found evidence of caves on the SITE, but there is a large hill behind the SITE. The proposed lots are uphill from the road at roughly five (5) to eight (8) feet, and the homes will be roughly one hundred (100) feet from the road. The hill is another fifty (50) to eighty (80) feet from the proposed homes. The Board reviewed the information to determine whether environmental safeguards are in place to protect the surrounding terrain. The project must also receive permits from the Grafton Conservation Commission which would further address the environmental impacts and mitigation thereof.

At their meeting of June 12, 2023, 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 David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to make the following FINDINGS with regards to Section 5.9 of the Grafton Zoning Bylaw:

F14.) That with regard to Section 5.9.2(a), the design of the proposed Common Driveway (as depicted and described within the EXHIBITS of this Decision) does comply with the design and construction requirements for Common Driveways set forth in the *Rules and Regulations*. All design and construction requirements were reviewed by and were found to be satisfactory by the Town's consulting engineer (see EXHIBIT #17 and FINDINGS #F11 and #F12).

F15.) That with regard to Section 5.9.2(b), access to the proposed SITE of each lot using the legal frontage of said lots is satisfactory (see FINDINGS #F4 and #F8).

F16.) That with regard to Section 5.9.2(c), provisions for safe ingress/egress of the residents of the lots served by the proposed Common Driveway, as well as public safety vehicles and personnel, are satisfactory (see FINDINGS #F6 and #F12). The Planning Department reiterates the Common Driveway entrance will be void of all obstacles to a minimum of thirty feet i.e., light poles, trees, shrubs, stone walls, gates and posts, and mailboxes (see EXHIBIT #16).

F17.) That with regard to Section 5.9.2(d), the location of the point of ingress/egress of the proposed Common Driveway with respect to public safety, convenience, and traffic flow, including, but not limited to, topography, sight lines and road grades is satisfactory (see FINDINGS #F6 and #F12). The Planning Department reiterates that the breaks in the stone walls do not pose adverse impacts on sight lines at the intersection of the Common Driveway and the right of way (see EXHIBIT #16).

F18.) That with regard to Section 5.9.2(e), location of environmental and/or historical resources, and the impacts of driveway construction on such resources without the use of a Common Driveway, is acceptable. The curb cuts and tree cutting within the Town's right of way along the designated scenic road, Wesson Street, will be addressed as part of the Scenic Road Permit Application process and hearing (see FINDINGS #F11 and CONDITION #A6). The APPLICANT confirmed

they are not cutting trees on site (see FINDING #F29). The alternative would be individual driveways for each lot which would require multiple disturbances to the stone walls and filling of bordering vegetative wetlands. A Common Driveway is the preferred method to service a home on Lot 3 given the environmental and historical resources present (see EXHIBIT #16).

- F19.)** That with regard to Section 5.9.2 (f) and the potential for the proposed Common Driveway to reduce excessive points of ingress/egress along the roadway and minimize access points to the extent practical, is satisfactory. The proposed Common Driveway reduces the number of potential individual lot driveways from three (3) to two (2). (See FINDINGS #F5 and #F8).

At their meeting of June 12, 2023, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning (motion by David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to make the following FINDINGS with regards to Section 1.5.5 of the Grafton Zoning Bylaw:

- F20.)** 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. The Board finds that the APPLICANT demonstrated that the sight distances where the Common Driveway will intersect with Wesson Street would not present a hazard to pedestrian and automotive safety (See FINDING #F12 and CONDITION #B5)
- F21.)** 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, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory. Off-street parking areas are required as part of this APPLICATION or future development of the house lots associated with this SITE. Proposed single family house lots are in keeping with the surrounding residential uses.
- F22.)** 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. Abutters to the Common Driveway will be required to privately contract refuse collection per the requirements of Section 4.12.2 of the Grafton *Subdivision Rules and Regulations* (see CONDITION #B10). No service areas are required as part of this APPLICATION and future development of the house lots associated with the Common Driveway.
- F23.)** 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. The proposed development of the house lots associated with the Common Driveway is in keeping with the residential nature of the surrounding properties (see EXHIBIT #16).
- F24.)** 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. The proposed development of the house

lots associated with the Common Driveway is in keeping with the residential nature of the surrounding properties (see EXHIBIT #2). The APPLICANT confirmed these details do not apply to this APPLICATION (see EXHIBIT #1).

- F25.)** 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. The Common Driveway (as presented in the EXHIBITS of this Decision and by the APPLICANT during the public hearing, and further described within the FINDINGS of this Decision), has been designed to meet the requirements of the *Subdivision Rules and Regulations*. The proposed houses will meet the minimum setback requirements (see EXHIBITS #1 and #2).
- F26.)** With regard to Section 1.5.5(g) of the ZBL, that the proposed use of the property for a Common Driveway (as presented in the EXHIBITS of this Decision and by the APPLICANT during the public hearing, and further described within the FINDINGS of this Decision), is compatible with adjacent properties and properties in the district (see FINDINGS #F4 and #F5).
- F27.)** 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 or adverse impact on any public or private water supply. The proposed lots will be served by private wells and leaching areas. Development of these lots will require permitting from the Board of Health (see EXHIBITS #8, #13, and #14 and FINDING #F10).
- F28.)** With regard to Section 1.5.5(i) of the ZBL, the Board finds that the proposed Common Driveway is not located within the Water Supply Protection Overlay District (see FINDING #F4).
- F29.)** With regard to Section 1.5.5(j) of the ZBL, based upon the FINDINGS stated within this Decision, protection of important historic, cultural, and scenic landscapes with regard to the proposed development is satisfactory. The curb cuts and tree cutting within the Town's right of way along the designated scenic road, Wesson Street, will be addressed as part of the Scenic Road Permit Application process and hearing (see FINDING #F11 and #F18 and CONDITION #A6). The APPLICANT confirmed they are not cutting the two large trees on site to confirm groundwater recharge is not reduced.

At their meeting of June 12, 2023, 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 David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to make the following FINDINGS with regards to Section 1.3.3 of the Grafton Zoning Bylaw:

- F30.)** That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F31.)** That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board.

- F32.)** The Board finds that Section 1.3.3.4 of the ZBL allows an APPLICANT to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the APPLICANT submitted waiver requests from Section 1.3.3.3d, Section 1.3.3.3f, and Section 8.2 of the Grafton ZBL (see EXHIBIT #1).
- F33.)** That the APPLICATION as described within the EXHIBITS of this Decision, the waivers requested, and the resulting Site Plan, are not contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3 of the ZBL.

V. DECISION

At their meeting of June 12, 2023, 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 David Robbins, seconded by Justin Wood) voted five (5) in favor and zero (0) opposed to **GRANT** the Special Permit (SP 2023-02) & SITE Plan Approval with the following conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval specifically authorizes the construction of a Common Driveway as conditioned by this DECISION and as shown on the Plans (see EXHIBITS #2, #13 and #14). All work authorized under this Special Permit shall be completed in accordance with the Plans and description identified in the EXHIBITS and FINDINGS of this Decision, as well as all Conditions of this Decision.
2. Any modification to the use and work authorized by this Decision, site, structure(s) and/or site improvements as described within this Decision and as presented to the Board during the public hearing and in the above referenced EXHIBITS 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 (or other approvals if deemed necessary) 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. Any Modification of this Decision shall be made pursuant to Section 1.5 of the Zoning Bylaw, and any other applicable regulations.
3. Unless modified by this Decision, the SITE shall be developed, constructed, and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the Plans presented within the EXHIBITS of this Decision. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, septic, drainage, or installation of other utilities) associated with this project and shown on the Plans. All required permits and approvals shall be secured by the APPLICANT at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the

Planning Board in a timely manner. All applicable requirements of the Grafton Highway Department and all applicable utilities are hereby incorporated by reference as a requirement of this DECISION.

4. All applicable requirements of the Town, State or Federal agencies are hereby incorporated by reference as a requirement of this Decision.
5. The granting of this Special Permit and Site Plan Approval by the Planning Board does not supersede the necessity for the APPLICANT/OWNER to obtain all other applicable Federal, State and Local permits and approvals from the Conservation Commission. The APPLICANT shall comply with any Order of Conditions and/or permits issued by the Grafton Conservation Commission. All required permits and approvals shall be secured by the APPLICANT at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board and Conservation Commission in a timely manner.
6. This Special Permit and future Scenic Road Permits for the 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. All Conditions for Scenic Road Permit shall be incorporated into this Decision. Failure to maintain a valid Scenic Road Permit will cause this DECISION to be null and void.
7. All grading and construction shall be performed in accordance with the Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas from the SITE and its associated improvements during construction, and after completion.
8. The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the ZBL, to utilize the services of a professional engineer in reviewing any materials required to be submitted as Conditions of this Decision and conducting any inspections or other work associated with the construction of the development. In accordance with the applicable sections of the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the APPLICANT. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
9. The provisions of this Special Permit and Site Plan Approval Decision and Conditions shall be binding upon the successors and assigns of the APPLICANT, and the obligations shall run with the land. In the event that the APPLICANT sells, transfers, or assigns its interest in the development, this Special Permit and Site Plan Approval Decision shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees, or assignees.
10. The APPLICANT, their successors, and assigns, will not sell any lots until the construction of ways and services necessary to adequately serve such lots has been completed in accordance with the approved Plans.

11. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval 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 Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
12. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded 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.
13. By recording this Special Permit and Site Plan Approval Decision in the WDRD, the APPLICANT agrees to and accepts the Conditions set forth in this Special Permit and Site Plan Approval Decision. A copy of such recorded Special Permit Decision, including the Deed Book and Page Numbers, shall be submitted to the Planning Board Office within thirty (30) days of recording.
14. 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.

B. Conditions to be Met Prior to Construction

1. Prior to issuance of a Building Permit, the APPLICANT shall submit acceptable construction and maintenance schedule documents to the Planning Department for administrative review and approval.
2. Prior to the issuance of a Building Permit, the Applicant shall submit a final plan set to be reviewed and approved by the Planning Board or its Agent to include:
 - Notation on the Plans that the driveway is crowned with a slope of 1/8th of an inch per foot.
 - A revision of the Plans that includes the incorporation of all required utilities.
3. Prior to the start of any construction activity on the SITE, the Planning Board shall be provided with the following:
 - Five (5) full size plan sets, 24" x 36", one of which shall be sent directly to the Town's peer review consulting engineer.
 - An electronic copy of the plan set. The electronic copy shall be in a "PDF" compatible format.
 - An electronic copy of the Plan in a format compatible for import to the Town's GIS system as specified by Planning Department Staff.

4. Prior to the start of any construction activity on the SITE, a pre-construction meeting shall occur with representatives from the APPLICANT and appropriate Town Departments/Board's. The APPLICANT shall contact the Planning Department to arrange the pre-construction meeting.
5. Prior to the start of any construction activity on the SITE, the APPLICANT must remove brush and understory growth on their property and in the Wesson Street right-of-way where necessary to create and maintain the sight lines shown on the plans.
6. Prior to the start of any construction activity on the SITE, an initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the APPLICANT and notice of such inspection forwarded to both Boards. No construction activity shall occur on the SITE until the APPLICANT receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The APPLICANT shall be notified in writing of the necessity for such additional measures and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.
7. Prior to the start of any construction activity on the SITE, the APPLICANT shall submit to the Town (through the Planning Board) a bond or other type of security acceptable to the Board, in an amount to be determined by the Board or its Agent, for the purposes of ensuring adequate stormwater management and erosion control/site stabilization during the construction process. Said bond/security shall not be released until the SITE is stabilized and all stormwater management facilities are functioning to the satisfaction of both the Planning Board and Conservation Commission.
8. Prior to the issuance of a Building Permit, the APPLICANT shall submit and maintain a positive construction period review fee account to be administered by the Town. Said fee shall be used for site inspections and associated work by a professional engineer to ensure compliance with this DECISION. The amount of the initial fee shall be determined by the estimated work items by the Board or its Agent and the consulting engineer. Any remaining balance of construction period review fees collected shall be returned to the APPLICANT/OWNER upon completion of all site work and final issuance of Certificate of Occupancy.
9. Prior to start of any construction on the SITE and in accordance with Section 4.12.2 of the Grafton *Subdivision Rules and Regulations*, the APPLICANT shall submit a covenant or agreement, easement, and restrictions acceptable to the Board or its Agent for the Common Driveway to ensure the following:

- That it shall remain a private driveway unless it is both improved and redesigned and improved, at no cost to the Town, in accordance with the minimum standards per the Grafton *Subdivision Rules and Regulations*, is reclassified by the Planning Board and accepted by the Town;
- Maintenance and snow plowing will be responsibility of the abutters to the Common Driveway;
- Abutters to the Common Driveway will be responsible for rubbish collection at their own expense; and
- All such covenants, agreements, easements will run with the land in perpetuity.

C. Conditions to be Met During Construction

1. Hours of construction and site work shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or State and Federal holidays.
2. All construction vehicles and vehicles of all workers are to be parked on site except during the period of the initial clearing of the property.
3. All site construction, development, and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the APPLICANT to the Planning Board or its agent, in accordance with any policies for such requests.
4. All construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.
5. During clearing operations, all efforts will be taken to retain trees within the development. Trees along limits of work and adjacent to the roadway shall be examined during site inspections to be preserved where grading changes are minimal.
6. Upon commencing any construction activity on the SITE, and in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the SITE by the APPLICANT. A copy of this document shall be forwarded to the Planning Board, Conservation Commission, and Department of Public Works prior to commencing any construction activity.
7. Except as otherwise approved by the Planning Board, all driveways, roadways, utilities, and other improvements shall conform to the construction standards of the *Subdivision Rules and Regulations*. All applicable site improvements shall be inspected at the appropriate stage of construction in accordance with the *Subdivision Rules and Regulations* as required by the Board.

D. Conditions to be Met After Construction

1. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the issuance of any Occupancy Permits for this development.

- 2. Any signage and pavement markings shown on the Plans, required by this Decision, or proposed at a later date, shall be installed in accordance with, and conform to, the Town of Grafton ZBL and all other applicable regulations. The APPLICANT shall be responsible to submitting a final approval from both the Police Department and the Department of Public Works that all signs and other public safety controls have been identified and installed to their satisfaction prior to the issuance of any Occupancy Permits for this development.

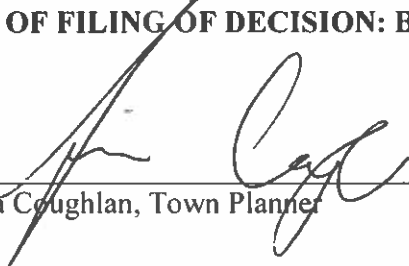
- 3. Prior to the issuance of an Occupancy Permit for the dwellings served by the Common Driveway authorized by this DECISION, the APPLICANT shall install appropriate signage to identify the two addresses at the entrance for identification of the individual dwelling units. Signage related to the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton ZBL and all other applicable regulations. This DECISION shall not be construed as approving or authorizing any such signage.

VII. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members (motion by David Robbins, seconded by Justin Wood) voted five (5) in favor zero (0) opposed to APPROVE the APPLICANT's Special Permit and SITE Plan Approval APPLICATION for construction of a Common Driveway at 62 Wesson Street based on the information received at the public hearing and the aforementioned FINDINGS.

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>David Robbins, Vice Chairman</u>	<u>AYE</u>	<u>James Davidson, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>	<u>Maura McCormack (Associate Member)</u>	<u>AYE</u>

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Fiona Coughlan, Town Planner

6/21/23

Date

cc:

- Applicant/Owner
- Board of Assessors
- Building Inspector
- Conservation Commission
- Graves Engineering
- Board of Selectmen
- Fire Department
- Police Department

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

Kandy Lavalley, Town Clerk

Date