TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
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(508) 839-5335 ext. 1195
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TOWN CLERK

Donna M. Girouard
Town Clerk

2016 00134707
Bk: 56349 Pg: 166
Page: 1 of 5 11/22/2016 12:15 PM WD

CERTIFICATE OF NO APPEAL

APPROVAL:	PLANNING BOARD Special Permit (SP 2015-6.1) & Site Plan Approval Modification #1
PETITIONER:	Frederic & Margot Churchill 114 Merriam Road, Grafton, MA 01519
OWNER:	Frederic & Margot Churchill 114 Merriam Road, Grafton, MA 01519
DEED REFERENCE:	114 Merriam Road Assessors Map 59, Lot 24 Book 6442, Page 94, Book 12253, Page 286 Worcester District Registry of Deeds

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton on the petition for the Modification of a Special Permit to extend the period to construct of a common driveway at 114 Merriam Road, Grafton was received and filed in the Office of the Town Clerk on September 15, 2016 at 11:15 A.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on October 5, 2016.

A true copy,
Attest:
(Seal)

Handy L. Lavelle
Town Clerk - Grafton, Massachusetts

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DECISION
GRAFTON PLANNING BOARD

SPECIAL PERMIT (SP 2015-6.1) & SITE PLAN APPROVAL MODIFICATION #1
Common Driveway

114 Merriam Road
Grafton, MA
Frederic & Margot Churchill (Applicant / Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Frederic & Margot Churchill (hereinafter the APPLICANT / OWNER) for the Modification of a Special Permit to extend the period to construct of a common driveway at 114 Merriam Road, and shown on the Grafton Assessor's Map 59, Lot 24, and owned by Frederic & Margot Churchill, 243 Pleasant Street, South Yarmouth, MA 02664 by deed recorded in the Worcester District Registry of Deeds Book 6442, Page 94 & Page 187; and Book 12253, Page 286. Special Permit (SP 2015-6) & Site Plan Approval was recorded at the Worcester District Registry of Deeds on June 9, 2016 - Book 55451, Page 10.

The above referenced Application was submitted on June 14, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 23 and June 30, 2016 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on July 11, 2016. Carl Hultgren of Quinn Engineering and Eric Gilmore of Gilmore Building Company presented the Application to the Board. Following public input the hearing was closed on July 11, 2016.

The following Board members were present during the entire public hearing process: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger and Tracy Lovvorn, and Associate Member Sharon Carroll-Tidman. At the time of DECISION, Mr. & Mrs. Hassinger recused themselves from the proceedings as they had retained the services of Mr. Gilmore in the past and believed that acting on this Application might potentially be perceived as favoritism. Mr. Scully appointed Associate Member Sharon Carroll-Tidman as a voting member on this matter.

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 prepared by Quinn Engineering, Inc. on behalf of the Applicant, submitted on June 14, 2016, including the following:

- Application for Modification of a Special Permit, dated June 9, 2016, 1 page.
- Correspondence from Quinn Engineering, 114 Merriam Road – Common Driveway (SP 2015-6); dated June 14, 2016, 1 page.
- Certified Abutters List, June 10, 2016, 1 page.
- Certificate of Good Standing, signed by the Treasurer / Collector's office on June 14, 2016; 1 page.

EXHIBIT 2. Public Hearing Notice, Grafton Planning Board; June 21, 2016, 1 page.

EXHIBIT 3. Department Review Email Correspondence from the Police Chief, received June 23, 2016; 1 page.

EXHIBIT 4. Department Review Email Correspondence from the Board of Health, received June 23, 2016; 1 page.

EXHIBIT 5. Public Hearing Sign-in Sheet, July 11, 2016; 1 page.

II. FINDINGS

At their meeting of September 12, 2016 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to make the following findings:

F1. That during the public hearing Mr. Carl Hultgren of Quinn Engineering presented the application on behalf of the Applicant. They are requesting an extension of the period to construct as delineated in Condition #C16 of Special Permit SP 2015-6 which states:

> *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 Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.*

F2. That during the public hearing the Applicant provided a project update. Since time of the Special Permit Decision, the agreed upon back parcel had been conveyed to the Town in accordance with the agreement made between the Applicant an the Town. Four lots were approved, three of which would be on a common driveway. Mr. Hultgren stated that he expected construction to begin on the frontage lot along Merriam Road (not along the common driveway) in the very near future. Once that site has been developed then the work for the common driveway would commence.

F3. That during the public hearing the Board received testimony from Theresa Churchill of 123 Merriam Road. She asked if the Applicant was seeking to make any changes to originally approved plans for both the Special Permit and the Scenic Road Permit associated with this project. Mr. Hultgren stated that no changes were being made and that they were seeking only to extend the period of time to construct.

F4. That during the public hearing the Board received written testimony from the Police Department (see EXHIBIT #3). It was noted that the Police Department reviewed the application and had no comments.

F5. That during the public hearing the Board received written testimony from the Board of Health (see EXHIBIT #4). Comments noted that the "Driveway must be 25 feet from a well and 10 feet from septic tank and 20 feet from leach field".

F6. That during the public hearing the Board solicited public comment from the audience. None was received.

F7. Prior to the close of the public hearing the Board voted unanimously 4-0 that the request for an extension of time for period to construct was deemed a minor modification. (By roll call vote: Scully – AYE; Robbins – AYE; Lovvorn – AYE; Carroll-Tidman – AYE).

III. DECISION

At their meeting of September 12, 2016 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to **GRANT** the Modification of the Special Permit subject to the following conditions:

C1. This approval specifically modifies Condition #16 of Special Permit (SP 2015-6), dated July 13, 2015, and is recorded in the Worcester District Registry of Deeds, Book 55451, Page 10. This approval as presented in this Decision specifically allows an extension of the time period to construct extending the deadline for completion to **August 3, 2017**.

C2. Any request for additional extensions 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.

C3. This Modification of Special Permit (SP 2015-6) shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and a copy provided to the Planning Board and the Building Department. Said copy will include recording information such as the WDRD Book and Page Number and/or Instrument Number.

C4. All conditions and requirements of the Special Permit (SP 2015-6) shall remain in full force and effect.

VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 4-0 to **GRANT** the Applicant's request for Special Permit (SP 2015-6.1) & Site Plan Approval – Modification #1 with Conditions for and extension of time to construct a Common Driveway at 114 Merriam Road based on the information received at the public hearing and the aforementioned findings.

Michael Scully, Chairman	AYE	Tracy Tovvorn, Member	AYE
David Robbins, Clerk	AYE	Sharon Carroll-Tidman, Associate Member	AYE

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

9-15-2016
Date

cc: Applicant / Owner
- Carl Hultgren, Quinn Engineering, Inc.
- Jeff Walsh, Graves Engineering
- Assistant Town Engineer
- Building Inspector

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Kandy Lavallee
~~Donna Girouard~~, Town Clerk Asst
Kandy Lavallee

10/6/16
Date

A true copy,
Attest:
Kandy L. Lavallee
Kandy L. Lavallee
~~Donna M. Girouard~~, Town Clerk Asst
Grafton, MA