

DECISION
GRAFTON PLANNING BOARD

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GRAFTON, MA
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SPECIAL PERMIT (SP 2017 - 6) & SITE PLAN APPROVAL
To Allow for Two (2) Horses on Property Less than Five (5) Acres
16 George Hill Road,
Grafton, MA 01519

Shawn & Jennifer Horrigan (Applicant / Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Shawn & Jennifer Horrigan (hereinafter the APPLICANT/OWNER) for a Special Permit & Site Plan Approval to allow two (2) horses on less than five (5) acres of land for property located at 16 George Hill Road, Grafton, MA (hereinafter the SITE) and shown on the Grafton Assessor's Map 68, Lot 10, and owned by Shawn & Jennifer Horrigan by deed recorded in the Worcester District Registry of Deeds Book 40404, Page 383. The application was formally received on July 12, 2017.

The above referenced Application for a Special 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 Chairman Robert Hassinger, Clerk Daniel Graham, Members David Robbins and Linda Hassinger. 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 this application:

- EXHIBIT #1.** Unbound application packet prepared by the Applicant, received July 12, 2017; including the following:
- a. Site Plan Application Form, stamped by the Town Clerk on July 12, 2017, received July 12, 2017; 1 page
 - b. Special Permit Application Form, stamped by the Town Clerk on July 12, 2017, received July 12, 2017; 1 page.
 - c. Certificate of Good Standing, Signed by the Treasurer Collector's Office on July 10, 2017, received July 12, 2017; 1 page.
 - d. Fence Images, no date, received July 12, 2017; 1 page.
 - e. Letter Addressed to Grafton Board of Health, dated July 9, 2017; received July 12, 2017; 1 page.
 - f. Project Narrative, dated July 9, 2017; received July 12, 2017; 1 page.
 - g. Certified Abutters List, signed by the Assessor's Office, dated July 10, 2017, received July 12, 2017; 1 page.
 - h. GIS Parcel Map, dated July 9, 2017, received on July 12, 2017; 1 page.
 - i. Waiver Request, no date, received July 27, 2017; 1 page.

- EXHIBIT 2.** Legal Notice of Public Hearing, stamped by the Town Clerk's Office on July 25, 2017, received July 25, 2017; 1 page.
- EXHIBIT 3.** Email Correspondence; Subject: 16 George Hill Road, Comments from Board of Health dated and received July 28, 2017; 1 page.
- EXHIBIT 4.** Mortgage Inspection Plan, stamped by John S. Lauretani, American Surveying Company of Boston, Inc., Received by the Board of Health and Planning Department on August 14, 2017; 1 page.
- EXHIBIT 5.** Public Hearing Sign In Sheet, dated August 14, 2017; 1 page

II. 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 Mr. Graham) voted 4 - 0 to make the following Findings:

- F1. That during the public hearing, Mrs. Horrigan, Applicant/Owner, presented the Application. The Applicant noted that the proposed paddock, food storage and manure area meet the allowable distances from property lines and well location. The Applicant also noted they would be removing the manure monthly from the site and brought to Mitrano Removal Service in Shirley, MA, a manure recycling company (EXHIBIT 1f).
- F2. That during the public hearing the Board and the Applicant discussed that horses were typical in this area and therefore not out of character with this neighborhood.
- F3. That during the public hearing the Town Planner, Joe Laydon, spoke about one abutter that had concerns about the proximity to Miscoe Brook and explained that the Applicant falls well outside of the buffer area.
- F4. That the classification of "raising and keeping of livestock, including but not limited to horses, cattle, sheep, goats, swine, fur animals and poultry, on a parcel under 5 acres in Section 3.2.3.1 of the ZBL (Use Regulation Schedule) was used in making this determination; the use is allowed in an R-40 zoning district only upon the issuance of a Special Permit by the Planning Board. The site is located in a Residential 40 (R-40) zoning district and within the Water Supply Overlay District. The site is approximately 2.03 acres in size (EXHIBIT 1h).

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 in regards to Sections 1.5.5 (a) – (j), the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Graham) voted 4 - 0 to Approve the Special Permit application presented by the Applicant / Owner:

III. DECISION AND CONDITIONS

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 Mr. Graham) voted 4 - 0 to **APPROVE** the Special Permit and Site Plan Approval with the following conditions:

- C1. This Decision reflects the Board's approval of Special Permit SP 2017-6 and Site Plan Approval to allow for not more than two (2) horses on a lot less than five (5) acres.
- C2. The Applicant is required to continue to use and seek out best management practices for the care and keeping of the horses so as not to be a cause of nuisance to the abutting properties with regards to odor and noise.
- C3. Failure to comply with the requirements of Section 1.5 of the Grafton Zoning By-law (or as modified by this Decision), as well as all applicable Federal, State and local regulations, shall cause this Special Permit to be invalid.
- C4. 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.
- C5. This Special Permit SP 2017-6 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.
- C6. By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

IV. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 4 - 0 to **APPROVE** the Applicant's Special Permit with Conditions for the Special Permit 2017-6, to allow for two horses on less than 5 acres - based on the information received at the public hearing and the aforementioned findings.

<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

8-29-2017

Date

cc: Applicant / Owner

- Inspector of Animals

- Building Inspector
- Board of Health

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, Interim Town Clerk

Date
