

**DECISION
GRAFTON PLANNING BOARD**

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**SCENIC ROAD PERMIT (SRP 2018-1)
Removal of Tree and Alterations to a Stone wall at the Driveway
18 Keith Hill Road
Grafton, MA**

Melinda Springer (Applicant / Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Melinda Springer, 18 Keith Hill Road (hereinafter the APPLICANT / OWNER) for a Scenic Road Permit for the removal of a tree and alterations to the stone wall adjacent to the driveway on property located at 18 Keith Hill Road, Grafton, and shown on the Grafton Assessor's Map 110, Lot 92, by deed recorded in the Worcester District Registry of Deeds Book 54417, Page 173.

The above referenced Application for a Scenic Road Permit (hereinafter APPLICATION) was submitted on January 18, 2018. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 8 & 15, 2018 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on February 26, 2018. Following public input, the hearing was closed on February 26, 2018.

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 and Associate Member Sharon Carroll-Tidman. 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:

1. Unbound application packet submitted by the Applicant on January 18, 2018, including the following:
 - a. Application for a Hearing Under the scenic Road Bylaw; signed by the Applicant on January 18, 2018; received by the Town Clerk on January 18, 2018; 1 page.
 - b. Certificate of Good Standing; dated by the Treasurer / Collectors Office on December 5, 2017; 1 page.
 - c. Certified Abutters List; signed by Tammy Kalinowski, Office Manager; dated January 17, 2018, received January 18, 2018; 1 page.
 - d. GIS Site Map; July 11, 2017; 1 page.
 - e. Project Narrative & Site Photos; color – 8 ½" X 11"; 3 pages.
 - f. Supplemental Documents: Material Estimate from Walpole Outdoors; 1 page.
2. Public Hearing Legal Notice – Stamped by the Town Clerk on January 31, 2018; 1 page.
3. Email Correspondence, Subject: SRP 2018-1, 18 Keith Hill Road, Comments from Police Chief, dated and received February 5, 2018; 1 page.

4. Email Correspondence, Subject: 18 Keith Hill Road, Comments from Board of Health, dated and received February 5, 2018; 1 page.
5. Email Correspondence, Subject: SRP 2018-1, 18 Keith Hill Road, Comments from Conservation Agent, dated and received February 5, 2018; 1 page.
6. Email Correspondence, Subject: SRP 2018-1, 18 Keith Hill Road, Comments from Barry Smith of 7 Garden Street, Grafton, MA, dated and received February 5, 2018, 1 page.
7. Email Correspondence, Subject: SRP 2018-1, 18 Keith Hill Road, Comments from Zoning Board of Appeals, dated and received February 12, 2018, 1 page.
8. Correspondence, Subject: 18 Keith Hill Road, Comments from Tree Warden, dated and received February 26, 2018; 1 page.

II. FINDINGS

At their meeting of March 19, 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 to make the following findings:

1. That during the public hearing Mrs. Springer (Owner / Applicant), presented the Application. She explained that they frequently have people driving the entire length of their driveway and that they are proposing to install a gate at the end of their driveway for their family's safety. Mrs. Springer noted that the tree in question has grown through the stone wall which has caused this section to deteriorate. Along with installing a new gate and stone pillars, they will be restacking the stone wall to both sides of their driveway. It was noted that the new stone pillars will be built to be similar in design as the surrounding stone walls.
2. That during the public hearing the Board and the Applicant discussed the location of the tree in relation to the Street Layout. The Board noted that trees on private property are not subject to Article 24 of the Grafton General Bylaw (Scenic Road Bylaw). The Applicant explained that they did not have an on-the-ground survey performed to determine the location of the tree in relation to the Street Layout.
3. 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).
4. That the Board received correspondence from the Board of Health stating that they had reviewed the application and had no comments (see Exhibit #4).
5. That the Board received correspondence from the Conservation Agent stating that they had reviewed the application and had no comments (see Exhibit #5).
6. That the Board received correspondence from the Zoning Board of Appeals stating that they had no comment at this time (see Exhibit #7).
7. That the Board solicited public comment at the hearing and that none was received.
8. 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. That the proposed changes include restacking the existing stone wall which would help to enhance this section of scenic road; therefore the Application satisfies this requirement.

9. As per SRR §6.b., the Board considered the necessity for the proposed action in terms of public safety, welfare or convenience. The proposed gate is to keep trespassers off of the Applicants property; therefore, the Application satisfies this requirement.
10. 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. The proposed alterations are a result of past neglect which allowed for the tree to grow in and ultimately unstack the stone wall. The Tree Warden provided correspondence stating that the tree is not a specimen tree and adds little value as a public shade tree (see Exhibit #8), therefore the Application satisfies this requirement.
11. 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.
12. As per SRR §6.e., the Board considered the compensatory actions proposed, such as replacement of trees or walls (see Exhibit #8).
13. 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 the Application is acceptable as to these requirements.

III. DECISION

At their meeting of March 19, 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 to **APPROVE** the Scenic Road Permit subject to the following conditions:

1. This Decision reflects the Board's approval of Scenic Road Permit SRP 2018-1. The Applicant has requested the removal of a tree and restacking deteriorated stone wall and incorporate into proposed stone wall and pillars for estate gate (see Finding #1).
2. Stones from the wall will be restacked once the tree has been removed to match the surrounding stone walls on Keith Hill Road and no stones shall be hauled away. A pre-construction meeting shall occur prior to the commencement of work with the Town Planner, Property Owners, and/or the contractor to discuss proposed wall reconstruction. Once work has commenced, the Town Planner shall inspect to determine if work is consistent with the Board's Decision and walls in the surrounding neighborhood. (see Finding #1).
3. All applicable requirements of Town, State or Federal agencies are hereby incorporated by reference as a requirement of this Decision.
4. 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.

5. 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 5-0 to **APPROVE** the Applicant's Scenic Road Permit with Conditions for the removal of a tree and alterations to the stone wall adjacent to the driveway at 18 Keith Hill Road based on the information received at the public hearing and the aforementioned findings.

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

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Layden, Town Planner

3-20-2018

Date

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