

**DECISION  
GRAFTON PLANNING BOARD**

**SCENIC ROAD PERMIT (SRP 2020-1)  
Removal and Alterations to a Stone Wall**

**21 Meadowbrook Road, Grafton MA**

**James Kohnke, 1 Envelope Terrace, T-5, Worcester MA (Applicant/Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of James Kohnke, 1 Envelope Terrace, T-5, Worcester MA (hereinafter the Applicant), for a Scenic Road Permit for the removal and alterations to the stone wall on property located at 21 Meadowbrook Road, Grafton, MA 01519 (hereinafter the Site), and shown on Grafton Assessor's Map 6A, Lot 67 and owned by James Kohnke, 1 Envelope Terrace, T-5, Worcester MA (hereinafter the Owner) by deed recorded in the Worcester District Registry of Deeds in Book 61642, Page 13.

**I. BACKGROUND**

The application for the above referenced Scenic Road Permit (hereinafter Application) was submitted on June 24, 2020. Notice of the public hearing was published in the Grafton News on July 9 and 16, 2020 and posted with the Town Clerk's Office. Abutters were notified of the public hearing by First Class Mail. The public hearing on the Application was opened on July 27, 2020. At the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on July 27, 2020.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, Member Linda Hassinger, Member Prabhu Venkataraman, and Associate Member Vikram Dave. At the hearing the following people presented the Application: James Kohnke, 1 Envelope Terrace, T-5, Worcester MA.

**II. EXHIBITS**

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

- Exh 1. Original Application Submission, received June 24, 2020 to include the following:
  - a. Application for a Hearing Under the Scenic Road Bylaw, signed by James Kohnke, dated June 24, 2020 and date stamped received by the Planning Board on June 24, 2020, 1 page.
  - b. Certificate of Good Standing, signed by Amy Perkins, dated June 18, 2020, 1 page.
  - c. Abutters Listing for 21 Meadowbrook Road; dated June 23, 2020 and signed by Ken O'Brien, MAA, Data Collector, 1 page.
  - d. Plan: untitled, undated, and unattributed, 1 sheet.
  - e. Photos: "Current view from street at 21 Meadowbrook Road", "Proposed opening of wall for driveway to single family residence", "Existing field stones to be reworked into driveway pillars. Photo is representative of end product. No rights owned to this photo"; 1 page.

- Exh 2. Public Hearing Notice, date stamped by the Town Clerk on July 8, 2020, 1 page.
- Exh 3. Email from Nancy Connors, Health Department, dated July 21, 2020, regarding Request Comments; 21 Meadowbrook Road, SRP 2020-01, and date stamped received by the Planning Board on July 21, 2020, 1 page.
- Exh 4. Email from Katrina Koshivos, Zoning Board of Appeals, dated July 22, 2020, regarding 21 Meadowbrook Road - James Kohnke- Stone Wall Alteration, and date stamped received by the Planning Board on July 22, 2020, 1 page.

### **III. FINDINGS**

At their meeting of August 10, 2020, 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 Justin Wood, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to make the following Findings:

1. That during the public hearing James Kohnke, presented the Application. He stated the application proposes creating an approximately eighteen linear foot (18') opening in the existing stone wall at 21 Meadowbrook Road as shown in the provided photos. The proposed opening in the wall will be used to provide driveway access to a new single-family residence. The stones to be removed will be utilized to create two stone pillars on either side of the driveway.
2. That during the public hearing the Board and the Applicant discussed the placement of the existing stones to be removed either to create two stone pillars on either side of the driveway or to fill in the existing gate, which is unusable for the proposed driveway. The Board noted they considered either use of the existing stones to be acceptable.
3. 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. The Board noted that the proposed changes include removal of approximately eighteen linear feet (18') of the existing wall and restacking the removed stones to either close the existing gated opening in the wall or provide two stone pillars on either side of the driveway, in both cases preserving the public facing stones; therefore, the Application satisfies this requirement.
4. As per SRR §6.b., the Board considered the necessity for the proposed action in terms of public safety, welfare or convenience. The proposed removal and modification of the stone wall has a beneficial impact on public safety, welfare, and convenience by providing an environmentally sensitive driveway access, with sufficient width for safe vehicular access, to the lot; therefore, the Application satisfies this requirement.
5. 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 provide an environmentally sensitive driveway access, with sufficient width for safe vehicular access than the existing gated entrance; therefore, the Application satisfies this requirement.

6. As per SRR §6.d., the Board considered whether the proposed action would compromise or harm other environmental or historical values. The proposed alterations provide an environmentally sensitive driveway access, with sufficient width for safe vehicular access than the existing gated entrance; therefore, the Application satisfies this requirement
7. As per SRR §6.e., the Board considered the compensatory actions proposed, such as replacement of trees or walls, as not being necessary since the removal of the stone wall for the new access drive will include restacking the removed stones to either close the existing gated opening in the wall or provide two stone pillars on either side of the driveway, in both cases preserving the public facing stones; therefore, the Application satisfies this requirement..
8. 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.

#### **IV. DECISION and CONDITIONS**

At their meeting of August 10, 2020, 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 Justin Wood, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **GRANT** this Scenic Road Permit (2020-1) subject to the following conditions:

1. This Decision reflects the Board's approval of Scenic Road Permit SRP 2020-1. The Applicant has requested the removal eighteen linear feet (18') of stone wall to construct an access drive for a new single-family residence on the subject property. The stones that will be removed are to be used to either close the existing gated opening in the wall or create two stone pillars on either side of the driveway. (see Findings #1 and #2).
2. Stones from the wall will be restacked in a manner to match the surrounding stone walls on Meadowbrook Road and no stones that are part of the scenic wall shall be hauled away.
3. The stones that are within the scenic wall facing Meadowbrook Road shall be moved by hand. Equipment may be used to transport stones from the proposed opening to the existing gated opening, but stones should be moved by hand to and from equipment.
4. A pre-construction meeting shall occur prior to the commencement of work with the Town Planner, Applicant, 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.
5. All applicable requirements of Town, State or Federal agencies are hereby incorporated by reference as a requirement of this Decision.
6. 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/or substantially alter the plans and information used in making this Decision.

7. 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.

**V. RECORD OF VOTE**

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Justin Wood, Member</u>	<u>AYE</u>
<u>David Robbins, Vice Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>		

**BY ORDER OF THE BOARD**

  
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Christopher J. McGoldrick, Town Planner

8/21/2020  
\_\_\_\_\_  
Date

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