

**DECISION  
GRAFTON PLANNING BOARD**

**SCENIC ROAD PERMIT (SRP 2020-3)  
Removal of Trees**

**29 George Hill Road, Grafton MA**

**Lawrence Chiarella, Jr., 29 George Hill Road, Grafton MA (Applicant/Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Lawrence Chiarella, Jr., Chiarella Construction (hereinafter the Applicant), for a Scenic Road Permit for the removal of trees on property located at 29 George Hill Road, Grafton, MA 01519 (hereinafter the Site), and shown on Grafton Assessor's Map 69, Lot 2B and owned by Lawrence Chiarella, Jr., 29 George Hill Road (hereinafter the Owner), by deed recorded in the Worcester District Registry of Deeds in Book 41012, Page 338.

**I. BACKGROUND**

The application for the above referenced Scenic Road Permit (hereinafter Application) was submitted on October 19, 2020. Notice of the public hearing was published in the Grafton News on October 22 and 29, 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 November 9, 2020. At the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on November 9, 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: Lawrence Chiarella, 29 George Hill Road.

**II. EXHIBITS**

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

- Exh 1. Original Application Submission, received October 19, 2020 to include the following:
  - a. Application for a Hearing Under the Scenic Road Bylaw, signed by Lawrence Chiarella, Jr., Chiarella Construction, dated October 14, 2020 and date stamped received by the Planning Board on October 19, 2020, 1 page.
  - b. Certificate of Good Standing, signed by Beth Schrottman, dated July 30, 2020, 1 page.
  - c. Abutters Listing for 29 George Hill Road; dated July 30, 2020 and signed by Tammy Kalinowski, Office Manager, 1 page.
  - d. Project Narrative: untitled, undated, prepared by Lawrence Chiarella, Jr., 9 Vinal Hill Rd, Westborough, MA, 1 sheet.
  - e. Photos: untitled, undated; 3 pages.

- f. Plan: “Proposed House Plot Plan”, dated August 20, 2020, and prepared by Land Planning, Inc., 3 sheets.
- Exh 2. Public Hearing Notice, date stamped by the Town Clerk on October 22, 2020, 1 page.

### **III. FINDINGS**

At their meeting of November 23, 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 David Robbins) voted five (5) in favor and zero (0) opposed to make the following Findings:

1. That during the public hearing Lawrence Chiarella, Jr., presented the Application. He stated work has already begun on the site, as shown in provided photos. A number of trees along the right of way have been cleared. The applicant noted the cleared trees were already dead and were not within the Town Right of Way.
2. 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 vegetation, some of which is dead or dying and which is not located within the Town Right of Way, for development of driveway access to a new single family home; therefore, the Application satisfies this requirement.
3. As per SRR §6.b., the Board considered the necessity for the proposed action in terms of public safety, welfare or convenience. The Board noted that the proposed changes include removal of vegetation, some of which is dead or dying and which is not located within the Town Right of Way, for development of driveway access to a new single family home; therefore, the Application satisfies this requirement.
4. 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 Board noted that the proposed changes include removal of vegetation, some of which is dead or dying and which is not located within the Town Right of Way, for development of driveway access to a new single family home; therefore, the Application satisfies this requirement.
5. As per SRR §6.d., the Board considered whether the proposed action would compromise or harm other environmental or historical values. The Board noted that the proposed changes include removal of vegetation, some of which is dead or dying and which is not located within the Town Right of Way, for development of driveway access to a new single family home; therefore, the Application satisfies this requirement.
6. As per SRR §6.e., the Board considered the compensatory actions proposed. The Board noted that the proposed changes include removal of vegetation, some of which is dead or dying and which is not located within the Town Right of Way, for development of driveway access to a new single family home; therefore, the Application satisfies this requirement.

7. 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 November 23, 2020, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board by Justin Wood, seconded by David Robbins) voted five (5) in favor and zero (0) opposed to **GRANT** this Scenic Road Permit (2020-3) subject to the following conditions:

1. This Decision reflects the Board's approval of Scenic Road Permit SRP 2020-3. The Applicant has requested the removal of vegetation, some of which is dead or dying and which is not located within the Town Right of Way, for development of driveway access to a new single family home.
2. All applicable requirements of Town, State or Federal agencies are hereby incorporated by reference as a requirement of this Decision.
3. 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.
4. 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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12/14/2020

Christopher J. McGoldrick, Town Planner

Date

cc: Applicant/Owner  
Building Inspector  
Tree Warden/Highway Surveyor

Assistant Town Engineer  
Tree Warden/Highway Surveyor