

**DECISION  
GRAFTON PLANNING BOARD**

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**SPECIAL PERMIT (SP 2022-07) & SITE PLAN APPROVAL  
Keeping of Livestock (3 Geese) on Less than Five Acres of Land**

DEC 16 11:48

**16 Morgan Drive, Grafton, MA**

**Jeanmarie Houghton (Applicant/Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Jeanmarie Houghton (hereinafter the Applicants), for a Special Permit and Site Plan Approval under Section 3.2.3.1 (Use Regulation Schedule) of the Grafton Zoning Bylaw (ZBL) to allow the raising and keeping of livestock (geese) on less than five acres of land for property located at 16 Morgan Drive, Grafton, MA 01519 (hereinafter the Site), and shown on Grafton Assessor's Map 31, Lot 107 and owned by Jeanmarie Houghton by deed recorded in the Worcester District Registry of Deeds in Book 48540, Page 198.

**I. BACKGROUND**

The application for the above referenced Special Permit / Site Plan Approval (hereinafter Application) was submitted on August 3, 2022. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 18 and 25, 2022, posted with the Town Clerk's Office on August 11, 2022 and abutters were notified by First Class Mail. The public hearing on the Application was held on September 12, October 24, and November 28, 2022, at which time all those wishing to speak to the petition were heard and following public input the hearing was closed on November 28, 2022.

The following Board members were present throughout the public hearing: Chairman Justin Wood, Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger, Prabhu Venkataraman, and Associate Member Maura McCormack. At the hearing, Jeanmarie Houghton presented the application to the Board.

**II. EXHIBITS**

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

1. Unbound application packet prepared by the Applicant, received August 3, 2022; including the following:
  - Application for Special Permit, dated August 3, 2022, 1 page.
  - Application for Site Plan Approval dated August 3, 2022, 1 page.
  - Certificate of Good Standing, signed by Treasurer/Collector's Office on July 26, 2022, 1 page.
  - Certified Abutters List, dated July 28, 2022, 1 page.
  - Correspondence from the Applicant, project description and hand drawn coop plan, no date, 1 page.
  - Waiver Request Form, 2 pages.
  - GIS screenshot with Applicants edits and caption, 1 page.
2. Public Hearing Notice, stamped by the Town Clerk's office on August 11, 2022, 1 page.
3. Email Correspondence from Captain Killeen, Fire Department, Re: 16 Morgan Drive, dated August 29, 2022, 1 page.

4. Letter from Charles and Deborah Adcock, 116 Old Westboro Road, dated September 6, 2022, received September 8, 2022, 4 pages.
5. Building Department Documentation, various, 7 pages.
6. Photos: Coop enclosure Location, dated September 9, 2022, 3 pages.
7. Board of Health Documentation, various, 9 pages.
8. Public Hearing Continuance request form, signed by Jeanmarie Houghton, dated September 12, 2022, 1 page.
9. Email Correspondence from Jeanmarie Houghton, Applicant to Christopher McGoldrick, Town Planner, dated September 13, 2022, Re: special permit for 16 Morgan Drive, 2 pages.
10. Email Correspondence from Christopher McGoldrick, Town Planner to Jeanmarie Houghton, Applicant, dated September 15, 2022, Re: special permit for 16 Morgan Drive, 5 pages.
11. Letter from Jeanmarie Houghton, Applicant to the Planning Board, regarding additional materials, 5 pages.
12. Letter from Charles and Deborah Adcock, 116 Old Westboro Road, dated October 22, 2022, 5 pages.
13. Public Hearing Continuance request form, signed by Jeanmarie Houghton, dated October 25, 2022, 1 page.
14. Letter from Samantha and Ni Ty, 18 Morgan Drive, dated October 28, 2022, 2 pages.
15. Letter from Charles and Deborah Adcock, 116 Old Westboro Road, dated October 26, 2022, 2 pages.
16. Audio Recording, dated October 22, 2022, with webpage notation.
17. Public Hearing Continuance request form, signed by Jeanmarie Houghton, dated November 15, 2022, 1 page.
18. Mullin Rule Certification, for the October 24, 2022 public hearing, signed by Prabhu Venkataraman, dated November 25, 2022, 1 page.

### **III. FINDINGS**

At their meeting of December 12, 2022, 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. Hassinger, seconded by Mr. Robbins) voted 5-0 in **FAVOR** to make the following Findings:

1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work shown on the Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
3. That per ZBL Section 3.2.3.1, the allowance for raising and keeping of livestock, on a parcel under five acres of land is authorized with the issuance of a Special Permit within the Low Density Residential (R40) zoning district by the Planning Board.
4. That the Site, as identified by the Applicant and shown in the Exhibits of this Decision, is approximately 1.1 acres in size and is not located within the Water Supply Protection Overlay District.

5. That during the public hearing Jeanmarie Houghton discussed that the owners have been keeping three domestic geese on the property and were unaware of the required Special Permit. The owners were informed, by the Building Department, that due to the size of the lot they would need to apply for a Special Permit through the Planning Board if they wished to continue keeping geese on the site.
6. That during the public hearing Jeanmarie Houghton discussed the location and design of the ten foot (10') square coop enclosure as shown in the Exhibits.
7. That ZBL Section 1.3.3.2, requires that the procedure for Site Plan Review be incorporated into the procedure for reviewing Special Permits.
8. That ZBL Section 1.3.3.3 defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.
9. That pursuant to Section 1.3.3.4 of the ZBL, the Applicant requested waivers from the following requirements for preparing site plans, as follows (Exhibit #1):
  - Section 1.3.3.3 (d) – Site Plan
  - Section 1.3.3.3 (e) – Stormwater Management Hydrological Study,
  - Section 1.3.3.3 (f) – Earthwork Calculations,
  - Section 8.2.1 – Traffic Study
10. With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate. The primary use of the property is as a single-family residence. This primary use will continue and the proposal to keep three geese on the property as pets will not change the existing conditions regarding vehicular and pedestrian safety.
11. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory. There are no proposed changes nor any new requirements relating to off-street parking and loading on the site since the primary use will continue to be a single-family residence. To mitigate any potential noise and/or odor impacts that keeping three (3) geese as pets, on a property that is less than five (5) acres, may have on direct abutters and the surrounding neighborhood, the applicant submitted revised site plans at the public hearing showing the goose coop and an associated fenced enclosure relocated closer to the existing house on the property and out of the required lot line setbacks.
12. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory. The addition of three (3)

pet geese on a residential property will not increase nor overwhelm the refuse collection on the site.

13. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision screening and buffering with reference to type, dimensions and character are adequate. The applicant has agreed to move the goose coop and fenced enclosure closer to the existing house on the property and out of lot line setbacks. In its new location, the coop will be buffered from abutters by an existing accessory structure and existing and proposed trees and other plantings.
14. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. There are no new signs and exterior lighting proposed for keeping three (3) pet geese on this residential site.
15. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate and have met the requirements of the Zoning By Law.
16. With regard to Section 1.5.5(g) of the ZBL, that the proposed use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is generally compatible with adjacent properties and properties in the district.
17. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply.
18. With regard to Section 1.5.5(i) of the ZBL, the subject property is not located within the Water Supply Protection Overlay District. Upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies.
19. With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. No material was submitted to address these issues and no public input was received.

#### **IV. WAIVERS**

At their meeting of December 12, 2022, 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. Hassinger, seconded by Mr. Robbins) voted 5-0 to **GRANT** the Applicant's request for waivers from the requirements of *Section 1.3.3.3* of the ZBL with regard to preparing site plan for the reasons stated within the Findings of this Decision:

*Section 1.3.3.3 (d): Site Plan*

**Section 1.3.3.3(e):** Stormwater management hydrological study.

**Section 1.3.3.3(f):** Report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity.

**Section 1.3.3.3(g):** Written statements from engineer / architect preparing the plans indicating that the plans comply with the performance standards of Section 4/1 of the ZBL; and applicant / owner indicating site will be maintained with standards set forth in Section 4.1 of the ZBL.

**Discussion:** The Board considered the provided registered plot plan and supplemental materials in relation to the scope and intensity of the proposed use. The Board determined that the materials provided were an adequate substitution for required materials and did not prohibit the Board from making an informed decision in the context of this specific proposal. The Board found that specific adherence to the requirements of **Section 1.3.3.3** of the ZBL in this case, would present undue hardship to the Applicant.

**Section 8.2:** At their meeting of December 12, 2022, 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. Hassinger, seconded by Mr. Robbins) voted 5-0 to GRANT the Applicant's request for a waiver from the requirements of Section 8.2 – Traffic Study.

**Discussion:** The Board considered the provided materials in relation to the scope and intensity of the proposed use. The Board determined that the materials provided were an adequate substitution for required materials and would not prohibit the Board from making an informed decision in the context of this specific proposal. The Board found that specific adherence to the requirements of **Section 8.2** of the ZBL in this case, would present undue hardship to the Applicant.

## **V. DECISION and CONDITIONS**

At their meeting of December 12, 2022, 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. Hassinger, seconded by Mr. Robbins) voted 5-0 to **APPROVE** this Special Permit (2022-07) and Site Plan Approval with **CONDITIONS** as follows:

1. This Special Permit and Site Plan Approval specifically authorizes the raising and keeping of three (3) geese on less than five (5) acres of land as described in the Exhibits and Findings of this Decision.
2. This Special Permit and Site Plan Approval only authorize the Applicant to raise and keep geese on the Site, cannot be transferred and does not run with the land.
3. The Applicant is required to adhere to best management practices for the care and keeping of geese so as not to cause a nuisance to the abutting properties with respect to odor or noise.
4. The Applicant shall not clear any additional trees to ensure an adequate buffer from abutting properties and shall maintain the proposed plantings/fencing in a manner sufficient to serve its intended purpose.

5. Manure shall be contained in a non-porous manner in accordance with all applicable regulation and located away from existing well locations. Manure shall be removed from the premises as needed or as frequently if other applicable regulations deem such action necessary, or if either quantity or odor creates a nuisance or threat to public health.
6. Any changes to the plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change(s) requested by the Applicant is not substantially different than the plan presented within the Exhibits of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board. Any proposed change deemed substantial in nature shall require a modification of the original Special Permit and Site Plan Approval application and decision. Any modification shall be made pursuant to Section 1.3.3 of this Bylaw.
7. This Special Permit shall be in effect for one (1) year from the end of the 20-day appeal period after this Decision has been filed with the Grafton Town Clerk. Before this expiration date, the Applicant may request that the Planning Board grant an extension of this Special Permit for up to an additional five (5) years. Notice of the request to extend this Special Permit shall be provided in writing to abutters within 300 feet for the subject property, but a formal public hearing is not required. In evaluating whether to grant this extension, the Planning Board shall consider whether the existence of three (3) pet geese on the subject property has had an adverse impact on the surrounding neighborhood.
8. Failure to comply with the requirements of Section 1.5 of the ZBL (or as modified by this Decision), as well as all applicable Federal State and local regulations, shall cause this Special Permit to be invalid.
9. In accordance with ZBL Section 1.5.8, this Special Permit and Site Plan Approval 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 ZBL Section 1.5.
10. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and a copy of the recording provided to the Planning Board and the Building Department to include the WDRD Book and Page Number and/or Instrument Number within thirty (30) days of recording.
11. By recording this Special Permit Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision. Any inability, failure or refusal by the Applicant to comply with the requirements of this Special Permit Approval, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

12. The Applicant shall comply with all requirements of Section 1.3.3 – Site Plan Review – of the Grafton Zoning Bylaw. Pursuant to Section 1.3.3.9, all work shown on the approved site plan shall be completed and all related conditions of approval shall be satisfied prior to the issuance of an occupancy permit.

**VI. RECORD OF VOTE**

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

**DATE OF FILING OF DECISION:      BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Planning Board Chair

12/16/2022  
\_\_\_\_\_  
Date

cc:    Applicant/Owner                      Board of Health  
       Building Inspector                    Inspector of Animals

**To Whom It May Concern:** This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavalley, Town Clerk

\_\_\_\_\_  
Date