



**TOWN OF GRAFTON  
ZONING BOARD OF APPEALS**

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**MINUTES  
ZONING BOARD OF APPEALS  
THURSDAY, DECEMBER 17, 2015  
CONFERENCE ROOM A  
AT THE MUNICIPAL CENTER**

A meeting of the Zoning Board of Appeals was held on Thursday, December 17, 2015 in Conference Room A at the Municipal Center.

**Members present:** Mr. William McCusker-Chairman, Mr. Michael Robbins- Clerk, Mr. Elias Hanna, Mr. Peter Adams, Mr. William Yeomans-Alternate Member, Mrs. Kay Reed-Alternate Member and Mr. Robert Berger – ZEO.

**Absent:** Mr. Robert Nault- Vice Chairman

Meeting called to order at 7:34 p.m.

**7:34 p.m. –Case #812- 79 Old Upton Road – Review the decision of the Building Inspector to grant a Building Permit**

Chairman reads the rules of order. The Board introduces themselves. Clerk reads the legal notice. Chairman appoints Mrs. Reed as a voting member on this case.

Mr. John Mavricos of Christopher, Hays, Wojcik, and Mavricos, attorney for the John and Claire Haggerty to speak on their behalf. The Haggerty's own the property directly across the street from the solar field. They feel that the renewable solar energy is only allowed in a Campus Development Overlay District and that it is not allowable by right or by special permit. We feel the issuance of the building permit to Borego Solar on 4 acres of R40; residential land is in violation of the Grafton Zoning By-Law and therefor, should not be permitted.

When the Building Permit Application was submitted to the Building Department, the Building Inspector should not have issued the building permit because it is not allowed even by a special permit.

The panels are very visible in a very scenic and rural area. The scenic roads in this area are some of the oldest roads in the town and are also surrounded by hiking trails.

Chairman reads last paragraph of memo from Town council, simply stating that the ZBA can only rule is to make sure a valid special permit exists. If a valid special permit exists and has been filed and recorded correctly, then the ZBA has no right to rule on this application.

Mr. Berger, Building Inspector, the building permit was issued because a Special Permit was issued and is valid, so the Building Permit is valid.

Chairman asks if there is anyone in the audience to speak in favor of or in opposition of the application. No one speaks. Chairman asks if we have received any letter for or against the application. Secretary informed him we have not received any.

Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Adams to close case #812 to public input.

Motion made by Mr. Robbins and 2<sup>nd</sup> by Mr. Adams to overturn the decision of the Building Inspector to issue a building permit for the construction of a solar electric generating facility on the property located on 79 Old Upton Road in Grafton, MA. On a roll call vote: Mr. Robbins-no; Mr. Adams-no; Mr. Hanna-no; Mrs. Reed-no; Chairman-no. Motion failed to pass.

Motion made by Mr. Adams and 2<sup>nd</sup> by Mr. Hanna to close case #812. On a roll call vote: Mr. Adams-yes; Mr. Robbins-yes; Mr. Hanna-yes; Mrs. Reed –yes; Chairman-yes. 5-yes, 0-no, motion passed, hearing closed at 8:02 p.m.

**Fisherville Terrace – Extension to Start date of the Comprehensive Permit**

Mr. John Winslow, Architect for the Fisherville Terrace Project, is here to request another one year extension to the start date of construction of the Fisherville Terrace Project. They have not been able to put together a development package that is suitable to any investor or bank. They are not giving up on the scope of the project. They may try to modify the permit and lower the number of units to be built. It is a very difficult sight and very heavy infrastructure costs. They are planning on keeping the ownership structure as is.

Chairman appoints William Yeomans as a voting member on this case.

Motion made by Mr. Yeomans and 2<sup>nd</sup> by Mr. Hanna to grant a 1 year extension to Fisherville Terrace, the original comprehensive permit that was issued on 12/13/2010 to 12/13/2016. On a roll call vote: Mr. Yeomans-yes; Mr. Adams-yes; Mr. Robbins-yes; Mr. Hanna-yes; Chairman-yes. 5-yes, 0-no, motion passed, 1 year extension granted.

**High Point Estates – 2 year Extension on Tri-Party Agreement**

Mr. Peter Hingorani, owner of High Point Estates would like to have the Tri-Party agreement between, the Town of Grafton, Norwood Bank, and High Point Estates, to be extended 2 years for the completion of the infrastructure and the roads.

Chairman appoints Mrs. Kay Reed as a voting member on this case.

Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to extend the Tri-Party agreement between the Town of Grafton, High Point Estates, and Norwood Bank. On a roll call vote: Mr. Adams-yes; Mr. Robbins-yes; Mr. Hanna-yes; Mrs. Reed-yes; Chairman-yes. 5-yes, 0-no, motion passed, 2 year extension granted.

**Review of Meeting Minutes**

Review of minutes from meeting on 10/29/2015. Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Adams to accept the minutes of October 29, 2015 as submitted. On a vote of 5-yes; 0-no – motion passed, minutes accepted.

Motion made by Mr. Adams and 2<sup>nd</sup> by Mr. Hanna to adjourn meeting. On a vote of 5-yes, 0-no, motion passed, meeting adjourned at 8:25 p.m.

Respectfully submitted by:  
Katrina Koshivos

*M. Robbins, Esq.*  
Mr. Michael Robbins - Clerk