



TOWN OF GRAFTON
ZONING BOARD OF APPEALS

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MINUTES
ZONING BOARD OF APPEALS
THURSDAY, FEBRUARY 25, 2016
CONFERENCE ROOM F
AT THE MUNICIPAL CENTER

A meeting of the Zoning Board of Appeals was held on Thursday, February 25, 2016 in Conference Room F at the Municipal Center.

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

Absent: Mr. Robert Nault- Vice Chairman and Mr. Elias Hanna

Meeting called to order at 7:36 p.m.

7:3 p.m. –Case #813- 73 Potter Hill Road –Variance

Chairman reads the rules of order. The Board introduces themselves. Clerk reads the legal notice. Chairman appoints Ms. Reed and Mr. Yeomans as voting members on this case.

Mr. Norman Hill, 52 Millbury Street, Grafton, MA – Licensed Civil Engineer
Speaking on behalf of Mr. & Mrs. Albert Heck, who are out of town. They came to me about 2 months ago to split the land into 2 parcels. Based on the dimensions, they have enough frontages, but to meet the 15' side setback for the house, it created a non-conforming lot on the frontage by not being able to meet the 140' frontage requirement at the very front of the lot. The only way to make both lots conforming would be to take off 30' of the house.

The house, which was built in 1770, we would hate to see the house destroyed or altered in any way.

Mr. McCusker states that the requirements for a variance are based on the soil, topography, lot shape, lot size, etc. The location, age, and style of the house do not constitute a hardship for a variance.

Mr. Yeomans ask what the current use is and how many buildings can be put on the lot? Current use is a single family home and only 1 single family home can be on the lot, but they can have more than 1 additional structure on the property.

Chairman asks if there is anyone to speak in favor – no one.

Chairman asks if there is anyone to speak against.

Mr. Jeff Searls 77 Potter Hill Road – Grafton, MA. In general I am against the more houses up on Potter Hill. They have been great neighbors and would not want to deprive them of the full value of their property. Not sure of exactly what the construction would be. Where is the septic on the current house? Where would the septic be located on the new lot? Just not enough information.

Mr. Bruce Spinney – 71 Potter Hill Road – Grafton, MA. I am not in favor at this point. There is not enough information

to really make an informed decision. Where would the driveway go for the current house once the lot is split? I know the current owners just want to sell and leave. Is someone interested in putting a house up there or are they just trying to sell the lots? Where would the septic system for the new lot be placed? There is a lot of ledge and clay up there.

Chairman reads letter from Brian Kotlyar, Trustee, Kotlyar Family Irrevocable Trust, 20 Cortland Way, is against the approval of the variance for this property.

Mr. Brian Lefort of 26 Cortland Way is located directly behind the property located at 73 Potter Hill Road. Just want to make sure that the tree line would not be touched.

Mr. Adams asks the applicant if any perk tests have been done on the property to even see if the lot is buildable. He was informed that this has not been completed.

Mr. Robbins spoke about the conditions needed for a variance, i.e. something unusual or wrong with the lot, but does not see any of that from the plans submitted.

Mr. Hill states that the shape of the house creates the hardship. The applicant would be agreeable to conditions on the variance as to only one house being built, the location of the house, etc. We would just like to get the process started.

Mr. Yeomans asks Mr. Spinney how far back his septic system is placed on his property. He responds the very back part of his property. Mr. Yeomans feels there is not enough information with regards as to what the potential will be when all is said and done. Feels the presentation is incomplete as there is no information on the slope of the property and the amount of ledge and type of soil and where the septic system for the current house is or where the new one would go for any new construction.

Chairman states that we would need more documentation to prove a hardship, do not have all the required findings which would make it hard to write a decision. Explained to the applicant his options:

1. Have the Board take a vote tonight, but if the motion is denied, the applicant cannot come before the Board again for 2 years.
2. Ask for a continuance and get the additional information to prove the hardship.
3. Withdraw the application without prejudice and resubmit at a later date with additional information to prove the hardship.

Chairman closes the hearing to public input.

Motion made by Mr. Robbins and 2nd by Mr. Yeomans to grant a variance from the intensity of use schedule 3.2.3.2 to allow a lot width of only 127.21' versus 140'. On a roll call vote: Mr. Yeomans – no; Mr. Robbins – No; Mr. Adams – yes; Ms. Reed – no; Chairman – no. 1-yes, 4-no, motion denied.

Motion made by Mr. Robbins and 2nd by Mr. Adams to close case #813. On a roll call vote: Ms. Reed-yes; Mr. Adams-yes; Mr. Robbins-yes; Mr. Yeomans-yes; Chairman – yes. 5-yes, 0-no, motion passed, hearing closed.

8:30 p.m. – Case #814 – 27 Pullard Road – Variance

Chairman reads the rules of order. The Board introduces themselves. Clerk reads the legal notice. Chairman appoints Ms. Reed and Mr. Yeomans as voting members on this case.

Mr. Robert Berger, Zoning Enforcement Officer, states that the 10' buffer is for drainage, except for egress from driveways or walkways. All lots must be accessed from its legal frontage. Due to issues on the frontage of this lot, as soon as they got into the lot, they met the 10' buffer.

Mr. John Cameron, 27 Pullard Road requests to withdraw his application without prejudice.

Chairman closes hearing to public input at 8:38 p.m.

Motion made by Mr. Robbins and 2nd by Mr. Yeomans to allow the applicant, Mr. Cameron, to withdraw his application without prejudice. On a roll call vote: Ms. Reed-yes; Mr. Adams-yes; Mr. Robbins-yes; Mr. Yeomans-yes; Chairman-yes. 5-yes, 0-no, motion passed.

8:40 p.m. 123-125 Ferry Street LLC – Transfer/Sale of Comprehensive Permit

Chairman informs the applicant that if the Board needs to determine if the change is substantial or insubstantial. If it is insubstantial, the Board can vote on it tonight. If they determine it is substantial, a legal notice will need to be published for a public hearing.

Mr. Sotir Papalilo and Mr. Mark O'Hagan of Craftsman Village LLC (the new name of 123-125 Ferry Street, LLC) appear before the Board regarding the sale and minor changes they would like to make to the development. They made minor changes to the layout of the units. They added 100 sq. feet by bumping out the back of the units by 2'. They removed the decks and are just putting in brick patios. They hope to get started in the next few months once the minor changes to the water lines are approved by the South Grafton Water District. Moving the water line onto the property because Ferry Street has recently been repaved and they do not want to dig up the road and repave.

Chairman also stated that the new plans need to be reviewed by the Fire Department.

Mr. Jeff Walsh of Graves Engineering, the engineer hired by the town of Grafton, agreed with the change for the water lines. Will review all final plans to confirm all engineering requirements. Applicant sent in a letter dated January 18, 2016 with the following requests:

1. Transfer of the Comprehensive Permit
2. Extension of the Comprehensive Permit for an additional year to June 14, 2017
3. Architectural changes to the residential units
4. Modest site plan modifications to the site plans

Chairman appoints Ms. Reed and Mr. Yeomans as voting members on this case.

Motion made by Mr. Robbins and 2nd by Mr. Yeomans that the changes requested in the letter dated January 18, 2016 are unsubstantial and therefore can be approved. On a roll call vote: Ms. Reed – yes; Mr. Adams- yes; Mr. Robbins – yes; Mr. Yeomans – yes; Chairman –yes. 5-yes, 0-no, motion passed.

Discussion of Flint Pond Estates – Closing out the 40B permit

Mr. Sotir Papalilo, the developer of Flint Pond Estates states that all units have been built and sold. There is one issue; the condo association hired a private engineer to review the thickness of the road and driveways. His report came back that it is not the required thickness of 2 1/4", Mr. Jeff Walsh of Graves Engineering stated that they were there the entire time the paving was being completed on all the roads. While it is not an exact science, he was measuring the thickness at certain spots, calculated the amount of asphalt brought to the sight to what was used. Can there be discrepancies – absolutely, but for the most part the paving was completed in the correct manner.

1. Need to put the final top coat on the road.
2. Stairs to the walking trail need to be installed
3. Place fencing by the road.

Jeff Walsh of Graves Engineering needs to review the final as-built, review the final punch list, get a letter from the Conservation Commission, the Fire Department, the Sewer Department and the Water Department that all items are up to

their standards. Once he has this, the permit can be closed out.

Review of Meeting Minutes

Review of minutes from meeting on 12/17/2015. Motion made by Mr. Adams and 2nd by Ms. Reed to accept the minutes of December 17, 2015 as amended. On a vote of 5-yes; 0-no – motion passed, minutes accepted.

Motion made by Mr. Adams and 2nd by Ms. Adams to adjourn meeting. On a vote of 5-yes, 0-no, motion passed, meeting adjourned at 9:37 p.m.

Respectfully submitted by:
Katrina Koshivos



Mr. Michael Robbins - Clerk