



TOWN OF GRAFTON
ZONING BOARD OF APPEALS

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MINUTES
ZONING BOARD OF APPEALS
THURSDAY, MAY 5, 2016
CONFERENCE ROOM A
AT THE MUNICIPAL CENTER

A meeting of the Zoning Board of Appeals was held on Thursday, May 5, 2016 in Conference Room A at the Municipal Center.

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

Absent: Mr. Robert Nault- Vice Chairman

Meeting called to order at 7:30 p.m.

7:30 p.m. –Case #815- 25 North Street- Special Permit

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

Mrs. Ellen Brown would like to add stairs to a pre-existing, non-conforming deck.

The Board asks who the actual owner of the property is. The applicant informs the Board that she is the Trustee, of the Richard Brown Revocable Trust. Mrs. Brown is the holder of a Life Estate and a Trustee. The trust is the owner of the property.

Mrs. Brown would like to appoint Mr. Steve Cacciopaglia of 792 West Street, Mansfield to speak on her behalf. He is the contractor hired to add the stairs to the existing deck. Currently it is just a platform; they would like to add the stairs so they have access to the back yard from the deck. The deck is 6 1/2' high. The stairs will be going away from the wall that is on the side of the property.

Mr. Berger, the Zoning Enforcement Officer, from his zoning determination, the house was built in 1832.

Chairman asks if anyone wishes to speak in favor or against this petition. No one to speak for or against. Also asks if there have been any letters received in favor or against – none received.

Hearing closed to public input.

Motion made by Mr. Hanna and 2nd by Mr. Adams to allow Ellen M. Brown as trustee of the Richard Brown Revocable Trust as holder of a Life Estate to 25 North Street, to add stairs to a pre-existing, non-conforming deck within the side setback. On a roll call vote: Ms. Reed- yes; Mr. Adams-yes; Mr. Robbins-yes; Mr. Hanna-yes; Chairman-yes. 5-yes, 0-no, motion passed

Motion made by Mr. Adams and 2nd by Mr. Robbins to end hearing. On a vote of 5-yes, 0-no, motion passed, hearing closed.

7:50 p.m. – Case #817 – 57 Oak Street – Special Permit

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

Jessica Assrud of 57 Oak Street, Grafton appoints Mr. Greg Zagunis, 54 Oak Street, Grafton to speak on her behalf, he is her contractor. Mr. Zagunis states that the house is a 2 story home, but the 2nd story is a “short” story. We are looking to raise the roof by 3’, move the door over 3’ to the center section of the house. The house was built in 1830, is in the R20 zone and in the Water Supply Protection Overlay District. They will only be going straight up and remaining a single family home.

Chairman asks if there is anyone to speak in favor or against this petition, no one to speak. Chairman asks if there have been any letters received in favor or against this petition, none received.

Motion made by Mr. Hanna and 2nd by Mr. Robbins to allow a second story addition to a pre-existing, non-conforming, structure where 30’ of frontage is required.

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.

Closed to public input.

Motion made by Mr. Hanna and 2nd by Mr. Adams to close Case #817. . On a vote of 5-yes, 0-no, motion passed, hearing closed.

Review of Meeting Minutes

Review of minutes from the 2/25/2016 meeting. Motion made by Mr. Adams and 2nd by Ms. Reed to accept the minutes as amended. . On a vote of 5-yes; 0-no – motion passed, minutes accepted.

8:15 p.m. – Case #816 – 296 Upton Street –Modify Special Permit

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

Mr. Henry Lane, Attorney for the applicant to speak. We went to the Board of Selectmen for a Beer and Wine permit. The Selectmen and the Chief of Police wanted the Beer Garden moved from the proposed location to a location closer to the building and to the current food services area. Due to special wording in the original Special Permit, the applicant needed to appear before the ZBA for their approval for the change of the location.

Chairman states we will be modifying Condition #2, the location of the Beer Garden, per exhibit A & B.

Chairman asks if there are any questions from the Board. Seeing none, Chairman closes the hearing to public input at 8:26 p.m.

Motion made by Mr. Robbins and 2nd by Mr. Hanna to change Condition 2, **Improvement shall be made substantially as shown on the site plan attached identified as Ex. A, Revised 1/7/2016 and Ex. B, Revised 1/29/2016,**

On a roll call vote: Ms. Reed-yes; Mr. Adams-yes; Mr. Robbins-yes; Mr. Hanna-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Motion made by Mr. Robbins and 2nd by Mr. Adams to end case #816. On a vote of 5-yes, 0-no, motion passed case closed at 8:30 p.m.

8:45 p.m. – Case#818-25R Trinity Avenue – Variance

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

Mr. Matthew Pearson, System Manager of the Grafton Water District and Mary Basset, Council for the Grafton Water District to both speak on behalf of the Water Districts request for the Variance. The lot was created prior to the Zoning By-laws in 1986. The entrance to the lot is very narrow with only 10' of frontage and no way to acquire any additional frontage. The need to build a pump house and well on this lot to obtain the water to service the residence of Grafton. This is the best site for the well. We have dug over 30 different test sites and this is the best possible site for the additional well and pump house for Grafton. It is gravel packed well, which is very beneficial, and the best possible site. Due to the unique soil condition, gravel packed soil; it is the only spot for the well. Attorney Basset, the Grafton Water Districts enabling act states that is must provide water to the residents in the district, there is no other place for the well. If the district is not allowed to dig the well and build the pump house, they will be financially unable to provide water to the town. The Water District owns the land and will suffer the hardship if the variance is not granted.

Chairman states that the hardship is on the town.

Chairman asks if there is anyone to speak for or against the petition, there is no one to speak. Chairman asks if any letters have been received for or against the petition, none have been received.

Chairman closes the case to public input.

Motion made by Mr. Hanna and 2nd by Mr. Adams to grant a variance the Grafton Water District to allow relief from the 125' frontage and the 10' stabilized vegetated border to construct a municipal well and one related building. 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, variance granted.

Motion made by Mr. Adams and 2nd by Mr. Hanna to end Case #818. On a vote of 5-yes, 0-no, case #818 closed.

Motion made by Mr. Hanna and 2nd by Mr. Adams to adjourn meeting. On a vote of 5-yes, 0-no, motion passed, meeting adjourned at 9:07 p.m.

Respectfully submitted by:
Katrina Koshivos



-Clerk
Chaw