



TOWN OF GRAFTON
ZONING BOARD OF APPEALS

30 Providence Road
Grafton, Massachusetts 01519
Phone: (508) 839-5335 ext 1154 • FAX: (508) 839-4602
Email: koshivosk@graffton-ma.gov
www.graffton-ma.gov

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MINUTES
ZONING BOARD OF APPEALS
THURSDAY, JUNE 2, 2016
CONFERENCE ROOM A
AT THE MUNICIPAL CENTER

A meeting of the Zoning Board of Appeals was held on Thursday, June 2, 2016 in Conference Room A at the Municipal Center.

Members present: Mr. William McCusker-Chairman, Mr. Robert Nault-vice Chairman, Mr. Elias Hanna, Mr. William Yeomans-Alternate Member, Ms. Kay Reed-Alternate Member and Mr. Robert Berger – ZEO.

Absent: Mr. Peter Adams

Meeting called to order at 7:35 p.m.

7:30 p.m. –High Point Estates

Is requesting a change to the special permit, this hearing is to determine if the change is a substantial change or an insubstantial change. If the Board considers this request to be substantial, we will have 30 days to schedule a public hearing. If the Board considers the request to be insubstantial, it will be approved tonight.

Mr. Marc Goldstein, Attorney for Mr. Peter Hingorani of High Point Estates, to speak on behalf of Mr. Hingorani. Chairman states this project has been ongoing for many years. This discussion is about terraces and retaining walls with wells and septic systems on the property. There is a lot of terracing going on up there and a specific house that exceeds the normal terraces. The house is up in the air on all 4 sides and the bottom of the front door is about 30' high and 20' off the common driveway.

The Board will grant a waiver on this house but not grant a blanket waiver on any additional retaining walls that may be needed. The Board has not granted blanket waivers on this project, only specific waivers for specific issues.

Attorney Goldstein, do we need to go back to the houses that have already been built with retaining walls that encroach on the setbacks and have waivers going forward for the lots that need them. 29 houses have been built with the retaining walls that require a waiver and 11 to be built that will need waivers.

Mr. Hingorani states that the project had 34 acres of open space, the houses are each built on 1/2 acre lots, and they have blasted the site to clear the ledge from the site.

Chairman states the immediate issue is the current retaining walls at 38 High Point Drive. There has not been a cease and desist order issued for this property.

Mr. Robert Berger, Zoning Enforcement Officer, states that a CO will not be issued for this property until this issue is settled, the retaining walls. Code states that a 36" fence is required next to a walking surface if the retaining wall is over 6' in height.

Mr. Neil Rybicki of Barlow Construction states that there will be 2, 6' retaining walls on this property that is a market rate home. They will be installing some sort of barrier, i.e. fence on the top retaining wall near the front of the house and by

the walkway.

Mr. Hanna inquires as to the cost of blasting, would it not be cheaper to blast than build the retaining walls? Would rather approve waivers on a case by case basis, versus a blanket waiver.

Mr. Rybicki, we did blast the whole area, but the perk rates for the septic system dictate the height of the foundation.

Chairman determines request is not a substantial change, but is not willing to issue a blanket waiver on the remainder of the lots.

Chairman issues the following:

If a wall is over 4' that have already been completed and the houses are already occupied, will grant a waiver.

The current property, 38 High Point Drive, the builder will add a fence on the top retaining wall.

Any other walls that are built above 5', the builder needs to come before the Board for approval and add a fence to the top of the wall.

Any wall that is 5' should have a fence on the top of the wall if the wall is near the front door.

Robert Berger, ZEO, states that the grade of the house is compliant and there were no retaining walls on the plan. Tom did the foundation inspection that passed. I did the frame inspection and noticed the direction of the house had changed in regards to the lot without prior approval, and then I stopped the construction of the house all together. Informed the builder I need to know of any changes prior to them being made. The walls are now under construction control due to the footings and stabilizing the foundation and have an engineer on site during the construction of the walls.

Mr. William Yeomans, can we condition a fence for safety and not have it be flowers or bushes. A certain height to minimize the hazards that have been created by the builder. The fence should be shown on the plan with terracing and stone walls for future owners.

Attorney Goldstein states that the builder cannot go back to the properties that have already sold and occupied by the new owner and add fences on the top of the retaining walls. They will comply with the building code on any future retaining walls and will add fences on the tops for safety.

Chairman agrees with Attorney Goldstein that they cannot go back on any occupied property, but would like fences added on any new walls built. The Board can add conditions but it needs to be economical and not cost prohibitive to the builder. The Board issues the following:

A blanket waiver will be issued for the 29 walls that are built and the homes occupied.

The current property under discussion, 38 High Point, and any future ones need to come before the Board for approval.

Any foundation above 30', then a fence is required and must be a 36" guard rail (fence)

Concerned with stacking walls (as defined by the building code)

Any retaining wall over 4' the Board needs to sign off on

Attorney Goldstein will write the decision. We will meet on Thursday, June 30, 2016 to review, vote and sign the decision.

Craftsman Village Grafton, LLC (formerly 123-125-Ferry Street LLC)

To determine if the request by the applicant to change the Comprehensive Permit to allow the addition of a 3rd bedroom, if desired by the purchaser, is a substantial or insubstantial change.

Mr. Mark O'Hagan, Manager & Member of Craftsman Village Grafton, LLC, we would like to have the potential to finish the basement and possibly add an additional bedroom and bathroom. This would give the builder a little more flexibility and more options to the potential purchasers.

Chairman state the change in the number of bedrooms from 2 to 3 could put a strain on the schools. Not all units would be turned into 3 bedroom units. This will give the potential owners the option to finish the basement the way they want.

Chairman determines this change request to be an insubstantial change.

Mr. Nault has a concern about parking if a 3rd bedroom is added.

Mr. Papalilo states that he can try and add a few more parking spaces to accommodate for any units that may add the 3rd bedroom.

Mr. Jeff Walsh of Graves Engineering, states that the ZBA usually requires 2.5 spaces per unit. It would be good if Mr. Papalilo could identify any additional parking that could be added. Also, make sure the driveways are 22' long so cars will not hang out of the driveways.

Chairman asks if the Board has any questions. There are no additional questions from the Board.
Chairman appoints Ms. Reed and Mr. Yeomans as voting members.

Motion made by Mr. Nault and 2nd by Mr. Hanna to amend the Comprehensive Permit to allow a 3rd bedroom to be built if so desired. On a roll call vote: Mr. Yeomans-yes; Mr. Hanna-yes; Mr. Nault-yes; Ms. Reed-yes; Chairman-yes. 5-yes, 0-no motion passed.

Craftsman Village Grafton, LLC – Approval of Revised Plans

Mr. Jeff Walsh of Graves Engineering has reviewed the revised plans:

1. 2" larger from front to back with a reduction in the size of the deck
2. Change in the location of the water main it is now located in the grassy area of the development due to the fact that the road was just repaved and they do not want to dig up the road.
3. OK with the changes with the riprap slope on the open space of the property with regards to the retention basin.

Mr. Walsh review the pump station design, the Sewer Department will review the design and have to approve the changes. The peak flows for the sewer are in the a.m. and in the afternoon; the pump station is well above the peak flows and average daily flow. Mr. Walsh does not get involved with the sewer department; he just makes sure the sewer is worked into the design of the plans.

Chairman inquires as to whether the access behind the units is acceptable to the Fire Department.

Mr. Papalilo informs the Board that he has spoken to Mr. Steve Charest, Assistant Fire Chief, that with the changes it would actually be easier to get the fire trucks behind the units if they needed to.

Chairman appoints Ms. Reed and Mr. Yeomans as voting members.

Motion made by Mr. Nault and 2nd by Mr. Hanna to accept the changes to the original plans approved June 17, 2011, extending the building by 2', moving the water main connection to within the roadway instead of the main line at Ferry Street, and adding the riprap slope. On a roll call vote: Mr. Yeomans-yes; Mr. Hanna-yes; Mr. Nault-yes; Ms. Reed-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Motion made by Mr. Hanna and 2nd by Ms. Reed to adjourn meeting. On a vote of 5-yes, 0-no, motion passed, meeting adjourned at 9:40 p.m.

Respectfully submitted by:
Katrina Koshivos


Clerk Chair