



**TOWN OF GRAFTON  
ZONING BOARD OF APPEALS**

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**MINUTES**

ZONING BOARD OF APPEALS  
THURSDAY, SEPTEMBER 10, 2015  
CONFERENCE ROOM A  
AT THE MUNICIPAL CENTER

A meeting of the Zoning Board of Appeals was held on Thursday, September 10, 2015 in Conference Room A at the Municipal Center.

**Members present:** Mr. Robert Nault, Mr. Michael Robbins- Clerk, Mr. Elias Hanna, Mr. William Yeomans-Alternate Member, and Kay Reed – Alternate Member, Mr. Robert Berger – Zoning Enforcement Officer.

**Absent:** Mr. William McCusker- Chairman, Peter Adams- Member Meeting called to order at 7:31 p.m.

**Review of Meeting Minutes**

Review of minutes from meeting on 7/23/2015. Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to accept the minutes of July 23, 2015 as amended. On a vote of 5-yes; 0-no – motion passed, minutes accepted.

Review of minutes from meeting on 8/27/2015, Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to accept the minutes of August 27, 2015 as amended. On a vote of 5-yes and 0-no, motion passed, minutes accepted.

**7:30 p.m. Case #804-12 Bicknell Road - Variance**

Vice Chairman reads rules of order. Clerk reads the legal notice.

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

Vice Chairman reads a letter from Land Planning on behalf of the applicant, withdrawing the case without prejudice. Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to close the public hearing. On a vote of 5-yes, 0-no, motion passed to close the public hearing.

Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to grant the withdrawal without prejudice. On a roll call vote: Mr. Yeomans-yes; Mrs. Reed-yes; Mr. Robbins-yes; Mr. Hanna-yes; Vice Chairman-yes. 5-yes, 0-no, motion passed, case withdrawn without prejudice.

**8:00 p.m. Case #806 – 8 Donahue Lane –Special Permit**

Vice Chairman appoints Mr. Yeomans and Mrs. Reed as voting members on this case. Vice Chairman reads the rules of order. Clerk reads the legal notice.

Mr. William Murphy of 8 Donahue Lane appoints Attorney Rob Knapik to speak on his behalf.

Mr. Hanna makes a point to let everyone know that he has had Attorney Knapik represent him on some legal cases. Applicant is o.k. with Mr. Hanna hearing this case.

Attorney Rob Knapik thanks the Zoning staff and Zoning Enforcement Officer for assistance in submitting the application. The property is currently located in the OLI (Office Light Industrial) District. In 1977 the property was subdivided and a mobile home was placed on this property in 1977 by a Special Permit issued by the ZBA. The owner would like to remove the mobile home and replace with a single family home. Under section 3.4.3.5, changing from the mobile home to a single-family home does not make any more detrimental to the neighborhood.

Questions from the board:

Mr. Hanna comments that moving from a mobile home to a single family home is better for the neighborhood and improves the lot.

Mr. Robbins inquires about the water and sewer. He is informed the mobile home is currently on town water and a septic system and that the septic system will be upgraded.

Vice Chairman asks if there are any letters in favor or against. Informed him there were none.

Zoning Enforcement Office asks why they not need a variance. If you increase the non-conformity you need both a variance and a special permit.

Attorney Knapik states that by altering, changing, or extending the non-conformity will not be more detrimental to the neighborhood. It would be impractical to adhere to the setbacks from 1977. It would make the new home odd looking just trying to make the new home more aesthetically appealing and more in relation to the current homes in the neighborhood.

Mr. Yeomans also states that the new house will be consistent with other houses of the neighborhood and would be a great improvement.

Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to close the hearing to public input. On a vote of 5-yes, 0-no closed to public input at 8:29 p.m.

Motion made by Mrs. Reed and 2<sup>nd</sup> by Mr. Yeomans to issue a special permit to extend, alter or change a pre-existing, non-conforming, structure or use pursuant to sec. 3.4.3.5 of the Grafton Zoning By-law, so that the petitioner may remove the existing mobile home on the property and replace it with a single-family home, which will not be substantially more detrimental to the neighborhood, as depicted in Exhibit A. On a roll call vote: Mr. Yeomans-yes; Mrs. Reed-yes; Mr. Robbins –no; Mr. Hanna-yes; Vice Chairman – yes. On a vote of 4-yes; 1-no, the motion passed.

Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to end case #806. On a vote of 5-yes, 0-no, case closed at 8:35 p.m.

**8:35 p.m. – case #807- 25 Pullard Road – Special Permit**

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

Board introduces themselves. The Vice Chairman reads the rules of order. The clerk reads the legal notice.

Mr. John Cameron of 25 Pullard Road would like to build a breezeway and attached 2 car garage. Very limited as to where garage can be placed due to wetlands and riverfront issues.

Vice Chairman asks if any letters either for or against have been received. Informed him that we have not.

Mr. Konrad Malkowski, 13 Pullard Road Unit #6, is a trustee for the Riverview Condo board that is an abutter to the property in question. The condo board would like the ZBA to vote against this request. The residents in the north part of the complex would have to see the garage and they are worried about the impact of future sales of the condos in that section of the complex.

Mr. Dan Pogerzelski, 9 Pleasant Street. Resides around the corner from the applicant in a home that was built in 1959 and he has lived there since 1961. The original setbacks were 7'. The condos were built in the middle of a residential area. I came before this board some time ago for the same reason and my neighbors came and spoke on my behalf and I felt that someone should speak on Mr. Cameron's behalf. Most of the homes in this area have done the exact same addition that Mr. Cameron is requesting and is not out of place.

Motion made by Mr. Robbins and 2<sup>nd</sup> by Mr. Hanna to close this case to public input. On a vote of 5-yes, 0-no, motion passed, hearing closed to public input.

Motion made by Mr. Robbins and 2<sup>nd</sup> by Mr. Hanna to allow the construction of a 24' x 24' garage and breezeway on a pre-existing, non-conforming structure located in the RMF zone. We are looking for 14.8' of relief on the left front setback where 30' is required. The addition of the garage and breezeway will not be more detrimental to the neighborhood. On a roll call vote: Mr. Yeomans-yes; Mrs. Reed-yes; Mr. Robbins-yes; Mr. Hanna-yes; Vice Chairman-yes. 5-yes, 0-no, motion passed.

Motion made by Mr. Robbins and 2<sup>nd</sup> by Mr. Hanna to close case #807. On a vote of 5-yes, 0-no, case #807 closed at 8:55 p.m.

**9:00 p.m. Continuation of Case #801- 296 Old Upton Road – Grafton Flea Market – Special Permit**

Mrs. Reed is not able to vote on this decision as she did not hear the case. Vice Chairman appoints Mr. Yeomans as a voting member on this decision as he sat in the case.

Only 4 members to vote on this decision. Applicant is o.k. with only 4 members voting on this decision.

Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Robbins to approve the decision on case #801 as submitted. On a roll call vote: Mr. Yeomans-yes; Mr. Robbins-yes; Mr. Hanna-yes; Vice Chairman-yes. 4-yes, 0-no, motion passed, decision approved.

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

Respectfully submitted by:  
Katrina Koshivos

  
Mr. Michael Robbins - Clerk