TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
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TOWN CLERK

Donna M. Girouard
Town Clerk

2016 00097493
Bk: 55893 Pg: 351
Page: 1 of 8 08/31/2016 10:47 AM WD

CERTIFICATE OF NO APPEAL

APPROVAL:	PLANNING BOARD Special Permit (SP 2016-9) & Site Plan Approval
PETITIONER:	Matthew Homan 26 Magnolia Lane, North Grafton, MA 01536
OWNER:	Matthew Homan 26 Magnolia Lane, North Grafton, MA 01536
DEED REFERENCE:	26 Magnolia Lane Assessors Map 30, Lot 26 Book 51148, Page 362 Worcester District Registry of Deeds

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton on the petition for an Accessory Apartment, on property located at 26 Magnolia Lane was received and filed in the Office of the Town Clerk on August 9, 2016 at 12:23 P.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on August 29, 2016.

A true copy,
Attest:
(Seal)

Donna M Girouard
Town Clerk – Grafton, Massachusetts

(6)

DECISION
GRAFTON PLANNING BOARD

RECEIVED TOWN CLERK
GRAFTON, MA
2016 AUG 9 PM 12 23

SPECIAL PERMIT (SP 2016-9) & SITE PLAN APPROVAL
Accessory Apartment
26 Magnolia Lane, North Grafton, MA

Matthew Homan (Applicant/ Owner)

Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of Matthew Homan, 26 Magnolia Lane, North Grafton (herein after the OWNER) for a Special Permit and Site Plan Approval for an Accessory Apartment, on property located at 26 Magnolia Lane, North Grafton, shown as Grafton Assessor's Map 30, Lot 26, (hereinafter the SITE) by deed recorded in the Worcester Registry of Deeds Book 51148, Page 362.

I. BACKGROUND

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was submitted on June 24, 2016. The public hearing on the Application was held on July 25, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on July 7 and July 14, 2016, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk David Robbins, Members Linda Hassinger and Tracy Lovvorn. At the hearing, Matthew Homan (Applicant / Owner) presented the Application to the Board. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on July 25, 2016.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound application materials submitted by the Applicant, received June 24, 2016; includes the following:

- Application for Special Permit; dated June 21, 2016, 1 page.
- Application for Site Plan Approval; dated June 21, 2016, 1 page.
- Certificate of Good Standing; dated by the Treasurer/Collector's Office on June 24, 2016; 1 page.
- Certified Abutters list; signed by the Assessor's Office Manager on June 22, 2016; 1 page.
- Correspondence; Re: Accessory Apartment, dated June 21, 2016; 1 page.
- List of Requested Waivers; no date; 1 page.
- Town of Grafton GIS Map of Property; 8 ½" X 11"; color; dated June 21, 2016; 1 page.
- Town of Grafton GIS Aerial Photograph of Property; 8 ½" X 11"; color; dated June 21, 2016; 1 page.
- Basement Floor Plan, Homan Residence, 26 Magnolia Lane; 11" x 17", color; no date.

EXHIBIT 2. Public Hearing Notice, received by the Town Clerk on July 5, 2016; 1 page

EXHIBIT 3. Email Correspondence; Re: SP 2016-9: Accessory Apartment – 26 Magnolia Lane; from Nancy Connors, Board of Health; dated and received April 21, 2016; 1 page.

EXHIBIT 4. Public Hearing Sign In Sheet for the May 16, 2016 hearing, 1 page.

III. FINDINGS

At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to make the following Findings:

F1.) That determinations regarding the following Findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Applications.

F2.) That this Application is for an accessory apartment on the Site as defined in Section 2.1 and Section 3.2.3.1 (Accessory Uses) of the Grafton Zoning By-law (hereinafter ZBL), and as shown on the plans identified in EXHIBIT #1 of this Decision.

F3.) That the Site is located in the Low Density Residential (R40) zoning district. The Board further finds that accessory apartments are permitted in an R40 zoning district only upon the issuance of a Special Permit by the Planning Board.

F4.) That determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.

F5.) That during the public hearing the Applicant / Owner presented the application to the Board. He is seeking the Special Permit and Site Plan Approval for the purpose converting 845 square feet of the existing basement of his house into an accessory apartment to be occupied by his parents. The unit consists of one bedroom, a kitchen, bathroom, living room and sewing room. Access to the unit is through the existing house via a stairwell. There is an exit leading out of the unit via a sliding door. The Owner explained that the space was being built in two phases – all living spaces and bathroom to be completed in the first phase, the kitchen to be added in the second phase. After build out of the apartment, the basement will be 85% finished. The remainder of the space will be left unfinished and will house mechanical equipment and storage.

F6.) That during the public hearing, the Planning Board informed the Applicant that previously issued special permits for accessory apartments typically included a condition that limited occupancy of such apartments only to family members. The Board finds that the Applicant acknowledged this condition.

F7.) The Board notes that it received two project review memorandum from the Board of Health (EXHIBIT #3) which noted that the property is served by Town sewer and public water.

F8.) The Board notes that there was no public input at the Public Hearing for this Application.

At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to make the following Findings:

F9.) With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate. No changes to the existing site layout or expansion of the existing footprint are proposed.

F10.) With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory. The proposed apartment is located within an existing single family house in a residential neighborhood. No changes to the exterior of the building are proposed.

F11.) With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory. Given the nature of application no changes to the existing refuse collection are required.

F12.) With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate. No changes to the existing site layout or expansion of the existing footprint are proposed.

F13.) With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. The proposed apartment is located within an existing single family house in a residential neighborhood. No changes to the exterior of the building are proposed.

F14.) With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate. The proposed apartment tis located within an existing structure and no expansion of the existing footprint is proposed.

F15.) With regard to Section 1.5.5(g) of the ZBL, that the proposed accessory apartment use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) is /generally compatible with adjacent properties and properties in the district. The proposed apartment is located within an existing single family house in a residential neighborhood. No changes to the exterior of the building or existing site layout are proposed.

F16.) With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply. The Board of Health notes that this site is served by both Town sewer and municipal water services (see EXHIBIT #3)

F17.) With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not

be any significant or cumulative impact upon municipal water supplies. The Board of Health notes that this site is served by both Town sewer and municipal water services (see EXHIBIT #3)

F18.) With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. No changes to the exterior of the building or expansion of the footprint is proposed.

At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to make the following Findings:

F19.) That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.

F20.) That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board.

F21.) The Board finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant submitted waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1).

F22.) That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3.1 of the ZBL.

IV. WAIVERS

W1. At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (d) Site Plan Requirements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision:

(10.) Wetlands, Ponds, Streams
(12.) Existing and proposed topography at two-foot elevation intervals
(14.) Extent and type of all existing and proposed surfaces
(15.) Lot coverage
(16.) Parking calculations
(17.) Volume of Earth Material
(19.) Parking and loading spaces
(20.) Service areas and all facilities for screening
(21.) Landscaping
(22.) Lighting
(23.) Proposed signs

(25.) Stormwater management facilities
(27.) Exterior storage and fences
(29.) Dust and erosion control
(30.) Existing vegetation
(31.) Other details determined by the Planning Board

W2. At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (e) Stormwater Management and Hydrological Study** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.

W3. At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (f) Report on Volume of Earth Material to be Removed** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.

W4. At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (h) Written Statements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.

The Planning Board specifically noted that voting to grant Waivers 1 – 4 was based on the size and scope of the project as well as the absence of specific concerns raised during the public hearing.

IV. DECISION and CONDITIONS

At their meeting of August 8, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion Mr. Robbins, seconded by Ms. Lovvorn) voted 4-0 to **APPROVE** the application for a Special Permit and Site Plan Approval with the following conditions:

C1.) This Special Permit / Site Plan Approval is granted specifically to the Applicant for property located at 26 Magnolia Lane, North Grafton (as identified within this Decision).

C2.) Based on FINDING #F6, the accessory apartment is to be occupied by one of the property owners (the APPLICANT) only.

F23.) The unit may not be used for rental purposes or for non-family members if, in the future, the unit is vacated. If the unit is vacated then the use of the property reverts back to single family and the accessory unit ceases to qualify as a separate living unit.

C3.) This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.

C4.) By recording this Special Permit Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.

C5.) In accordance with Section 1.5.8 of the ZBL, this Special Permit shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use has not commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.

C6.) Any modification to the use or Site as described within this Decision and as presented to the Board during the public meeting and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed change(s) are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 4-0 to **APPROVE / DENY** the Special Permit & Site Plan Approval Application with Conditions for an accessory apartment at 26 Magnolia Lane based on the information received at the public hearing and the aforementioned findings.

Michael Scully, Chairman	ABSENT	Linda Hassinger, Member	AYE
Robert Hassinger, Vice Chairman	AYE	Tracy Lovvorn, Member	AYE
David Robbins, Clerk	AYE		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

8-9-2016
Date

cc: Applicant / Owner
- Building Inspector
- Assessor

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Donna M Girouard
Donna Girouard, Town Clerk

August 30, 2016
Date

A true copy,
Attest:
Donna M Girouard
Donna M. Girouard, Town Clerk
Grafton, MA