DECISION
GRAFTON PLANNING BOARD

SPECIAL PERMIT (2016-13) & SITE PLAN APPROVAL
Construct a Two Family Dwelling
13 Snow Road, North Grafton, MA

Theodore Leszczyski (Applicant / Owner)

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Theodore Leszczyski, 1 Hatfield Street, Unit 2, Worcester, MA 01604 (hereinafter the APPLICANT / OWNER), for a Special Permit (SP 2016-13) and Site Plan Approval to construct a two family dwelling on property located at 13 Snow Road, North Grafton, MA, and shown as Grafton Assessor's Map 46, Lot 31; (hereinafter the SITE), and owned by Theodore Leszczyski by deed recorded in the Worcester District Registry of Deeds: Book 10072, Page 323.

I. BACKGROUND

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on August 31, 2016. A public hearing on the Application was opened on September 26, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on September 8 and September 15, 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 (via Mullin Certification), Members Linda Hassinger and Tracy Lovvorn, and Associate Member Sharon Carroll-Tidman. At the hearing, Fred Trifone presented the Application to the Board on behalf the Applicant / Owner. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on September 26, 2016.

II. SUBMITTALS

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

EXHIBIT 1. Unbound Application packet submitted by the Alfred Trifone , Trifone Design Associates, Inc. on behalf of the Applicant, received August 31, 2016, including the following:

- Application for Special Permit; signed by Theodore Leszczyski, dated July 12, 2016; 1 page.
- Application for Site Plan Approval; signed by Theodore Leszczyski, dated July 12, 2016; 1 page.
- Certified Abutters List; Signed by Assessor's Office on June 28, 2016; 1 page.
- Certificate of Good Standing; Signed by Treasurer/Collector's Office on June 23, 2016; 1 page.
- Correspondence from Alfred Trifone of Trifone Design Associates, Inc.; Re: Special Permit, New Two Family Home 13 Snow Road; dated August 30, 2016; 1 page.

- Site Photos; Southerly, Easterly, Westerly, and Northerly Views; 8.5" x 11"; black and white; no date; 2 pages.
- Floor Plans; Lower Level and Main Floor; 8.5" x 11"; black and white; no date; 2 pages.
- Building drawing / front façade; 8.5" x 11"; Black and White; not dated; 1 Page.
- Town of Grafton GIS locus map; scale unknown; 8.5" x 11"; black and white; Printed no date; 1 page.
- Proposed Site Plan at 13 Snow Road Grafton, MA; prepared by Trifone Design Associates, Inc.; 24" x 36"; black and white; dated July 11, 2016; 1 sheet.

EXHIBIT 2. Public Hearing Notice, stamped received by the Town Clerk's Office on September 2, 2016; 1 page.

EXHIBIT 3. Email Correspondence; Re: SP 2016-13: Request for Construction of Two Family Dwelling – 13 Snow Road; from Nancy Connors, Board of Health; dated and received September 8, 2016; 1 page.

EXHIBIT 4. Email Correspondence; Re: SP 2016-13: Request for Construction of Two Family Dwelling – 13 Snow Road; from Police Department; dated and received September 16, 2016; 1 page.

EXHIBIT 5. Public Hearing Sign In Sheet for the September 26, 2016 hearing, 1 page.

EXHIBIT 6. Mullin Certification for David Robbins, dated October 1, 2016; received October 3, 2016; 1 page.

II. FINDINGS

At their meeting of October 3, 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 by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

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

F2.) 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.

F3.) That this Application is to construct a two family dwelling on the Site as defined in Section 3.2.3.1 (Residential Uses) of the Grafton Zoning By-law (hereinafter ZBL), as shown on the plans and described by the applicant in EXHIBIT #1 of this Decision.

F4.) That the subject Site is located in an R-20 zoning district.

F5.) That two family structures are permitted in an R-20 zoning district only upon the issuance of a Special Permit by Planning Board.

F6.) That the subject Site is located within the Water Supply Protection Overlay District.

At their meeting of October 3, 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 by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

F7.) That during the public hearing, Mr. Trifone reviewed the Application. The site was previously occupied by a single family house which was torn down in Spring 2016. Currently there are no structures on the property. The Applicant is proposing to construct a new single story two family dwelling with a foot print of 4,286 square feet. The Applicant notes that the structure complies with all performance standards set forth by Section 4/1 of the Zoning By-law. The total coverage of the lot is 23.9% and all runoff will be recharged on site by surface infiltration to vegetated areas (see EXHIBIT #1). The site is adjacent to the Grafton Housing Authority Maxwell Drive development.

F8.) That during the Public Hearing the Board and the Applicant reviewed proposed waivers – lighting, landscaping and traffic study. Mr. Trefoni stated atht the yard will remain lawn area and that any disturbed areas will be loamed and seeded. No major landscape changes were proposed. The only exterior lighting proposed will be residential light fixtures. No additional surface lighting is proposed. With regards to the requirement of a traffic study Mr. Trefoni noted that the traffic impact was minimal.

F9.) That during the public hearing the Board and the Applicant discussed the compatibility with the surrounding neighborhood. The Board asked if there were other two family structures in the area. Several were cited but it was noted that it was not common occurrence in Town. Mr. Laydon reviewed the proposed structure noting that it was single story with basement areas for both units. He noted that there was a more dense housing pattern further up Snow Road.

F10.) That during the public hearing the Board and the Applicant discussed sewer and water service to the site. Mr. Trifone noted that they would be tying into the municipal sewer system which is located in front of the house in Snow Road. Water service is also available and will be run onto the site and then split to provide individual service lines to each of the two units.

F11.) The Board notes that it received correspondence from the Board of Health regarding review of the Application (see EXHIBIT #3). The Board of Health notes that the new dwelling units must tie into the municipal sewer system which is available to the site.

F12.) The Board notes that it received correspondence from the Police Department regarding review of the Application (see EXHIBIT #4). They state that they have no comments or objections to the Application a proposed.

F13.) No public comment was received during the public hearing.

At their meeting of October 3, 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 by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

F14.) 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.

F15.) 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.

F16.) 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.

F17.) 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.

F18.) 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 are compatible and in harmony with properties in the district.

F19.) 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.

F20.) With regard to Section 1.5.5(g) of the ZBL, that the proposed use of the property (as presented in the EXHIBITS stated within this Decision) is generally compatible with adjacent properties and properties in the district.

F21.) 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, they will not have a significant adverse impact on a public or private water supply. The structure will be served by Town water and sewer services.

F22.) With regard to Section 1.5.5(i), that said section is not applicable as the proposed use is within the Water Supply Protection Overlay District (see FINDING #F5). The Board further finds that based on the Exhibits and Findings stated within this Decision that there will not be any significant or cumulative impact upon municipal water supplies. The structure will be served by Town water and sewer services.

F23.) 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 information was received or discussed regarding this matter.

At their meeting of October 3, 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 by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to make the following Findings with regard to the specific issues listed in Section 1.3.3 and Section 3.2.2 of the ZBL:

F24.) That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.

F25.) 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. The Board further 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.

F26.) That pursuant to Section 1.3.3.4 of the ZBL, the Applicant requested waivers from the following requirements for preparing site plans, as follows (see EXHIBIT #1):

- Section 1.3.3.3 (d) – Site Plan preparation requirements including subsection items 21 and 22.
- Section 8.21 – Traffic study

F27.) That with respect to the nature of this particular Application (see EXHIBIT #1 of this Decision), the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL.

IV. WAIVERS

W1. At their meeting of October 3, 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 by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3(d) Site Plan Requirements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision:

(21.) Landscaping Plan
(22.) Lighting Plan

The Planning Board noted that the vote to grant these waivers was based on the size and scope of the project as well as the absence of specific concerns during the public hearing. See FINDING #F8.

W2. At their meeting of October 3, 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 by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from **Section 8.2.1- Traffic Study** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.

The Planning Board noted that the vote to grant this waiver was based on the size and scope of the project as well as the absence of specific concerns during the public hearing. The proposed use and its impacts to the surrounding neighborhood were found to be minimal and did not warrant the need for a traffic study.

III. DECISION and CONDITIONS

At their meeting of October 3, 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 by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to **GRANT** the Application for Special Permit and Site Plan Approval with the following conditions:

C1.) That this Special Permit and Site Plan Approval is granted specifically to construct a two family dwelling as defined by the Grafton Zoning By-Law and as identified in EXHIBIT #1 and as presented by the Applicant during the public hearing.

C2.) The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted

provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.

C3.) Hours of construction and earthwork shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or State and Federal holidays.

C4.) All maintenance of the Site hereafter shall be in accordance with all applicable Federal, State and Local regulations.

C5.) In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been 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.) 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.

C7.) 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.

C8.) 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 5-0 to **APPROVE** the Special Permit & Site Plan Approval Application with Conditions construct a two family dwelling at 13 Snow Road based on the information received at the public hearing and the aforementioned findings.

Michael Scully, Chairman	AYE	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

10-4-16
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 Girouard, Town Clerk

Date