

**DECISION
GRAFTON PLANNING BOARD**

SPECIAL PERMIT (SP 2016-6) & SITE PLAN APPROVAL

**Accessory Apartment
18 Taft Mill Road, South Grafton, MA**

Peter Halbrooks (Applicant/ Owner)

Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of Peter Halbrooks, 18 Taft Mill Road, South Grafton (herein after the OWNER) for a Special Permit / Site Plan Approval for an Accessory Apartment, on property located at 18 Taft Mill Road, South Grafton, shown as Grafton Assessor's Map 125, Lot 140, (hereinafter the SITE), and owned by the Peter Halbrooks by deed recorded in the Worcester Registry of Deeds Book 44401, Page 338.

I. BACKGROUND

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was submitted on April 1, 2016. The public hearing on the Application was held on April 25, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 7 and April 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 Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins. At the hearing, Mr. Peter Halbrooks (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 April 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 April 1, 2016; includes the following:

- Application for Special Permit; 1 page.
- Application for Site Plan Approval; 1 page.
- Certificate of Good Standing; dated by the Treasurer/Collector's Office on March 18, 2016; 1 page.
- Certified Abutters list; signed by the Assessor's Office Manager on March 15, 2016; 1 page.
- Correspondence; Re: Special Permit Application – 18 Taft Mill Road, Lot 40 for an Accessory Apartment; submitted by Peter Halbrooks; no date; 3 pages.
- List of Requested Waivers; no date; 1 page.
- GIS Map of Property; 8 ½" X 11"; color; dated March 18, 2016; received April 1, 2016; 2 pages.
- Site Images of existing building; 8 ½" X 11"; color; no date;; 2 pages.

- Correspondence; Re: Special Permit/Site Plan Review Application - #18 Taft Mill Road Lot 40 for an Accessory Apartment; written by Normand Gamache; dated January 30, 2014; 3 pages.
- Correspondence; Re: #18 Taft Mill Road – Lot 40; written by Normand Gamache; dated January 30, 2014;; 1 page.
- Correspondence; Re:#18 Taft Mill Road – Lot 40 Special Permit/Site plan Review Application; dated January 30, 2014; 1 page.
- Plot Plan of #18 Taft Mill Road; prepared by Guerriere & Halnon, Inc.; dated January 30, 2014; 1 page.
- Foundation Plan; prepared by WGB Construction; date not legible;1 page
- First Floor Plan; prepared by WGB Construction; no date; 1 page.

EXHIBIT 2. Public Hearing Notice, Grafton Planning Board; 1 page.

EXHIBIT 3. Email Correspondence; Re: SP 2016-6: Accessory Apartment – 18 Taft Mill Road; from Nancy Connors, Board of Health; dated and received April 8, 2016; 1 page.

EXHIBIT 4. Email Correspondence; Re: SP 2016-6: Accessory Apartment – 18 Taft Mill Road; from Katrina Koshivos, Zoning Board of Appeals; dated and received April 8, 2016; 1 page

EXHIBIT 5. Public Hearing Sign In Sheet for the February 24, 2014 hearing, 1 page.

III. FINDINGS

At their meeting of [REDACTED], 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 [REDACTED], seconded by [REDACTED]) voted [REDACTED] to **GRANT / DENY** to make the following Findings:

- F1.)** 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.
- F2.)** That the Site is located in the Low Density Residential (R40) zoning district. The site is not located within the Water Supply Protection Overlay District (WSPOD). The Board further finds that accessory apartments are permitted in a R40 zoning district only upon the issuance of a Special Permit by the Planning Board.
- F3.)** 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.
- 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 of occupying an accessory apartment in the basement of the existing house. The existing accessory apartment was constructed in 2014 by the previous owner. It was granted a Special Permit (SP 2014-3) and Site Plan Approval by the Planning Board on March 10, 2014. The previous permit ceased to be valid upon the sale of the property. No expansion of the existing footprint of the house or the previously approved floor plan of the existing unit is proposed. The unit consists of one bedroom, a kitchen, bathroom and living room. The unit will be occupied by the OWNER's in-laws.
- 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.)** That during the public hearing process, the Planning Board informed the Applicant that the decision of the Board will be conditioned to reflect that the Special Permit and Site Plan Approval will be limited strictly to the Owner named in the Decision. If granted, the Special Permit and Site Plan Approval becomes null and void in the event that the Owner sells the house. The Board finds that the Applicant acknowledged this condition.
- F8.)** The Board notes that it received two project review memorandum from Town Departments - one from the Board of Health (EXHIBIT #3) and one from the Zoning Board of Appeals (EXHIBIT #4). Both departments reviewed the application. The Board of Health noted that the property is served by Town sewer and public water. The Zoning Board of Appeals did not have any comment.
- F9.)** The Board notes that there was no public input at the Public Hearing for this Application.

At their meeting of _____, 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 _____, seconded by _____) voted ___-___ to **GRANT / DENY** to make the following Findings:

- F10.)** 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 / are not** adequate.
- F11.)** 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 / are not** satisfactory.
- F12.)** 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 / are not** satisfactory.
- F13.)** 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 / are not** adequate.

- F14.)** 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 / is not** compatible and in harmony with properties in the district.
- F15.)** 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 / are not** adequate.
- F16.)** 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 / is not** generally compatible with adjacent properties and properties in the district.
- F17.)** 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 / will not** be any significant adverse impact on any public or private water supply.
- F18.)** 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 proposed use is not within the Water Supply Protection Overlay District (see FINDING #2).
- F19.)** 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 / is not** satisfactory.

At their meeting of _____, 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 _____, seconded by _____) voted **_-** to **GRANT / DENY** to make the following Findings:

- F20.)** 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.
- F21.)** 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.
- F22.)** 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).
- F23.)** 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 _____, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by _____, seconded by _____) voted ___-___ to **GRANT / DENY** 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
 - (19.) Parking and loading spaces
 - (21.) Landscaping
 - (22.) Lighting
 - (25.) Stormwater management facilities
 - (29.) Dust and erosion control
- W2.** At their meeting of _____, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by _____, seconded by _____) voted ___-___ to **GRANT / DENY** 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 _____, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by _____, seconded by _____) voted ___-___ to **GRANT / DENY** 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 _____, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by _____, seconded by _____) voted ___-___ to **GRANT / DENY** the Applicant's request for a waiver from **Section 8.2.1 – Traffic Study** of the ZBL 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 _____, 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 _____, seconded by _____) voted ___-___ to **GRANT / DENY** 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 18 Taft Mill Road, South Grafton (as identified within this Decision).
- C2.)** Based on Finding #F5 the accessory apartment is to be occupied by the Owner's family members only. No changes to the floor plan of the existing apartment or footprint of the house is proposed or permitted.
- C3.)** Based on Finding #F7 this Special Permit is granted to the Owner, as identified within this Decision, and does not run with the land.
- C4.)** Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Special Permit decision.
- C5.)** 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.
- C6.)** 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.
- C7.)** 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.
- 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 - to **APPROVE / DENY** the Special Permit & Site Plan Approval Application with Conditions for an accessory apartment at 18 Taft Mill Road based on the information received at the public hearing and the aforementioned findings.

<u>Sargon Hanna, Chairman</u>	<u>AYE / NAY</u>	<u>Linda Hassinger, Member</u>	<u>AYE / NAY</u>
<u>Michael Scully, Vice Chairman</u>	<u>AYE / NAY</u>	<u>David Robbins, Member</u>	<u>AYE / NAY</u>
<u>Robert Hassinger, Clerk</u>	<u>AYE / NAY</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

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