



**TOWN OF GRAFTON
ZONING BOARD OF APPEALS**

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**MINUTES
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 12, 2023
HYBRID MEETING**

A meeting of the Zoning Board of Appeals was held on Thursday, January 12, 2023, via Zoom Conference.

Members present: William McCusker, Kay Reed, William Yeomans, Peter Adams, and Mitali Biswas, and Robert Berger-Zoning Enforcement Officer,

Absent member: Brian Waller

Meeting called to order at 7:08 p.m.

Chairman will be absent from the meeting. He has asked William McCusker to act as Chairman. Currently the Board does not have a Vice Chairman.

Chairman calls meeting to order and takes roll call of all members, staff and others expected to participate. Chairman reads remote/hybrid access rules.

Case #890 – 16 Elmwood Street – Special Permit - Change of Use

Acting Chairman Bill McCusker explains to the applicant that we only have 4 members that can vote on his case and that he needs all 4 votes to get his Special Permit. Applicant, Brian Salerno, requests a continuance. **NO TESTIMONY WAS HEARD IN THIS CASE.**

Motion made by Mr. Yeomans and 2nd by Ms. Reed to continue case #890 to Thursday, February 16, 2023, at 7:00 p.m. On a roll vote: Mr. Yeomans – yes; Ms. Reed – yes; Ms. Biswas- yes; Mr. Adams-yes; Mr. McCusker-yes. 5-yes, 0-no, motion passed, hearing continued.

Fisherville Terrace LLC – Case #754 – NPC (Notice of Project Change) – size of drainpipe

Board introduces themselves. Acting Chairman McCusker appoints Ms. Biswas as a voting member on this case. Acting Chairman McCusker reads rules of order. Acting Chairman reads the legal notice for the Clerk.

Attorney Christopher Agostino to speak for the applicant, Fisherville Terrace LLC.

- Gives history of the drainpipe and the cease-and-desist order that was issued by the Building Inspector
- Discussion of MADOT plans/pipe size vs. what pipe size was required by the Comprehensive Permit

Discussion

- Condition of the Comprehensive Permit requiring the 36” pipe
- Pre-Construction meeting was required – per the permit- discussion of the pipe and to coordinate with MADOT with their Main Street project.
- No conversations with MADOT – they never contemplated a 36” pipe – installed an 18” pipe.
- Steve O’Connell – Turning Point Engineering – MADOT originally showed a 24” pipe, due to ledge, water, sewer, gas, and electrical lines/pipes, needed to install an 18” pipe.
 - Board would like documentation showing the ledge prohibited the 36” pipe from being installed.
- Discussion of 18” – 24” pipe
- Hydrology and Hydraulic analysis
- Route of pipe changed but ends at the same place – was supposed to be 36” pipe.
 - Route changed due to large underground piece of concrete.
- Board will request comments from Paul Cournoyer, head of DPW and Sewer to ok change to the 30” pipe.
- Mr. McCusker comments on the owner’s actions towards the Town, Board, neighbors and ZEO

- NPC – is limited to the requested change only – i.e., the size of the drainpipe – nothing else.
- Attorney Hill – does the design change work – Board does not have the authority to downsize the size of the development.
- Attorney Agostino comments regarding the changes for the drainage – what the site will allow.

Comments from abutters:

Tara and Andrew Gestrich of 11 Murray Ave., South Grafton, MA

- Concerned about the work done before and after hours, blasting.
- Needs to meet the design plans.
- Discussion/reasoning behind the development – in the hands of the state – ties the towns hands.

Bernie Gardzina of 20 Ferry Street, South Grafton, MA

- 36" drainpipe needs to be installed to help the flooding from the brook

Motion made by Mr. Yeomans and seconded by Mr. Adams that the hearing for the NPC – size of the drainpipe be continued to February 16, 2023 at 7:00 p.m. On a roll call vote: Ms. Reed – yes; Mr. Yeomans-yes; Ms. Biswas – yes; Mr. Adams – yes; Mr. McCusker – yes. 5-yes, 0-no, motion passed hearing continued to February 16, 2023, at 7:00 p.m.

Minutes:

Review of meeting minutes from 12/15/22 meeting:

Motion made by Mr. Adams and seconded by Ms. Reed to accept the minutes of the 12/15/22 meeting as submitted. On a roll call vote: Ms. Reed – yes; Mr. Yeomans – yes; Ms. Biswas – yes; Mr. Adams – yes; Mr. McCusker – yes. 5-yes, 0-no, motion passed, minutes approved.

Motion made by Mr. Yeomans and seconded by Ms. Reed to enter Executive Session to review and approve previous Executive Session minutes. On a roll call vote: Mr. Yeomans – yes; Mr. Adams – yes; Ms. Reed – yes; Ms. Biswas – yes; Chairman – yes. 5-yes, 0-no, motion passed, entering Executive Session at 8:30 p.m.

Public hearing will be adjourned while in Executive Session.

Respectfully submitted by Katrina Koshivos

Kay Reed - Clerk