



PLANNING BOARD

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1120 • FAX (508) 839-4602
planningdept@grafton-ma.gov
www.grafton-ma.gov

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SPECIAL PERMIT (2019-05) & SITE PLAN APPROVAL DECISION
Conversion of Single Family Dwelling to Two Family Dwelling
12 Elm Street, Grafton, MA

Joseph H. Frey (Applicant / Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Joseph H. Frey, 12 Elm Street Grafton, MA 01536 (hereinafter the APPLICANT / OWNER), for a Special Permit (SP 2019-05) and Site Plan Approval to convert a single-family dwelling to a two-family dwelling on property located at 12 Elm Street, Grafton, and shown as Grafton Assessor's Map 11, Lot 8.0; (hereinafter the SITE), and owned by Joseph H. Frey by deed recorded in the Worcester District Registry of Deeds: Book 20373, Page 342.

I. BACKGROUND

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on March 22, 2019. A public hearing on the Application was opened on April 22, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 4 and April 11, 2019, and posted with the Town Clerk's Office on April 1, 2019. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman Linda Hassinger, Clerk Sharon Carroll-Tidman, Members David Robbins, and Michael Scully. At the hearing, Joseph Frey (owner) presented the Application to the Board. There was no public input. The public hearing was closed on April 22, 2019.

II. SUBMITTALS

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

1. Original Application Submission, received March 22, 2019 to include the following:
 - a. Application for Special Permit, signed by Joseph H. Frey, dated March 11, 2019, date stamped by the Town Clerk on March 22, 2019 and date stamped by Planning on March 22, 2019, 1 page.
 - b. Application for Site Plan Approval, signed by Joseph H. Frey, dated March 11, 2019 and date stamped by Planning on March 22, 2019, 1 page.
 - c. Document entitled "Project Narrative, 12 Elm Street, North Grafton, MA," and date stamped by Planning on March 22, 2019, 1 page.
 - d. Plan: color plot plan showing 12 Elm Street, dated March 22, 2019 and date stamped by Planning on March 22, 2019, 1 page.
 - e. Plan: entitled "First Floor Plan A," by J.H. Frey Custom Homes, dated May 17, 2019 and date stamped by Planning on March 22, 2019, 1 color page.

- f. Plan: entitled "Second Floor Plan A," dated May 17, 2019 and date stamped by Planning on March 22, 2019, 1 color page.
 - g. Document listing the waivers requested and materials included in application and date stamped by Planning on March 26, 2019, 2 pages.
 - h. Certificate of Good Standing, signed by Christine Atchue, dated March 14, 2019, and date stamped by Planning on March 22, 2019, 1 page.
 - i. Abutters Listing for Assessors Map 11, Lot 8; dated March 14, 2019 and signed by Ken O'Brien, MAA, Data Collector, and date stamped by Planning on March 22, 2019, 1 page.
2. Public Hearing Notice, date stamped by the Town Clerk on April 1, 2019, 1 page.
 3. Email from Katrina Koshivos, Zoning Board of Appeals, dated April 8, 2019 and date stamped by Planning on April 8, 2019, 1 page.
 4. Email from Nancy Connors, Board of Health, dated April 8, 2019 and date stamped by Planning on April 8, 2019, 1 page.
 5. Revised submission materials including "Certified Plot Plan," date stamped by Planning on April 22, 2019, 7 pages.
 6. "Public Hearing Sign-In Sheet", dated April 22, 2019, 1 page.

II. FINDINGS

At their meeting of May 6, 2019, 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 Ms. 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 convert an existing single-family dwelling to 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.
- F7.) That during the public hearing, Mr. Frey reviewed the Application. The existing property was used as a single-family dwelling. That the structure will be improved to contain two dwelling units; a two-bedroom unit will be located on the first floor and a two-bedroom unit will be located on the second floor (see EXHIBIT #1c).
- F8.) That the Board noted the Exhibit 1c narrative and the Exhibit 1e Floorplans differed for the first floor apartment which indicated two bedrooms in the narrative versus and one bedroom on the floor plan.

- F9.) That during the Public Hearing the Board and the Applicant discussed the changes to the property and how parking would be accommodated. There is currently parking for six cars off street.
- F10.) The Board notes that it received correspondence from the Board of Health regarding review of the Application (see EXHIBIT #4). The Board of Health notes that the dwelling is served by municipal water and sewer.
- F11.) The Board notes that it received correspondence from the Zoning Board of Appeals regarding review of the Application (see EXHIBIT #3). They state that they have no comments or objections to the Application as long as there are no alterations to the footprint of the building.
- F12.) No public comment was received during the public hearing.
- F13.) 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.
- F14.) 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.
- F15.) 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.
- F16.) 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.
- F17.) 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.
- F18.) 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.
- F19.) 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.
- F20.) 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.
- F21.) With regard to Section 1.5.5(i), that the Board 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 and that the expansion of the parking lot will occur outside of the Water Supply Protection Overlay District. The structure will be served by Town water and sewer services.
- F22.) 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.

- F23.) 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.
- F24.) 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.
- F25.) 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 listed in EXHIBIT 1.
 - Section 1.3.3.3 (e) - Stormwater Management Report
 - Section 1.3.3.3 (f) – Earth Movement Calculations
 - Section 8.21 – Traffic study
- F26.) 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 May 6, 2019, 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 Ms. Hassinger) voted 5-0 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:

- (6.) Description and Proposed Use
- (7.) Zoning District(s)
- (8.) Locus Map
- (9.) Title Block
- (10.) Wetlands, Streams, Buffer Areas
- (11.) Ownership of abutting land
- (12.) Existing and proposed topography at two-foot elevation intervals
- (13.) Property lines, building setbacks, parking areas, easements
- (14.) Extent and type of all existing and proposed surfaces
- (15.) Lot coverage
- (16.) Parking calculations
- (17.) Volume of Earth Material
- (18.) Driveways and driveway openings/entrances
- (19.) Parking and loading spaces
- (20.) Service areas and all facilities for screening
- (21.) Landscaping

- (22.) Lighting
- (23.) Proposed signs
- (24.) Sewage, refuse disposal
- (25.) Stormwater Management
- (26.) All structures and buildings associated with proposed and existing use of property
- (27.) Exterior storage and fences
- (28.) Utilities and their exterior appurtenances
- (29.) Dust and erosion control
- (30.) Existing vegetation
- (31.) Any other details or information deemed necessary by the Planning Board

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 #F3 through #F11.

- W2.** At their meeting of May 6, 2019, 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 Ms. Hassinger) voted 5-0 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 May 6, 2019, 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 Ms. Hassinger) voted 5-0 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 May 6, 2019, 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 Ms. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (g) Written Statements** of the ZBL with regard to preparing site plans, and indication buildings and site will be maintained for the reasons stated within the Findings of this Decision.
- W5.** At their meeting of May 6, 2019, 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 Ms. 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/deny 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 May 6, 2019, 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 Ms. 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 convert a single-family dwelling to 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.)** That this Special Permit and Site Plan Approval grants approval for a one (1) bedroom unit on the first floor and a two (2) bedroom unit on the second floor. Should the Applicant seek approval for a second bedroom on the first floor, a revised floor plan must be submitted to determine if it is consistent with this decision and pursuant to Condition C9 below.
- C3.)** 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.
- C4.)** 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.
- C5.)** All maintenance of the Site hereafter shall be in accordance with all applicable Federal, State and Local regulations.
- C6.)** 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.
- C7.)** 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.
- C8.)** 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.
- C9.)** 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 convert a single-family dwelling to a two-family dwelling at 12 Elm Street based on the information received at the public hearing and the aforementioned findings.

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Michael Scully, Member</u>	<u>AYE</u>
<u>Linda Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Sharon Carroll-Tidman, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

5-6-2019

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.

Kandy Lavellee, Town Clerk

Date