

**DECISION
GRAFTON PLANNING BOARD**

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SPECIAL PERMIT (SP 2019-14) 2019 OCT -8 AM 8:50
Freestanding Sign - Relief from Area Requirements
Hunter's Grill & Tap at the Grafton Inn, 25 Grafton Common, Grafton, MA

R

James Hunter, JJH Investments Inc (Applicant/Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of James Hunter, JJH Investments Inc, 25 Grafton Common, Grafton, MA 01519 (hereinafter the Applicant), for a Special Permit under Section 4.4.4 (Special Cases / Relief) of the Grafton Zoning By-law (ZBL) for relief from the requirements for signs in the Neighborhood Business (NB) zoning district. Said petition seeks approval for the requested relief relating to square footage of a wall mounted sign over a sidewalk at 25 Grafton Common, Grafton (hereinafter the Site), and shown on Grafton Assessor's Map 74, Lot 80.0 and owned by James Hunter, JJH Investments Inc (hereinafter the Applicant) by deed recorded in the Worcester District Registry of Deeds in Book 54667, Page 59.

I. BACKGROUND

The application for the above referenced Special Permit (hereinafter Application) was submitted on June 29, 2018. Notice of the public hearing and the subject matter thereof was published in the Worcester Telegram & Gazette on September 9 and 16, 2019 and posted with the Town Clerk's Office and abutters were notified by First Class Mail. The public hearing on the Application was held on September 23, 2019. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on September 23, 2019.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Robert Hassinger, Clerk Justin Wood, and Members Linda Hassinger and Prabhu Venkataraman. At the hearing, James Hunter, JJH Investments Inc (Applicant) participated remotely to discuss the application to the Board.

II. EXHIBITS

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

1. Original Application Submission, received September 4, 2019 to include the following:
 - a. Application for a Special Permit, signed by James Hunter for JJH Investments, Inc. (Applicant/Owner), dated September 3, 2019, date stamped by the Town Clerk on September 9, 2019 and date stamped received by the Planning Board on September 4, 2019, 1 page.
 - b. Certificate of Good Standing, signed by Christine Atchue, dated September 12, 2019 and date stamped received by the Planning Board on September 12, 2019, 1 page.
 - c. Abutters Listing for 25 Grafton Common, Map 74, Lot 80, dated September 4, 2019, signed by Tammy Kalinowski, Officer Manager and date stamped received by the Planning Board on September 4, 2019, 1 page.
 - d. Diagram of sign dimension, two photos showing location of sign and floor plan sketch labeled "The Grafton Inn, 1st Floor," and date stamped received by the Planning Board on September 4, 2019, 4 pages.

2. Plan Review Sign Permit Application, date stamped received by the Planning Board on September 4, 2019, 10 pages.
3. Public Hearing Notice, date stamped by the Town Clerk on September 5, 2019, 1 page.
4. Email from Joseph Laydon, Town Planner to Planning Board dated September 23, 2019 providing staff comments on application for hearing.

III. FINDINGS

At their meeting of October 7, 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. Wood, seconded by Mr. Venkataraman) voted 5-0 in **FAVOR** to make the following Findings:

1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work shown on the Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
3. That the Site, as identified by the Applicant and shown in Exhibit #1 of this Decision, is located within the Neighborhood Business (NB) zoning district. The site is not located within the Water Supply Protection Overlay District.
4. That per ZBL Section 4.4.3.4.4, “A sign projecting from a building shall not project more than six (6) feet and shall not contain more than twenty-four (24) square feet of display surface. A sign which projects over a sidewalk may not contain more than six (6) square feet of display surface. Within the OLI and I District, one projecting sign shall be allowed per exterior doorway.”
5. That the Applicant seeks approval for the requested relief relating to square footage of a wall mounted sign over a sidewalk at 25 Grafton Common, Grafton that is 36” by 55” (13.75 sq. ft.) mounted at a height to allow eight (8) feet of clearance under the sign and installed on a 14 foot 3” pole (Exhibit 1.d).
6. That the Applicant has sought and received approval from the Grafton Historic District Commission for the proposed sign (Exhibit 5).
7. That ZBL Section 4.4.4 authorizes the Planning Board to issue a Special Permit granting relief from the ZBL Section 4.4 where extreme or unusual conditions exist or enforcement of the ZBL would involve practical difficulties or unnecessary hardship provided the relief does not substantially derogate from the intent and purpose of this ZBL.
8. That with regard to Section 4.4.4.2(a), the sign will improve identification of the business and will not be a nuisance or a hazard to vehicles and pedestrians. The proposed sign will be in conformance with the requirements due to its visibility from the Grafton Common area and that the sign shall

be mounted so that there is eight (8) feet of clearance above the sidewalk and cross walk across Upton Street. (Exhibit #1).

9. That with regard to Section 4.4.4.2(b), the nature of the establishment is such that the sign should be permitted in the public interest based on the Exhibits and Findings. The subject property is the historic Grafton Inn at 25 Grafton Common. The property is on the corner of Grafton Common and Upton Street. The sign is modest in size at 13.75 feet in area and by being attached to the south side (Upton Street side) of the Building, its placement will not interfere with the historic nature of the façade. Further the sign will be matched at the rear of the building improving visibility along Upton Street (Exhibit #1).
10. That with regard to Section 4.4.4.2(c), the proposed sign will not cause visual confusion, glare or offensive lighting in the neighborhood or surrounding properties. The proposed sign will clearly identify the current business and services offered, it will not be internally lit and therefore will not cause glare or offensive lighting in the neighborhood or surrounding properties (Exhibit #1).
11. That with regard to Section 4.4.4.2(d), the sign requested pursuant to the Special Permit Application is necessary due to the topography or site conditions unique to the proposed location of the sign. The proposed sign will be attached to the side of the Grafton Inn near the front façade. While the building is located on two roads, Grafton Common and Upton Street, the building is a prominent feature of the Grafton Common and visible from numerous streets and locations within the area.
12. That with regard to Section 4.4.4.2(e), that the Site does contain a unique and particular type of use that requires additional signage in order to identify the premises adequately. The Grafton Inn contains multiple uses within the building. In addition to the Inn, the Applicant runs Hunters Bar and Grill and there is tenant space that is leased out to other businesses. Due to the multiple uses within the building, the increases signage improves visibility of the uses and the by-laws six (6) square feet would not be legible to the traveling public.
13. That with regard to Section 4.4.4.2(f), the sign in question is appropriately located and reasonably adapted to the proper use. The proposed sign is to be installed in a location that while visible from the front of the building, is mounted in a manner to not be attached to the front façade and thereby maintains the historic nature of the building. The proposed sign was approved by the Historic District Commission and is of similar style and design to other signs in the area.
14. That with regard to Section 4.4.4.2(g), the sign will not significantly alter the character of the zoning district or be a detriment to the surrounding area. The proposed sign was approved by the Historic District Commission and is of similar style and design to other signs in the zoning district.
15. That with regard to Section 4.4.4.2(h), the sign will not be detrimental to the public safety and welfare. The sign is modest in size, it is not internally lit, and is of consistent design and construction to other signs within the Historic District.
16. That with regard to Section 4.4.4.2(i), the granting of the Special Permit does not derogate substantially from, and would be in harmony with, the intent and purposes of the Bylaw. The new sign will be mounted so that it is not a hazard to pedestrians on the sidewalk in the vicinity of the sign.

17. 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.
18. 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 Board finds that this requirement does not apply to this Application based on the nature of the proposal.
19. 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 do not change. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
20. 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 not applicable to this Application based on the nature of the proposal.
21. 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 sign is not to be lit and will not generate glare.
22. 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 do not change. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
23. With regard to Section 1.5.5(g) of the ZBL, that the proposed sign and its 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.
24. 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.
25. 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.
26. 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 does not change. The proposed sign was approved by the Historic District Commission and is of similar style and design to other signs in the area.

IV. DECISION and CONDITIONS

At their meeting of October 7, 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. Wood, seconded by Mr. Venkataraman) voted 5-0 to **APPROVE** Special Permit 2019-14 with **CONDITIONS** as follows:

1. This Special Permit specifically authorizes relief to install a sign greater than 6 square feet in area over a sidewalk as follows: a wall mounted sign over a sidewalk at 25 Grafton Common, Grafton that is 36" by 55" (13.75 sq. ft.) mounted at a height to allow eight (8) feet of clearance under the sign and installed on a 14 foot, 3" x 3" pole.
2. Unless specifically modified by this Decision, the sign authorized by this Special Permit shall be installed in accordance with, and maintained to conform to, the Conditions stated within this Decision, all applicable requirements of the Grafton Zoning Bylaw, and all applicable Federal, State and Local regulations.
3. The use of the sign authorized by this Special Permit shall be solely for the purposes noted within Condition #1 of this Decision. Changes to the sign 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 sign presented within the Exhibits of this Decision, and is consistent with the intent and purpose of such sign. Requests for such change(s) shall be submitted in writing to the Planning Board.
4. In accordance with ZBL Section 1.5.8, this Special Permit 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 ZBL Section 1.5.
5. The Special Permit and construction of the sign shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and a copy of the recording provided to the Planning Board and the Building Department to include the WDRD Book and Page Number and/or Instrument Number.
6. By recording this Special Permit Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision.
7. Any inability, failure or refusal by the Applicant to comply with the requirements of this Special Permit Approval, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted to **APPROVE** the Applicant's Special Permit application (SP 2019-14) for sign relief as described in this Decision with

Conditions at 25 Grafton Common, Grafton, based on the information received at the public hearing, submittals, and the aforementioned Findings:

<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

October 7, 2019

Date

- cc: Applicant / Owner
- Building Inspector
 - Assessors
 - Conservation Commission

To Whom It May Concern: This is to certify and verify that the twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no such appeals have been filed in the reference to the same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavalley, Town Clerk

Date