

**DECISION  
GRAFTON PLANNING BOARD**

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GRAFTON, MA

**SPECIAL PERMIT & SITE PLAN APPROVAL (SP 2019-1/SPA)**

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**Recreational Facility/ Physical Fitness Center  
279 Upton Street, Grafton, MA 01519**

**ME Realty Trust (Applicant)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of ME Realty Trust, represented by Ron Ernenwein, P.O. Box 639, Shrewsbury, MA 01545 (hereinafter the APPLICANT), for a recreational facility/physical fitness center on property located at 279 Upton Street, as shown on Grafton Assessors Map 102, Lot 37A, owned by ME Realty (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 49651, Page 311. Said property is located in the Agricultural (A) zoning district.

The Application was filed with the Planning Board on January 25, 2019 and with the Town Clerk on January 30, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 7 and 11, 2019, and posted with the Town Clerk's Office on February 1, 2019. Abutters were notified by First Class Mail. The public hearing on the Application was opened on February 25, 2019. During the public hearings, all those wishing to speak to the petition were heard. Following public input, the hearing was continued to March 11, 2019 at which time the hearing was closed

The following Board members were present throughout the public hearing: Chair Robert Hassinger, Vice Chair Linda Hassinger, Clerk Sharon Carroll-Tidman, Member David Robbins, and Associate Member Paul Monroe. Member Michael Scully was absent on March 11, 2019 and subsequently, Associate Member Paul Monroe was appointed to sit on the application by Chair Robert Hassinger

At the hearing, the APPLICANT presented the proposal. Also present for the hearing were Applicant representatives Michael Maroney (Applicant), Ron Ernenwein, owner, and Bonnie Lefrak, owner of The Fitness Asylum. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

**I. SUBMITTALS**

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

**EXHIBIT 1.** Application submittal materials, received January 25, 2019 to include the following:

- a. Application for Special Permit, signed by Ron Ernenwein, dated January 14, 2019, date stamped by the Town Clerk on January 30, 2019 and date stamped by Planning on January 25, 2019, 1 page;
- b. Application for Site Plan Approval, signed by Ron Ernenwein, dated January 14, 2019, and date stamped by Planning on January 25, 2019, 1 page.
- c. Letter addressed to the Planning Board members, regarding 279 Upton Street, including narrative and waiver request, and date stamped by Planning on January 25, 2019, 1 page

- d. Certificate of Good Standing, signed by Christine Atchue, dated January 14, 2019, and date stamped by Planning on January 25, 2019, 1 page;
- e. e. Abutters Listing for 279 Upton Street, dated January 14, 2019 and signed by Tammy Kalinowski, Office Manager, and date stamped by Planning on January 25, 2019, 1 page;
- f. Plan showing proposed parking locations at 279 Upton Street, drawn by MVA Engineering Company, dated January 23, 2019 and date stamped by Planning On January 25, 2019, 1 page.

- EXHIBIT 2.** Public Hearing Notice, date stamped by the Town Clerk on February 1, 2019, 1 page.
- EXHIBIT 3.** Email from Nancy Connors, Board of Health, dated February 1, 2019 and date stamped by Planning on February 1, 2019, 1 page.
- EXHIBIT 4.** Email from Katrina Koshivos, Zoning Board of Appeals, dated February 4, 2019 and date stamped by Planning on February 4, 2019, 1 page.
- EXHIBIT 5.** Public Hearing Sign-In Sheet, dated February 25, 2019; 1 page
- EXHIBIT 6.** Public Hearing Continuance to March 11, 2019, dated February 25, 2019; 1 page
- EXHIBIT 7.** Letter to the Planning Board members from Ralph Cochran, Manager & Sales, Rt. 140 Wholesale Auto Sales LLC, regarding “279 Upton Street,” dated February 5, 2019 and date stamped by Planning on March 7, 2019, 1 page.
- EXHIBIT 8.** Plan showing proposed parking locations at 279 Upton Street, drawn by MVA Engineering Company, dated January 23, 2019, revised on March 6, 2019 and date stamped by the Planning Department on March 7, 2019, 1 sheet (11 x 17).
- EXHIBIT 9.** Copy of Motor Vehicle Class II License dated January 1, 2018.
- EXHIBIT 10.** Plan showing proposed parking locations at 279 Upton Street, drawn by MVA Engineering Company, dated January 23, 2019, revised on March 10, 2019 and date stamped by Planning on March 11, 2019, 1 sheet (11 x 17).
- EXHIBIT 11.** Email dated March 11, 2019 from Bonnie Lefrak, The Fitness Asylum to Joseph Laydon, Town Planner summarizing staffing and hours of operation.
- EXHIBIT 12.** Public Hearing Sign-In Sheet, dated March 11, 2019; 1 page.

## **II. FINDINGS**

At their meeting of March 11, 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 Mr. Monroe, voted 4-1, with Ms. Carroll-Tidman voting against, to make the following Findings:

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

- F2. That determinations regarding the following findings are predicated on the satisfactory 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 the subject site is located within the Agricultural (A) zoning district.
- F4. That during the public hearing the Board and the Applicant discussed the proposed project. The property has been used as an auto repair and sales facility on the left half of the building and a bus repair facility on the right side of the building. The right side of the building was vacated, and the Applicant stated a fitness center is proposing to occupy the space. The Applicant stated there will be no increase in the size of the building (see EXHIBITS #1 and 10).
- F5. That the hours of operation of the Fitness Center will be Monday through Thursday, 5:00 AM to 11:00 AM and 3:00 PM to 8:30 PM; Friday 5:00 AM to 11:00 AM and 3:00 PM to 7:00 PM; and Saturday and Sunday, 6:00 AM to 11:00 AM and 3:00 PM to 6:00 PM depending on demand (see EXHIBIT 11).
- F6. That the number of employees on the premises will be 2 (see EXHIBIT 10).
- F7. That the maximum class size is 30, but typical class size range between 12 and 25 (see EXHIBIT 11).
- F8. That the Board of Selectmen issued a Class II Motor Vehicle for the repair facility for the sale of up to 30 cars (see EXHIBIT #9).
- F9. That during the public hearing the Board and the Applicant discussed the parking. A parking plan was submitted and reviewed by the Applicant (see EXHIBITS #1 and 10). The Applicant noted that the existing auto repair and sales would continue to operate in the left half of the building and would require 2 spaces but will provide 13 spaces include five (5) for storing repaired vehicles and five (5) for sales. The fitness center requires 10 parking spaces per the bylaw and 14 will be provided. be used for employee parking and the existing paved area could accommodate 5 additional parking spaces.
- F10. That the Applicant submitted a letter dated February 5, 2019 received by the Planning Department on March 5, 2019 stating that the Rt. 140 Wholesale Auto Sales LLC reserving only five (5) spaces for cars to be for sale and five (5) spaces for being restored (see EXHIBIT #7).
- F11. That during the public hearing the Board received a Departmental Comment Form from the Zoning Board of Health (see EXHIBIT #3) and from the Zoning Board of Appeals (see EXHIBIT 4). The Board of Health stated they will need to review the change in use due to the existing well and septic system. The ZBA indicated stated they had no comment.
- F12. The Board received public comment from Diane Daley, resident on North Street in North Grafton voiced support of the application and that many residents of Grafton travel to other towns to attend other locations of The Fitness Asylum.

### III. WAIVERS

**W1.** At their meeting of March 11, 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 Mr. Monroe, voted 4-1, with Ms. Carroll-Tidman voting against, 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:

- (10.) Wetlands, Streams, Buffer Areas
- (11.) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines;
- (12.) Existing and proposed topography at two-foot elevation intervals
- (13.) All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;
- (14.) Extent and type of all existing and proposed surfaces
- (15.) Lot coverage
- (17.) Volume of Earth Material
- (20.) Service areas and all facilities for screening
- (21.) Landscaping
- (22.) Lighting
- (23.) Proposed signs
- (24.) Sewage, refuse disposal
- (25.) Stormwater Management
- (28.) Utilities and their exterior appurtenances
- (29.) Dust and erosion control
- (30.) Existing vegetation

**W2.** At their meeting of March 11, 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 Mr. Monroe, voted 4-1, with Ms. Carroll-Tidman voting against, to **GRANT** the Applicant's request for a waiver from **Section 1.3.3.3 (e) Stormwater Management and Hydrological Study** of the ZBL.

The Applicant noted that a Stormwater Management Site Study was submitted and approved when the site was originally developed for the previous use. No changes to the site or the structure are proposed.

The Board notes that the requested waiver is appropriate given the nature of the Application and the existing build out of the site which is not being altered as part of this Application.

#### **IV. DECISION**

At their meeting of March 11, 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 Mr. Monroe, voted 4-1, with Ms. Carroll-Tidman voting against, to **APPROVE** the Special Permit and Site Plan with the following conditions:

- C1.) That this Special Permit and Site Plan Approval application is for a Recreational Facility/ Physical Fitness Center at the location of 279 Upton Street (see FINDING #F4).
- C2.) 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 Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C3.) Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
- C4.) Any modification to the building location or site improvements as shown on the Plans or authorized by this Decision 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 if it finds that the proposed changes 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.
- C5.) Parking and Storage of Vehicles, including for repair and sale shall occur in conformance with the approved site plan (Exhibit 10) and no expansion of parking shall occur without Modification of this Decision.
- C6.) This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and the Planning Board and the Building Department have been provided with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C7.) By recording this Special Permit and Site Plan Approval Decision in the WDRD, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

**V. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 4 to 1 to **APPROVE** the Special Permit and Site Plan Approval Application with Conditions for a Fitness Center facility at 279 Upton Street based on the information received at the public hearing and the aforementioned findings.

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Sharon Carroll-Tidman, Clerk</u>	<u>NAY</u>
<u>Linda Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Paul Monroe, Associate Member</u>	<u>AYE</u>		

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

  
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Joseph Laydon, Town Planner

3-25-2019  
\_\_\_\_\_  
Date

cc: (Owner)  
Building Inspector  
Board of Assessors  
Conservation Commission