



OFFICE OF THE  
TOWN ADMINISTRATOR  
30 Providence Road  
Grafton, MA 01519  
(508) 839-5335  
Inspector of Buildings: *Robert S. Berger*  
bergerr@grafton-ma.gov  
www.grafton-ma.gov

RECEIVED

JAN - 2 RECD

PLANNING BOARD  
GRAFTON, MA

---

TO: Town Planner Joseph Laydon

FROM: Inspector of Buildings / Zoning Enforcement Officer Robert S. Berger

RE: Clarification for 34 Elm Street for potentially buildable lot on a non-conforming lot

DATE: January 2, 2020

Attached is a document "Zoning Determination Request for Potentially Buildable Lot Review" with supporting documentation.

1. Earliest deed that was submitted to the Building Department for review dated July 21, 1944.
2. First Zoning By-Law excepted by the Town of Grafton Massachusetts April 25, 1956.
3. In my opinion this lot has protection under the MGL Section 6 and is considered a pre-existing nonconforming lot which can be built upon for a one or two family dwelling as long as building upon such lot is not prohibited by the zoning by-laws in effect in a city or town which it is not prohibited.
4. For two family dwelling in this zoning district requires a special permit from the Planning Board.

EXHIBIT 11

COPY



**TOWN OF GRAFTON**  
 GRAFTON MEMORIAL MUNICIPAL CENTER  
 30 PROVIDENCE ROAD  
 GRAFTON, MASSACHUSETTS 01519  
 Phone: (508) 839-5335 ext 1190 • FAX: (508) 839-4602  
 www.grafton-ma.gov

**ZONING DETERMINATION  
 REQUEST FOR POTENTIALLY BUILDABLE LOT REVIEW  
 TO BE COMPLETED BY APPLICANT**

Please provide the following information for all to be reviewed for Potentially Buildable Lot pursuant to Zoning Grafton By-Law:

1. Owner(s) Name (per current deed): KAREN R DOMENICO  
 (List on separate page if needed)

2. Agent Name (if applicable): SOTIR PAPALILO

Address: P.O. Box 280 Shrewsbury MA 01545 Phone: 508-922-1467  
 (Notarized Letter of Authorization if Agent is Used)

3. Submit each of the following: a) Current certified survey based on recent abstract of title; b) Proof of legal access; and c) Copy of earliest recorded deed describing the subject lot.

4. Has this lot ever been under common ownership with any adjacent lots  Yes  No

5. Property Address: 34 ELM STREET

Property ID: 010.0-0000-0005.0

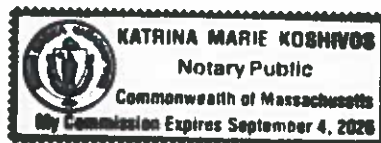
6. I, SOTIR PAPALILO certify that the information contained/attached to this application is correct to the best of my knowledge and belief.

  
 \_\_\_\_\_  
 (Owner's/Agent's Signature)

1/2/20  
 \_\_\_\_\_  
 Date

**BEFORE ME**, the undersigned authority, personally appeared who is/are personally known to me or who has/have produced as identification and who executed the foregoing instrument for the uses and purposes therein expressed.

Sworn to and subscribed before me this 2nd day of January, 2020.



(Notary Public Name)  
(Seal)

LOT REVIEW NUMBER 12302019 (Staff Use Only)  
(DO NOT WRITE ON THIS PAGE. STAFF USE ONLY)

**REQUEST FOR POTENTIALLY BUILDABLE LOT REVIEW  
(CONTINUED)**

**1. ZONING REVIEW**

Date of Recorded Deed/Agreement For Deed July 21, 1944

Legal Access: Yes  No

Such lot shall not be built upon unless it meets the criteria contained in G.L. C  
40a, §6, or section 3.4.1.2 herein Yes  No

  
(ZONING REVIEWER / DATE)

1/2/2020

**2. FINDING**

1. Earliest deed that was submitted to the Building Department for review dated July 21, 1944.
2. First Zoning By-Law excepted by the Town of Grafton Massachusetts April 25, 1956.
3. In my opinion this lot has protection under the MGL Section 6 and is considered a pre-existing nonconforming lot which can be built upon for a one or two family dwelling as long as building upon such lot is not prohibited by the zoning by-laws in effect in a city or town which it is not prohibited.
4. For two family dwelling in this zoning district requires a special permit from the Planning Board.

APPROVAL:  DENIAL:

**COMMENTS :**

Grafton Zoning By-Law Section 1.3.6.2 Any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings or other administrative officer under the provisions of this By-Law, or any person including an officer or board of the Town, aggrieved by an order of decision of the Inspector of Buildings, or other administrative officer, in violation of the provisions of Chapter 40A of the General Laws or any provision of this By-Law, may file an appeal in accordance with the provisions of Chapter 40A of the General Laws.

## GRAFTON ZONING BY-LAWS

### 3.4 Non-Conforming Conditions

3.4.1 Lots: A lot that does not conform to the intensity requirements of this By-Law shall be governed by the following provisions:

3.4.1.1 Such lot shall not be built upon unless it meets the criteria contained in M.G.L. c 40A, §6, or Section 3.4.1.2 herein.

3.4.1.2 Any lot lawfully laid out by plan or deed duly recorded, as defined in G.L. c. 41, § 81L, or any lot shown on a plan endorsed with the words "approval under the subdivision control law not required" or words of similar import, pursuant to G.L. c. 41, §81P, which complies at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width and depth requirements, if any, of the Grafton Zoning By-Law in effect in the Town of Grafton where the land is situated, notwithstanding the amendment of provisions of the Zoning By-Law imposing minimum area, frontage, width, depth, or yard requirements, or more than one such requirement, in excess of those in effect at the time of such recording or endorsement: (1) may thereafter be built upon for one or two-family residential use if, at the time of the adoption of such requirements or increased requirements, or while building on such lot was otherwise permitted, whichever occurs later, such lot was held in ownership separate from that of adjoining land located in the same district, or, (2) may be built upon for one or two-family residential use for a period of five years from the date of such recording or such endorsement, whichever is earlier, if, at the time of the adoption of such requirements or increased requirements, such lot was held in common ownership with that of adjacent land located in the same district; and further provided in either instance, at the time of building: (a) such lot has an area of seven thousand five hundred square feet or more and a frontage of seventy-five feet or more in a district zoned for one or two-family residential use, and conforms except as to area, frontage, width, and depth with the applicable provisions of the Grafton Zoning By-Law in effect in the Town, and, (b) any proposed structure is to be located on such lot so as to conform with the minimum requirements of front, side, and rear yard setback, if any, in effect at the time of such recording or such endorsement, whichever is earlier, and to all other requirements for such structure in effect at the time of building.

#### M.G.L. c 40A,§6

Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. Any increase in area, frontage, width, yard or depth requirement of a zoning ordinance or by-law shall not apply for a period of five years from its effective date or for five years after January first, nineteen hundred and seventy-six, whichever is later, to a lot for single and two family residential use, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy-six, and had less area, frontage, width, yard or depth requirements than the newly effective zoning requirements but contained at least seven thousand five hundred square feet of area and seventy-five feet of frontage, and provided that said five year period does not commence prior to January first, nineteen hundred and seventy-six, and provided further that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the zoning ordinances or by-laws in effect in a city or town.



RAYMOND J. MAYNARD

of Grafton, Worcester County, Massachusetts,  
being unmarried, for consideration paid, and in full consideration of \$2500.00

grants to Richard E. Bradish  
of 363 Providence Road, South Grafton, Mass. with quitclaim covenants

the land in the northerly part of Grafton, Worcester County, Massachusetts,  
on the northerly side of Elm Street, and more particularly bounded and  
described as follows:

BEGINNING at a point in the northerly line of said Street which is  
distant 165.5 feet westerly as measured on said line from  
the intersection of said line of Elm Street with the westerly  
line of Cross Street;

THENCE N. 18° 50' E. 150 feet by land now or formerly of the estate  
of Charles H. Nelson;

THENCE S. 70° 12' W. 115.8 feet to an iron pin;

THENCE S. 18° 50' W. 85 feet more or less to said Elm Street;

THENCE easterly 100 feet more or less by said Elm Street to the  
place of beginning.

BEING the same premises conveyed to me and my late wife, Helen K.  
Maynard, by deed of Robert W. Bull, et ux, dated April 8,  
1957 and recorded with Worcester District Registry of Deeds,  
Book 3854, Page 308.



Witness my hand and seal this 14th day of March 1972

*Raymond J. Maynard*

The Commonwealth of Massachusetts

Worcester, ss.

March 14, 1972

Then personally appeared the above named Raymond J. Maynard  
and acknowledged the foregoing instrument to be his free act and deed, before me

*George Moore*  
George Moore, Notary Public  
My commission expires January 26, 1975

Recorded Aug. 10, 1972 at 1h. 58m. P. M.

# Consolidated Grantor Index Worcester District Registry 1956-1960

RECORDED			GRANTORS	GRANTEES	Book	Page	CHARACTER OF INSTRUMENT	LOCATION	DESCRIPTION
Sep	3	57	BULLOCH & concluded Henry M et ux	N Middlesex Sav Bk of Ayer	3888	428	Mtg	Harv Woro	Mill Rd Shannon St See 2343-421 See 2221-109
"	28	56	High F Est	Waiver	3809	247			
Aug	6	57	Mary E	Cert of Death	3882	77			
Oct	9	"	Peter et al in trust						
Sep	28	56	Wm J	H M Keith et ux Girouard Bldg Corp	3897 3809	537 262	Deed	Rutl Woro	1st tract Spar Rd 2nd aht 2a adj 1st sd rd Woro Highlands Pilgrim (for. Columbus) Ave Lots 762 & 763 plan 1375-653 See 2221-109
Aug	6	57	" et ux	Cert of Death	3882	77			
Aug	6	57	"	Unknown	3882	77	Dis		Mtg 2221-109 Johanna O Hayes Mtgor
	8	58	"	F K Krikorian et ux	3960	130	Deed	Woro	Herrifield June Highland St & Hackfeld Rd Pt of lot 82 Fl Bk 4 pg 3
May	31	56	BULLKOWSKI Karen et al	City of Woro	3775	532	High Loc & Bettmt Assess	Woro	Tennyson St See Fl Bk 215 plans 113 & 114
"	"	"	Robt et al	"	"	"	High Loc & Bettmt Assess	"	" " "
Oct	23	58	BULL Aubrey M et ux	Guaranty Bk & Trust Co of Woro	3980	142	Mtg	Hold	Holden Homesteads Bullard St Lot C13 Fl Bk 120 pl 2 Bullard St Lot C13 Fl Bk 120 pl 2
"	4	60	" et ux	"	4145	41			
Mar	27	58	Emma I et al	Gftn Co-op Bk	3929	555		Gftn	N Gftn Elm St Reserving life est to Minot A & Emma I Bull
Sep	21	56	Echel M et al	Woro Mechs Sav Bk	3807	395		Shrews	Colton Lane Pts of lots 14 & 16 Washington Pendell et al's plan dat Mar 26, 1948 Also lot 13 sd lane plan by Henry L Crooker dat May 12, 1951
Oct	30	"	" et al	I T F Ring et ux	3818	413	Deed	"	Colton Lane Pts of lots 14 & 16 Washington Pendell et al's plan dat Mar 26, 1948 See 1088-166
Apr	18	60	Harriet E (for.) see also Harriet E Whitney	Affidavit	4103	15			
Sep	21	56	Herbert S et ux	Woro Mechs Sav Bk	3807	395	Mtg	Shrews	Colton Lane Pts of lots 14 & 16 Washington Pendell et al's plan dat Mar 26, 1948 Also lot 13 sd lane plan by Henry L Crooker dat May 12, 1951
Oct	30	"	" et ux	I T F Ring et ux	3818	413	Deed	"	Colton Lane Pts of lots 14 & 16 Washington Pendell et al's plan dat Mar 26, 1948
Mar	27	58	Minot A et al	Gftn Co-op Bk	3929	555	Mtg	Gftn	N Gftn Elm St Reserving life est to Minot A & Emma I Bull
Apr	16	57	Robt W et ux	R J Hayward et ux	3854	308	Deed	"	Elm St
"	"	"	Ruth M et al	et ux	"	"	"	"	"
Oct	23	58	Sigmund C et al	Guaranty Bk & Trust Co of Woro	3980	142	Mtg	Hold	Holden Homesteads Bullard St Lot C13 Fl Bk 120 pl 2 Bullard St Lot C13 Fl Bk 120 pl 2
Oct	4	60	" et al	"	4145	41			





Witness .....BY..... hand and seal this 1st day of September 19 77

*Richard E. Bradish*

Richard E. Bradish

The Commonwealth of Massachusetts

Worcester, ss.

September 1, 19 77

Then personally appeared the above named Richard E. Bradish

and acknowledged the foregoing instrument to be his

free act and deed, before me

*George Moore*  
George Moore, Notary Public

My Commission Expires January 22, 19 82

Recorded SEP 2 1977 at 2 h. 9 m. P.M.

WE, JON A. FRANCESCO and KATHLEEN A. FRANCESCO, husband and wife

of North Grafton, Worcester County, Massachusetts

being married, for consideration paid, and in full consideration of Twenty-Nine Thousand Three Hundred (\$29,300.00)-----Dollars

Grants to FRANCE H. MOUTON, individually

of 34 Elm Street, North Grafton, Ma. with quitclaim covenants

the land in on the northerly part of Grafton, Worcester County Massachusetts. on the northerly side of Elm Street, and more particularly bounded and described as follows: (Description and encumbrances, if any)

BEGINNING at a point in the northerly line of said street which is distant One Hundred Sixty-five and five tenths (165.5) feet westerly as measured on said line from the intersection of said line of Elm Street with the westerly line of Cross Street;

THENCE N. 16° 50' E. One Hundred Fifty (150) feet by land now or formerly of the estate of Charles H. Nelson;

THENCE S. 70° 12' W. One Hundred Fifteen and eight (115.8) tenths feet to an iron pin;

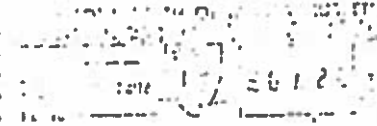
THENCE S. 16° 50' W. Eighty-five (85) feet more or less to said Elm Street;

THENCE easterly One Hundred (100) feet more or less by said Elm Street to the place of beginning.

Being the same premises conveyed to us by deed of Richard E. Bradish, dated September 1, 1977 and recorded with the Worcester District Registry of Deeds in Book 6279, Page 213.

AUG 24 1978

33711



AUG 24 1978

Witness our hand and seal this 24th day of August, 1978

*Jon A. Francesco*  
Jon A. Francesco  
*Kathleen A. Francesco*  
Kathleen A. Francesco

The Commonwealth of Massachusetts

Worcester ss.

August 21, 1978

Then personally appeared the above named

Kathleen A. Francesco

and acknowledged the foregoing instrument to be her free act and deed, before me

*Pauline A. Gasek*  
Pauline A. Gasek Notary Public

My Commission Expires May 11, 1984

Recorded AUG 24 1978 at 11:13 a.m. AM

Property: 34 Elm Street, North Grafton, Mass.

I, FRANCE H. MOUTON,  
of North Grafton, Worcester County, Massachusetts

being unmarried, for consideration paid, and in full consideration of Thirty-Five Thousand Dollars (\$35,000.00)

grant to FREDA BETH BRANOWICKI, individually,  
of 34 Elm Street, North Grafton, Massachusetts with quitclaim returns

with buildings thereon, situated  
the land in the northerly part of Grafton, Worcester County, Massachusetts, on the northerly side of Elm Street, and more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of said street which is distant One Hundred Sixty-five and five tenths (165.5) feet westerly as measured on said line from the intersection of said line of Elm Street with the westerly line of Cross Street;

THENCE N. 18° 50' E. One Hundred Fifty (150) feet by land now or formerly of the estate of Charles H. Nelson:

THENCE S. 70° 12' W. One Hundred Fifteen and eight tenths (115.8) feet to an iron pin;

THENCE S. 18° 50' W. Eighty-five (85) feet more or less to said Elm Street;

THENCE easterly One Hundred (100) feet more or less by said Elm Street to the place of beginning.

BEING the same premises conveyed to me by deed of Jon A. Francesco and Kathleen A. Francesco, husband and wife, dated August 24, 1978, and duly recorded with the Worcester District Registry of Deeds in Book 6546, Page 148.

FHM EL 341-275  
COMMONWEALTH OF MASSACHUSETTS  
DEEDS & RECORDS  
MAR 27 1980

Witness by hand and seal this 27th day of March, 1980

France H. Mouton  
France H. Mouton

The Commonwealth of Massachusetts

Worcester ss. March 27, 1980

Then personally appeared the above named France H. Mouton  
and acknowledged the foregoing instrument to be her free act and deed before me

Alan F. Dodd Notary Public  
My commission expires January 29, 1982

(This deed is a Joint Tenancy - Tenants in Common - Tenants by the Entirety)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

Recorded MAR 27 1980 at 6:06 AM

67912

QUITCLAIM DEED

*25007*

I, Freda Beth Branowicki

of 34 Elm Street, North Grafton, Worcester County, Massachusetts

for consideration paid One Hundred Twenty-Eight Thousand and 00/100 Dollars (128,000.00)

grant to Karen R. Domenico of 16 Cherry Street, Fayville, MA

the land with the buildings thereon situated in the Northerly part of Grafton, Worcester County, Massachusetts, on the Northerly side of Elm Street, and more particularly bounded and described as follows;

BEGINNING at a point in the northerly line of said street which is distant One hundred sixty-five and five tenths (165.5) feet westerly as measured on said line from the intersection of said line of Elm Street with the westerly line of Cross Street;

Thence N. 18° 50' E. One Hundred Fifty (150) feet by land now or formerly of estate of Charles H. Nelson;

Thence S. 70° 12' W. One Hundred Fifteen and eight tenths (115.8) feet to an iron pin;

Thence S. 18° 50' W. Eighty-Five (85) feet more or less to said Elm Street;

Thence easterly One hundred (100) feet more or less by said Elm Street to the place of beginning.

This conveyance is subject to the Grantee assuming and agreeing to perform all terms and obligations setforth in a certain Septic System Agreement by and between Grantor, Grantee and the Town of Grafton dated March 23, 1999 and recorded with the Worcester District Registry of Deeds in Book , Page

Being the same premises conveyed to the grantor by deed of France H. Mouton and recorded with the Worcester District Registry of Deeds in Book 6947, Page 398.

Witness my hand(s) and seal(s) this 28<sup>th</sup> day of April, 1999

*Freda Beth Branowicki*  
Freda Beth Branowicki

*34 Elm Street, North Grafton Ma 01519  
Return Grantee - Elm St. Address.  
(property)*

99 APR 29 PM 2:50

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.,

April 28, 1999

Then personally appeared the above named Freda Beth Branowicki acknowledged the foregoing instrument to be her free act and deed, before me

*Robert A. White*  
Robert A. White-Notary Public  
My Commission Expires: 2/15/2002

WORCESTER  
DEEDS REG 20  
WORCESTER  
04/28/99 1444H 01  
000000 19026  
FE 1303.00  
CASH \*583.68

*[Handwritten signature]*

c:\winword\forms\office\deed

ATTEST: WORC. Anthony J. Viglotti, Register