

# EXHIBIT 1

TO: Grafton Planning Board  
From: John L. Carlson  
RE: accessory apartment

RECEIVED

JAN 10 2014

PLANNING BOARD  
GRAFTON, MA

January 10, 2014

It is my intent to construct a 2 story addition to my existing house located at 43 Old Upton Rd. In Grafton. This addition will be used as an accessory apartment. There will be approx. 896 sq. ft. on each floor with a total of 1792 sq. ft., which is less than my existing house which consists of 2184 sq. ft.

The design of the addition will be consistent with the appearance of the existing structure. The addition will rest upon a poured concrete foundation with conventional residential framing, complying with all applicable codes and regulations. I will be connecting to the Municipal sewer during the early stages of construction. In order to accomplish this I must first remove a three season porch.

Thank you for hearing this case and look forward to the set hearing date. Should any questions arise prior to that date, please feel free to contact me with your concerns.

Sincerely



John L. Carlson

# EXHIBIT 1

John CARLSON  
1 of 2

The following is a list of waivers I request from sec 1.3.3.3. of the Grafton Zoning By-laws

1. This information provided in application
2. This information provided in application
3. This information provided in application
4. This information provided in application
5. This information provided in application
6. This information provided in application
7. This information provided in application
8. This information provided on plan
9. This information provided on plan
10. N/A waiver requested
11. Information provided in application
12. N/A waiver requested
13. Shown in application
14. N/A waiver requested
15. N/A waiver requested
16. N/A waiver requested
17. N/A waiver requested
18. Shown on plan
19. N/A waiver requested
20. N/A waiver requested
21. N/A waiver requested
22. N/A waiver requested
23. Both addition and existing house to be connected to municipal sewer.
24. N/A waiver requested
25. Shown on plan
26. Shown on plan
27. N/A waiver requested

**RECEIVED**  
JAN 10 2013/4  
**PLANNING BOARD**  
**GRAFTON, MA**

28. N/A waiver requested

29. N/A waiver requested

30. N/A waiver requested

31. All contained in description of intended use

1.3.3.3 (e) Storm water management

Waiver requested

1.3.3.3 (f) Calculations for earth removal

Waiver requested—no material to be removed from premises

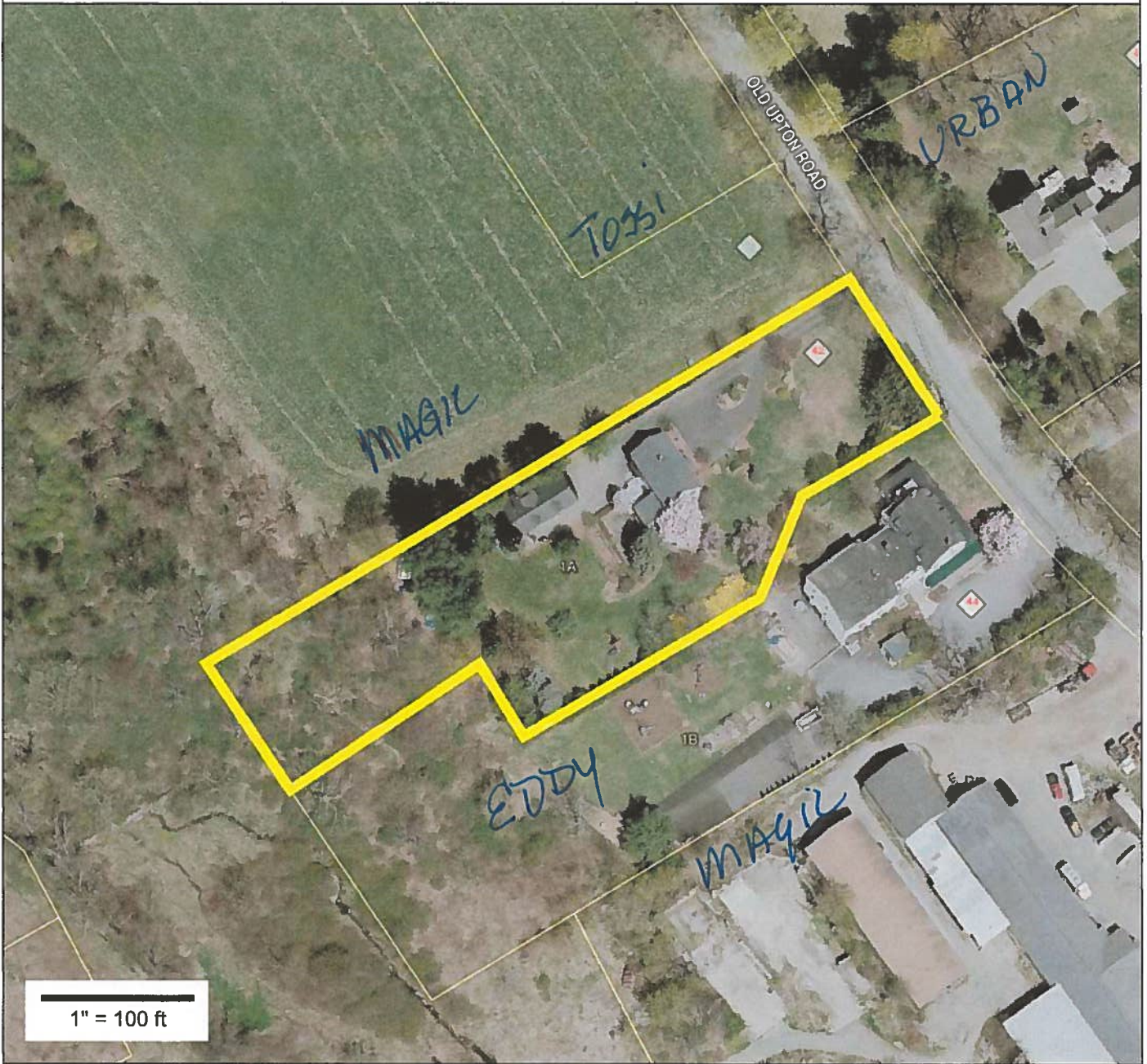
1.3.3.3 (g) written statements

Waiver requested

8.2.1 Traffic study

Waiver requested

1



**Property Information**

**Property ID** 110/084.0-0000-0001.A  
**Location** 42 OLD UPTON ROAD  
**Owner** CARLSON JOHN L  
 CARLSON NANCY M

## RECEIVED

JAN 10 2013/4

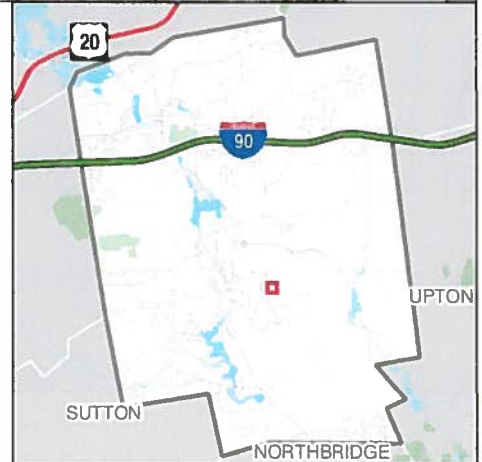
**PLANNING BOARD  
GRAFTON, MA**

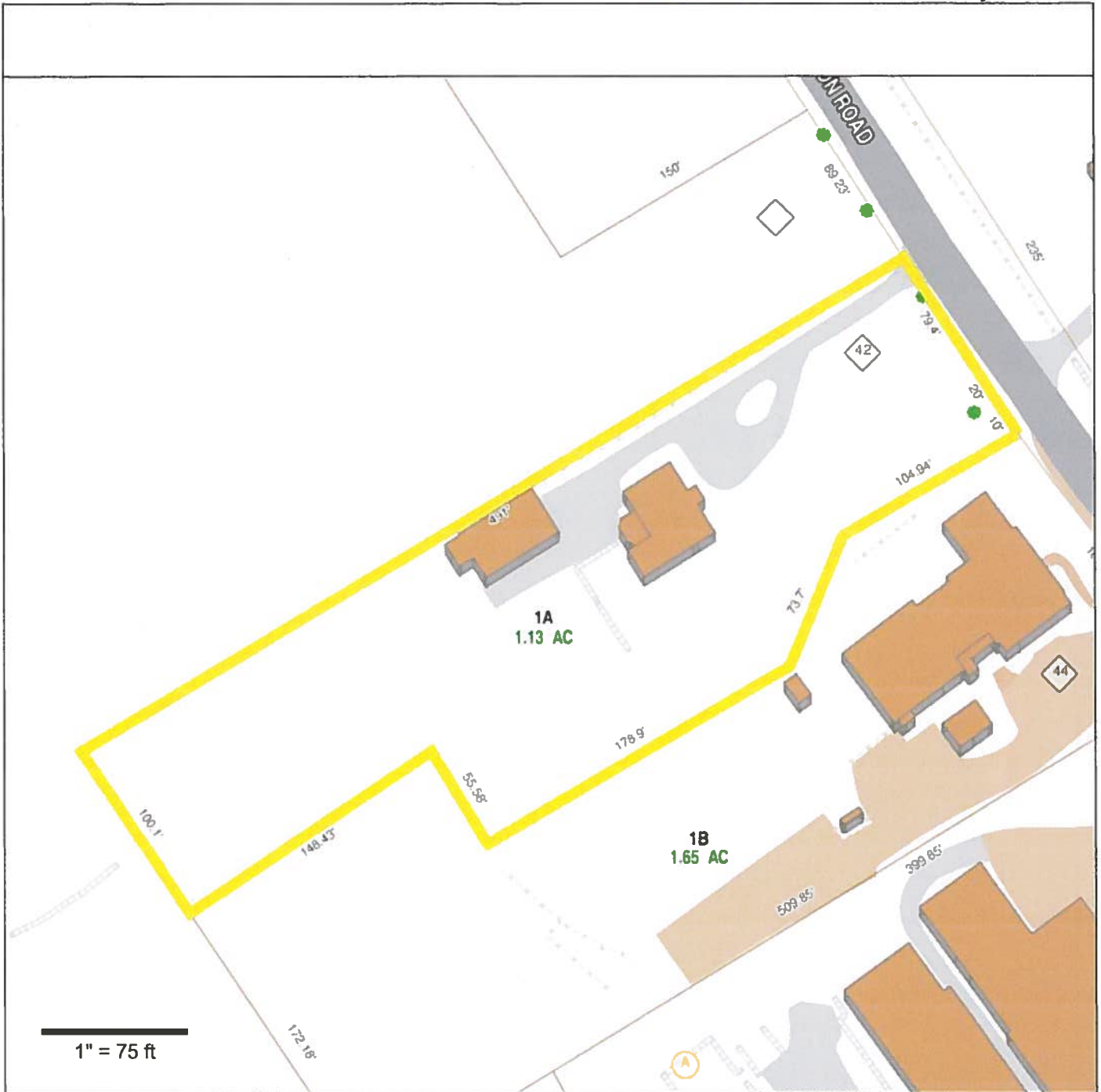


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December 31, 2012





**Property Information**

**Property ID** 110/084.0-0000-0001.A  
**Location** 42 OLD UPTON ROAD  
**Owner** CARLSON JOHN L  
 CARLSON NANCY M

RECEIVED

JAN 10 2013

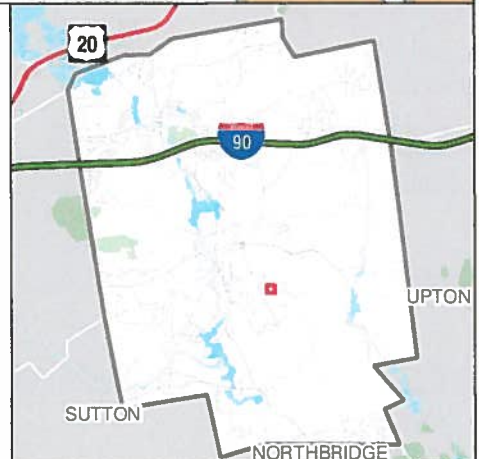
PLANNING BOARD  
GRAFTON, MA



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December 31, 2012



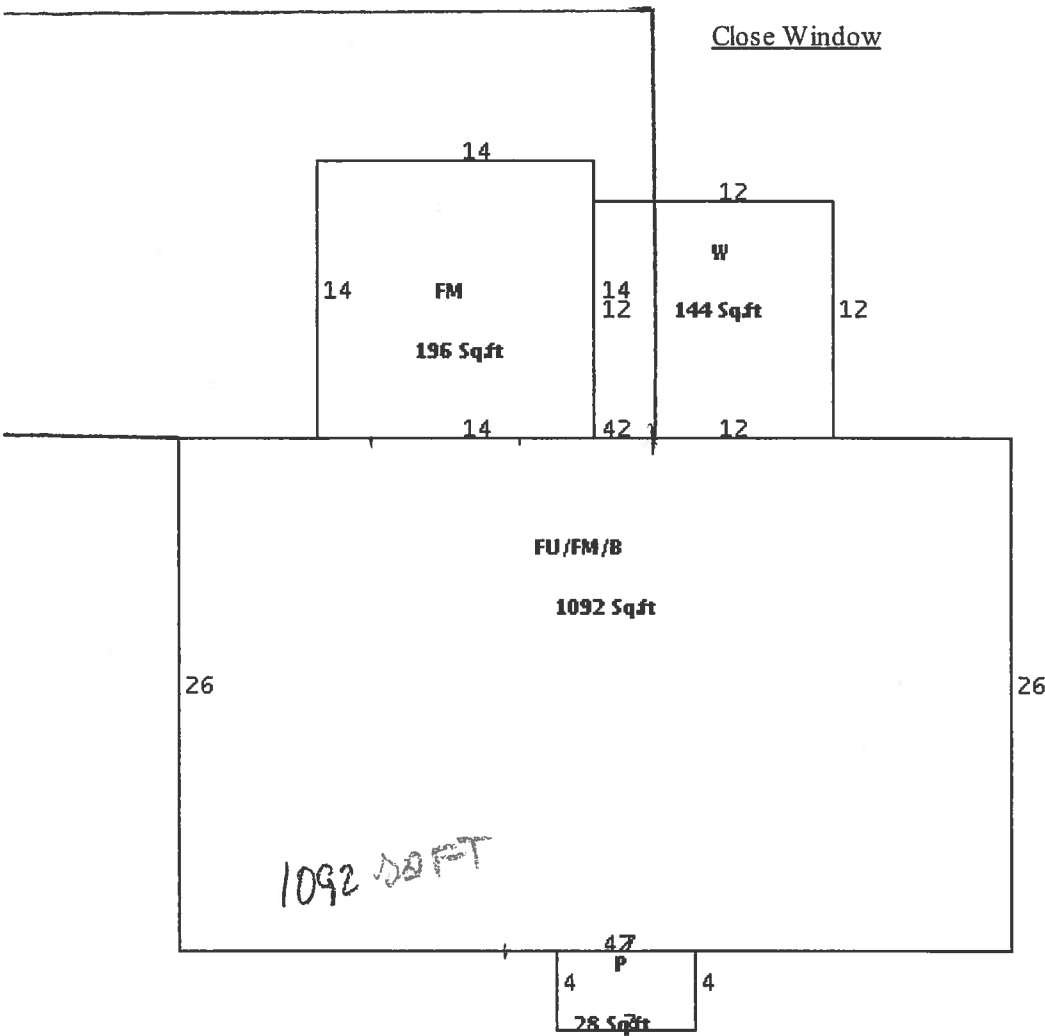
Close Window

**RECEIVED**

JAN 10 2018

**PLANNING BOARD  
GRAFTON, MA**

**EXHIBIT 1**



✓

*file*

RECEIVED-TOWN CLERK  
GRAFTON, MA.

*ll*

MAR 11 9 32 AM '14

**DECISION  
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2014-1) & SITE PLAN APPROVAL**

**Accessory Apartment  
42 Old Upton Road, Grafton, MA**

**John Carlson (Applicant / Owner)**

Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of John Carlson, 42 Old Upton Road, Grafton, 01519 (herein after the APPLICANT / OWNER) for a Special Permit / Site Plan Approval for an Accessory Apartment, on property located at 42 Old Upton Road, Grafton, shown as Grafton Assessor's Map 84, Lot 1A, (hereinafter the SITE), and owned by the John Carlson by deed recorded in the Worcester Registry of Deeds Book 18581, Page 32-34.

**I. BACKGROUND**

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was submitted on January 10, 2014. The public hearing on the Application was held on February 24, 2014. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 5 and February 12, 2014, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Michael Scully, Clerk Edward Prisby, and Members Robert Hassinger and Sargon Hanna. At the hearing, John Carlson, the APPLICANT / OWNER, presented the application to the Board. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed.

**II. SUBMITTALS**

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

- EXHIBIT 1.** Unbound application materials submitted by the Applicant, received January 10, 2014; includes the following:
- Application for Special Permit, dated August 12, 2013, 1 page.
  - Application for Site Plan Approval, dated August 12, 2013, 1 page.
  - Certificate of Good Standing, signed by the Treasurer / Collector's office on January 10, 2014; 1 page.
  - Certified Abutters List, signed by the Assessor's Office on July 30, 2013; 1 page.
  - Correspondence from Application, project description; dated and received January 10, 2014; 1 page.
  - List of Waiver Requests; received January 10, 2014; 2 pages.
  - Plan, 11" x 17" black & white, Proposed Addition Plot Plan Located at 42 Old Upton Road, Grafton, Massachusetts; prepared by Land Planning, Inc., dated July 26, 2013; received January 10, 2014; 1 page.
  - Plan, proposed addition layout, no author, no date; received January 10, 2014; 1 page.

- Town of Grafton GIS color map, 8 ½ " x 11"; showing site – 42 Old Upton Road; received January 10, 2014; 2 pages.
- Return Memorandum, Departmental Project Review, Town Engineer; received January 28, 2014; 2 pages.
- Plan set, Proposed Addition for Carlson Residence, 42 Old Upton Road; 11" x 17", black & white; prepared by John Marro III, A.I.A.; 5 sheets including elevations, floor plans & construction details; dated December 31, 2012, received January 10, 2014.

- EXHIBIT 2.** Project Review Memorandum, Conservation Commission, received January 28, 2014, 1 page.
- EXHIBIT 3.** Project Review Memorandum, Board of Health, received January 28, 2014; 1 page.
- EXHIBIT 4.** Project Review Memorandum, Town Engineer, received January 28, 2014; 2 pages.
- EXHIBIT 5.** Project Review Memorandum, Police Department, received January 30, 2014, 1 page.
- EXHIBIT 6.** Project Review Memorandum, Fire Department, received January 31, 2014, 1 page
- EXHIBIT 7.** Memorandum from the Town Administrator on behalf of the Board of Selectmen, SP 2014-1, received February 6, 2014, 1 page.
- EXHIBIT 8.** Public Hearing Sign In Sheet for the February 24, 2014 hearing, 1 page.

### **III. FINDINGS**

At their meeting of March 10, 2014, 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. Scully, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F1.)** That this Application is for an accessory apartment on the Site as defined in Section 2.1 and Section 3.2.3.1 (Accessory Uses) of the Grafton Zoning By-law (hereinafter ZBL), and as shown on the plans identified in EXHIBIT #1 of this Decision.
- F2.)** That the Site is located in the Residential 40 (R40) zoning. The site is not located within the Water Supply Protection Overlay District (WSPOD). The Board further finds that accessory apartments are permitted in a R40 zoning district only upon the issuance of a Special Permit by the Planning Board.
- F3.)** That determinations regarding the following Findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Applications.
- F4.)** 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.



- F5.)** That during the public hearing the Owner presented the application to the Board. He is seeking the Special Permit and Site Plan Approval for the purpose of adding a two story addition on the back of the house which will include additional space for the second story of the primary residence and also create an accessory apartment which will have access through the kitchen of the primary residence. Mr. Carlson noted that he is the present Owner of the house and that his son and family will be purchasing the property in the future. At that time, Mr. Carlson and his wife will move into the accessory apartment.
- F6.)** That during the public hearing, the Planning Board informed the Applicant that previously issued special permits for accessory apartments typically included a condition that limited occupancy of such apartments to only family members. The Board noted that once the property sells to the Owner's son, then the son will be required to make application to the Board to transfer the rights of the Special Permit and Site Plan approval into his name as the new owner. The Board finds that the Applicant acknowledged this condition.
- F7.)** That during the public hearing process, the Planning Board informed the Applicant that the decision of the Board will be conditioned to reflect that the Special Permit and Site Plan Approval will be limited strictly to the Owner named in the Decision. If granted, the Special Permit and Site Plan Approval becomes null and void in the event that the Applicant sells the house. The Board finds that the Applicant acknowledged this condition. (See also FINDING #F6).
- F8.)** That during the public hearing the Board noted correspondence from the Department of Public Works stating that the Owner will be required to obtain a road opening permit at the time of construction of a new sewer connection to the house. The Owner stated that he was aware of that requirement and would comply.

At their meeting of March 10, 2014, 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. Scully, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F9.)** 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.
- F10.)** 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.
- F11.)** 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.
- F12.)** 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.
- F13.)** 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.

- F14.)** 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.
- F15.)** With regard to Section 1.5.5(g) of the ZBL, that the proposed accessory apartment 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.
- F16.)** 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.
- F17.)** 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. The proposed use is not within the Water Supply Protection Overlay District (see FINDING #2).
- F18.)** 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.

At their meeting of March 10, 2014, 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. Scully, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F19.)** That for the reasons stated within the Findings of this Decision, the Special Permit and the Site Plan Approval applications, if granted, are in harmony with the general purpose and intent of the ZBL.
- F20.)** That for the reasons stated within the Findings of this Decision, the Special Permit and the Site Plan Approval applications, if granted, would not create a nuisance, hazard or congestion.
- F21.)** That for the reasons stated within the Findings of this Decision, the Special Permit and the Site Plan Approval applications, if granted, would not cause a substantial harm to the neighborhood.
- F22.)** That for the reasons stated within the Findings of this Decision, the Special Permit and Site Plan Approval applications, if granted, would not derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

At their meeting of March 10, 2014, 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. Scully, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F23.)** That Section 1.3.3.2 of the ZBL requires that the procedure for the 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.

- F25.)** The Board 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. The Board finds that the Applicant submitted waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1).
- F26.)** That the Application as described within the Exhibits of this Decision, the waivers requested, and the resulting site plan, are not contradictory or inconsistent with the intent and purposes set forth in Section 1.3.3.1 of the ZBL.

#### **IV. WAIVERS**

- W1.** At their meeting of March 10, 2014, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mr. 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:
- (10.) Wetlands, ponds, streams, or other water bodies
  - (12.) Existing and proposed topography at two foot elevation intervals
  - (14.) Proposed surfaces – pervious and impervious
  - (15.) Lot coverage calculations
  - (16.) Parking calculations
  - (17.) Earth volume material calculations to be removed or filled on the property
  - (19.) Parking and loading spaces
  - (20.) Service areas and all facilities for screening
  - (21.) Landscaping
  - (22.) Lighting
  - (24.) Sewage, refuse and other waste disposal
  - (27.) Exterior Storage Areas
  - (28.) Utilities
  - (29.) Dust and erosion control
  - (30.) Existing vegetation
- W2.** At their meeting of March 10, 2014, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mr. 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 March 10, 2014, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mr. 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 March 10, 2014, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mr. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (g) Report Written Statements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.
- W5.** At their meeting of March 10, 2014, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mr. Hassinger) voted 5-0 to **GRANT** the Applicant's request for a waiver from **Section 8.2.1 – Traffic Study** of the ZBL for the reasons stated within the Findings of this Decision.

The Planning Board specifically noted that voting to grant Waivers 1 – 5 was based on the size and scope of the project as well as the absence of specific concerns during the public hearing.

#### **IV. DECISION and CONDITIONS**

At their meeting of March 10, 2014, 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. Scully, seconded by Mr. Hassinger) voted 5-0 to **GRANT** the application for a Special Permit and Site Plan Approval with the following conditions:

- C1.)** This Special Permit / Site Plan Approval for an accessory apartment is granted specifically to the Owner of the property located at 42 Old Upton Road (as identified within this Decision).
- C2.)** Based on Finding #F6, the accessory apartment is to be occupied by the Applicant's family members only.
- C3.)** Based on Finding #F6 and #F7 this Special Permit is granted to the Owner, as identified within this Decision, and does not run with the land. Once the Owner's son purchases the property, the son will be required to make application to the Board to transfer the rights of the Special Permit and Site Plan approval into his name as the new owner.
- C4.)** Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Special Permit decision.
- C5.)** 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.

- C6.) 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.
- C7.) In accordance with Section 1.5.8 of the ZBL, 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 Section 1.5 of the ZBL.
- C8.) 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.

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.

---

Donna Girouard, Town Clerk

---

Date