

**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2020-9) & SITE PLAN APPROVAL
Accessory Apartment
7 Alana Drive, Grafton, MA**

Steven & Theodora D'Angelo (Applicant/ Owner)

Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of Steven & Theodora D'Angelo, 7 Alana Drive, Grafton (herein after the OWNER) for a Special Permit and Site Plan Approval for an Accessory Apartment, on property located at 7 Alana Drive, Grafton, shown as Grafton Assessor's Map 89, Lot 124, (hereinafter the SITE) by deed recorded in the Worcester Registry of Deeds Book 37993, Page 32.

I. BACKGROUND

The application for the above referenced Special Permit and Site Plan Approval (hereinafter Application) was submitted on December 15, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on December 24 and 31, 2020, and posted with the Town Clerk's Office. The public hearing on the Application was held on January 11, 2021 and continued, at the request of the applicant with concurrence of the Planning Board, to the January 25, 2021 and February 8, 2021 meeting. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice-Chairman David Robbins, Clerk Justin Wood, Prabhu Venkataraman, Linda Hassinger, and Vikram Dave. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on February 8, 2021. It is noted that Member Prabhu Venkataraman was absent for the January 25, 2021 hearing but remained eligible to vote on the DECISION upon submission of a Mullin Certification prior to deliberation on the decision (Exhibit 13).

II. SUBMITTALS

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

- Exhibit 1.** Original Application Submission, received December 15, 2020 to include the following;
- a. Application for Special Permit, signed by Steven & Theodora D'Angelo, dated December 7, 2020, date stamped by the Town Clerk on December 15, 2020, 1 page.
 - b. Application for Site Plan Approval, signed by Steven & Theodora D'Angelo, dated December 7, 2020, date stamped by the Town Clerk on December 15, 2020, 1 page.
 - c. Certificate of Good Standing, signed by Beth Schrottmann, dated December 7, 2020, 1 page.
 - d. Abutters Listing for 7 Alana Drive, Map 89, Lot 124, dated October 22, 2020, signed by Tammy Kalinowski, Office Manager, 1 page.

- e. Letter to the Grafton Planning Board, regarding “Special Permit Request-In-law apartment addition”, from Steven & Theodora D’Angelo, dated December 10, 2020, 1 page.
- f. List of requested waivers, dated December 10, 2020, 2 pages.
- g. Plans: “Proposed Addition Plot Plan”, dated December 4, 2020, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, 1 sheet.

- Exhibit 2.** Public Hearing Notice, date stamped by the Town Clerk on December 23, 2020, 1 page.
- Exhibit 3.** Email from Carol Erskine, 5 Danielle Drive, Grafton, MA, dated January 4, 2021, 1 page.
- Exhibit 4.** Email from Leah Cameron, Conservation Agent, regarding “7 Alana Drive Interdepartmental Review Comment”, dated January 5, 2021, 1 page.
- Exhibit 5.** Email from Katrina Koshivos, Zoning Board of Appeals, dated January 8, 2021, 2 pages.
- Exhibit 6.** Email from Nancy Connors, Board of Health, dated January 12, 2021, 1 page.
- Exhibit 7.** Public Hearing Continuance Request, dated January 12, 2021, signed by Steven & Theodora D’Angelo, received by the Planning Board on January 13, 2021, 1 page.
- Exhibit 8.** Revised List of requested waivers, dated January 12, 2021, 2 pages.
- Exhibit 9.** Mullin Certification for the January 25, 2021 Planning Board hearing, signed by Prabhu Venkataraman on February 6, 2021; 1 page

III. FINDINGS

At their meeting of February 22, 2021 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to make the following Findings:

- F1.** 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.
- F2.** 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 #1a-g of this Decision.
- F3.** That the Site is located in the Medium Density Residential (R20) zoning district. The Board further finds that accessory apartments are permitted in an R20 zoning district only upon the issuance of a Special Permit by the Planning Board.
- 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 an accessory apartment the existing structure through the construction of an addition. The accessory apartment is to be occupied by the Owner's family members.
- 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 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.** 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.**
- F9.** 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.**
- F10.** 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.** Given the nature of the application no changes to the existing refuse collection are required.
- F11.** 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.**
- F12.** 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.** No exterior lighting or signs are proposed. The proposed use is residential and is compatible with surrounding residential uses.
- F13.** 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.** The proposed use meets setback and other dimensional requirements.
- F14.** 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.

- F15.** 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. The Board noted the property is proposing a new septic service (see Exhibit #1g).
- F16.** 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.
- F17.** 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 use **is** satisfactory.
- F18.** 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.
- F19.** 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.
- F20.** 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 #1f and Exhibit #8).
- F21.** 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 February 22, 2021 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed 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:
- (12.) Existing and proposed topography at two-foot elevation intervals
 - (16.) Parking calculations
 - (17.) Volume of Earth Material
 - (19.) Parking and Loading Spaces
 - (20.) Service areas and all facilities for screening
 - (21.) Landscaping
 - (22.) Lighting

- (23.) Proposed signs
- (24.) Sewage, refuse and other waste disposal
- (25.) Stormwater management facilities (drainage)
- (27.) Exterior Storage areas 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 due to the unique nature of the proposed use or the subject property.

W2. At their meeting of February 22, 2021 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed 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 February 22, 2021 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed 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 February 22, 2021 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant's request for waivers from the following requirements of **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.

V. DECISION and CONDITIONS

At their meeting of February 22, 2021 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **APPROVE** the application for a Special Permit and Site Plan Approval with the following conditions:

1. This Special Permit / Site Plan Approval is granted specifically to the Applicant for property located at 7 Alana Drive, Grafton (as identified within this Decision) and does not run with the land.

2. The unit will be occupied by the Owner's family members and may not be occupied by non-family members. If in the future, the unit is vacated, then the use of the property reverts back to single family house and the accessory unit ceases to qualify as a separate living unit.
3. 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.
4. 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.
5. 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 has not 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.
6. 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.

VI. RECORD OF VOTE

<u>Robert Hassinger, Chair</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>David Robbins, Vice Chair</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



Christopher J. McGoldrick, Town Planner

3/5/2021

Date

cc: Applicant / Owner
• Building Inspector
• Assessor

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

Kandy Lavallee, Town Clerk

Date