

**DECISION
GRAFTON PLANNING BOARD**

SPECIAL PERMIT (SP 2021-08) and SITE PLAN APPROVAL

**Duplex
72 Westboro Road, North Grafton, MA 01536**

MacBill, LLC (Applicant/Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of MacBill, LLC, 30 Belknap Street, Westboro, MA 01581 (hereinafter the APPLICANT), represented by Norman Hill, Land Planning, Inc., 214 Worcester Street, North Grafton MA 01536, for a Duplex on property located at 72 Westboro Road, Grafton, MA, (hereinafter the SITE) Assessors Map 11, Lot 70, owned by MacBill, LLC, 30 Belknap Street, Westboro, MA 01581 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 65343, Page 100. Said property is located in a Residential (R-20) zone.

The Application was filed with the Planning Board on September 21, 2021. Notice of the public hearing and the subject matter thereof was published in the Grafton News on October 7 and 14, 2021, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on October 25, 2021. During the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on October 25, 2021.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Justin Wood, Clerk Linda Hassinger, Members Robert Hassinger, Prabhu Venkataraman and Associate Member Maura McCormack. 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 September 23, 2021, consisting of the following:
- a. Application for Special Permit, received by the Planning Department on September 23, 2021; 1 page.
 - b. Application for Site Plan Approval, received by the Planning Department on September 23, 2021; 1 page.
 - c. Certificate of Good Standing, signed by Beth Schrottman, dated September 1, 2021; 1 page.
 - d. Abutters Listing for 72 Westborough Road, Map 28, Lot 44, dated August 23, 2021, signed by Cody Herd, Data Collector; 1 page.
 - e. Project Narrative, dated September 20, 2021, prepared by Norman Hill, P.E., Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01519, 1 page.
 - f. Waiver Request Form, 3 pages.
 - g. Plan: "Proposed Plot Plan for Proposed Detached Two-family Dwelling", dated September 17, 2021, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01519, 2 sheets.

- EXHIBIT 2.** Plan: “Proposed Plot Plan for Proposed Detached Two-family Dwelling”, dated September 17, 2021, prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01519, 2 sheets.
- EXHIBIT 3.** Public Hearing Notice; received by the Town Clerk on October 7, 2021; 1 page.
- EXHIBIT 4.** Email from Katrina Koshivos, Zoning Board of Appeals, to the Planning Board, regarding “72 Westboro Road - Land Planning, Inc. - Two Family Residence”, dated October 19, 2021.
- EXHIBIT 5.** Email from Michael Killeen, Fire Department, to the Planning Board, regarding “Re: Request for Comments: SP 2021-08 / SPA, 72 Westboro Road, Land Planning, Inc.”, dated October 19, 2021, 1 page.

II. FINDINGS

At their meeting of November 8, 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 Justin Wood, seconded by Linda Hassinger, 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 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 also predicated upon satisfactory completion of the site improvements shown on the provided Plans and 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 Residential (R-20) District. The site is not located within the Water Supply Protection Overlay District.
- F4. That during the public hearing the Board and the Applicant discussed the proposed project. The property is currently an existing single family structure. The Applicant stated that they are proposing to demolish the existing single family structure and construct a residential duplex on the subject property. The Site is to have access from Westboro Road.
- F5. 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.
- F6. 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.
- F7. 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 Applicant has requested waivers as noted in Exhibit 1.
- F8. With regard to Section 1.5.5(a), the Board finds that based on Exhibits and Findings stated within this Decision, ingress and egress to the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, is adequate.

- F9. With regard to Section 1.5.5(b), the Board finds that based on the Exhibits and the Findings stated within this Decision, that off-street parking is adequate. The Board further finds with regard to Section 1.5.5(b) that 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), the Board finds that based on the Exhibits and the Findings stated within this Decision, that refuse collection or disposal and service areas is satisfactory.
- F11. With regard to Section 1.5.5(d), the Board does not find that based on the Exhibits and the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character is adequate.
- F12. With regard to Section 1.5.5(e), the Board finds that based upon on the Exhibits and 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.
- F13. With regard to Section 1.5.5(f), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, the required yards and other open space requirements are adequate.
- F14. With regard to Section 1.5.5(g), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, that the proposed use is generally compatible with adjacent properties and other properties in the Medium Density Residential (R-20) zone.
- F15. With regard to Section 1.5.5(h), the Board finds that based upon on the Exhibits and the Findings stated within this Decision and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, the proposed facility will not have any significant adverse impact on any public or private water supply. The Board notes the property is not located within the Water Supply Protection Overlay District.
- F16. With regard to Section 1.5.5(i), the Board finds that the site is not located within the Water Supply Protection Overlay District. The Board further finds that, based upon on the Exhibits and the Findings stated within this Decision, and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, there will not be any significant adverse impact upon municipal water supplies.
- F17. With regard to Section 1.5.5(j), the Board finds that important historic, cultural and scenic landscapes are protected.

III. WAIVERS

- W1. At their meeting of November 8, 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 Justin Wood, seconded by Linda Hassinger, 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 Exhibits and Findings of this Decision:
 - (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 fencing
- (28.) Utilities and their exterior appurtenances (e.g., fire connections)
- (29.) Provisions for dust and erosion control
- (30.) Any existing vegetation

- W2.** At their meeting of November 8, 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 Justin Wood, seconded by Linda Hassinger, voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant's request for waivers from the requirements of **Section 1.3.3.3 (e) Stormwater Management Hydrological Study** of the ZBL with regard to preparing a Stormwater Management Hydrological Study, for the reasons stated within the Exhibits and Findings of this Decision.
- W3.** At their meeting of November 8, 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 Justin Wood, seconded by Linda Hassinger, voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant's request for waivers from the requirements of **Section 1.3.3.3 (f) Earthwork Calculations** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.
- W4.** At their meeting of November 8, 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 Justin Wood, seconded by Linda Hassinger, voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant's request for waivers from the requirements of **Section 8.2 Traffic Study** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.

IV. DECISION

At their meeting of November 8, 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 Justin Wood, seconded by Linda Hassinger, voted five (5) in favor and zero (0) opposed to **APPROVE** the Application for Special Permit and Site Plan Approval with the following conditions:

A. Standard Conditions

- C1.) This Special Permit and Site Plan Approval application specifically authorizes the construction of a duplex on the subject property as described within the EXHIBITS and FINDINGS of this Decision.
- C2.) The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan 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 plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.

- 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.) 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.
- C5.) 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 provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C6.) By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.
- C7.) The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, and conducting any inspections or other work associated with the construction of the development. In accordance with the applicable sections of the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
- C8.) The Planning Board reserves the right to require the submission of an “as built” plan prepared by a professional engineer if it is determined upon inspection (by either the Board or its agent), and prior to the issuance of an occupancy permit, that the project was not constructed as shown on the approved plans.
- C9.) Any inability, failure, or refusal by the Applicant to comply with the requirements of this Special Permit and Site Plan 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.

B. Conditions to be Met Prior to the Start of Construction

- C10.) Unless modified by this Decision, the Site shall be developed, constructed and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the than the plan presented within the EXHIBITS of this Decision. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
- C11.) Prior to commencement of work, a pre-construction meeting shall occur with representatives from the Applicant and appropriate Town Departments/ Board’s. The Applicant shall contact the Planning Department to arrange the pre-construction meeting.

C12.) Prior to the start of any construction activity on the Site, an initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant/developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.

C. Conditions to be Met During Construction

C13.) Hours of construction and site work shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.

C14.) All construction vehicles and vehicles of all workers are to be parked on site and shall not impede traffic along Westboro Road at any time.

C15.) All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.

C16.) All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.

C17.) During clearing operations, all efforts will be taken to retain trees within the development. Trees along limits of work and adjacent to the roadway shall be examined during site inspections for being preserved where grading changes are minimal.

D. Conditions to be Met After Construction

C18.) All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the issuance of any Occupancy Permits for this development.

V. RECORD OF VOTE

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

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Christopher J. McGoldrick, Town Planner



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

