

**DECISION  
GRAFTON PLANNING BOARD**

2021 JUL 15 PM 3:59

**SITE PLAN APPROVAL 2008-1  
MODIFICATION #1****Building Additions to House Fabrication Equipment**

**84-94 Creeper Hill Road, North Grafton, MA  
All Steel Fabricating, Inc.  
James E. Magill (Owner / Applicant)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of All Steel Fabricating, Inc. / James E. Magill, 84-94 Creeper Hill Road, North Grafton, MA 01536 (hereinafter the Applicant), for a Site Plan Approval for four additions to an existing building, to house additional fabrication equipment on property located at 84-94 Creeper Hill Road, North Grafton, MA, and shown as Grafton Assessor's Map 18, Lot 1 (hereinafter the Site), and owned by James E. and Angela Magill, by deed recorded in the Worcester District Registry of Deeds (WDRD) Book 43169, Page 129.

**I. BACKGROUND**

The application for the above referenced Site Plan Approval (hereinafter Application) was received on May 27, 2021. The public hearing on the Application was opened on June 28, 2021. Notice of the public hearing and the subject matter thereof was published in the Grafton News on June 10, 2021 and June 17, 2021, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chair David Robbins, Vice-Chair Justin Wood, Clerk Linda Hassinger, and Members Robert Hassinger and Prabhu Venkataraman. At the hearing, Kevin Magill, represented the applicant and presented the proposal. 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.

**II. SUBMITTALS**

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

- EXHIBIT 1.** Unbound application submission materials prepared and submitted by James E. Magill, received May 27, 2021; consisting of the following:
- a. Application for a Site Plan Approval; 1 page.
  - b. Certificate of Good Standing; Signed by Treasurer/Collector's Office on April 2, 2021; 1 page.
  - c. Certified List of Abutters, dated May 26, 2021.
  - d. Letter from George F. Connors, Counselor At Law, to All Steel Fabricating, Inc., regarding "Plot plan-minor additions", dated May 18, 2021; 6 pages.

- e. Plans: "Proposed Plot Plan of 84-94 Creeper Hill Road", dated May 17, 2021, prepared by Connorstone Engineering, Inc., 10 Southwest Cutoff, Suite 7, Northborough, MA 01532; 1 sheet.

**EXHIBIT 2.** Public Hearing Legal Notice, Grafton Planning Board; Town Clerk Stamp on June 4, 2021; 1 page.

**EXHIBIT 3.** Email correspondence from Michael Killeen, Fire Department, regarding "Request for Comments: SPA 2008-1.1, Modification to Site Plan Approval, 84-94 Creeper Hill Road", dated June 7, 2021; 1 page.

### **III. FINDINGS**

At their meeting of July 12, 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 materials and information submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are also predicated upon 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, as shown on the Plans, is located in a Office / Light Industrial (OLI) zoning district. The Board further finds that based upon the plan submitted that the Site is not located within the Water Supply Protection Overlay (WSPO) District.
- F4. That this Application is for the construction of four building additions to house additional fabricating equipment. The existing structure is 32,221 sf. The proposed additions will add 2,400 sf for a total proposed square footage of 34,621 sf.
- F5. A fire suppression system will be required for the paint booth addition (see Exhibit #3).
- 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. The Board further 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 further finds that the Applicant is not requesting any waivers (EXHIBIT #1).
- F7. The Applicant stated that the existing business currently employs approximately 22 employees.
- F8. That with respect to the nature of this particular Application (more specifically, for the proposed additions to an existing building, and the provided site plan, are not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL.

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

At their meeting of July 12, 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 Site Plan Approval with the following conditions:

- C1. This approval specifically modifies The Decision of the Grafton Planning Board regarding Site Plan Approval 2008-1, dated August 11, 2008 and filed with the Town Clerk on August 12, 2008, for the building additions as proposed by this Application, in the locations shown on the Plans and in the EXHIBITS.
- C2. All other applicable Federal, State or Local permits and approvals for the proposed use shall be secured by the Applicant at the appropriate time, and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
- C3. No modification to the site plan specifically in relation to the parking configuration and/or additional exterior modifications is authorized by this Decision, and any proposal of said modifications shall be reviewed by, and receive approval from, the Planning Board as a Modification of this Site Plan Approval prior to commencement of such activity.
- C4. Signage authorized by this Site Plan Approval 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.
- C5. The Planning Board reserves the right to require additional parking control measures on the Site (e.g., signage, pavement markings, etc.) for up to one (1) year after the issuance of an Occupancy Permit for the use authorized by this Site Plan Approval, if the Board deems such measures are necessary.
- C6. 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 Site Plan Approval.
- C7. Failure to comply with the requirements of Sections 1.3 of the Grafton Zoning By-law (or as modified by this Site Plan Approval), as well as all applicable Federal, State and local regulations, shall cause this Site Plan Approval to be invalid.
- C8. This Site Plan Approval is specifically for the project as described in this Decision and specifically Exhibit #1. Any modification to the project approved by this Decision shall require a determination by the Planning Board as to whether the proposed modification(s) are substantial in nature and of public concern. The Planning Board may, upon its determination, require a new Site Plan Approval or Modification of this Site Plan Approval 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 in accordance with the provisions of Section 1.3.3.10 of the Grafton Zoning By-Law.
- C9. Any inability or failure or refusal by the applicant to comply with the requirements of this Site Plan Approval, or any other applicable Federal, State or Local regulations or approvals, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

- C10. This Site Plan Approval 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.
- C11. 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.

**V. RECORD OF VOTE**

<u>David Robbins, Chair</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Vice Chair</u>	<u>AYE</u>	<u>Robert Hassinger, Member</u>	<u>AYE</u>
<u>Linda Hassinger, Clerk</u>	<u>AYE</u>		

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

  
\_\_\_\_\_  
Christopher J. McGoldrick, Town Planner

7/15/2021  
\_\_\_\_\_  
Date

- cc: Applicant / Owner
- Building Inspector
  - Assessor
  - Board of Health
  - Conservation Commission
  - Graves Engineering