

**DECISION  
GRAFTON PLANNING BOARD**

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GRAFTON, MA

**MODIFICATION  
SPECIAL PERMIT (SP 2000-11.2) & SITE PLAN APPROVAL**

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**Gasoline Station Site Improvements  
88 Worcester Street, North Grafton, MA**

**Petrogas Group New England, Inc. c/o Bowditch & Dewey, LLP (Applicant)  
Leemilt's Petroleum, Inc. (Owner)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Petrogas Group New England Inc. c/o Bowditch & Dewey, LLP (hereinafter the APPLICANT) for a Modification of Special Permit & Site Plan Approval (SP 2000-11.1) to extend the period to renovate the exterior and interior portions of the building and replace the existing canopy on property located at 88 Worcester Street (hereinafter the SITE) which is located in the Commercial Business (CB) Zoning District and the Water Supply Protection Overlay District (WSPOD) and shown on the Grafton Assessor's Map 55, Lot 94, and owned by Leemilt's Petroleum, Inc. (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds Book 30031, Page 98. The application was formally received on January 17, 2019.

## **I. BACKGROUND**

The above referenced application for Modification of Special Permit (SP 2000-11.1) and Site Plan Approval (hereinafter the Application) was submitted on January 17, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 7 and 14, 2019, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

A public hearing on the Application was opened on February 25, 2019. The following Board members were present throughout the public hearing: Chair Robert Hassinger, Vice Chair Linda Hassinger, Clerk Sharon Carroll-Tidman, Members Michael Scully and David Robbins, and Associate Member Paul Monroe. Attorney Joshua Lee Smith of Bowditch & Dewey LLC presented the Application to the Board on behalf the Applicant/Owner. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed.

This application is the second modification of Special Permit and Site Plan Approval (SP 2000-11) for 88 Worcester Street, which was approved on February 28, 2001. This modification is requested to extend the period to renovate the exterior and interior portions of the building and replace the existing canopy and associated site improvements which was approved by the first modification of the Special Permit and Site Plan Approval (SP 2000-11.1).

## **II. SUBMITTALS**

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

1. Original Application Submission, received January 17, 2019 to include the following;

- a. Application for Modification of a Special Permit & Site Plan Approval (SP 2000-11.2/SPA), signed by Joshua Lee Smith, dated January 16, 2019, date stamped by the Town Clerk on January 17, 2019 and date stamped by Planning on January 17, 2019, 1 page.
  - b. Application for Modification of a Special Permit (SP 2017-9.1), signed by Joshua Lee Smith, dated January 16, 2019, date stamped by the Town Clerk on January 18, 2019 and date stamped by Planning on January 18, 2019, 1 page.
  - c. Letter from Joshua Lee Smith of Bowditch & Dewey, LLP, regarding “Requests for Extensions of Special Permits and Site Plan Approval for Renovation of Existing Gasoline Service Station at 88 Worcester Street, Grafton, Massachusetts,” addressed to the Town of Grafton Planning Department, dated January 16, 2019, date stamped by the Town Clerk on January 17, 2019 and date stamped by Planning on January 17, 2019, 2 pages.
  - d. Certificate of Good Standing, signed by Beth Schrottman, dated January 11, 2019, date stamped by Planning on January 17, 2019, 1 page.
  - e. Abutters Listing for 88 Worcester Street, dated January 14, 2019 and signed by Tammy Kalinowski, Office Manager, and date stamped by Planning on January 17, 2019, 1 page.
  - f. Letter from Leemilt’s Petroleum, Inc., regarding “88 Worcester Street, North Grafton, MA (Our Site #30691),” addressed to the Town of Grafton, dated October 17, 2017 and date stamped by Planning on January 17, 2019, 1 page.
2. Public Hearing Notice, date stamped by the Town Clerk on February 1, 2019, 1 page.
  3. Email from Normand Crepeau, Grafton Police Chief, dated February 1, 2019 and date stamped by Planning on February 1, 2019, 1 page.
  4. Email from Nancy Connors, Board of Health, dated February 1, 2019 and date stamped by Planning on February 1, 2019, 1 page.
  5. Public Meeting Sign-In Sheet, dated February 25, 2019, 1 page

### **III. FINDINGS**

At their meeting of March 25, 2019, 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. Robbins, seconded by Mrs. Hassinger) voted 5-0 to make the following Findings:

1. 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 Application.
2. That during the public hearing the Applicant presented the application. They are requesting an extension of the period to construct as delineated in Condition #A.5 of Special Permit SP 2000-11.1 which states:

*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.*
3. That during the public hearing the Attorney Joshua Lee Smith, representing the Applicant stated provided a project update and stated the Applicant had intended to proceed going as so far as to apply for

the building permit, obtaining MassDOT District 3 permits, installing erosion controls, and conducting the pre-construction inspection. However due to unexpectedly high costs and the lack of availability of specialized contractors, the project could not proceed as originally scheduled and therefore are asking for a one-year extension in the time to commence construction.

4. That during the public hearing the Board solicited public comments from the audience. None was received.
5. The Board expressed concern that the site will become blighted and that vegetation will not be maintained, and that trash will accumulate. In response, Attorney Smith stated the Applicant will clean up trash and debris and maintain the existing landscaping.
6. The Board noted the plans approved by SP 2000-11.1 called for the removal of the collection bins and they expressed concern that the bins would not be removed in a timely manner. The Board expressed concern that the bins overflow and that abandoned toys and clothes pile up at the bins. Attorney Smith, who received a text during the proceedings, stated the collection bins could be removed within 30 days and recommended the time for removal be set using the expiration of the appeal period.
7. Prior to the close of the public hearing the Board voted unanimously 5-0 that the request for an extension of time for period to construct was deemed a minor modification.

#### **IV. DECISION**

At their meeting of March 25, 2019 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. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **APPROVE** the Modification of the Special Permit (SP 2000-11.2) & Site Plan Approval with the following conditions:

1. This approval specifically modifies Condition #5 of Special Permit SP 2000-11.1, dated January 23, 2018, and is recorded in the Worcester Registry of Deeds, Book 58657, and Page 384. This approval as presented in this Decision specifically allows an extension of the time period to extending the deadline for commencement of construction to April 15, 2020.
2. Any request for additional extensions 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 in Section 1.5 of the ZBL.
3. This Modification of Special Permit (SP 2000-11.2) shall not take effect until the Decision has been recorded at the Worcester Registry of Deeds (WDRD) and a copy provided to the Planning Board and the Building Department. Said copy will include recording information such as the WDRD Book and Page Number /and/or Instrument Number.
4. All Conditions and requirements of Special Permit SP 2000-11.1, unless modified by this Decision, shall remain in full force and effect.
5. The Applicant shall maintain the general appearance of the site, cut/mow vegetation on the site during the growing season on a regular basis to keep vegetation low, to pick up trash and debris, and to maintain erosion control fencing.

6. The Applicant shall make best efforts to cause the removal of the collection bins within 30 days from the expiration of the appeal period for this decision. Inability to cause the removal of the collection bins shall be documented and submitted in writing to the Board.
  
7. Prior to the commencement of work, the collection bins shall be removed from the site.

**V. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Special Permit (SP 2000.11.2) & Site Plan Approval – Modification #2 with Conditions for extending the deadline for commencement of construction based on the information received at the public hearing and the aforementioned findings.

<u>Robert Hassinger, Chair</u>	<u>AYE</u>	<u>Linda Hassinger, Vice Chair</u>	<u>AYE</u>
<u>Sharon Carroll-Tidman, Clerk</u>	<u>AYE</u>	<u>David Robbins Member</u>	<u>AYE</u>
<u>Michael Scully, Member</u>	<u>AYE</u>		

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

  
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 Joseph Laydon, Town Planner

3-26-2019  
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 Date

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| <ul style="list-style-type: none"> <li>• Applicant / Owner</li> <li>• Assessor</li> <li>• Graves Engineering</li> </ul> | <ul style="list-style-type: none"> <li>• Building Inspector</li> <li>• Conservation Commission</li> </ul> |
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**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.

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 Kandy Lavalley, Town Clerk

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 Date