

**DECISION
GRAFTON PLANNING BOARD**

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**MODIFICATION
SPECIAL PERMIT (SP 2017-9.1)**

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**Relief from Size and Quantity Requirements for Signs
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 (SP 2017-9.1) to extend the period for the installing of two internally illuminated signs on fueling station canopy and relief from secondary wall sign size requirements 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 2017-9) (hereinafter the Application) was submitted on January 17, 2019. The public hearing for SP 2017-9 was held concurrently with the public hearing for SP 2000-11.2, Modification of Special Permit and Site Plan Review. 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 first modification of Special Permit (SP 2017-9) for 88 Worcester Street, which was approved on February 27, 2018 and is recorded in the Worcester Registry of Deeds, Book 58658, Page 1. This modification is requested to extend the period for the installing of two internally illuminated signs on fueling station canopy and relief from secondary wall sign size requirements as approved in the Special Permit Decision for SP 2017-9.

III. 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

IV. 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. 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 2017-9) with the following conditions:

1. This approval specifically modifies Condition #5 of Special Permit SP 2017-9, dated February 27, 2018, and is in the Worcester Registry of Deeds, Book 58658, Page 1. This approval as presented in this Decision specifically allows an extension of the time period to construct 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 2017-9.1) 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 2017-9, unless modified by this Decision, shall remain in full force and effect.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** this Special Permit (SP 2017-9.1) – Modification #1 with Conditions for and extension of time to commence the installation of two internally illuminated signs on fueling station canopy and relief from secondary wall sign size requirements 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



Joseph Laydon, Town Planner

3-26-2019

Date

- Applicant / Owner
- Assessor
- Graves Engineering
- Building Inspector
- Conservation Commission

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.

Kandy Lavalley, Town Clerk

Date