



TOWN CLERK

TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-4722

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RECORDED
01 APR -2 PM 2:20
APR 11 2001

CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD
SP 2000-11

PETITIONER: Getty Petroleum c/o Bohler Engineering

OWNER: Getty Petroleum

DEED REFERENCE: 88 Worcester Street
Assessor's Map 55, Lot 94
Book 4486, Page 215

This is to certify that a copy of the decision of the Planning Board of the Town of Grafton related to the application of Getty Petroleum c/o Bohler Engineering, granting a Special Permit for property located at the above mentioned site was received and filed in the Office of the Town Clerk on March 7, 2001 at 11:38 a.m.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on March 28, 2001.

A true copy, Attest:

(Seal)

Maurice A. Clark
Town Clerk - Grafton, Massachusetts

Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

RECEIVED-TOWN CLERK
GRAFTON, MA.

DECISION
GRAFTON PLANNING BOARD

MAR 7 11 38 AM '01

SP 2000-11
Getty Petroleum

88 Worcester Street, Grafton, MA

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Getty Petroleum (hereinafter the APPLICANT) for a Special Permit for a building addition to house a State Inspection Station on property located at 88 Worcester Street, Grafton, MA and shown on the Grafton Assessor's Map 55, Lot 94 and owned by the Applicant by deed recorded in the Worcester District Registry of Deeds Book 4486, Page 215. The application was formally received on October 11, 2000.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest as required by law, Elias Hanna, Chairman of the Board, called the hearing to order at 7:30 p.m. on December 11, 2000 in the Selectmen's Office at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. The following Board members were present throughout the hearing: Chairman Elias Hanna, Vice Chairman Robert Hassinger, Martin Temple, Robert Mitchell and Associate Member Jacquelyn Anderson. Attorney Phil Lombardo, engineer James Giarusso and station operator Michael Awde represented the applicant. The public hearing was continued to January 8, 2001, and again to February 12, 2001. Following public input the hearing was closed. 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 the Office of the Planning Board.

RECORD ITEMS:

Submitted for the Board's deliberation were the following:

- EXHIBIT 1: Application for Special Permit - Received 10-11-2000
- EXHIBIT 2: 10-11-2000 Application letter
- EXHIBIT 3: Abutters list and map
- EXHIBIT 4: Legal Notice
- EXHIBIT 5: 11-01-2000 FAX to Grafton News/Legal Notice
- EXHIBIT 6: Town Planner letter dated 11-01-2000
- EXHIBIT 7: Town Planner letter dated 11-02-2000 / return check
- EXHIBIT 8: 11-01-2000 Department Memo
- EXHIBIT 9: 11-03-2000 Return Memo - Treasurer
- EXHIBIT 10: Return Memo - Police Chief - received 11-06-2000
- EXHIBIT 11: 11-08-2000 Return Memo - Town Administrator
- EXHIBIT 12: 11-20-2000 Return Memo - Board of Health
- EXHIBIT 13: 11-30-2000 Return Memo - Conservation Comm.
- EXHIBIT 14: 11-14-2000 Graves Engineering - Report
- EXHIBIT 15: Planning Board "Sign-up" Sheet - 12-11-2001 Public Hearing
- EXHIBIT 16: Written request from applicant to extend Public Hearing to 01-08-2001
- EXHIBIT 17: Written request from applicant's Counsel to extend Public Hearing to 02-12-2001
- EXHIBIT 18: Copy of Exhibit 17 w/ Town Clerk time-date stamp

- EXHIBIT 19: Planning Board "Sign-up" Sheet - 02-12-2001 Public Hearing
- EXHIBIT 20: 01-22-2001 Bohler Engineering Letter w/ attached Environmental Report
- EXHIBIT 21: Reduced scale site plan
- EXHIBIT 22: 02-12-2001 Bohler Engineering Letter / Waiver request
- EXHIBIT 23: 10' scale site plan

FINDINGS OF FACT:

At the February 26, 2001 meeting, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Board made the following findings of fact as required under Zoning By-law (hereinafter "ZBL") §§1.5 and M.G.L. c.40A, §9.

F1) The Property is located in an "CB" Zoning District.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F2) The Property is also located in an "WSPO" Zoning District.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F3) The Property consists of approximately 0.7042 acres of land.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

A true copy,
 Attest:

Maureen A. Clark

Maureen A. Clark, Town Clerk
 Town of Grafton, MA

F4) Under ZBL §1.5.1, the Planning Board has the authority to grant special permits for such facilities in accordance with the Use Regulation Schedule of ZBL §3.2.3.1.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F5) Under ZBL §7.4.E, the Planning Board has the authority to grant special permits for such facilities in accordance with the WSPO Use Regulations of ZBL §7.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F6) ZBL §1.5.5 sets forth the required conditions for the granting of any special permit.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F7) ZBL §1.5.5 provides that a special permit may be granted only for uses that are in harmony with the general purpose and intent of the ZBL.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

A true copy,
 Attest:

Maureen A. Clark
 Maureen A. Clark, Town Clerk
 Town of Grafton, MA

F8) ZBL §3.2.3.2 provides for minimum yards (setbacks) in the CB District. The application satisfies/~~does not satisfy~~ this requirement.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F9) ZBL §7.4.E provides that special permits shall be granted if the SPGA determines, in conjunction with the Department of Public Works, Board of Health and Conservation Commission, that the intent of this bylaw, as well as its specific criteria are met. The application satisfies/~~does not satisfy~~ this requirement.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F10) ZBL §7.4.G provides that special permits shall be granted only if the SPGA determines, in conjunction with the town agencies as specified ZBL §7.4.F that ground water quality resulting from on-site waste disposal, recharge of runoff from impervious surfaces, and other on-site operations will not fall below federal or state standards (314 C.M.R. 6.00) for drinking water at the downgradient property boundary; and that the design complies with the applicable criteria specified in ZBL §7.5. The application satisfies/~~does not satisfy~~ this requirement.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

F11) The Board, after making the above findings of fact, then considered the general required conditions for the grant of a special permit set forth under ZBL §1.5.5 and made the following votes:

A true copy,
 Attest:

Maureen A. Clark

Maureen A. Clark, Town Clerk
 Town of Grafton, MA

- 1) The special permit application is ~~is not~~ in harmony with the general purpose and intent of the ZBL.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- 2) The special permit application if granted ~~would~~ would not create a nuisance, hazard or congestion.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- 3) The special permit application if granted ~~would~~ would not cause a substantial harm to the neighborhood.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- 4) The special permit application ~~would~~ would not, if granted derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- F12) The Board then considered the specific findings of fact that it must make when granting a special permit as required under ZBL §1.5.5.a through j and made the following votes:

A true copy,

Attest:

Maureen A. Clark

Maureen A. Clark, Town Clerk
 Town of Grafton, MA

- a) Ingress and egress. The proposed special permit application satisfies/~~does not~~ satisfy these requirements.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- b) Off-street parking and loading. The proposed plan special permit application satisfies/~~does not~~ satisfy these requirements.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- c) Refuse collection or disposal. The proposed special permit application satisfies/~~does not~~ satisfy these requirements.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- d) Screening and buffering. The proposed special permit application satisfies/~~does not~~ satisfy these requirements.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

A true copy,
 Attest:

Maureen A. Clark

Maureen A. Clark, Town Clerk
 Town of Grafton, MA

e) Signs. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:

	Yes	No	Abstain	Absent
Hanna	X			
M Hassinger	X			
Mitchell	X			
S Temple	X			
Anderson	X			

Motion Carried/~~Did Not Carry~~

f) Required yards. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:

	Yes	No	Abstain	Absent
Hanna	X			
M Hassinger	X			
Mitchell	X			
S Temple	X			
Anderson	X			

Motion Carried/~~Did Not Carry~~

g) General compatibility. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:

	Yes	No	Abstain	Absent
Hanna	X			
M Hassinger	X			
Mitchell	X			
S Temple	X			
Anderson	X			

Motion Carried/~~Did Not Carry~~

h) Water supply. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:

	Yes	No	Abstain	Absent
Hanna	X			
M Hassinger	X			
Mitchell	X			
S Temple	X			
Anderson	X			

Motion Carried/~~Did Not Carry~~

A true copy,
 Attest:

Maureen A. Clark

Maureen A. Clark, Town Clerk
 Town of Grafton, MA

- i) Water Supply Protection Overlay District. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

- j) Protect important historic, cultural and scenic landscapes. This section is not applicable.

Voted: **Yes No Abstain Absent**

	Hanna	X			
M	Hassinger	X			
	Mitchell	X			
S	Temple	X			
	Anderson	X			

Motion Carried/~~Did Not Carry~~

A MOTION was made to grant/~~deny~~ the special permit subject to the following conditions:

1. That the proposed building addition be used for a State Inspection Station only, and not as an additional service bay.
2. That there shall be no outdoor storage of tires, parts, or other used items or other refuse, including above ground containers for fluids.
3. That salt-tolerant landscaping not exceeding 2' in height be established and maintained in a live state along the Worcester Street frontage.
4. That the stream bank be cleared of rubbish and debris and re-vegetated where necessary, all as determined by the Grafton Conservation Commission.
5. 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 Special permit decision.
6. This Special Permit decision shall be recorded at the Worcester County Registry of Deeds within 10 days following the expiration of the appeal period.
7. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within 30 days.
8. 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.

A true copy,

Attest:

Maura A. Clark

Maura A. Clark, Town Clerk, Grafton, MA



Elias Hanna, Chairman

COMMONWEALTH OF MASSACHUSETTS

Worcester ss

March 7, 2001

On this 7th day of March, 2001 personally appeared Elias Hanna, a member of the Grafton Planning Board, and acknowledged the foregoing to be his free act and deed on behalf of said Board.



Notary Public

My commission expires November 3, 2007

cc: Applicant
Board of Selectmen
Board of Health
Conservation Commission
Board of Appeals


Town Engineer
Building Inspector
Highway Supervisor
Water District
Board of Sewer Commissioners

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.


Maureen Clark, Town Clerk

Date March 29, 2001

A true copy,
Attest:


Maureen A. Clark, Town Clerk
Town of Grafton, MA