

**DECISION
GRAFTON PLANNING BOARD**

SITE PLAN APPROVAL (SPA 2017-1)

**Professional Office / Chiropractic Care
126 Worcester Street, Grafton, MA 01519**

R.S.O Realty, LLC (Applicant)

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of R.S.O. Realty LLC, represented by Tom O'Malley, 27A Pineland Ave, Worcester, MA 01604 (hereinafter the APPLICANT), for an Professional Office / Chiropractic Care facility on property located at 126 Worcester Street, Grafton, MA, (hereinafter the SITE) Assessors Map 45, Lot 33, owned by Forbes Anderson (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 27866, Page 186. Said property is located in an Office / Light Industrial (OLI) zone.

The Application was filed with the Planning Board May 8, 2017 and with the Town Clerk on May 18, 2017. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 25 and June 1, 2017, and posted with the Town Clerk's Office on May 23, 2017. Abutters were notified by First Class Mail. The public hearing on the Application was opened on June 12, 2017. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was continued to June 26, 2017 at which time the hearing was closed.

The following Board members were present throughout the public hearing: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk Daniel Graham, and Members Linda Hassinger and David Robbins. At the hearing, the APPLICANT presented the proposal. Also present for the hearing were Applicant representatives Tom and Kathleen O'Malley (Applicant). 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 May 8, 2017, consisting of the following:
 - a. Application Packet, stamped by the Town Clerk on May 18, 2017; 5 pages.
 - b. Site Plans, Prepared by ReMax Executive Realty, no date; 2 pages.
 - c. Parking Permit Plan, prepared by hs&t group, inc., stamped by Daniel J. Tivnan, no dated; 1 page

- EXHIBIT 2.** Public Hearing Legal Notice, stamped by the Town Clerk's Office on May 23, 2017; 1 page.

- EXHIBIT 3.** Email, Subject: Accessory Use / Professional Office – Site Plan Approval – 126 Worcester Street, from Katrina Koshivo, Zoning Board of Appeals, dated and received on May 23, 2017; 1 page.

- EXHIBIT 4.** Email, Subject: Accessory Use / Professional Office – Site Plan Approval – 126 Worcester Street, from Maria Mast, Conservation Agent, dated and received on May 23, 2017; 1 page.
- EXHIBIT 5.** Memo from Joe Laydon, Town Planner to the Planning Board, Re: Comments for 126 Worcester Street, dated June 12, 2017; 1 page.
- EXHIBIT 6.** Public Hearing Sign-In Sheet, dated June 12, 2017; 1 page.
- EXHIBIT 7.** Public Hearing Continuance to June 26, 2017, dated June 12, 2017; 1 page.
- EXHIBIT 8.** Intended Layout Plan, Presented by John Atchue of Remax Executive Realty, no date, received June 16, 2017; 1 page.
- EXHIBIT 9.** Parking Permit Plan, prepared by Professional Civil Engineers & Land Surveyors; dated April 13, 2017, received June 16, 2017; 1 page.

II. FINDINGS

At their meeting of June 26, 2017, 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. Hassinger, seconded by Mr. Robbins, voted 5-0 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 predicated on 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 is located within the Office / Light Industrial (OLI) District. The site is also 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 has been used as a two-family dwelling and has recently been vacant. The Applicant stated that he is proposing to renovate the structure to operate a professional office providing chiropractic care. The Applicant stated there will be no increase in the size of the building (see EXHIBIT #1).
- F5. That the hours of operation will be Monday through Friday from 8:00am to 12:00 PM and from 2:00PM to 6:00 PM (see EXHIBIT 1).
- F6. That the number of employees on the premises will be 3, which includes two doctors and one staff member (see EXHIBIT 1).
- F7. That the average number of clients seen will be 2 at a time in 15 minute increments, with a maximum of 8 clients an hour (see EXHIBIT 1).
- F8. That during the public hearing the Board and the Applicant discussed the parking. A parking plan was submitted and reviewed by the Applicant (see EXHIBIT #9). The Applicant noted that the existing garage would be used for employee parking and the existing paved area could accommodate 5 additional parking spaces. The Applicant indicated the parking plan would be amended to show a circular drive and the Planning Board recommended the southern drive be signed for “enter only” and the northern drive as “exit only.” The Applicant stated he will provide a revised and corrected parking plan to the Board prior to the next hearing.

- F9. That the Zoning By-laws require a total of 7 parking spaces. It was noted that any increase to the parking lot would require amending this site plan approval and require approval from the Conservation Commission (see EXHIBIT 4).
- F10. That during the public hearing the Board received a Departmental Comment Form from the Zoning Board of Appeals (see EXHIBIT #3) and from the Conservation Commission (see EXHIBIT 4). The ZBA stated they had no comments or objections of note. The Conservation Administrator indicated the property is within the riverfront area and any proposed changes to the structure, parking lot, increase in impervious surface area or earth disturbance would require permitting through the Conservation Commission.
- F11. The Board notes that no public input was received prior to or during the public hearing.

III. WAIVERS

- W1. At their meeting of June 26, 2017, 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. Hassinger, seconded by Mr. Robbins, voted 5-0 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 Findings of this Decision:
 - (7.) Zoning District
 - (10.) Wetlands, Streams, Buffer Areas
 - (12.) Existing and proposed topography at two-foot elevation intervals
 - (14.) Extent and type of all existing and proposed surfaces
 - (15.) Lot coverage
 - (16.) Parking calculations
 - (17.) Volume of Earth Material
 - (20.) Service areas and all facilities for screening
 - (21.) Landscaping
 - (22.) Lighting
 - (23.) Proposed signs
 - (24.) Sewage, refuse disposal
 - (25.) Stormwater Management
 - (27.) Exterior storage and fences
 - (28.) Utilities and their exterior appurtenances
 - (29.) Dust and erosion control
 - (30.) Existing vegetation
- W2. At their meeting of June 26, 2017, 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. Hassinger, seconded by Mr. Robbins, voted 5-0 to **GRANT** the Applicant's request for a waiver from **Section 1.3.3.3 (e) Stormwater Management and Hydrological Study** of the ZBL.

The Applicant noted that a Stormwater Management Site Study was submitted and approved when the site was originally developed for the previous use. No changes to the site or the structure are proposed.

The Board notes that the requested waiver is appropriate given the nature of the Application and the existing build out of the site which is not being altered as part of this Application.

IV. DECISION

At their meeting of June 26, 2016, 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. Hassinger, seconded by Mr. Robbins, voted 5-0 to **APPROVE** the Site Plan with the following conditions:

- C1.) That this Site Plan Approval application is for a change in use from the previously approved Site Plan for this site to Professional Office / Chiropractic Care (see FINDING #F4).
- C2.) Signage denoting entrance and exit shall be installed in conformance with this decision and Exhibit 9 prior to the issuance of an occupancy permit from the Building Department.
- 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.) Any modification to the building location or site improvements as shown on the Plans or authorized by this Decision shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision 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. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Site Plan Approval Application with Conditions for a Professional Office / Chiropractic Care facility at 126 Worcester Street based on the information received at the public hearing and the aforementioned findings.

<u>Michael Scully, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Daniel Graham, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Layden, Town Planner

6-28-2017

Date

cc: Forbes Anderson (Owner)
Tom O'Malley
Building Inspector
Board of Assessors
Conservation Commission

