

DECISION
GRAFTON PLANNING BOARD
SPECIAL PERMIT (SP 2022-05) & SITE PLAN APPROVAL

Forgues EyeCare
Commercial Business - Medical/Dental Offices

41 & 43 North Main Street
Forgues EyeCare (Applicant)
Point House Properties, LLC (Owner)

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GRAFTON, MA

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Forgues EyeCare, 23 Edgemere Boulevard, Shrewsbury, MA 01545 (hereinafter the APPLICANT), for a Special Permit and Site Plan Approval under Section 3.2.3.1 of the Grafton Zoning By-law to operate a Medical Office on property located at 41 & 43 North Main Street, Grafton MA, and shown on Grafton Assessor's Map 27, Lots 78&79 and owned by Point House Properties, LLC, (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 67095, Page 282 and Worcester District Registry of Deeds in Book 67094, Page 384.

I. BACKGROUND

The above referenced application for a Special Permit and Site Plan Approval (hereinafter APPLICATION) was submitted on April 27, 2022. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 5th & May 12th, 2022 and posted with the Town Clerk's Office on May 5, 2022. Abutters were notified by First Class Mail. The public hearing on the Application was opened on May 23, 2022. During the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on May 23, 2022.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Justin Wood, Clerk Linda Hassinger, Members Robert Hassinger and Prabhu Venkataraman, and Associate Member Maura McCormack. At the hearing the following people presented the Application: Todd Brodeur, Fletcher Tilton.

II. SUBMITTALS

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

EXHIBIT 1. Original Application Submission, received on April 27, 2022 to include the following:

- a. Application for a Special Permit, signed by Forgues EyeCare (Applicant), dated January 30, 2022, 1 page.
- b. Application for a Site Plan Approval, signed by Forgues EyeCare (Applicant), dated January 30, 2022, 1 page.
- c. Application for a Special Permit, signed by Point House Properties, LLC (Owner), dated April 22, 2022, 1 page.
- d. Application for a Site Plan Approval, signed by Point House Properties, LLC (Owner), dated April 22, 2022, 1 page.

- e. Certificate of Good Standing (41 North Main Street), signed by Beth Schrottman, dated February 1, 2022, 1 page.
- f. Certificate of Good Standing (43 North Main Street), signed by Beth Schrottman, dated February 1, 2022, 1 page.
- g. Abutters Listing for 41 and 43 North Main Street, Map 27, Lots 78&79, dated January 31, 2022, signed by Cody Herd, Data Collector, 4 pages.
- h. Project Narrative: “Project Description and Memorandum in Support of Application for Special Permit”, prepared by Todd Brodeur, Fletcher Tilton, 4 pages.
- i. Waiver Request Form, 3 pages.

EXHIBIT 2. Plan: “Existing Conditions Plan”, dated April 13, 2022, prepared by Norman G. Hill, Land Planning, Inc., 214 Worcester Street., N. Grafton, MA, 01536, 1 sheet.

EXHIBIT 3. Public Hearing Notice, stamped by the Town Clerk’s office on May 5, 2022; 1 page.

EXHIBIT 4. Email from Nancy Connors, Health Department, dated May 16, 2022, 1 page.

EXHIBIT 5. Email from Michael Killeen, Fire Department, dated May 16, 2022, 1 page.

EXHIBIT 6. Email from Katrina Koshivos, Zoning Board of Appeals, dated May 17, 2022, 1 page.

EXHIBIT 7. Email from Normand Crepeau, Police Chief, dated May 17, 2022, 1 page.

III. FINDINGS

At their meeting of June 13, 2022 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 information and materials submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans 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 property is located within the Neighborhood Business (NB) zoning district. A portion of the subject property is located within the Water Supply Protection Overlay District.
- F4. That during the public hearing the Board and the Applicant discussed the nature of the application. The proposal requests reuse of the existing structure and parking with no exterior modifications, for an optometry office use with approximately eight (8) employees and regular business hours (8:30am – 6pm).

- F5. That during the public hearing the Applicant noted the parcel at 43 North Main Street will remain as-is in regards to this proposal.
- F6. With regard to Section 1.5.5(a) of the ZBL that based upon the Findings stated within this Decision ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, **are** adequate.
- F7. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district **are** satisfactory.
- F8. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas **are** satisfactory.
- F9. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision screening and buffering with reference to type, dimensions and character **are** adequate.
- F10. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect **is** compatible and in harmony with properties in the district.
- F11. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements **are** adequate and have met the requirements of the Zoning By Law.
- F12. With regard to Section 1.5.5(g) of the ZBL, that the proposed use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) **is** generally compatible with adjacent properties and properties in the district.
- F13. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there **will not** be any significant adverse impact on any public or private water supply.
- F14. With regard to Section 1.5.5(i) of the ZBL, the subject property is not located within the Water Supply Protection Overlay District. Upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there **will not** be any significant or cumulative impact upon municipal water supplies.
- F15. With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development **is** satisfactory. No material was submitted to address these issues and no public input was received.

- F16. That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F17. 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.

IV. WAIVERS

- W1. At their meeting of June 13, 2022, 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 **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3** of the ZBL with regard to preparing site plan for the reasons stated within the Findings of this Decision:

Section 1.3.3.3 (d)

- (8) Locus Map
- (9) Title Block
- (10) Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones
- (11) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two-hundred feet (200') of the property lines
- (12) Existing and proposed topography
- (14) Extent and type of all existing and proposed surfaces
- (15) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/ landscaped areas
- (17) Calculations of the volume of earth material to be removed or filled
- (18) Driveways and Driveway openings/entrances
- (20) Service Areas and all facilities for screening
- (22) Lighting
- (23) Proposed signs
- (24) Sewage, refuse and other waste disposal
- (25) Stormwater management facilities
- (27) Exterior storage areas and fences
- (28) Utilities and their exterior appurtenances
- (29) Provisions for dust and erosion control
- (30) Any existing vegetation

Section 1.3.3.3(e): Stormwater management hydrological study.

Section 1.3.3.3(f): Report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity.

Section 1.3.3.3(g): Written statements from engineer / architect preparing the plans indicating that the plans comply with the performance standards of Section 4/1 of the ZBL; and applicant / owner indicating site will be maintained with standards set forth in Section 4.1 of the ZBL.

- W2. At their meeting of June 13, 2022, 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 **GRANT** the Applicant's request for a waiver from the requirements of **Section 8.2 – Traffic Study**.

V. DECISION and CONDITIONS

At their meeting of June 13, 2022, 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** this Special Permit and Site Plan Approval with the following conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval specifically authorizes the operation of a medical office business on the subject property as described within the EXHIBITS and FINDINGS of this Decision.
2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
3. 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.
4. 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.
5. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board

and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.

6. By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.


7. Any inability, failure, or refusal by the Applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

VI. RECORD OF VOTE

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|-----------------------------------|------------|------------------------------------|------------|
| <u>David Robbins, Chairman</u> | <u>AYE</u> | <u>Robert Hassinger, Member</u> | <u>AYE</u> |
| <u>Justin Wood, Vice Chairman</u> | <u>AYE</u> | <u>Prabhu Venkataraman, Member</u> | |
| <u>Linda Hassinger, Clerk</u> | <u>AYE</u> | <u>Maura McCormack, Associate</u> | <u>AYE</u> |

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD



Christopher J. McGoldrick, Town Planner

7/26/2022

Date

- cc: Applicant / Owner
- Building Inspector
 - Assessors
 - Conservation Commission

To Whom It May Concern: This is to certify and verify that the twenty (20) days have elapsed since this decision was filed in the Town Clerk’s office and that no such appeals have been filed in the reference to the same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavalley, Town Clerk

Date