



**Town of Grafton
Zoning Board of Appeals
30 Providence Road
Grafton, MA. 01519**

**508-839-5335 x 1154 - Fax: 508-839-4602
E-mail: koshivosk@graffton-ma.gov
Website: www.graffton-ma.gov**

Zoning Board of Appeals

New Case Notice

Case Number #

2017 / 835

The Grafton Board of Appeals has received a petition from **MARC AND AMY RYAN**

for **25 OLD WESTBORO ROA** requesting that the Zoning Board of Appeals grant a Variance
to allow: A VARIANCE OF 7.8' FROM SECTION 3.3.3.4, FOR THE ADDITION OF A DRIVEWAY THAT
WILL BE 2.2' OFF THE SIDE YARD LOT LINE WHERE 10' IS REQUIRED IN AN R40 ZONING
DISTRICT.

Map: 48 Lot: 10.A Block: 0000

The Board will conduct a Public Hearing on **Thursday, September 14, 2017** at 7:00 PM in Conference
Room A, at the Municipal Center, 30 Providence Road, Grafton, MA 01519 to consider this request.

ZONING BOARD OF APPEALS

William McCusker, Chairman

Vice Chairman

William Yeomans, Clerk

Elias Hanna, Member #1

Kay Reed, Member #2

Karl Chapin, Member #3

Megan Perrotta, Alternate #1

PETITION TO THE ZONING BOARD OF APPEALS
TOWN OF GRAFTON, MASSACHUSETTS

RECEIVED
AUG 14 2017
Zoning Board of Appeals

DATE: 8/14/17

I/We hereby petition your Board to conduct a public hearing and consider the granting of relief from under hardship resulting from literal enforcement of the protective Zoning Bylaw, by exercising your power to:

(Mark one)

- Review refusal of Selectman or others to grant a permit
- Grant a **VARIANCE** from the terms of the Zoning Bylaw, SECTION ~~3.3.3.1~~ 3.3.3.4
- Grant a **SPECIAL PERMIT** for a specific use which is subject to the approval of your Board.

RECEIVED TOWN CLERK
GRAFTON, MA
2017 AUG 14 AM 9 57
K

FOR LAND/BUILDINGS AT 25 Old Westboro Rd.

TO ALLOW: The addition of a driveway that will be 2.2' off the side yard lot line where 10' is required, in the R40 zoning district. need 7.8' of relief

Please complete this entire section:

Location of property: _____ Tax Plan # _____ Plot # _____
 Zoning District in which the property is located: R40
 Title of Property in name of: Marc & Amy Ryan
 Whose address is: 25 Old Westboro Rd. # 01519
 Deed recorded in Book # _____, Page # _____
 Plan Book # _____, Plan # _____
 Signature of Petitioner: Amy Ryan
 Print Name Amy Ryan
 Address of Petitioner: Same
 Phone Number of Petitioner: 508-735-4929

**ZONING BOARD OF APPEALS
TOWN OF GRAFTON, MASSACHUSETTS
APPLICATION FOR VARIANCE/SPECIAL PERMIT
INFORMATION FOR PETITIONERS**

1.) BASIS FOR APPEALS:

An appeal to the Board of Appeals may be taken by a person aggrieved by reason of his/her inability to obtain a permit from any administrative official under the provisions of Chapter 40A as amended by Chapter 808 of the General Laws, or by any officer of board of the Town, or by any person aggrieved by any order or decision of the Building Inspector of other administrative official in violation of any provisions of Chapter 40A, or any ordinances of bylaw adopted thereunder, or by any person seeking a Special Permit.

2.) WHEN APPEAL MAY BE TAKEN:

Any appeal of the Board of Appeals must be taken within thirty (30) days from the date of the order or decision being appealed or in the case of a Special Permit, within a reasonable time after written advisement of need for said permit.

3.) HOW APPEALS MAY BE TAKEN:

Any appeal to the Board of Appeals must be made by completing a Form of Appeal, as supplied by the Board, and filing two (2) copies of said form in the Office of the Town Clerk. Accompanying such filing shall include:

- I. One copy of the Town of Grafton Tax Map(s) showing the subject property, the immediate abutting said property and all parcels next adjoining the land of the immediate abutters. (May be obtained in the office of the Board of Assessors or on-line at the Town of Grafton's web site www.grafton-ma.gov.)
- II. A certified plot plan of the property, either prepared by an engineer or a registered land surveyor showing the location of buildings or structures to the lot lines including proposed buildings, with their locations on the lot. The names of the owners of abutting property should be shown also.
- III. Listings of the names and addresses, as they appear on the most recent local list available in the Assessors' Office, of abutters, owners of land within three hundred (300) feet of the property lines. These listings must be certified by the Town Assessors. *with a check or cash - \$25⁰⁰*
- IV. A Certificate of Good Standing must be signed off by the Treasurer/Collectors office and submitted with the application.
- V. All applications shall be accompanied by a check, payable to the Town of Grafton in the amount of one hundred sixty five (\$165.00) dollars.

4.) FORM OF APPEALS:

All appeals must be in writing, in duplicate, and signed by the applicant or his attorney. These documents shall be filed in the Office of the Town Clerk of Grafton. One copy is to be sent to the Building Inspector and one copy to the Clerk of the Board of Appeals. A form for Appeal is attached hereto. A site plan of the property involved in the appeal must accompany the appeal.

5.) CONDITIONS TO BE MET FOR GRANTING A VARIANCE/SPECIAL PERMIT:

Before making formal application for a variance/special permit from the Town of Grafton Zoning Bylaws, you, the applicant, must be aware of the conditions that must be met before the Zoning Board of Appeals may act favorably upon your request.

- I. A hardship exists upon your land that requires you to apply for a variance.
Example: A ledge or rock condition exists upon your property which does not allow you to construct within the conformity of the bylaw. Financial hardship, by itself is not a reason for granting a variance.
- II. The condition affecting you property is incidental to that property and not generally affecting other parcels within your zoning district.
- III. A variance may be granted without substantial detriment to the public good. This is to say, for example, that excess traffic would not result by the granting of the variance, or that the rights of your neighbors would not be infringed upon.
- IV. A variance cannot substantially derogate from the intent and purpose of the bylaw. Varying a front yard setback from 30 – 10 ft. would be, in most instances, substantial derogation from the intent and purpose of the Town of Grafton Zoning Bylaws.

Your presentation before the Board should specifically relate to all four above prerequisites. If in doubt, contact an attorney before filing your appeal. If your appeal were denied then you would have to wait two (2) years before reapplying. It is best to be fully prepared at the time of the hearing.

6.) HEARINGS:

Legal Notices of the hearing will be published in the Grafton News 2 weeks prior to the hearing date. Legal notices will also be sent to the applicant, abutters and to such other persons as the Board deems to be interested parties. The applicant may appear in person or be represented by an attorney. The applicant will be given an opportunity to present witnesses, evidence, and persons appearing in opposition will also be given an opportunity to be heard. No cross-examination of the witnesses will be allowed except at the discretion of the Board. The Board may in its discretion permit arguments at the close of the evidence.

7.) Representation and Appearance before the Board

Applicants for relief must appear at the hearing either in person or by way of an "Authorized Representative". An Authorized Representative means the following:

For Applicants who are Individual Property Owners

Applicants who are individual property owners may allow an engineer, architect, contractor or other person to appear before the Board on their behalf provided that the Individual Property Owner has sent a letter to the Board in advance of the hearing identifying the engineer, architect, contractor or other person as their authorized representative.

For Applicants who are Corporate Property Owners (e.g. corporations and LLCs)

An applicant that is a corporate entity may appear before the Board if it is represented by any of the following:

- 1.) An attorney licensed to practice law in the Commonwealth of Massachusetts.
- 2.) A corporate officer (e.g. President, Treasurer or Clerk) provided that the person purporting to be a corporate officer produces evidence of such executive status in the form of a corporate vote of the board of directors or a copy of corporation's annual report on file with the Massachusetts Secretary of the Commonwealth.
- 3.) A non-executive employee or an engineer, architect, contractor or other person provided that the corporate entity sends a letter to the Board in advance of the hearing designating such non-executive employee, engineer, architect, contractor or other person as the corporate entity's designated agent authorized to act on behalf of the corporate entity. However, all letters from corporate entities must be signed by a corporate officer (e.g. President, Treasurer or Clerk in the case of a corporation or the Manager in the case of a limited liability company).

8.) DECISION:

The applicant will be notified, in writing, of the decision of the Board. The decision will also be mailed to all abutters and interested parties.

Town of Grafton General By-Laws

ARTICLE 26

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS BY-LAW

a. The tax collector or other town official responsible for records of all town taxes, assessments, betterments and other town charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any town taxes, fees, assessments, betterments or other town charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

b. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all town taxes, fees, assessments, betterments or other town charges, payable to the town as the date of issuance of said certificate.

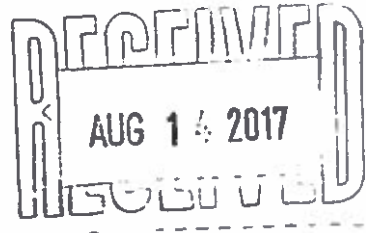
c. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of laws.

d. The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or member of his immediate family (as defined in General Law Chapter 268, Section 1) in the business or activity conducted in or on said property.

This By-Law shall not apply to the following licenses and permits: open burning, Section thirteen of Chapter forty-eight; of articles for charitable purposes, Section thirty-three of Chapter one hundred and one; children work permits; Section sixty-nine of Chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, Section twenty-one E of Chapter one hundred and forty; dog licenses, Section one hundred and thirty-seven of Chapter one hundred and forty; fishing, hunting, trapping licenses, Section twelve of Chapter one hundred and thirty-one; marriage licenses, Section twenty-eight of chapter two hundred and seven and theatrical events,



TOWN OF GRAFTON
 GRAFTON MEMORIAL MUNICIPAL CENTER
 30 PROVIDENCE ROAD
 GRAFTON, MASSACHUSETTS 01519
 (508) 839-5335 ext 1170 • FAX: (508) 839-4602
 www.grafton-ma.gov



TREASURER / COLLECTOR

Certificate of Good Standing

Applicants seeking permits with the Town of Grafton must submit this completed form at the time of application. When all obligations are paid to date, you must attach this "Certificate of Good Standing," with your application. Delinquent bills must be paid in full before the appropriate department accepts your application. Please make arrangements to pay these outstanding bills at the Collector's Office.

Please note: it can take up to three (3) business days to process each request.

Please check all that apply and indicate if permit(s) have been issued.

	Permit Issued?			Permit Issued?	
	Yes	No		Yes	No
<input type="checkbox"/> Building - Inspection(s)	_____	_____	<input type="checkbox"/> Septic System	_____	_____
<input type="checkbox"/> Building - Electric	_____	_____	<input type="checkbox"/> Conservation	_____	_____
<input type="checkbox"/> Building - Plumbing	_____	_____	<input type="checkbox"/> Planning	_____	_____
<input type="checkbox"/> Board of Health	_____	_____	<input checked="" type="checkbox"/> Other	_____	_____

ZRA

Other Permit: _____

<u>Amy Ryan</u> Petitioner Name	_____	Property Owner / Applicant
<u>25 Old Westboro Rd.</u> Petitioner Address	_____	Property Address
<u>Grafton, MA 01519</u> City, State, Zip	_____	Grafton, MA
<u>508-753-4929</u> Phone	_____	City, State, Zip

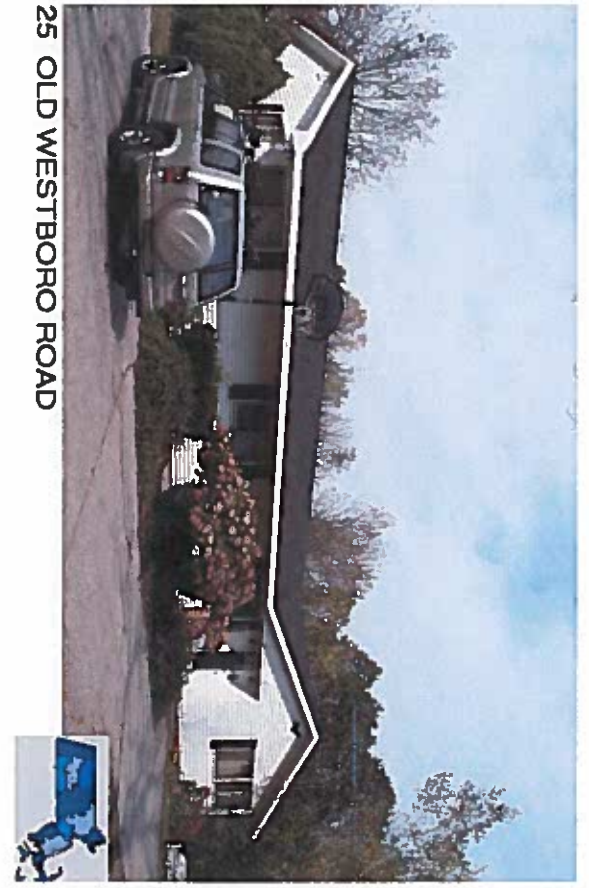
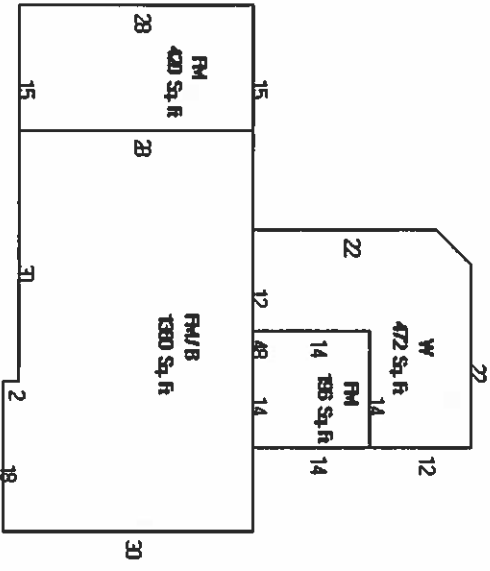
Date:	Current	Delinquent	N/A
Real Estate	✓		
Personal Property			✓
Motor Vehicle Excise			✓
Disposal			✓
General Billing			✓

[Signature] Treasurer / Collector Signature 8/14/17 Date

Residential Property Record Card

Parcel ID: 110/048-0-0000-0010A	MAP: 048.0	BLOCK: 0000	LOT: 0010A	Parcel Address: 25 OLD WESTBORO ROAD	FY: 2017	
PARCEL INFORMATION		Use-Code: 101	Sale Price: 321,000	Book: 53889	Road Type: T	Inspect Date: 10/30/2014
Owner: RYAN MARC	Tax Class: T	Sale Date: 06/22/2015	Page: 307	Rd Condition: P	Mass Date: 10/30/2014	
Address: 25 OLD WESTBORO ROAD	Tot Fin Area: 1996	Sale Type: P	Cert/Doc: Y	Traffic: M	Entrance: C	
GRAFTON MA 01519	Tot Land Area: 1,604	Sale Valid: Y	Grantor: CONNOLLY RAYMOND H &	Water: IW	Collect Id: PG	
	Sewer: Exempt-B/L%	Resid-B/L%: 100/100	Comm-B/L%: 0/0	Sewer: Indust-B/L%: 0/0	Inspect Reas: C	Open Sp-B/L%: 0/0

RESIDENCE INFORMATION		LAND INFORMATION	
Style: RN	Tot Rooms: 8	Main Fn Area: 1996	Attic: 1380
Story Height: 1.06	Bedrooms: 5	Up Fn Area: 1996	Bsmt Area: 1380
Roof: G	Full Baths: 2	Add Fn Area: 1996	Fn Bsmt Area: 1380
Wall: FB	Half Baths: 0	Unfn Area: 1996	Bsmt Grade: CN
W/ny Trim: T	Ext Bath Fix: 185201	Tot Fin Area: 1996	Foundation: CN
Bath Qual: T	RCLND: HW	Kitch Qual: T	Eff Yr Built: 1981
Mkt Adj: 0	Heat Type: HW	Ext Kitch: 0	Year Built: 1973
Sound Value: 0	Fuel Type: 0	Grader: A	Cost Bldg: 185,200
Fireplace: 0	Bsmt Gar Cap: 0	Condition: AG	Alt Str Val1: 185,200
Central AC: N	Bsmt Gar SF: 0	Pct Complete: 100%	Alt Str Val2: 0
Alt Gar SF: 0	%Good P/F/E/R: 100%	Alt Str Val2: 0	
Porch Type: W	Porch Area: 472	Porch Grade Factor: 1.0	
Sketch			



25 OLD WESTBORO ROAD

Photo

NBHD CODE: 4	NBHD CLASS: 2	ZONE: R4
Seg Type: P	Code: 101	Method: S
Code: 132	Sq-Ft: 29901	Acres: N
U	29901	Value: 102,144
		Class: 598
VALUATION INFORMATION		
Current Total: 287,900	Bldg: 185,200	Land: 102,700
Prior Total: 283,100	Bldg: 170,800	Land: 112,500
		MkLnd: 102,700
		MkLnd: 112,500

