



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

RECEIVED TOWN CLERK
2019 DEC 18 AM 11:06

**508-839-5335 x 1154 - Fax: 508-839-4602
E-mail: koshivosk@graffton-ma.gov
Website: <http://graffton-ma.gov>**

Zoning Board of Appeals

Legal Notice

The Grafton Board of Appeals has received a petition from MAXWELL REALTY TRUST, For 33 BERNARD ROAD, NORTH GRAFTON requesting that the Zoning Board of Appeals grant a:

**MODIFICATON OF THE SPECIAL PERMIT ISSUED ON 10/17/2019 DUE TO CONSTRUCTION CONSTRAINTS. THE MODIVICATION IS NEEDED TO COMPLETE THE CONSTRUCTION PROJECT TO BE CODE COMPLIANT.
BOOK: 60288 PAGE: 300**

Map: 55 Lot: 71 Block: 0000

The Board will conduct a Public Hearing on Thursday, January 9, 2020 at 8:00 PM in Conference Room A, at the Municipal Center, 30 Providence Road, Grafton, MA 01519 to consider this request and/or to take whatever action is necessary, including the granting of a finding, special permit, variance, or other necessary relief necessary under the Zoning By-Law. Any person wishing to be heard in conjunction with this request should appear at the time and place designated or by letter to this Board in time to be read at the hearing.

*Please note: Individuals requiring special accommodations should contact the Zoning Board of Appeals at (508) 839-5335, ext. 1154 at least seven (7) days prior to the hearing date in order to facilitate your request.

ZONING BOARD OF APPEALS

William McCusker, Chairman
Marianne Desrosiers, Vice Chairman
Kay Reed, Clerk
William Yeomans, Member #1
, Member #2
Brian Waller, Alternate #1
, Alternate #2

Case Number # 863-1 / 2019 THE GRAFTON NEWS
Thursday, December 26, 2019 and Thursday, January 2, 2020

RECEIVED TOWN CLERK
WATFOLI, MA
2019 DEC 17 PM 1:34

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

DATE: 12/17/19

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 _____.
- Grant a **SPECIAL PERMIT** for a specific use which is subject to the approval of your Board.

FOR LAND/BUILDINGS AT 33 Bernard Rd

TO ALLOW:

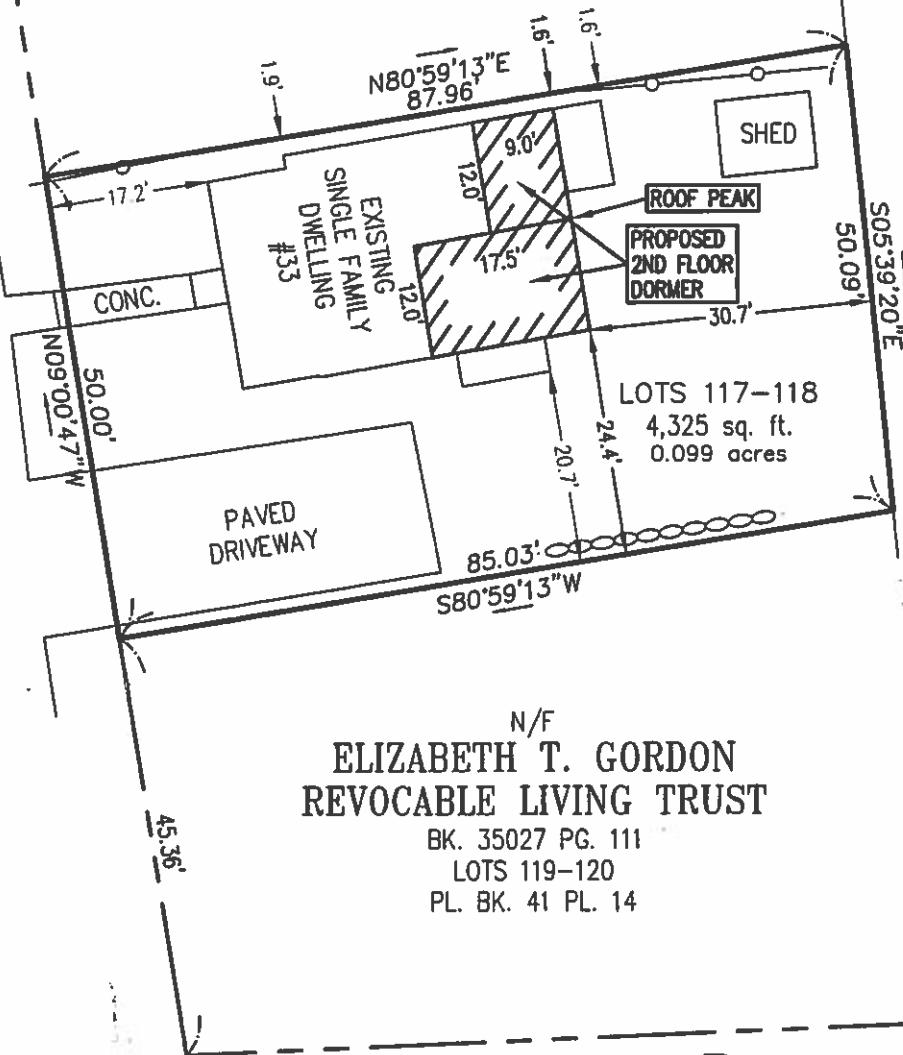
A modification to the Special Permit- issued on 10/17/19 is needed ~~to~~ due to construction constraints is needed to complete the construction project to be code compliant

Please complete this entire section:

Location of property: _____ Tax Plan # 55 Plot # 71
 Zoning District in which the property is located: R20
 Title of Property in name of: Maxwell R.T.
 Whose address is: 33 Bernard Rd N Grafton
 Deed recorded in Book # 40288, Page # 300
 Plan Book # _____, Plan # _____
 Signature of Petitioner: [Signature]
 Print Name Michael Capurso
 Address of Petitioner: 58 Castine St - Worcester, MA
 Phone Number of Petitioner: 508-410-4551

N/F
SANDRA L.
PAQUETTE
BK. 47443 PG. 375
LOTS 115-116
PL. BK. 41 PL. 14

BERNARD ROAD
(PUBLIC ~ 40.0' WIDE)



N/F
ERIC S. & JESSICA
WESTCOTT
BK. 50297 PG. 377
LOTS 121-127
PL. BK. 41 PL. 14

N/F
ELIZABETH T. GORDON
REVOCABLE LIVING TRUST
BK. 35027 PG. 111
LOTS 119-120
PL. BK. 41 PL. 14

LOGAN ROAD

DEED REF: 60288/300
PLAN REF: 41/14
ZONED: R2
ASSESSORS REF: MAP 55 PARCEL 71



PLAN FOR BUILDING PERMIT

PREPARED FOR:
MAXWELL REALTY TRUST
33 BERNARD ROAD
GRAFTON, MASSACHUSETTS

SCALE: 1"=20' REV: 12/13/19
DATE: SEPTEMBER 18, 2019

B&R SURVEY, INC.
PROFESSIONAL LAND SURVEYORS

100 GROVE STREET TEL. 508.756.8579
WORCESTER, MA 01805 FAX. 508.421.4797

ROBERT J. SMITH, R.P.L.S.

DATE

Dec 13, 2019

DRAWN BY: RPB

PROJECT NO. 19-245



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 type="checkbox"/> Other	_____	_____

Other Permit: _____

 Petitioner Name Maxwell R.T.
 Property Owner / Applicant

 Petitioner Address 33 Bernard Rd.
 Property Address

 City, State, Zip Grafton, MA 01536
 City, State, Zip

 Phone

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

Christie
 Treasurer / Collector Signature

12/17/19
 Date



TOWN CLERK

Kandy L. Lavallee
Town Clerk

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
clerks@grafton-ma.gov

CERTIFICATE OF NO APPEAL

RECEIVED

NOV 20 2019

Building Department

DECISION: GRAFTON ZONING BOARD OF APPEALS
2019/863- Special Permit

PETITIONER: Maxwell Realty Trust
58 Castine Street, Worcester, MA 01606

OWNER: Maxwell Realty Trust- Michael Capruso, Trustee
33 Bernard Road, Grafton, MA

DEED REFERENCE: 33 Bernard Road
Assessor's Map 55, Lot 71;
Worcester District Registry of Deeds
Book 60288, Page 300;

This is to certify that the Decision of the Grafton Zoning Board of Appeals on the petition of the above-named Petitioner to allow the construction of a roof dormer/addition 13.6' off the side setback, at property located at 33 Bernard Road, Grafton was duly recorded in the Town Clerks office on October 28, 2019 at 2:15 pm.

No Notice of Appeal of the Decision was filed in this office within the twenty days next, the appeal period ending on November 18, 2019.

A true copy, ATTEST:

Kandy L. Lavallee
Kandy L. Lavallee, Town Clerk
Grafton, MA



BE: 61451 Pg: 317
Page 1 of 3 11/20/2019 10:33 AM WED

RECEIVED
NOV 21 2019
Zoning Board of Appeals



**ZONING BOARD OF APPEALS
TOWN OF GRAFTON**

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519

Phone: (508) 839-5335 ext 1157 • FAX: (508) 839-4602
www.grafton-ma.gov

RECEIVED TOWN CLERK
2019 OCT 28 PM 2:15

**THE COMMONWEALTH OF MASSACHUSETTS RECEIVED
Town of Grafton
BOARD OF APPEALS**

NOV 20 2019
Building Department

2019/Case #863

Special Permit

Decision of the Board of Appeals on the petition from MAXWELL REALTY TRUST OF 58 CASTINE STREET, WORCESTER, MA, requesting a Special Permit to allow the construction of a roof dormer/addition on a pre-existing, non-conforming structure, where a 15' side yard setback is required and the current setback is 1.6'. **BOOK: 60288 PAGE: 300**

At their duly held meeting on Thursday, October 17, 2019 the Zoning Board of Appeals took the following action: Motion made by Ms. Reed and seconded by Mr. Chapin, that the Zoning Board of Appeals grant a Special Permit to Maxwell Realty Trust at 33 BERNARD ROAD, GRAFTON, MA.

TO ALLOW THE CONSTRUCTION OF A ROOF DORMER/ADDITION 13.6' OFF THE SIDE SETBACK, PER EXHIBIT A, ATTACHED.

FINDINGS:

- F1. THE STRUCTURE WAS BUILT IN 1928.
 - F2. THE PARCEL IS LOCATED IN THE R20 ZONING DISTRICT.
 - F3. THE R20 ZONE REQUIRES A 140' OF FRONTAGE.
 - F4. THE PARCEL HAS 50' OF FRONTAGE.
 - F5. THE R20 ZONE REQUIRES A 20,000 SQUARE FOOT LOT.
 - F6. THE STRUCTURE IS LOCATED ON A 4,325 SQUARE FOOT LOT.
 - F7. THE R20 ZONE REQUIRES A 15' SIDE YARD SETBACK AND THE STRUCTURE IS LOCATED 1.6' OFF THE SIDE YARD SETBACK.
- BASED ON FINDINGS F1-F7, THE CURRENT STRUCTURE IS A PRE-EXISTING, NON-CONFORMING STRUCTURE.
- F8. THE CURRENT USE IS A SINGLE FAMILY RESIDENCE, THE PROPOSED USE WILL BE A SINGLE FAMILY RESIDENCE.
 - F9. THE CURRENT HOME IS A 2 BEDROOM, 1 ½ BATH HOME, PROPOSED HOME IS A 2 BEDROOM, 1 ½ BATH HOME.
 - F10. THE NEIGHBORHOOD CONSISTS OF PRIMARILY SINGLE FAMILY HOMES.


BASED ON FINDINGS F8-F10, THE PROPOSED ADDITION IS NOT MORE DETRIMENTAL TO THE NEIGHBORHOOD.
F11. THE LOT IS IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT.
F12. THE CHANGE WILL BE AN INCREASE OF 0% OF THE LOT COVERAGE.
BASED ON FINDINGS F11-F12, THE PROPOSED ADDITION IS LESS THAN THE 50% INCREASE ALLOWED.

ON A ROLL CALL VOTE:

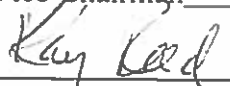
William McCusker, Chairman: YES	Karl Chapin, Member: YES
William Yeomans, Vice Chairman: ABSENT	Brian Waller, Alternate Member: YES
Kay Reed, Clerk: YES	, Alternate Member:
Marianne Desrosiers, Member: YES	

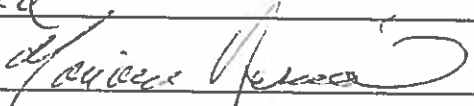
Motion: **GRANTED**

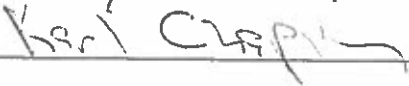
This decision is final except that any person who may be aggrieved by this decision has the right to appeal to the Superior Court in accordance with the provisions G.L.c.40A.

William McCusker, Chairman 

William Yeomans, Vice Chairman _____

Kay Reed, Clerk 

Marianne Desrosiers, Member 


Karl Chapin, Member 

Brian Waller, Alternate Member _____

, Alternate Member _____

A complete file of this case (Case # 863/2019) is on file with the Town Clerk.

A true copy;
Attest:


Kandy L. Lavallee, Town Clerk
Grafton, MA

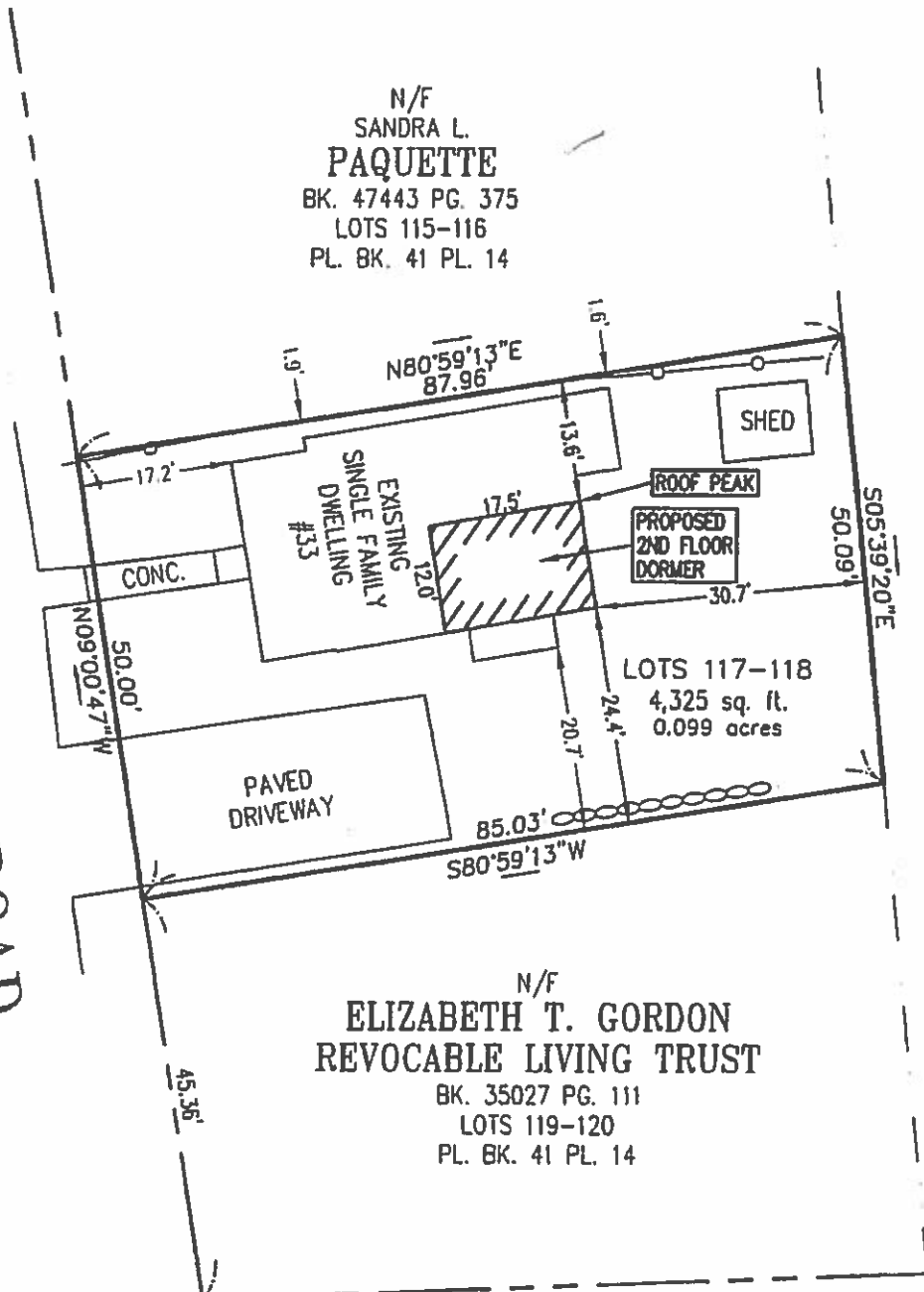
N/F
SANDRA L.
PAQUETTE
BK. 47443 PG. 375
LOTS 115-116
PL. BK. 41 PL. 14

N/F
ERIC S. & JESSICA
WESTCOTT
BK. 50297 PG. 377
LOTS 121-127
PL. BK. 41 PL. 14

N/F
ELIZABETH T. GORDON
REVOCABLE LIVING TRUST
BK. 35027 PG. 111
LOTS 119-120
PL. BK. 41 PL. 14

BERNARD ROAD
(PUBLIC ~ 40.0' WIDE)

LOGAN ROAD



DEED REF: 60288/300
 PLAN REF: 41/14
 ZONED: R2
 ASSESSORS REF: MAP 55 PARCEL 71

PLAN FOR BUILDING PERMIT

PREPARED FOR:
 MAXWELL REALTY TRUST
 33 BERNARD ROAD
 GRAFTON, MASSACHUSETTS

SCALE: 1"=20'

DATE: SEPTEMBER 13, 2019

B&R SURVEY, INC.
 PROFESSIONAL LAND SURVEYORS

100 GROVE STREET
 WORCESTER, MA 01605

TEL. 508.756.8579
 FAX 508.421.4797

ROBERT J. SMITH, R.P.L.S.

DATE

DRAWN BY: RPB

PROJECT NO. 19-245



TOWN OF GRAFTON
 GRAFTON MEMORIAL MUNICIPAL CENTER
 30 PROVIDENCE ROAD
 GRAFTON, MASSACHUSETTS 01519
 (508) 839-5335 x1190 • FAX (508) 839-4602
 www.grafton-ma.gov

RECEIVED
 OCT 17 2019
 Zoning Board of Appeals

**ZONING DETERMINATION
 TO BE COMPLETED BY APPLICANT**

NAME MICHAEL CAPURSO
 STREET 58 CASTINE STREET CITY/TOWN WORCESTER
 STATE MA ZIP 01606 TELEPHONE 508-410-4551
 NAME OF PROPERTY OWNER (if different from Applicant) MAXWELL REALTY TRUST

SITE INFORMATION

STREET AND NUMBER 33 BERNARD ROAD
 ASSESSOR'S MAP(S) 55 LOT #(S) 71
 LOT SIZE 4,325 FRONTAGE 50'
 CURRENT USE SINGE FAMILY DWELLING
 PROPOSED USE addition of a dormer on the 2nd floor

RECEIVED TOWN OFFICE
 2019 OCT 17 11:11 AM

TO BE COMPLETED BY THE ZONING ENFORCEMENT OFFICER

The project is zoned (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> A - Agricultural | <input type="checkbox"/> RMF - Residential Multi-Family | <input type="checkbox"/> I - Industrial |
| <input type="checkbox"/> R40 - Residential 40,000 sf | <input type="checkbox"/> NB - Neighborhood Business | <input type="checkbox"/> OLI - Office / Light Industry |
| <input checked="" type="checkbox"/> R20 - Residential 20,000 sf | <input type="checkbox"/> CB - Community Business | <input type="checkbox"/> FP - Flood Plain |

Overlay Districts

- | | |
|---|--|
| <input checked="" type="checkbox"/> WSPO - Water Supply Protection Overlay District | <input type="checkbox"/> FSGOD - Fisherville Smart Growth Overlay District |
| <input type="checkbox"/> CDO - Campus Development Overlay District | <input type="checkbox"/> PDSOD - 43D Priority Development Overlay District |

The proposed use is:

- Permitted in the zone(s)
- Conditionally permitted in the zone(s)
- Not permitted in the zone(s)

The proposal must be heard by the following Board:

- Planning Board
 - Special Permit
 - Site Plan Approval Only
 - Other _____
- Zoning Board of Appeals

1. dwelling was built in 1928 as per the Board of Assessors residential property record card.
2. plot plan produced by B&R SURVEY dated 9-13-19 (not stamped) the existing dwelling does not meet the current side setback of 15 feet as per ZBL 3.2.3.2 - Intensity of Use Schedule, actual side setback is 1 feet 6 inches.
3. my opinion this structure is a pre-existing, non-conforming structure & pre-existing non-conforming lot.
4. plot plan produced by B&R SURVEY dated 9-13-19 (not stamped) the proposed 2nd floor dormer will not meet the current side setback 15 feet as per ZBL 3.2.3.2 - Intensity of Use Schedule. Proposed 2nd floor dormer side setback would be 13 feet 6 inches.
5. ZBL 3.4.3.5 Pre-existing, non-conforming structures or uses may be extended, altered, or changed only by special permit, provided that not such extension, alteration, or change shall be permitted unless the Zoning Board of Appeals finds that such extension, alteration, or change will not be substantially more detrimental than the existing, non-conforming structure.

Zoning Enforcement Officer Robert J. Berger Date: 10/17/2019

Grafton Zoning By-Law Section 1.3.6.2 Any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings or other administrative officer under the provisions of this By-Law, or any person including an officer or board of the Town, aggrieved by an order of decision of the Inspector of Buildings, or other administrative officer, in violation of the provisions of Chapter 40A of the General Laws or any provision of this By-Law, may file an appeal in accordance with the provisions of Chapter 40A of the General Laws.

33 BERNARD ROAD

Location 33 BERNARD ROAD

Mblu 055.0/ 0000/ 0071.0/ /

Acct# 1100550000000710

Owner ZERINQUE PAUL M

PBN

Assessment \$207,900

Appraisal \$207,900

PID 3043

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$123,000	\$84,900	\$207,900

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$123,000	\$84,900	\$207,900

Owner of Record

Owner ZERINQUE PAUL M

Sale Price \$169,900

Co-Owner ZERINQUE NORMA G

Certificate

Address 33 BERNARD ROAD

Book & Page 29821/40

N GRAFTON, MA 01536-1027

Sale Date 04/28/2003

Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
ZERINQUE PAUL M	\$169,900		29821/40	00	04/28/2003

Building Information

Building 1 : Section 1

Year Built: 1928

Living Area: 1,080

Replacement Cost: \$188,576

Building Percent 64

Good:

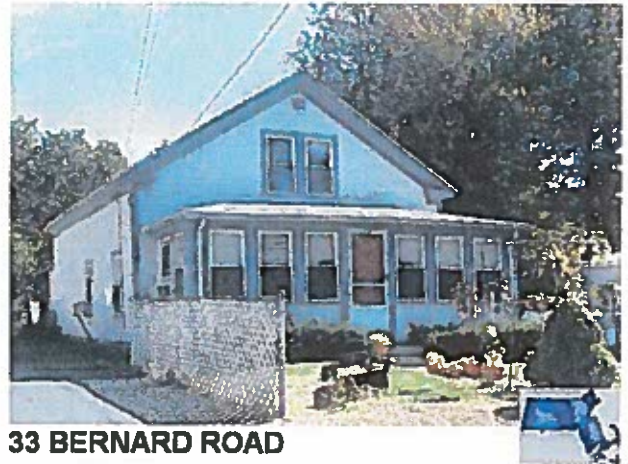
Replacement Cost

Less Depreciation: \$120,700

Building Attributes

Field	Description
Style	Conventional
Model	Residential
Grade	Average
Stories	1.50
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Type	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Typical
Interior Wall 2	
Interior Floor 1	Typical
Interior Floor 2	
Heat Fuel	Gas
Heat Type	Hot Water
AC Type	None
Bedroom(s)	2
Full Bath(s)	1
Half Bath(s)	1
Extra Fixture(s)	0
Total Rooms	4
Bathroom Quality	Modern
Kitchen Quality	Modern
Extra Kitchen(s)	0
Usrflid 104	
Foundation	Stone
Bsmt Garage Cap	0
Gas Fireplaces	0
Stacks	
Fireplaces	
Basement Area	720.00
Fin Bsmt Grade	
Basement Type	Full

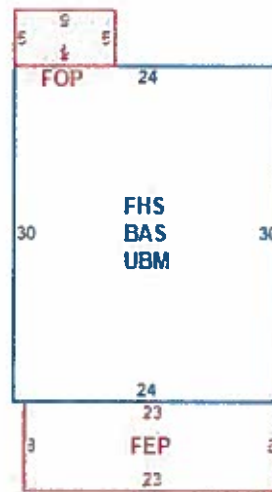
Building Photo



33 BERNARD ROAD

(<http://images.vgsl.com/photos/GraftonMAPhotos//\IMG0006\00>)

Building Layout



pid=3043&bid=3043)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	720	720
FHS	Fin Half Sty	720	360
FEP	Framed Encl Porch	184	0
FOP	Open Porch	45	0
UBM	Unfin Bsmt	720	0
		2,389	1,080

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description Single Family
Zone R2
Neighborhood 2.2
Alt Land Appr Category No

Land Line Valuation

Size (Sqr Feet) 4324
Frontage
Depth
Assessed Value \$84,900
Appraised Value \$84,900

Outbuildings

Outbuildings		Legend
No Data for Outbuildings		

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$105,500	\$84,700	\$190,200
2017	\$110,700	\$64,200	\$174,900
2016	\$98,400	\$67,100	\$165,500

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$105,500	\$84,700	\$190,200
2017	\$110,700	\$64,200	\$174,900
2016	\$98,400	\$67,100	\$165,500

(c) 2019 Vision Government Solutions, Inc. All rights reserved.



Property Information

Property ID 055.0-0000-0071.0
 Location 33 BERNARD ROAD
 Owner ZERINQUE PAUL M



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town of Grafton, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2018
 Data updated 4/1/2018

**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.
- 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 your 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.