



**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 #
2020 / 866

The Grafton Board of Appeals has received a petition from **DAVID K. MURADIAN**
for **165 WORCESTER STREET** requesting that the Zoning Board of Appeals grant a

Variance

to allow: CONSTRUCTION OF A DWELLING THEREON. THE LOT WAS CREATED THROUGH THE EXISTING STRUCTURES EXEPTION OF M.G.L. C. 41 SS 81L, MEANING THE LOT NOW LACKS "GRANDFATHER" PROTECTON AND REQUIRES A VARIANCE FROM THE DIMEMSIONAL REQUIREMENTS (AREA AND FRONTAGE) OF THE GRAFTON ZONING BY-LAWS TO BE BUILDABLE.

Map: 36 Lot: 125 Block: 0000

The Board will conduct a Public Hearing on **Thursday, March 26, 2020** 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
Marianne Desrosiers, Vice Chairman
Kay Reed, Clerk
William Yeomans, Member
Brian Waller, Member
Seetharaman Ganesan, Alternate
Carl Parisi, Alternate

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

RECEIVED
JAN 31 2020
Zoning Board of Appeals

DATE: January 31, 2020

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 3.2.3.2.
- Grant a **SPECIAL PERMIT** for a specific use which is subject to the approval of your Board.

2020 JAN 31 AM 10:49

RECEIVED TOWN CLERK
GRAFTON, MA

FOR LAND/BUILDINGS AT 165 Worcester Street

TO ALLOW:

Construction of a dwelling thereon. The lot was created through the existing structures exemption of M.G.L. c. 41 § 81L, meaning the lot now lacks "grandfather" protection and requires a variance from the dimensional requirements (area and frontage) of the Grafton Zoning By-Laws to be buildable.

A separate special permit application to allow a detached two-family dwelling is pending before the Grafton Planning Board per that Board's status as special permit granting authority in the By-Laws.

Please complete this **entire** section:

Location of property: _____ Tax Plan # 36 Plot # 125
Zoning District in which the property is located: R-20
Title of Property in name of: David K. Muradian
Whose address is: 2 Creeper Hill Road, North Grafton, MA
Deed recorded in Book # 60973, Page # 138
Plan Book # _____, Plan # _____
Signature of Petitioner: X (D) David K. Muradian
Print Name David K. Muradian
Address of Petitioner: 2 Creeper Hill Road, North Grafton, MA
Phone Number of Petitioner: 508-344-6066



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: _____

<u>David K. Muradian</u> Petitioner Name	<u>Same</u> Property Owner / Applicant
<u>2 Creeper Hill Road</u> Petitioner Address	<u>165 Worcester Street</u> Property Address
<u>North Grafton, MA</u> City, State, Zip	<u>Grafton, MA</u> City, State, Zip
<u>508-344-6066</u> Phone	

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

[Signature] _____ 1/31/2020 _____
 Treasurer / Collector Signature Date

Mayer, Antonellis, Jachowicz & Haranas, LLP

Attorneys at Law

288 Main Street, Milford, MA 01757
Tel. (508) 473-2203 Telecopier (508) 473-4041

William H. Mayer
Robert P. Jachowicz
Joseph M. Antonellis
Peter J. Haranas
Jill P. Dawczyk
Erin Wright (also admitted in R.I.)
A. Eli Leino (also admitted in N.H.)

RECEIVED

JAN 24 2020

MEMORANDUM

Zoning Board of Appeals

To: Grafton Planning Board cc: Zoning Board of Appeals
From: A. Eli Leino, Esq.
Date: January 24, 2020
Regarding: Application of David Muradian – 165 Worcester Street Parcel

Dear Members of the Town of Grafton Planning Board:

Please allow this memorandum to clarify certain aspects of an Application for Special Permit submitted by David Muradian regarding the property located at 165 Worcester Street, Grafton, Massachusetts. The Applicant is proposing construction of a detached two-family dwelling. As the lot is located in the R-20 zoning district, a Special Permit is required for this use per Zoning By-Laws § 3.2.3.1 (Use Regulation Schedule). Section 1.5.1 of the Grafton Zoning By-Laws designates the Planning Board as the Special Permit Granting Authority for this type of application. The application submitted to the Planning Board erroneously seeks additional relief in the form of variances for frontage, lot area, and minimum setback requirements. On behalf of the Applicant, this office will file a companion application to the Zoning Board of Appeals to obtain the necessary relief that the Zoning Board is empowered to grant. The Applicant respectfully requests the Planning Board consider the two-family dwelling aspect of the application, as it is enabled to do.

One feature of note about this lot is that it was created through the existing structures exemption of M.G.L. c. 41 § 81L. A plan of land recorded at the Worcester Registry of Deeds on August 27, 1979 in Plan Book 467, Plan 15, shows how an existing parcel featuring a house, barn, and commercial garage was split into two parcels. The lot now identified as 165 Worcester Street housed the garage, which was destroyed in a winter storm and then demolished. In 2015, the Supreme Judicial Court issued a ruling in Palitz vs. Zoning Board of Appeals of Tisbury, 470 Mass. 795 (2015), clarifying the “grandfather” status for lots created under § 81L. In Palitz, the court held that existing structures on lots created by § 81L division maintained grandfathered protections, but that new nonconformities arising on the new lot must be authorized by a variance.

It is Mr. Muradian's intention to apply for any necessary relief to have this lot be legally used, as changing the use and building location will create different non-conformities. Both the Planning Board and Zoning Board have jurisdiction over certain aspects of permitting this parcel, so this application may be rightly considered at the hearing on January 27, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Eli Leino', written over a horizontal line.

A. Eli Leino

165 WORCESTER STREET

Location 165 WORCESTER STREET

Mblu 036.0/ 0000/ 0125.0/ /

Acct# 1100360000001250

Owner MURADIAN, DAVID K

PBN

Assessment \$107,600

Appraisal \$107,600

PID 1798

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$2,600	\$105,000	\$107,600

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$2,600	\$105,000	\$107,600

Owner of Record

Owner MURADIAN, DAVID K
Co-Owner
Address 2 CREEPER HILL ROAD
N GRAFTON, MA 01536

Sale Price \$50,000
Certificate
Book & Page 60973/138
Sale Date 08/30/2019
Instrument 1U

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MURADIAN, DAVID K	\$50,000		60973/138	1U	08/30/2019
ROONEY PATRIC G TRUSTEE	\$80,000		23147/361	00	10/27/2000

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent Good:

Replacement Cost
Less Depreciation: \$0

Building P



165 WORCESTER STREET

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

Building Layout

(ParcelSketch.ashx?pid=1798&bid=1798)

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade	
Stories	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Type	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Floor 1	
Interior Floor 2	
Heat Fuel	
Heat Type	
AC Type	
Bedroom(s)	
Full Bath(s)	
Half Bath(s)	
Extra Fixture(s)	
Total Rooms	
Bathroom Quality	
Kitchen Quality	
Extra Kitchen(s)	
Usrflid 104	
Foundation	
Bsmt Garage Cap	
Gas Fireplaces	
Stacks	
Fireplaces	
Basement Area	
Fin Bsmt Area	
Fin Bsmt Grade	
Basement Type	
Usrflid 300	
Usrflid 301	

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land**Land Use**

Use Code 1060
Description Vacant with Improv
Zone R2
Neighborhood 2.1
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.30
Frontage 89
Depth
Assessed Value \$105,000
Appraised Value \$105,000

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			3000.00 S.F.	\$2,600	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$2,600	\$86,600	\$89,200
2018	\$6,900	\$85,600	\$92,500
2017	\$6,900	\$68,900	\$75,800

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$2,600	\$86,600	\$89,200
2018	\$6,900	\$85,600	\$92,500
2017	\$6,900	\$68,900	\$75,800

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DAVID K. MURADIAN
2 Creeper Hill Road
North Grafton, MA 01536
(508) 344-6066
dmuradian@charter.net

January 31, 2020

By Hand

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

RE: 165 Worcester Street, Grafton, MA

Dear Members of the Grafton Zoning Board of Appeals:

This letter is to inform you that I, David K. Muradian hereby authorize the law firm of Mayer, Antonellis, Jachowicz & Haranas, LLP to represent me in front of your Board.

Thank you and please feel free to contact me with any questions.

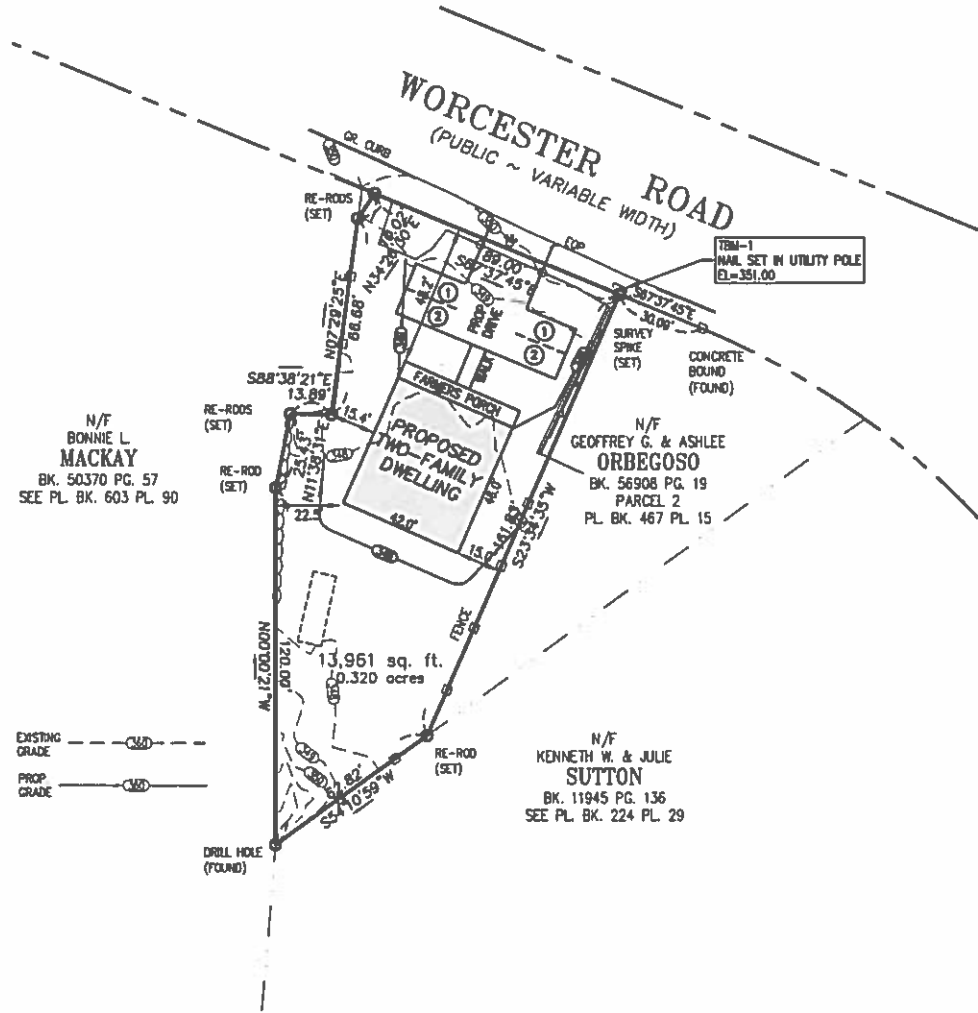
Very truly yours,



David K. Muradian

BASED UPON MY KNOWLEDGE, BELIEF AND INFORMATION, I HEREBY CERTIFY THAT THE PROPERTY SHOWN DOES NOT LIE WITHIN THE SPECIAL FLOOD HAZARD ZONE AS SHOWN ON F.E.M.A. MAP

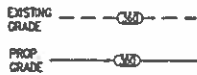
25027C 0827 E DATED 7/4/11



N/F
BONNIE L.
MACKAY
BK. 50370 PG. 57
SEE PL. BK. 603 PL. 90

N/F
KENNETH W. & JULIE
SUTTON
BK. 11945 PG. 136
SEE PL. BK. 224 PL. 29

N/F
GEOFFREY G. & ASHLEE
ORBEGOSO
BK. 56908 PG. 19
PARCEL 2
PL. BK. 467 PL. 15



DEED REF: 60973/138
PLAN REF: 467/15, 603/90
ZONED: R20, WATER SUPPLY PROTECTION OVERLAY
ASSESSORS REF: MAP 36 PARCEL 125

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

DATE

NOTES:

- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY FINDINGS SUCH A REPORT MIGHT DISCLOSE.
- LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES SUCH AS CATCH BASINS, MANHOLES, WATER GATES, ETC. AND COMPILING INFORMATION FROM PLANS SUPPLIED BY VARIOUS UTILITY COMPANIES AND GOVERNMENT AGENCIES. IN ACCORDANCE WITH CHAPTER 82 SECTION 40 INCLUDING AMENDMENTS ALL CONTRACTORS SHOULD NOTIFY IN WRITING ALL UTILITY COMPANIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION WORK OR CALL DIG-SAFE AT 1-888-344-7233.
- DATUM FOR THIS PLAN IS ASSUMED
- THE LOT AND BUILDING PROPOSED ON THIS PLAN DOES NOT CONFORM TO THE PRESENT ZONING BYLAWS

ZONE: R-20	
PROPOSED TWO FAMILY DWELLING	
REQUIRED:	EXISTING/PROPOSED:
MIN. AREA: 20,000 S.F.	13,961 S.F.
MIN. FRONTAGE: 125'	89.00'
MIN. LOT WIDTH: 125'	85.09'
FRONT SETBACK: 30'	48.0'
SIDE SETBACK: 15'	15.4'/15.0'
REAR SETBACK: 15'	62.2'
MAX. BLD. COVERAGE: 30%	15.6%

- SOLAR READY ZONE
- IMPERVIOUS MATERIAL COVERAGE (BLD & PAVED DRIVE): 26.2%
- PROPOSED PARKING SPACES: 9'x18'

PROPOSED BUILDING PLAN

PREPARED FOR:
DAVID K. MURADIAN
165 WORCESTER ROAD
GRAFTON, MASSACHUSETTS

SCALE: 1"=40' rev: 1/30/2020
DATE: DECEMBER 16, 2019

B&R SURVEY, INC.

PROFESSIONAL LAND SURVEYORS
100 GROVE STREET
WORCESTER, MA 01606
TEL. 508.758.8579
FAX. 508.421.4797

DRAWN BY: RPB

PROJECT NO. 19-234