



**ZONING BOARD OF APPEALS
TOWN OF GRAFTON**

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519

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

2021/Case#874

Special Permit

Decision of the Board of Appeals on the petition from **TRACY KENNEDY** of **331 PROVIDENCE ROAD, SOUTH GRAFTON, MA**, requesting that the Zoning Board of Appeals grant a Special Permit **TO EXTEND A PRE-EXISTING, NON-CONFORMING USE WITH THE ADDITION OF AN ACCESSORY APARTMENT (IN-LAW)**.

At their duly held meeting on Thursday, June 10, 2021 the Zoning Board of Appeals took the following action: Motion made by Mr. Yeomans and seconded by Ms. Desrosiers that the Zoning Board of Appeals grant a Special Permit to **TRACY KENNEDY** of **331 PROVIDENCE ROAD, SOUTH GRAFTON, MA**

TO EXTEND A PRE-EXISTING, NON-CONFORMING USE WITH THE ADDITION OF AN ACCESSORY APARTMENT (IN-LAW), PER EXHIBIT A ATTACHED AND SUBJECT TO THE FOLLOWING 6 CONDITIONS:

- C1. This Special Permit / Site Plan Approval is granted specifically to the Applicant for property located at 331 Providence Road, South Grafton (as identified within this Decision) and does not run with the land.
- C2. The unit will be occupied by the Owner's family members and may not be occupied by non-family members. If in the future, the unit is vacated, then the use of the property reverts back to single family house and the accessory unit ceases to qualify as a separate living unit.
- C3. This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Zoning Board office within thirty (30) days of recording.
- C4. By recording this Special Permit Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
- C5. In accordance with Section 1.5.8 of the ZBL, this Special Permit shall lapse within one (1) year

from the date of the expiration of the appeal period if substantial use has not 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 such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.

- C6. Any modification to the use or Site as described within this Decision and as presented to the Board during the public meeting and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Zoning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Zoning 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 Zoning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed change(s) 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.

FINDINGS:

- F1. THE STRUCTURE WAS BUILT IN 1960.**
F2. THE STRUCTURE IS A SINGLE-FAMILY HOME IN THE OLI DISTRICT, SINGLE FAMILY HOMES ARE NOT ALLOWED IN THE OLI (OFFICE LIGHT INDUSTRIAL) DISTRICT. BASED IN FINDINGS F1-F2, THE HOUSE IS A PRE-EXISTING, NON-CONFORMING USE.
F3. THE CURRENT USE IS A RESIDENTIAL HOME.
F4. THE CURRENT HOME IS A 3 BEDROOM, 2 BATH HOME, PROPOSED HOME IS A 4 BEDROOM, 3 BATHS, THIS IS INCLUDING THE ACCESSORY APARTMENT.
F5. THE NEIGHBORHOOD CONSISTS PRIMARILY OF RESIDENTIAL STRUCTURES.
F6. THE LOT IS IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT (WSPOD). BASED ON FINDINGS F3-F6 THE PROPOSED ADDITION OF THE IN-LAW APARTMENT IS NOT MORE DETRIMENTAL TO NEIGHBORHOOD.
F7. THE LOT IS IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT (WSPOD).
F8. THE CHANGE WILL RESULT IN 901 SQ. FEET OR 1.4% INCREASE ABOVE WHAT WAS EXISTING ON THE SITE AS OF THE DATE OF ENACTMENT OF THE WSPOD (MAY 1989). BASED ON FINDINGS F7-F8 THE PROPOSED CHANGE IS WITHING THE 50% INCREASE ALLOWED IN THE WSPOD AND WILL NOT BE MORE DETRIMENTAL TO THE SUPPLY AND QUALITY OF GROUNDWATER THAN THE EXISTING USE.

ON A ROLL CALL VOTE:

William McCusker, Chairman:	Brian Waller, Member:
Marianne Desrosiers, Vice Chairman:	Carl Parisi, Alternate Member:
Kay Reed, Clerk:	Peter Adams, Alternate Member:
William Yeomans, Member:	

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 McCusker*
Marianne Desrosiers, Vice Chairman *Marianne Desrosiers*
Kay Reed, Clerk *Kay Reed*
William Yeomans, Member *William Yeomans*
Brian Waller, Member *Brian Waller*
Peter Adams, Alternate Member _____
Mitali Biswas, Alternate Member _____

A complete file of this case (Case #874/2021) is on file with the Town Clerk.



Land Planning, Inc.
Civil Engineers • Land Surveyors
Environmental Consultants

Bellingham
167 Hartford Ave.
Bellingham, MA 02019
508-966-4130

North Grafton
214 Worcester St.
N. Grafton, MA 01536
508-839-9526

Hanson
1115 Main Street
Hanson, MA 02341
781-294-4144

**Proposed Addition
Plot Plan**

located at
331 Providence Road
Grafton, Massachusetts
owned by
Tracy Christine Kennedy
331 Providence Road
South Grafton, MA 01560

existing impervious area:
3,606 s.f. / 5.4%
proposed impervious area:
4,507 s.f. / 6.8%

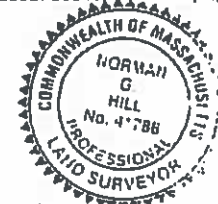
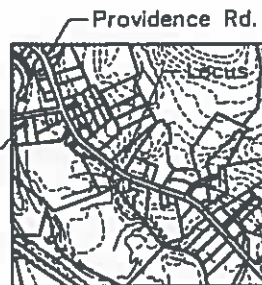
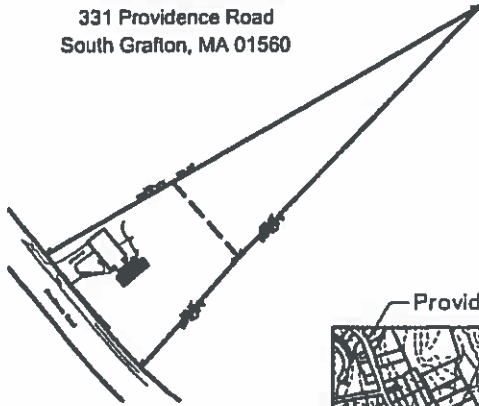
ZONING DISTRICT: Office/Light Industrial

	REQUIRED	PROVIDED
AREA	40,000 s.f.	66,041 s.f.
FRONTAGE	120' min.	201.75'
FRONT YARD	40' min.	51.5'
SIDE YARD	35' min.	84.9' R, 8.6' L
REAR YARD	35' min.	566.9'
LOT COVERAGE	40% max	(4,507 s.f.) 6.8%

Note: Locus is within the Grafton Water Supply Protection overlay.

notes:
The contractor must contact all utility companies and "Dig Safe" before excavation begins. We assume no responsibility for damages incurred as a result of utilities omitted or inaccurately shown.

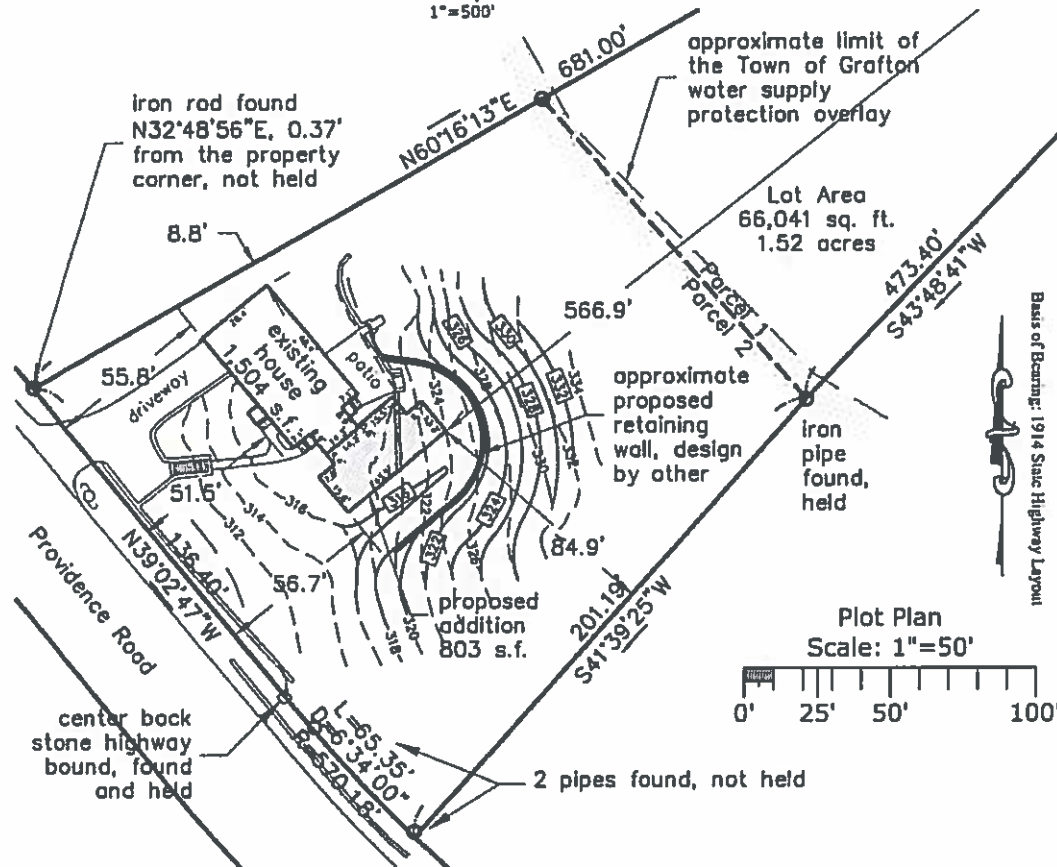
I certify that the structures are located on the lot as shown on this plan. I further certify that the structures are not located within a Federal Flood Zone per FIRM Map #25027C0841E dated July 4, 2011.



Norman G. Hill
Norman G. Hill P.L.S. #41786

Legal References:
Deed: book 62322 page 376
Plans: book 242 plan 75
book 748 plan 13
book 647 plan 23
book 183 plan 127
1914 Mass Highway Layout
1915 Mass Highway Layout

LOCUS MAP
approximate
from MassGIS Oliver
data layers
1"=500'



Exh. A 6/10/21

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JUN 10 2021

Zoning Board of Appeals