



**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**

2022/Case #881

VARIANCE

RECEIVED TOWN CLERK
GRAFTON, MA
2022 FEB 16 AM 10:38

Decision of the Board of Appeals on the petition from ERIKA WENNERSTROM of 25 OAK ST requesting that the Zoning Board of Appeals grant a VARIANCE to allow:

CONSTRUCTION OF A 16' X 40' SWIMMING POOL IN A R-MF ZONE, WHERE A 30' SIDE SETBACK IS REQUIRED AND THE POOL WOULD BE 26' OFF THE SIDE SETBACK. LOOKING FOR 4' OF RELIEF.

At their duly held meeting on Thursday, February 10, 2022, the Zoning Board of Appeals took the following action:

Motion made by Mr. Yeomans and seconded by Clerk - Ms. Reed, that the Zoning Board of Appeals grant a VARIANCE to Erika Wennerstrom at 25 OAK ST, GRAFTON MA, to allow:

RELIEF FROM SEC. 3.2.3.2 OF THE GRAFTON ZONING BY-LAW FOR THE CONSTRUCTION OF A 16' x 40' SWIMMING POOL 28.4' FROM THE LEFT SIDE PROPERTY LINE AND 21.4' FROM THE RIGHT SIDE PROPERTY LINE, PER EXHIBIT A ATTACHED.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- Finding 1: The parcel is located in the R-MF (Multi Family Residential) zoning district.
- Finding 2: The R-MF Zoning District requires a 30' side yard setback.
- Finding 3: The home is a pre-existing non-conforming structure.
- Finding 4: The structure is a single-family home in a neighborhood of almost exclusively single-family homes.
- Finding 5: Swimming pools are considered an 'Accessory Building'.
- Finding 6: Accessory buildings are permitted as an accessory use in the R-MF zoning district pursuant to Grafton Zoning By-Law 3.2.3.1.
- Finding 7: The R-MF zoning district requires a 30' side setback.
- Finding 8: The proposed structure (in-ground swimming pool) is 28.4' from the left side property line.
- Finding 9: The proposed structure (in-ground swimming pool) is 21.4' from the right side property line.
- Finding 10: The measurements in Findings 8 and 9 are based on the February 4, 2022 revised plot plan (Exhibit A).
- Finding 11: The land slopes steeply from front to back and from left to right. There is a change in elevation from 376' at the front left corner of the lot to 348' at the back right corner of the lot, a drop in elevation of 28'.
- Finding 12: The topography of the land is unique to this parcel in the R-MF zoning district.

Finding 13: Siting the proposed structure closer to the rear setback would result in the need for multiple tiers of retaining walls to be constructed at significant cost to the homeowner.

Finding 14: Siting the proposed structure length-wise and within the side setbacks would create safety concerns due to the swimming pool's proximity to the existing home and deck.

Finding 15: Other single-family homes in this neighborhood and similar neighborhoods in Grafton have swimming pools.

Finding 16: The proposed structure is found to be site appropriate and in harmony with the general purpose and intent of the bylaw and the project would not have a negative effect on the neighborhood.

BASED ON FINDINGS F1 THROUGH F12, WE FIND A UNIQUE CONDITION INCIDENTAL TO THE LOT.

BASED ON FINDINGS F11 THROUGH F14, WE FIND A HARDSHIP EXISTS OWING TO THE UNIQUE CONDITIONS OF THE LOT.

BASED ON FINDINGS F15 AND F16, WE FIND THAT A VARIANCE WOULD NOT DEROGATE FROM THE INTENT AND PURPOSE OF THE BY-LAW.

ON A ROLL CALL VOTE:

Brian Waller, Chairman: **YES**

Marianne Desrosiers, Vice Chairman: **NO**

Kay Reed, Clerk: **YES**

William Yeomans, Member: **YES**

William McCusker, Member:

Mitali Biswas, Alternate Member:

Peter Adams, Alternate Member: **YES**

Motion Passed with 4 votes YES and 1 vote NO: VARIANCE 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.

Brian Waller, Chairman



Marianne Desrosiers, Vice Chairman



Kay Reed, Clerk



William Yeomans, Member



Peter Adams, Alternate Member

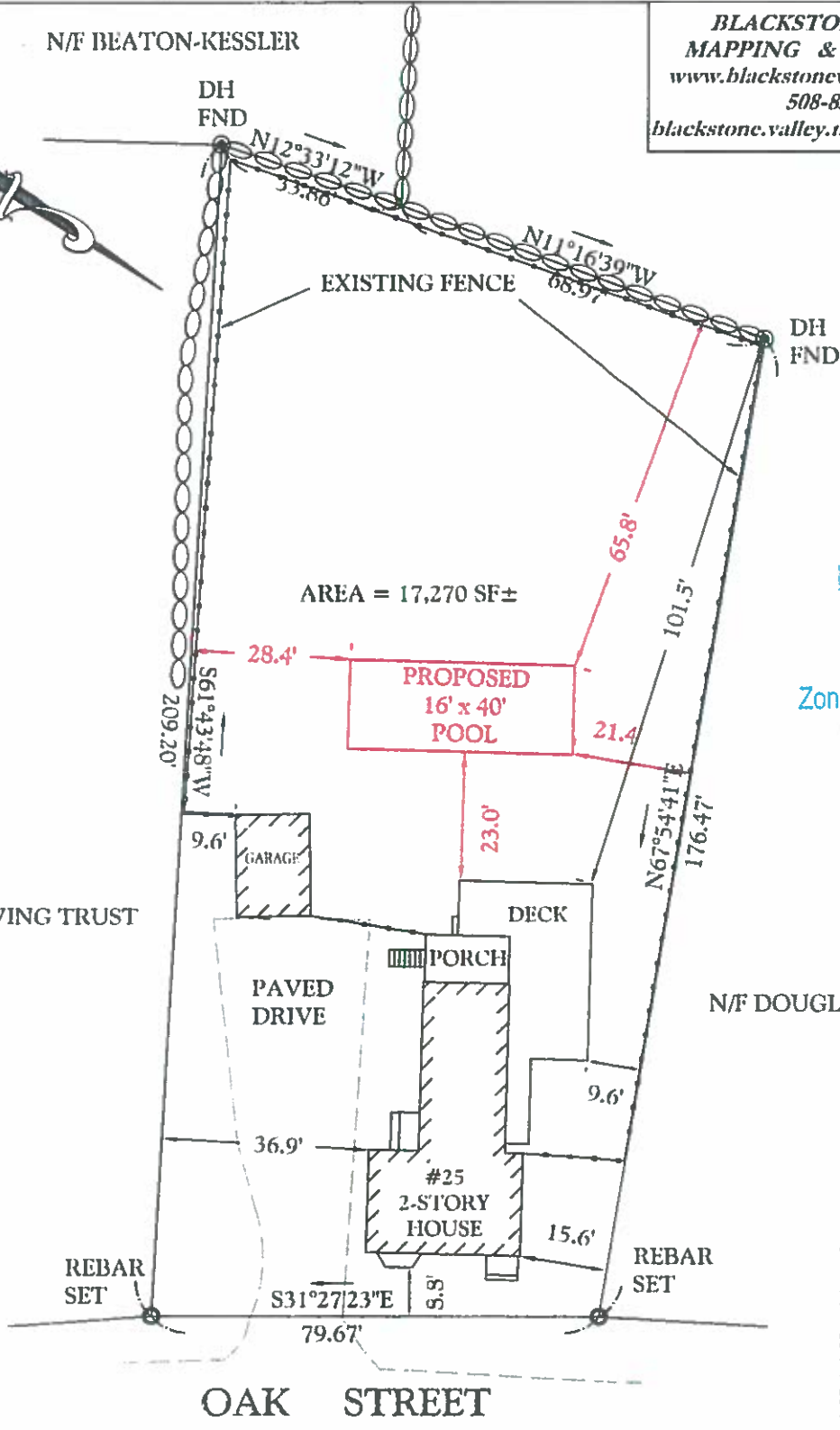


A complete file of this case (Case #2022-881) is on file with the Town Clerk.

**BLACKSTONE VALLEY
MAPPING & CONSULTING**
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508-839-5837
blackstone.valley.mapping@gmail.com

RECEIVED TOWN CLERK
GRAFTON, MA
2022 FEB -7 PM 12:24

RECEIVED
FEB 07 2022
Zoning Board of Appeals



ZONING: RMF
AREA: 44,000 SF
FRONTAGE: 150'
SETBACKS:
FRONT - 35'
SIDE - 30'
REAR - 50'

- NOTES:
1.) THE LOCUS DOES NOT LIE IN A FLOOD HAZARD ZONE. (FIRM #25027C0829E, DATED 07/04/2011)
2.) TOWN WATER AND SEWER.

I CERTIFY THAT THIS PLAN WAS CREATED BY AN INSTRUMENT SURVEY ON THE GROUND AND THAT ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.



CHRISTOPHER C. CHARLTON, PLS

OWNER:
ERIKA A. PECK
REFERENCES:
DEED: BOOK 53524, PAGE 105
PLAN: BOOK 325, PLAN 94

CERTIFIED PLOT PLAN

LOCATED AT
25 OAK STREET
ASSESSORS PARCELS # 065.0-0000-0003.0
GRAFTON, MA
WORCESTER COUNTY
CONTINENTAL LAND SURVEY, LLC
105 BEAVER STREET, FRANKLIN, MA
(508) 528 - 2528
SCALE: 1"=30' OCTOBER 25, 2021
REVISED: NOVEMBER 20, 2021
REVISED: FEBRUARY 4, 2022



Exh. A