



LAND PLANNING, INC.

Civil Engineers • Land Surveyors • Environmental Consultants

December 31, 2021

Grafton Municipal Center
30 Providence Road
Grafton, MA 01519

Attention: Robert Berger, Inspector of Buildings
Subject: Request for Zoning determination
Reference: 52 Potter Hill Road

Dear Robert:

Thank you for calling me and discussing the Teixeira lot issue, and our request for a Zoning Determination. Please find attached a copy of the Definition of Lot Width taken from Section 2 of the Grafton Zoning Bylaws. Please notice that it says, "along the building front yard setback line".

I believe the word "building" is key to the interpretation of this definition. The definition does not say "along the minimum front yard setback". Rather it says, "along the building front yard setback". So, the lot width measurement should be taken along the front of the building, from sideline to sideline.

Also, you mentioned that you thought that your former Building Inspector had issued the building permit for the house at #50 Potter Hill Road in 1994, measuring the lot width for the combined width of the #50 lot and the #52 lot, and that he did so because the two lots were in common ownership in 1994.

You are mistaken on two counts. The first count is that they were not in common ownership in 1994. In 1994, Lemay owned #50, and Wes Elvidge owned the land on which the lot for 52 now exists. The second way you are mistaken is the lot for #52 did not exist in 1994. We did not propose the lot for #52 until 1997.

So how did the Grafton Building Inspector issue a building permit for the house at #50 Potter Hill Road in 1994? Please see my attached sketch of the lot and house at 50 Potter Hill Road. Please notice that the land to the west of Lot 50 was all vacant land, about 123 acres, all unsubdivided and all unbuilt upon. The lot for 52 Potter Hill Road had not yet been created. The only way the Building Inspector could have issued a building permit for 50 Potter Hill Road was if he thought that the lot met all the Grafton zoning bylaws, including lot width.

Please find enclosed a copy of the deeds for 50 and 52 Potter Hill Road. Also, please recheck the dates on the plan for the lot at 52 Potter Hill Road, which is dated 1997. Also, if the Grafton Building Inspector made a mistake in issuing a building permit for the house at 50 Potter Hill Road, why should that have any effect on Lot 52? Please rule that the Lot at 52 Potter Hill Road is a buildable lot.

Sincerely,

Land Planning Incorporated


Norman G. Hill, P.E.

214 Worcester Street
North Grafton, MA 01536
Tel: 508-839-9526
Fax: 508-839-9528

167 Hartford Avenue
Bellingham, MA 02019
Tel: 508-966-4130
Fax: 508-966-5054

1115 Main Street
Hanson, MA 02341
Tel: 781-294-4144
Fax: 781-293-4111

*From the Granger Zoning By-Laws
Section 2*

Lot: An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.

Lot Line: The property line bounding the lot.

Lot Width: The linear distance from side lot line to side lot line measured along the building front yard setback line.

Major Residential Development: The creation in a residential district (R-20, R-40, Agri., RMF) of more than five (5) buildable lots, by subdivision or otherwise, or the construction of more than five (5) single family dwelling units within a (two-year) period on a lot or set of contiguous lots in common ownership on or after 1/1/91. (T.M. 5/13/91)

Major Business, Office or Industrial Complex: Refer to Section 4.3.1.

Microbrewery: A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include a tap room where beverages

50 Potter Hill Rd.

MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 882

WE, WESLEY A. ELVIDGE, being married, and MARION I. ELVIDGE, being unmarried,
of Grafton, Worcester County, Massachusetts

~~have hereunto~~ for consideration paid, and in full consideration of FORTY THOUSAND AND 00/100 DOLLARS (\$40,000.00)

grant to STEPHEN R. LeMAY AND GEORGETTE M. LeMAY, husband and wife,
to hold as tenants by the entirety, both
of 50 Potter Hill Road, with quitclaim covenants
Grafton, Worcester County, Massachusetts

the land is located in Grafton, Worcester County, Massachusetts, on the northerly side of Potter Hill Road and which is more particularly bounded and described as follows:-

BEGINNING: At a drill hole located on the northerly side of Potter Hill Road at the southwesterly corner of land of Walter H. and Rose A. Bennett, now or formerly;

THENCE: South 60° 39' 30" West by the northerly side of Potter Hill Road, one hundred forty and no hundredths (140.00) feet to a point;

THENCE: North 01° 09' 29" West by land now or formerly of Ronald L. and Jacqueline Boldizar fifty-two and eleven hundredths (52.11) feet to a point;

THENCE: North 15° 00' 54" West by land of said Boldizar, one hundred ninety-seven and sixty hundredths (197.60) feet;

THENCE: North 33° 00' 00" West still by land of said Baldizar, one hundred thirty-one and sixty-six hundredths (131.66) feet to a point;

THENCE: South 80° 35' 30" West by land of said Baldizar, Nicholas and Feraco, three hundred fourteen and one hundredths (314.01) feet to a point at the northwesterly corner of land of said Feraco;

THENCE: South 04° 00' 00" East by land of said Feraco, three hundred eighty and no hundredths (380.00) feet to a point on the northerly side of Potter Hill Road;

THENCE: South 82° 15' 07" West still by the northerly side of Potter Hill Road, thirty and no hundredths (30.00) feet to a point at other land of the grantors;

THENCE: North 06° 15' 52" West by land of the grantors, two hundred eighty and seventy-five hundredths (280.75) partly by a stone wall to a point;

THENCE: North 06° 26' 41" West still by land of the grantors, three hundred fifty-four and seventy-nine hundredths (354.79) feet to a point in an angle in the wall;

THENCE: North 78° 32' 53" East still by land of the grantors, two hundred forty-two and seven ty-seven hundredths (242.77) feet to a point at land of Kenneth P. Gauthier and Patricia E. Gauthier, II, now or formerly;

(Individual or Joint Tenants or Tenants in Common.)

Now # 50 Potter Hill Road

50 Potter Hill Road, Grafton, Mass. 01519

FEB 14 10 39 AM '91

THENCE: South 36° 24' 20" East by land of said Gauthier, two hundred twenty-nine and no hundredths (229.00) feet to a drill hole found at the most westerly corner of land of said Bennett;

THENCE: South 37° 59' 56" East by land of said Bennett, four hundred thirty and forty hundredths (430.40) feet to the point of beginning.

BEING THE SAME PREMISES shown on a plan entitled, "Revised Plan of Land in Grafton, Mass., owned by Wesley A. and Edith M. Elvidge, dated August 29, 1990, by John R. Andrews, III," filed in Worcester District Deeds, Plan Book 645, Plan 30. Said parcel is referred to as Parcel A with an area of 2.76 acres±.

BEING a portion of the same premises described in a Deed from E. Sohler Welch and George E. Brown, Administrators with the Will Annexed of the Estate of George E. Inches to Avery J. Elvidge by Deed dated December 4, 1920 and duly recorded in Worcester District Deeds, Book 2233, Page 147.

The grantors derive their title by virtue of the Estate of Avery J. Elvidge, Worcester County Probate Case No. 210036.

Said premises are conveyed subject to taxes to the Town of Grafton, beginning January 1, 1991

Witness ... hands and seals this 31 day of JANUARY 1991

Wesley A. Elvidge
WESLEY A. ELVIDGE
MARION I. ELVIDGE

The Commonwealth of Massachusetts

Worcester ss.

JANUARY 31 1991

Then personally appeared the above named WESLEY A. ELVIDGE AND MARION I. ELVIDGE

and acknowledged the foregoing instrument to be THEIR free act and deed, before me

ADELE E. MORONEY Notary Public - Justice of the Peace

My commission expires March 12, 1993

N10'C 9009
DEEDS REG 20
WORCESTER

02/14/91

TAX 182.40
CASH 182.40

4064A140 10:06
EXCISE TAX

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1968

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars as the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

ATTEST: WORC., Anthony J. Vigliotti, Register

35240

Mail to: Richard M. Welsh, Esq.
80 Worcester Street
No. Grafton, MA 01536

25.09

DEED

Wesley A. Elvidge and Marion E. Elvidge, a/k/a Marion I. Elvidge, of Grafton, Massachusetts, for consideration paid, and in full consideration of \$60,000.00, grant to Bruce Teixeira and Gayle P. Teixeira, husband and wife, as tenants by the entirety, of #55 Potter Hill Road, Grafton, Massachusetts, with quitclaim covenants,

the land in Grafton, Massachusetts, situated on the northerly side of Potter Hill Road, being shown as Lot 2 on a plan entitled "Plan of Land Located on Potter Hill Road, Grafton, Massachusetts, Owned by Wesley A. Elvidge", dated September 22, 1997, by Land Planning, Inc., recorded with Worcester District Registry of Deeds, Plan Book 725, Plan 91, and more particularly bounded and described as follows:

Beginning at the southwesterly corner of the lot herein described, at an iron pin on the northerly sideline of Potter Hill Road, said point being at the southeasterly corner of Lot 1, as shown on said plan;

Thence N. 06° 15' 52" W., by said Lot 1, a distance of 294.10 feet to an iron pin;

Thence N. 06° 26' 41" W., still by said Lot 1, a distance of 120.78 feet to another iron pin;

Thence N. 16° 24' 44" E., still by said Lot 1, a distance of 70.22 feet to Parcel A, as shown on said plan;

Thence S. 02° 16' 52" W., by said Parcel A, a distance of 112.73 feet to a point at land now or formerly of LeMay;

Thence S. 06° 26' 41" E., by said LeMay land, a distance of 185.70 feet to a point;

Thence S. 06° 15' 52" E., still by said LeMay land, a distance of 280.75 feet to the northerly sideline of Potter Hill Road;

Thence S. 78° 12' 01" W., by the northerly sideline of Potter Hill Road, a distance of 140.66 feet to Lot 1, as shown on said plan, which is the point of beginning.

52
Now
Potter Hill Rd Grafton

98 MAR 20 AM 10:35

Containing 65,340 square feet, (1.50 acres), more or less, according to said plan.
No right of way, express, implied or by necessity is retained by grantors over Lot 2*
Being a portion of the premises conveyed to the Grantors by deed of Edith M. Elvidge, dated November 22, 1989, recorded with said Deeds, Book 12479, Page 154.

WITNESS our hands and seals, this 17th day of March, 1998.

Wesley A. Elvidge
Wesley A. Elvidge

Marion E. Elvidge
Marion E. Elvidge, a/k/a
Marion I. Elvidge

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, SS.

March 17th, 1998

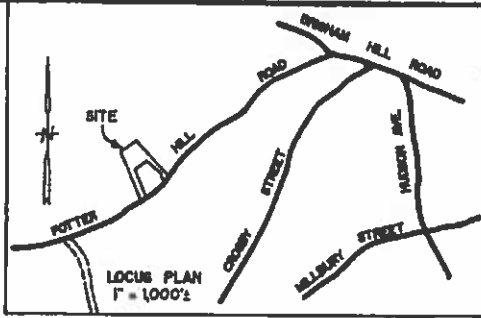
Then personally appeared the above named Wesley A. Elvidge and Marion E. Elvidge, a/k/a Marion I. Elvidge, and acknowledged the foregoing instrument to be their free act and deed, before me,

Mary E. Campbell
Mary E. Campbell
Notary Public
My commission expires
December 31, 1998

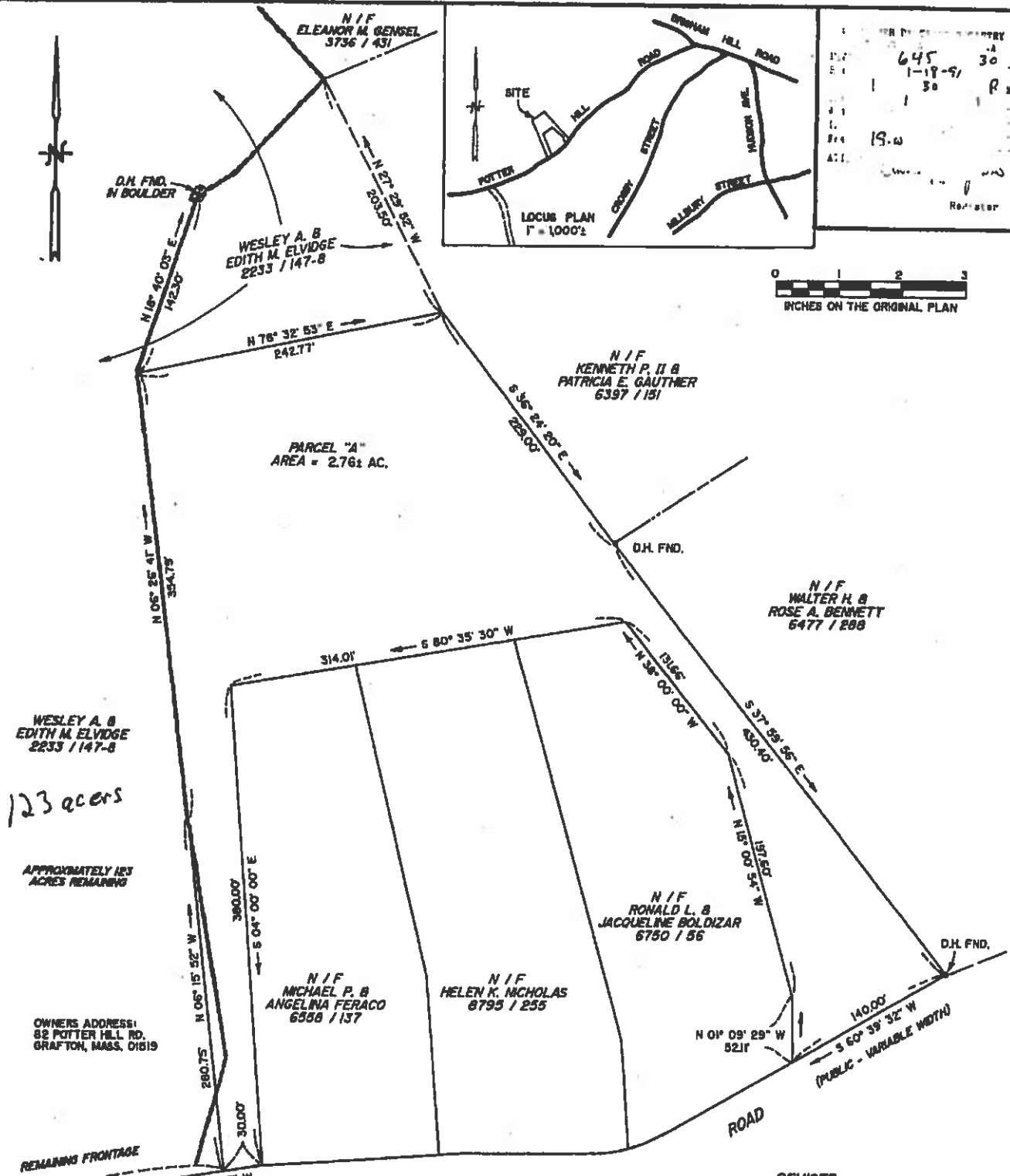
* for the benefit of grantors remaining land.

DEEDS REC 20
WORCESTER
83/20/98
5/25/98
98.432
TAX 273.60
CASH 273.60
8771A140 10:11
EXCISE TAX

ATTEST: WORC. Anthony J. Viglotti, Register



645	30
1-18-91	R
50	
19.0	



WESLEY A. & EDITH M. ELVIDGE
2233 / 147-B

123 acres

APPROXIMATELY 123 ACRES REMAINING

OWNERS ADDRESS:
82 POTTER HILL RD.
GRAFTON, MASS. 01519

REMAINING FRONTAGE
140±

N / F
MICHAEL P. &
ANGELINA FERACO
6556 / 137

N / F
HELEN K. NICHOLAS
8795 / 255

N / F
RONALD L. &
JACQUELINE BOLDIZAR
6750 / 56

N / F
KENNETH P. II &
PATRICIA E. GAUTHER
6397 / 131

N / F
WALTER H. &
ROSE A. BENNETT
6477 / 288

POTTER HILL

REVISED
PLAN OF LAND
IN
GRAFTON, MASS.

OWNED BY
WESLEY A. &
EDITH M. ELVIDGE
SCALE: 1" = 80'
AUGUST 29, 1990

BY
ANDREWS SURVEY & ENGINEERING, INC.
104 MENDON STREET
UXBRIDGE, MASS. 01569

REVISED 9-11-90

APPROVAL UNDER SUBDIVISION
CONTROL LAW NOT REQUIRED
GRAFTON PLANNING BOARD

Pete Cloutier
GRAFTON TOWN PLANNER

DATE: 9/11/90

DEED REFERENCE
2233 / 147-148

No determination of compliance with zoning requirements has been made or intended.

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF
DEEDS OF THE COMMONWEALTH OF
MASSACHUSETTS.



John R. Andrews

