



**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 #

2022 / 886

The Grafton Board of Appeals has received a petition from **FLETCHER TILTON ATTORNEYS AT LAW**
for **50 POTTER HILL ROAD** requesting that the Zoning Board of Appeals grant a

Variance

to allow: A VARIANCE FOR A LOTE WIDTH OF 118' WHERE 140' IS REQUIRED.

Map: 70 Lot: 22 Block: 0000

The Board will conduct a Public Hearing on **Thursday, June 16, 2022** 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

Brian Waller, Chairman

Marianne Desrosiers, Vice Chairman

Kay Reed, Clerk

William Yeomans, Member

William McCusker Member

Peter Adams, Alternate

Mitali Biswas, Alternate

May 12, 2022

HAND DELIVERED

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

Re: 50 Potter Hill Road, Grafton, Massachusetts

Dear Sir/Madam:

Please be advised that we represent the Applicant, Stephen and Georgette LeMay, in connection with an Application for a Variance for property located at 50 Potter Hill Road, Grafton, Massachusetts.

Enclosed please find the original and one copy of the following documents:

1. Form of Appeals for Variance;
2. Memorandum in Support of Application for Variance;
3. Plan;
4. Town of Grafton Tax Map;
5. Certificate of Good Standing;
6. Abutter's List;
7. Check in the amount of \$165.00 representing the filing fee;

We look forward to being placed on the next available meeting agenda.

Please feel free to contact our office should you have any questions. Thank you.

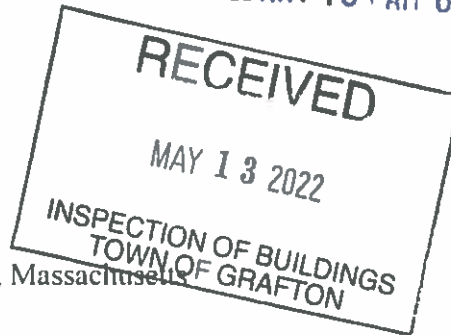
Very truly yours,


Todd E. Brodeur, Esq.
Director/Transactional Practice Group
Fletcher Tilton PC
The Guaranty Building
370 Main Street, 11th Floor
Worcester, MA 01608
Tel. 508.459.8038
Email tbrodeur@fletchertilton.com

Enclosures

RECEIVED TOWN CLERK
GRAFTON, MA

2022 MAY 16 AM 8:34



RECEIVED TOWN CLERK
GRAFTON, MA

2022 MAY 16 1 AM 8:34

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

DATE: May 12, 2022

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.

FOR LAND/BUILDINGS AT 50 Potter Hill Road

TO ALLOW:

Lot width of 118' where 140' is required

Please complete this **entire** section:

Location of property: ^{50 Potter Hill} Road Tax Plan # 72 Plot # 22
Zoning District in which the property is located: R-10
Title of Property in name of: Stephen R. LeMay and Georgette M. LeMay
Whose address is: 50 Potter Hill Road
Deed recorded in Book # 13243, Page # 55
Plan Book # 645 Plan # 30
* Signature of Petitioner: Stephen R. LeMay
Print Name Stephen R. LeMay
Address of Petitioner: 50 Potter Hill Road
Phone Number of Petitioner: 508-423-9930

RECEIVED TOWN CLERK
GRAFTON, MA
2022 MAY 16 1 AM 8:34

TOWN OF GRAFTON
ZONING BOARD OF APPEALS

RE: Stephen R. LeMay and Georgette M. LeMay
Petition for Variance
50 Potter Hill Road, Grafton, Massachusetts

MEMORANDUM IN SUPPORT OF APPLICATION FOR VARIANCE

I. INTRODUCTION

The applicant, Stephen and Georgette LeMay (collectively, the “Applicant”) seeks a variance from the Zoning Board of Appeals (the “Board”) from certain dimensional requirements of the Town of Grafton Zoning Bylaw (the “Bylaw”) as it relates to their property at 50 Potter Hill Road, Grafton, Massachusetts (the “Premises”). In order to comply with the By-Law (the “Bylaw”), the Applicant requests the following relief from the Zoning Board of Appeals (the “Board”) in the form of a variance from the following provision:

Section 3.2.3.2 – Intensity of Use Schedule for relief from the 140 foot minimum lot width dimensional requirement for a single family detached dwelling in an R-40 Zone.

II. DESCRIPTION OF PROPOSAL

The Applicant has owned the Premises in question since 1991. The Applicant was granted a building permit and constructed a single family home on the Premises in 1994. The configuration of the lot has not change and is not attempting to be altered by this variance however, as shown on the plans submitted herewith, the Premises has a lot width of 118 feet, where the Bylaw requires 140 feet of minimum lot width. This means the Premises requires relief of 22 feet to satisfy the minimum zoning requirement of 140 feet. The Premises is presently non-conforming and the grant of this variance request would allow the Premises to be granted permanent relief from the non-conforming status and to allow the Premises to be conforming (by way of the variance).

III. FINDINGS OF FACT

In support of the grant of a variance, the Applicant states the following:

1. *A hardship exists upon the land that requires the Applicant to apply for a variance.*

The Premises meets all of the dimensions of a standard buildable lot in the R-40 zoning district pursuant to the Bylaw, with the exception of the minimum lot width requirement. There is no remedial action the Applicant can take to achieve the required lot width; there is no available configuration to subdivide the parcels abutting the Premises to achieve the required lot width without rendering the abutting parcels nonconforming. A literal enforcement of the lot width requirement will limit the ability to renovate the Premises and would not allow for restoration of the house built upon the Premises in the event of a casualty. Additionally, the Applicant may not be able to convey the Premises without resolving the lot width requirement. In the event that the Board concludes that literal enforcement of the Bylaw must proceed, the Applicant will have substantial difficulty in any future conveyance of the property and will have no other means to obtain the required lot width. Therefore, the Applicant will suffer substantial hardship in the event the variance is not granted.

2. *The condition affecting the property is incidental to the property and not generally affecting other parcels within the zoning district.*

The existing dwelling located on the Premises was built in 1994 and through no fault of the Applicant or the building inspector, a building permit was issued without addressing the lot width of the Premises. This condition is incidental to the Premises and the existing structure but does not generally affect the other parcels within the zoning district in which the Premises is located. The Applicant has explored other options relative to achieving the required lot width, but any possible subdivision of abutting parcels will result in further noncompliance with the Bylaw. Accordingly, the Applicant respectfully requests that the Board find that there are conditions affecting the Premises relative to the overall configuration of the Premises which do not generally affect the other parcels within the zoning district such that the requested variance be granted.

3. *A variance may be granted without substantial detriment to the public good.*

The Board may grant the requested relief from lot width requirements without substantial detriment to the public good because the reduction of the lot width will not materially impact the visual appeal of the Premises. The requested relief will allow the Premises to be consistent with other lots in the neighborhood, allow for the future conveyance of the Premises and will not be detrimental to the public good.

4. *A variance will not substantially derogate from the intent and purpose of the Bylaw.*

The intent of the Bylaw will be maintained with the allowance of the variance. The requested lot width relief will have no impact on other dimensional requirements of the Premises, there will be sufficient access to the Premises, there will be no visual impairment upon any abutters and the Premises will no longer be noncompliant with the Bylaw. The requested relief of 22 feet from the 140 foot lot width requirement is appropriate and will not substantially derogate from the intent and purpose of the Bylaw.

IV. CONCLUSION

For all of the foregoing reasons, the Applicant respectfully requests that the Board grant a variance from the following section of the Bylaw:

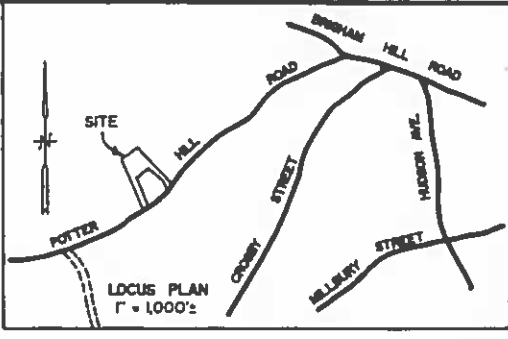
Section 3.2.3.2 – Intensity of Use Schedule for relief from the 140 foot minimum lot width dimensional requirement for a single family detached dwelling in an R-40 Zone.

Thank you for your consideration of this matter.

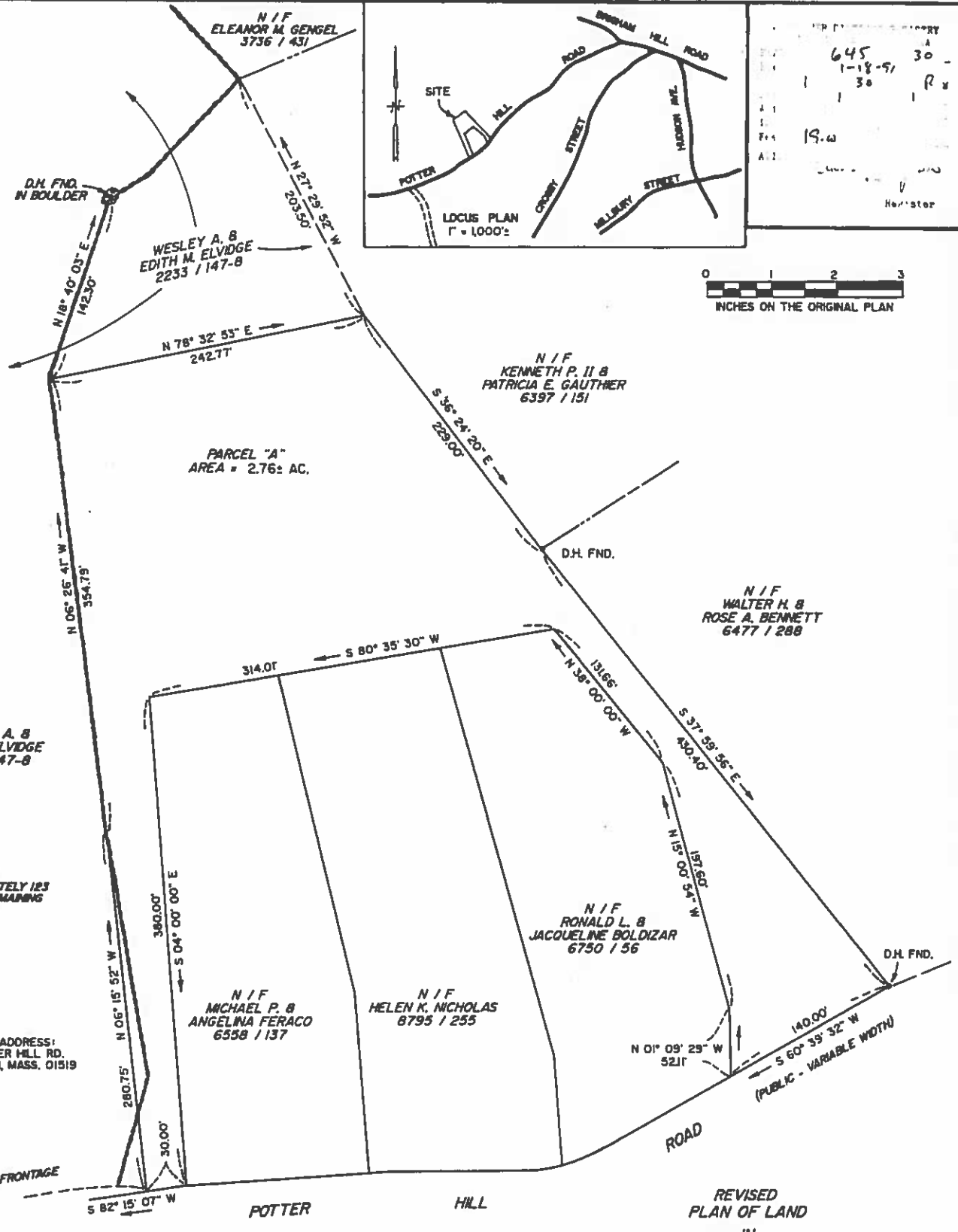
Respectfully submitted,



Todd E. Brodeur, Esq.
Fletcher Tilton PC
370 Main Street
Worcester, MA 01608
(508) 459-8038
tbrodeur@fletchertilton.com



MAP NO.	645	30
DATE	1-18-91	R
SCALE	1" = 30'	
FILE NO.	19.4	
DATE		



APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED
GRAFTON PLANNING BOARD

Pete Clough
GRAFTON TOWN PLANNER
DATE 9/2/90

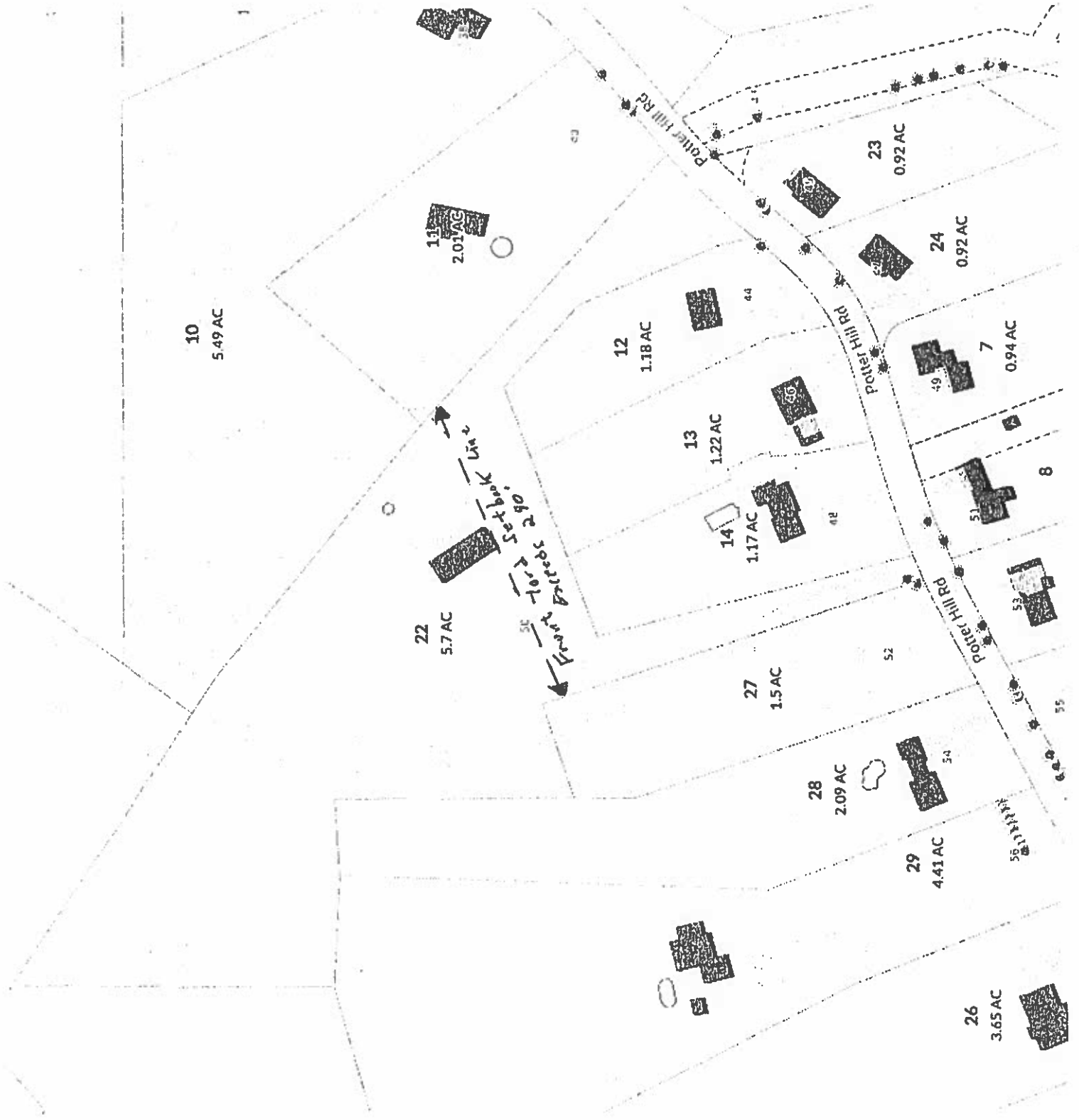
DEED REFERENCE 2233 / 147-148
No determination of compliance with zoning requirements has been made or intended.

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

REVISED PLAN OF LAND IN GRAFTON, MASS.
OWNED BY WESLEY A. & EDITH M. ELVIDGE
SCALE: 1" = 50'
AUGUST 29, 1990
BY ANDREWS SURVEY & ENGINEERING, INC.
104 MENDON STREET UXBIDGE, MASS. 01569
REVISED 9-11-90



10
5.49 AC

11
2.01 AC

12
1.18 AC

13
1.22 AC

14
1.17 AC

22
5.7 AC

27
1.5 AC

28
2.09 AC

29
4.41 AC

26
3.65 AC

23
0.92 AC

24
0.92 AC

7
0.94 AC

8

Franklin Park 250
Setback Line

Potter Hill Rd

Potter Hill Rd

Potter Hill Rd

50
51
52
53
54
55
56



TOWN OF GRAFTON
 GRAFTON MEMORIAL MUNICIPAL CENTER
 30 PROVIDENCE ROAD
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 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 checked="" type="checkbox"/> Other	_____	X

Other Permit: Application for variance

Stephen and Georgette LeMay
 Petitioner Name

Stephen and Georgette LeMay
 Property Owner / Applicant

50 Potter Hill Road
 Petitioner Address

50 Potter Hill Road
 Property Address

Grafton, MA 01519
 City, State, Zip

Grafton, MA
 City, State, Zip

Phone _____

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

[Signature]
 Treasurer / Collector Signature

5/11/2022
 Date



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RECEIVED

MAY - 9 2022

GRAFTON
 ASSESSORS

BOARD OF ASSESSORS

Request for Abutters List

Date of Request: 4/25/2022 Date List Needed: ASAP

Requested by: Brandy Walter/Fletcher Tilton PC Phone: (508) 459-8006

Name of Property Owner: Stephen and Georgette LeMay

Street Address of Property: 50 Potter Hill Road

Map: 072.0 Block: 0000 Lot: 0027.0

REASON FOR LIST:

Hearing before Zoning Board of Appeals Yes No

Hearing before Planning Board Yes No

Hearing before Conservation Commission Yes No

Other: _____

REASON FOR HEARING - (please check one)

Variance Scenic Road Title 5 Special Permit Subdivision

Other: _____

RADIUS FOR ABUTTERS - (please check one)

Immediate 300 Feet Upon, along, across or under: _____

LABELS

Two (2) Sets of Labels are provided with abutters lists unless otherwise specified.

Other: _____ set(s) needed.

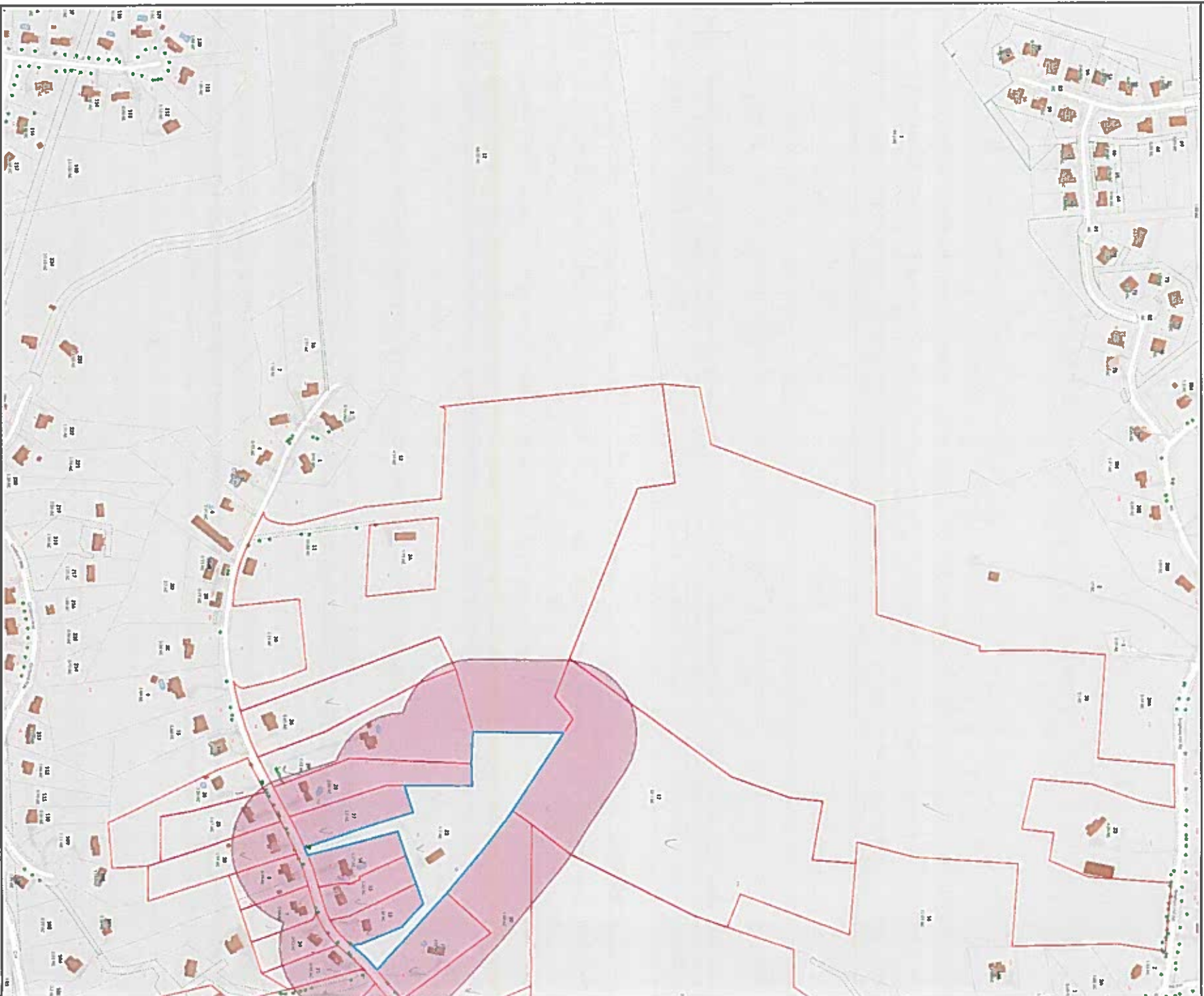
Office Use Only

Date List Prepared: 5-9-2022 Address Labels Prepared: 5-9-2022

Fee Charged: \$ 2500 Amt. Paid: \$ 2500 Date: 168785

Check: # 2500 Cash: \$ _____ Money Order: \$ _____





5/9/2022

50 POTTER HILL ROAD
MAP 72, LOT 27

PARCEL ID	LOCATION	OWNER 1	OWNER 2	ADDRESS
053.0-0000-0030.0	129 BRIGHAM HILL ROAD	WILLIAMS SHIRLEY	WILLIAMS SHIRLEY J	128 BRIGHAM HILL
063.0-0000-0017.0	97 BRIGHAM HILL ROAD REAR	WILLIAMS PETER H	THE FRED & KAROLE/DOUGLAS REALTY T 20	128 BRIGHAM HILL
063.0-0000-0020.0	30 POTTER HILL ROAD	GRANDINETTI FREDERICK & KAROLE		PO BOX 114
071.0-0000-0011.0	64 POTTER HILL ROAD	GRAFTON LAND TRUST INC		58 POTTER HILL F
071.0-0000-0026.0	58 POTTER HILL ROAD	DO VALE JERRY P	DO VALE ALICIA C	25 POTTER HILL F
072.0-0000-0001.0	37 POTTER HILL ROAD	MANGANO HELEN	MANGANO WILLIAM J & JANET E	25 POTTER HILL F
072.0-0000-0002.0	41 POTTER HILL ROAD REAR	MANGANO HELEN	SUHL SHERRI	49 POTTER HILL F
072.0-0000-0007.0	49 POTTER HILL ROAD	SUHL JOSHUA	WILLIAMS, NADIRA	51 POTTER HILL F
072.0-0000-0008.0	51 POTTER HILL ROAD	WILLIAMS, WILLIAM	WILLIAMS, NADIRA	38 POTTER HILL F
072.0-0000-0010.0	38 POTTER HILL ROAD	BURGWARDT, FREDERICK	COTTER, CECELIA	40 POTTER HILL F
072.0-0000-0011.0	40 POTTER HILL ROAD	BENNETT ROSE & WALTER TRUSTEES	ROSE BENNETT LIVING TRUST	44 POTTER HILL F
072.0-0000-0012.0	44 POTTER HILL ROAD	VOLK, DANIEL P		46 POTTER HILL F
072.0-0000-0013.0	46 POTTER HILL ROAD	CIOPPA DANIEL P	CIOPPA JERRY A	48 POTTER HILL F
072.0-0000-0014.0	48 POTTER HILL ROAD	FERACO ANGELINA		53 POTTER HILL F
072.0-0000-0020.0	53 POTTER HILL ROAD	CARROLL GARBHAN V	CARROLL AMY K	50 POTTER HILL F
072.0-0000-0022.0	50 POTTER HILL ROAD	LEMAY STEPHEN R	LEMAY GEORGETTE M	45 POTTER HILL F
072.0-0000-0023.0	45 POTTER HILL ROAD	POIRIER STEPHEN P & DIANE R TRUSTEE	POIRIER LIVING TRUST	47 POTTER HILL F
072.0-0000-0024.0	47 POTTER HILL ROAD	EBERSTADT PETER	EBERSTADT AMANDA	55 POTTER HILL F
072.0-0000-0025.0	55 POTTER HILL ROAD	TEIXEIRA BRUCE	TEIXEIRA GAYLE P	57 POTTER HILL F
072.0-0000-0026.0	57 POTTER HILL ROAD	PICONE WILLIAM A	PICONE ALLISON C	55 POTTER HILL F
072.0-0000-0027.0	52 POTTER HILL ROAD	TEIXEIRA BRUCE	TEIXEIRA GAYLE P	54 POTTER HILL F
072.0-0000-0028.0	54 POTTER HILL ROAD	MAZZOLA MICHAEL A	MAZZOLA GLORIA I	56 POTTER HILL F
072.0-0000-0029.0	56 POTTER HILL ROAD	HUTCHINSON ERICA L	HUTCHINSON MATTHEW S	39 POTTER HILL F
081.0-0000-0101.0	39 POTTER HILL ROAD	HUTCHINSON ERICA L	QUELLETTE REBECCA A	
		QUELLETTE CRAIG F		