

DECISION

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GRAFTON, MA

GRAFTON PLANNING BOARD SPECIAL PERMIT (SP 2018-3.3) & SITE PLAN APPROVAL MODIFICATION #3

2022 APR - 7 1 PM 3: 46

Outdoor Dining

1 Grafton Common
Sean Padgett, One Grafton Common, LLC (Applicant)
Town of Grafton (Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Sean Padgett, One Grafton Common, LLC (hereinafter the APPLICANT) for Modification of Special Permit & Site Plan Approval (SP 2018-2) – Modification #3 to allow outdoor dining on an existing patio on a property located at 1 Grafton Common (hereinafter the SITE) which is located in the Neighborhood Business (NB) Zoning District and shown on Grafton Assessor's Map 74, Lot 72, and owned by the Town of Grafton (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 1142, Page 441. The application was formally received on February 17, 2022.

I. BACKGROUND

The application for Modification of the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on February 17, 2022. A public hearing on the Application was opened on March 14, 2022. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 24th and March 3rd, 2022, and posted with the Town Clerk's Office on February 22, 2022. Abutters were notified by First Class Mail.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Justin Wood, Clerk Linda Hassinger, Members Robert Hassinger and Prabhu Venkataraman, and Associate Member Maura McCormack. At the hearing, Sean Padgett presented the Application to the Board on behalf the Applicant / Owner. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on March 14, 2022.

II. PROJECT HISTORY AND OVERVIEW

This application represents a third modification of Special Permit and Site Plan Approval (SP 2018-2) for 1 Grafton Common where there is an existing mixed commercial use and bar room business in operation. This modification deals specifically with a request to allow outdoor dining on an existing patio on the subject property. The permitting history of this site for this use includes:

1. Special Permit (SP 2018-2) and Site Plan Approval - *Approved March 26, 2018* – to authorize a change in use to bar room which is categorized by the Use Regulations as “other eating or drinking establishment”. This Decision is recorded at the Worcester District Registry of Deeds (Bk: 58799 Pg: 131).
2. Minor Modification of Special Permit and Site Plan Approval (SP 2018-2.1) - *Approved June 25, 2020* – Temporary Outdoor Seating in response to the extenuating circumstances posed by the COVID-19 pandemic. Expired November 1, 2020.

3. Minor Modification of Special Permit and Site Plan Approval (SP 2018-2.2) - *Approved April 26, 2021* – Temporary Outdoor Seating in response to the extenuating circumstances posed by the COVID-19 pandemic. Expired December 1, 2021.

III. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

- EXHIBIT 1.** Application packet submitted by Sean Padgett, One Grafton Common, LLC (Applicant), received February 17, 2022, including the following:
- Application for Modification of a Special Permit; dated February 16, 2022; 1 page.
 - Project Narrative, dated February 10, 2022, prepared by Sean Padgett, One Grafton Common, LLC, 2 pages.
 - Certificate of Good Standing; Signed by Treasurer/Collector’s Office on February 16, 2022; 1 page.
 - Plans with Applicant’s hand sketched edits, 3 pages.
 - Existing Conditions Photos, 2 pages
 - Letters of Support, 2 pages.
 - Certified Abutters List; Signed by Assessor’s Office on February 16, 2022; 1 page.
- EXHIBIT 2.** Public Hearing Legal Notice, Grafton Planning Board; Town Clerk Stamp on February 22, 2022; 1 page.
- EXHIBIT 3.** Email from Justin Wood, Planning Board, regarding “1 Grafton Common - Town House Tavern”, dated March 13, 2022, 1 page.
- EXHIBIT 4.** Email from Michael Killeen, Fire Department Captain, regarding, “1 Grafton Common”, dated March 12, 2022, 1 page.
- EXHIBIT 5.** Email from Sean Padgett, One Grafton Common, LLC (Applicant), regarding, “Town House Tavern Seating”, dated March 18, 2022, 1 page.

III. FINDINGS

At their meeting of March 28, 2021, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Robert Hassinger, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to make the following Findings:

- F1.)** That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2.)** That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.

- F3.) That the Site is located in the Neighborhood Business (NB) zoning district. The site is not located within the Water Supply Protection Overlay District.
- F4.) That during the public hearing the Applicant presented the proposed modification. Brook Padgett and Sean Padgett, One Grafton Common, LLC were present to discuss the Application. The proposed outdoor dining and patio area was installed in response to the extenuating circumstances posed by the COVID-19 pandemic and associated Governor’s Orders. The outdoor dining and patio area has received temporary outdoor approval from the Planning Board on an annual basis. The Applicant now proposes to operate the outdoor dining and patio area on a more permanent basis.
- F5.) The Board discussed parking in relation to 1 Grafton Common and noted Finding #19 as provided in the original Decision (WDRD: 58799/131), which states: “...that on-site parking is not required per Section 4.2.5.1 which allows parking within 300 feet and loading is to be provided by box truck, which will be parked on George Jordon Jr. Boulevard and deliveries made through the Worcester Street entrance to the Bar.”
- F6.) That the Board discussed general operations of the outdoor seating in relation to collocated businesses and the general public. The space will remain open to the public although the rear access gate will be locked during operations to maintain compliance with the requirements related to the Liquor License and other related requirements. Access will still be provided through the bar room area.
- F7.) A number of residents spoke in general support of the application, noting the community atmosphere of the Town House Tavern and the patronage of residents visiting the collocated businesses.

IV DECISION

At their meeting of March 28, 2022, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Robert Hassinger, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **APPROVE** the Special Permit (SP 2018-2.3) and Site Plan Approval – Modification #3 - with the following conditions:

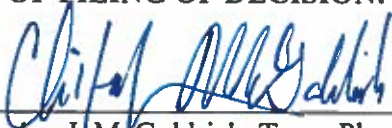
- C1.) This Special Permit (SP 2018-2.3) and Site Plan Approval – Modification #3- specifically authorizes outdoor dining on the existing patio as noted in the Findings and EXHIBITS of this Decision. All other conditions within Special Permit and Site Plan Approval (SP 2018-2) shall remain in full force and effect unless modified by this DECISION.
- C2.) The Applicant shall maintain the site in accordance with the originally approved plan and subsequent modifications granted by this Decision. The Applicant shall proceed in a manner that conforms to CONDITIONS set forth in this DECISION as well as the plans and identified within EXHIBIT #1.
- C3.) In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been 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.

- C4.) All other applicable Federal, State or Local permits and approvals for the proposed use shall be secured by the Applicant at the appropriate time, and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
- C5.) Failure to comply with the requirements of the Grafton Zoning By-law (or as modified by this Decision), as well as all applicable Federal, State and local regulations, shall cause this Modification of a Special Permit and Site Plan Approval to be invalid, but only if such failure is both a) documented and b) unresolved according to the regulating body with jurisdiction.
- C6.) This Decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period.
- C7.) A copy of such recorded Decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C8.) By recording this Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Decision.

V. RECORD OF VOTE

<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Robert Hassinger, Member</u>	<u>AYE</u>
<u>Justin Wood, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Linda Hassinger, Clerk</u>	<u>AYE</u>	<u>Maura McCormack, Associate</u>	

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Christopher J. McGoldrick, Town Planner

4/7/2022

Date

- cc: Applicant / Owner
- Building Inspector
 - Assessor
 - Board of Health
 - Conservation Commission
 - Graves Engineering

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Kandy Lavalley, Town Clerk

Date