



Zoning Board of Appeals  
30 Providence Road  
Grafton, MA 01519  
508-839-5335 x 1425 - Fax: 508-839-4602  
E-mail: [koshivosk@grafton-ma.gov](mailto:koshivosk@grafton-ma.gov)  
Website: <http://grafton-ma.gov>

## Decision of the Board of Appeals

Case Number: ZB-896

**MARK & KELLY BENOIT**

requesting that the Zoning Board of Appeals grants a

### Special Permit

2023 JUN 28 AM 8:48  
RECEIVED TOWN CLERK  
GRAFTON, MA

**THE ADDITION OF AN 8.3' DECK OFF THE REAR OF A PRE-EXISTING, NON-CONFORMING STRUCTURE AND A PRE-EXISTING NON-CONFORMING LOT, WHERE THE DECK WILL BE 7' FROM THE SIDE LOT LINE WHERE 15' IS REQUIRED. BOOK: 51487 PAGE: 205**

At their duly held meeting **06/14/2023** the Zoning Board of Appeals took the following action

The following motion was made by **MR. YEOMANS** and seconded by **MS. REED**

That the Zoning Board of Appeals grant the **Special Permit**

for the **ADDITION OF A 8.3' DECK OFF THE REAR OF A PRE-EXISTING, NON-CONFORMING STRUCTURE AS DEPICTED IN EXHIBIT A.**

to **MARK & KELLY BENOIT** at **145 MILLBURY STREET**

#### Findings

F1. THE STRUCTURE WAS BUILT IN 1912.

#### Findings

F2. THE PARCEL IS LOCATED IN THE R40 ZONING DISTRICT.

#### Findings

F3. THE R40 ZONE REQUIRES 140 FEET OF FRONTAGE.

#### Findings

F4. THE PARCEL HAS 134.29 FEET OF FRONTAGE

#### Findings

F5. THE R40 ZONE REQUIRES A 40,000 SQUARE FOOT LOT.

#### Findings

F6. THE STRUCTURE IS LOCATED ON A 36,650 SQUARE FOOT LOT.

**Findings**

F7. THE R40 ZONE REQUIRES AT 15' FOOT SIDE YARD SETBACK AND THE STRUCTURE IS LOCATED 7.1 FEET OFF THE SIDE YARD SETBACK.

**Findings**

BASED ON FINDINGS F1-F7 THE CURRENT STRUCTURE IS A PRE-EXISTING, NON-CONFORMING STRUCTURE.

**Findings**

F8. THE CURRENT USE IS RESIDENTIAL.

**Findings**

F9. THE CURRENT HOME IS A 3 BEDROOM, 1 BATH HOME, AND THE PROPOSED HOME IS A 3 BEDROOM, 2 BATH HOME.

**Findings**

F10. THE NEIGHBORHOOD CONSISTS OF PRIMARILY RESIDENTIAL STRUCTURES.

**Findings**

BASED ON FINDINGS F8-F10, THE PROPOSED ADDITION IS NOT MORE DETRIMENTAL TO THE NEIGHBORHOOD.

**On a roll-call vote:**

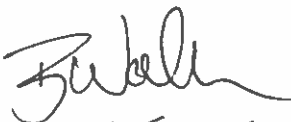
Chairman:	Yes	Member 2:	Absent at Hearing
Vice Chairman:	Yes	Alternate 1:	Yes
Clerk:	Yes	Alternate 2:	Present at Hearing
Member 1:	Yes		

5-YES, 0-NO MOTION PASSED, SPECIAL PERMIT GRANTED.

**Motion: Granted**

**Zoning Board Membership**


**Chairman** BRIAN WALLER



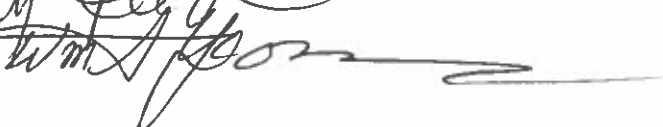
**Vice Chairman** WILLIAM MCCUSKER



**Clerk** KAY REED



**Member 1** WILLIAM YEOMANS



**Member 2** PETER ADAMS

**Alternate Member 1** JIFFY THOMAS

**Alternate Member 2** MITALI BISWAS

A complete file of this case (Case # **ZB-896** is on file with the Town Clerk.)

*Millbury*

*Exh. A 6/14/23*

**PLAN SHOWING PROPOSED ADDITION  
 PREPARED FOR  
 MARK BENOIT  
 145 MILLBURY STREET  
 GRAFTON, MASSACHUSETTS  
 DECEMBER 16, 2022  
 SCALE: 1 INCH = 50 FEET**

**JARVIS LAND SURVEY, INC  
 29 GRAFTON CIRCLE  
 SHREWSBURY, MA 01545  
 TEL. (508) 842-8087  
 FAX. (508) 842-0661  
 KEVIN@JARVISLANDSURVEY.COM**

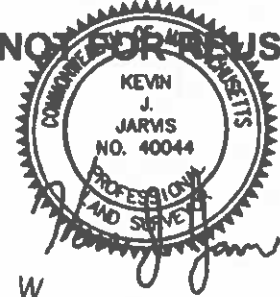
**\* THE SURVEYOR RETAINS COPYRIGHT TO THE PLAN OF SURVEY, AND RE-USE OF THIS PLAN IS NOT ALLOWED WITHOUT PERMISSION FROM THE SURVEYOR.**

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2. THIS PLAN HAS NOT BEEN PREPARED FOR RECORDING PURPOSES.
3. THE LICENSED MATERIAL CONTAINS VALUABLE PROPRIETARY INFORMATION BELONGING EXCLUSIVELY TO JARVIS LAND SURVEY, INC. THE LICENSED MATERIAL AND THE INFORMATION CONTAINED THEREON ARE COPYRIGHTED INSTRUMENTS OF PROFESSIONAL SERVICES AND SHALL NOT BE USED, IN WHOLE OR IN PART, FOR ANY PROJECT OTHER THAN THAT FOR WHICH THEY WERE CREATED, WITHOUT THE EXPRESS WRITTEN CONSENT OF JARVIS LAND SURVEY, INC. **YOU AGREE NEVER TO REMOVE ANY NOTICES OF COPYRIGHT, NOR TO REPRODUCE OR MODIFY THE LICENSED MATERIAL.**

**ASSESSORS MAP 80  
 LOT 14**

12-16-2022

**\*NOT FOR REUSE**



We certify that the building(s) are not in the Special Flood Hazard Area as shown on the Hyd Federal Insurance. Map #25027C0828E Dated:07/04/2011

Flood Hazard Zone has been determined by scale and is not necessarily accurate.

**ZONING DATA:**

LOW DENSITY RESIDENTIAL (R-40)  
 LOT AREA = 40,000 S.F.  
 LOT FRONTAGE = 140'  
 FRONT YARD SETBACK = 30'  
 SIDE YARD SETBACK = 15'  
 REAR YARD SETBACK = 15'

LOT #1  
 36,650 Sq. Feet  
 0.8414 Acres

NAD83

