

**DECISION  
GRAFTON PLANNING BOARD**

RECEIVED TOWN CLERK  
GRAFTON, MA

SITE PLAN APPROVAL (SPA 2021-1) 2021 JUL 14 AM 11:00

**Artist Live/Work/Gallery  
308 Providence Road, Grafton, MA 01519**

**Factory Cat, Inc. (Applicant)  
Peter B. Schotanus (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Factory Cat, Inc., 144 Moody Street, Building 4, Waltham, MA 02453 (hereinafter the APPLICANT), represented by Todd Cahill and Amy Kinch, for an Artist Live/Work/Gallery on property located at 308 Providence Road, Grafton, MA, (hereinafter the SITE) Assessors Map 124, Lot 7, owned by Peter B. Schotanus, 25 Carr Street, Whitinsville, MA 01588 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 29042, Page 279. Said property is located in a Village Mixed-Use (VMU-SG) zone.

The Application was filed with the Planning Board May 20, 2021, and with the Town Clerk on May 20, 2021. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 27 and June 3, 2021 and posted with the Town Clerk's Office on May 26, 2021. Abutters were notified by First Class Mail. The public hearing on the Application was opened on June 14, 2021, and continued, at the request of the applicant with concurrence of the Board to June 28, 2021. During the public hearings, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on June 28, 2021.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Justin Wood, Clerk Linda Hassinger, and Members Robert Hassinger and Prabhu Venkataraman. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

**I. SUBMITTALS**

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

**EXHIBIT 1.** Application submittal materials, received May 20, 2021, consisting of the following:

- a. Application Packet, stamped by the Town Clerk on May 20, 2021; 1 page.
- b. Certificate of Good Standing, signed by Christine Atchue, dated May 10, 2021, 1 page.
- c. Abutters Listing for 308 Providence Road, Map 124, Lot 7, dated May 10, 2021, signed by Cody Herd, Data Collector, 1 page.
- d. Project Narrative, prepared by Todd Cahill and Amy Kinch, 1 page.
- e. Plans: "308 Providence Road; South Grafton", dated March 25, 2021, in two (2) sheets.
- f. Plans: "Existing Conditions Plan", prepared by Land Planning, Inc., 214 Worcester Street, North Grafton, MA 01536, dated May 7, 2021, in one (1) sheet.

**EXHIBIT 2.** Public Hearing Legal Notice, stamped by the Town Clerk's Office on May 26, 2021; 1 page.

- EXHIBIT 3.** Email from Katrina Koshivos, Zoning Board of Appeals, to the Planning Department, dated May 27, 2021, in one (1) page.
- EXHIBIT 4.** Email from Nancy Connors, Health Department, to the Planning Department, dated May 28, 2021, in one (1) page.
- EXHIBIT 5.** Email from Michael Killeen, Fire Prevention Officer, to the Planning Department, dated June 1, 2021, in one (1) page.
- EXHIBIT 6.** Public Hearing Continuance Request, dated June 15, 2021, signed by Amy Kinch, one (1) page.
- EXHIBIT 7.** Waiver Request Form, received in the Planning Department on June 17, 2021, three (3), pages.

## **II. FINDINGS**

At their meeting of June 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 Justin Wood, 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 plans identified in this Decision, as well as the information submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are predicated on the satisfactory 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 subject site is located within the Village Mixed Use (VMU-SG) District. The site is located within the Water Supply Protection Overlay District.
- F4. The subject property is pre-existing non-conforming and is recorded as being constructed in 1880.
- F5. That during the public hearing the Board and the Applicant discussed the proposed project. The property is currently a pre-existing non-conforming structure. The Applicant stated that they are proposing to renovate the subject property to be used as an artist live/work/gallery, with the residential portion to be inhabited by Todd Cahill and Amy Kinch and the work/gallery space utilized for their sculpture company, Steamachine Sculpture. No exterior modifications are proposed. (see EXHIBIT 1d, EXHIBIT 1e and EXHIBIT 1f).
- F6. That the proposed use may be allowed in the Village Mixed Use (South Grafton) zoning district by Plan Review of the Grafton Planning Board in accordance with, Section 3 .2.3.1(12) of the Grafton Zoning Bylaw.

## **III. WAIVERS**

- W1. At their meeting of June 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 Justin Wood, voted five (5) in favor and zero (0) opposed, to **GRANT** the Applicant's request for waivers from the following requirements of **Section 1.3.3.3 (d)**

**Site Plan Requirements** of the ZBL with regard to preparing site plans, for the reasons stated within the Exhibits and Findings of this Decision:

- (16.) Parking calculations
- (19.) Parking and Loading Spaces
- (20.) Service areas and all facilities for screening
- (21.) Landscaping
- (22.) Lighting
- (23.) Proposed signs
- (24.) Sewage, refuse and other waste disposal
- (25.) Stormwater Management Facilities
- (26.) All structures and buildings associated with the proposed and existing use(s) on the property
- (27.) Exterior Storage areas and fences
- (28.) Utilities and their exterior appurtenances
- (29.) Dust and erosion control
- (30.) Existing vegetation

- W2. At their meeting June 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 Justin Wood, voted five (5) in favor and zero (0) opposed, to **GRANT** the Applicant's request for waivers from the requirements of **Section 1.3.3.3 (e) Stormwater Management Hydrological Study** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.
- W3. At their meeting June 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 Justin Wood, voted five (5) in favor and zero (0) opposed, to **GRANT** the Applicant's request for waivers from the requirements of **Section 1.3.3.3 (f) Earthwork Calculations** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.
- W4. At their meeting of June 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 Justin Wood, voted five (5) in favor and zero (0) opposed, to **GRANT** the Applicant's request for waiver from the following requirements of **Section 1.3.3.3 (g) Written Statements** of the ZBL with regard to preparing site plans, for the reasons stated within the Findings of this Decision.
- W5. At their meeting of June 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 Justin Wood, voted five (5) in favor and zero (0) opposed, to **GRANT** the Applicant's request for waivers from the requirements of **Section 8.2 Traffic Study** of the ZBL, for the reasons stated within the Exhibits and Findings of this Decision.

#### **IV. DECISION**

At their meeting of June 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 Justin Wood, voted five (5) in favor and zero (0) opposed to **APPROVE** the Application for Site Plan Approval with the following conditions:

##### **A. Standard Conditions**

- C1.) This Site Plan Approval application specifically authorizes the construction of an artist live/work/gallery on the subject property with the residential portion to be inhabited by Todd Cahill and Amy Kinch and the work/gallery space utilized for their sculpture company, Steamachine Sculpture. (See FINDING F4) as described within the EXHIBITS and FINDINGS of this Decision.
- C2.) The work authorized by this Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
- C3.) No exterior modifications are proposed. Any exterior modifications may be subject to approval by the Grafton Conservation Commission. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
- C4.) Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
- C5.) In accordance with Section 1.5.8 of the ZBL, this 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 Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C6.) This Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C7.) By recording this Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Site Plan Approval Decision.
- C8.) The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision and conducting any inspections or other work associated with the

construction of the development. In accordance with the applicable sections of the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.

- C9.) The Planning Board reserves the right to require the submission of an “as built” plan prepared by a professional engineer if it is determined upon inspection (by either the Board or its agent), and prior to the issuance of an occupancy permit, that the project was not constructed as shown on the approved plans.
- C10.) Any inability, failure, or refusal by the Applicant to comply with the requirements of this Site Plan Approval, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

**B. Conditions to be Met Prior to the Start of Construction**

- C11.) Unless modified by this Decision, the Site shall be developed, constructed, and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the plans presented within the EXHIBITS of this Decision. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
- C12.) Prior to commencement of work, a pre-construction meeting shall occur with representatives from the Applicant and appropriate Town Departments/Board’s. The Applicant shall contact the Planning Department to arrange the pre-construction meeting.

**C. Conditions to be Met During Construction**

- C13.) Hours of construction and site work shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
- C14.) All construction vehicles and vehicles of all workers are to be parked on site and shall not impede traffic along Providence Road at any time.
- C15.) All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.

**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>		

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**



Christopher J. McGoldrick, Town Planner



Date

- cc: Applicant / Owner
- Building Inspector
  - Assessors
  - Conservation Commission