



TOWN CLERK

Kandy L. Lavallee
Town Clerk

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
clerks@grafton-ma.gov

CERTIFICATE OF NO APPEAL

DECISION: GRAFTON ZONING BOARD OF APPEALS
2018-843- Variance

PETITIONER: Timothy S. Matatall, Jr.
23 Ferry Street, South Grafton, MA 01560

OWNER: Timothy S. Matatall, Jr.
23 Ferry Street, South Grafton, MA 01560

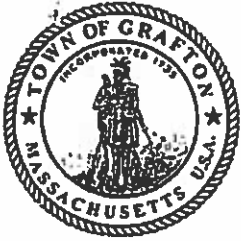
DEED REFERENCE: 23 Ferry Street
Assessor's Map 114, Lot 125,
Worcester District Registry of Deeds
Book 48414, Page 375

This is to certify that the Decision of the Grafton Zoning Board of Appeals on the petition of the above-named Petitioner to grant a variance on lot #1- reduction in the side yard and rear yard setbacks from 15' to 1' and on lot #2- a reduction in the side yard and rear yard setbacks from 15' to 1' at property located at 23 Ferry Street, South Grafton, MA was duly in the Town Clerks office on May 23, 2018 at 10:21 am.

No Notice of Appeal of the Decision was filed in this office within the twenty days next, the appeal period ending on June 12, 2018.

A true copy, ATTEST:

Kandy L. Lavallee
Kandy L. Lavallee, Town Clerk
Grafton, MA



Office of the Zoning Board of Appeals
30 Providence Road
Grafton, Massachusetts 01519

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THE COMMONWEALTH OF MASSACHUSETTS
Town of Grafton
BOARD OF APPEALS

Thursday, May 10, 2018

Case Number:

2018 /843

Variance

TIMOTHY S MATATALL, JR

RECEIVED TOWN CLERK
GRAFTON, MA
2018 MAY 23 AM 10: 21

Handwritten initials

of 23 FERRY STREET requesting that the Zoning Board of Appeals grants a Variance
for

FOR LOT 1: DIMENSIONAL VAIRANCE' (2) REDUCTION IN SIDE YARD AND REAR YARD
SETBACKS FROM 15' TO 1'. FOR LOT 2: DIMEMSIONAL VARIANCE (2) A REDUCTION
IN SIDE YARD AND REAR YARD SETBACKS FROM 15' TO 1".

At their duly held meeting Thursday, May 10, 2018 the Zoning Board of Appeals took the following action

The following motion was made by Clerk - Ms. Reed and seconded by Alternate Member #2 Ms. Desrosiers

That the Zoning Board of Appeals grant a Variance to TIMOTHY S MATATALL, JR

at 23 FERRY STREET GRAFTON MA

TO GRANT A VARIANCE ON LOT #1 - REDUCTION IN THE SIDE YARD AND REAR YARD
SETBACKS FROM 15' TO 1' AND ON LOT #2 - A REDUCTION IN THE SIDE YARD AND REAR
YARD SETBACKS FROM 15' TO 1', PER EXHIBIT A ATTACHED.

FINDINGS:

FOR LOT 1 & LOT 2:

- F1. THE PARCES ARE LOCATED IN THE R20 ZONING DISTRICT.
- F2. THE R20 ZONE REQUIRES 125' FEET OF FRONTAGE.
- F3. LOT 1 HAS 106' FEET OF FRONTAGE AND LOT 2 HAS 51' FEET OF FRONTAGE.
- F4. THE R20 ZONE REQUIRES A 20,000 SQ. FOOT LOT.
- F5. LOT 1 IS 13,180' SQ. FEET AND LOT 2 IS 20,150' SQ. FEET.
- F6. THE R20 ZONE REQUIRES A 30' FOOT FRONT YARD SETBACK AND THE STRUCTURES ON EACH LOT ARE LOCATED AT LEAST 30' OFF THE FRONT YARD SETBACK.
- F7. THE R20 ZONE REQUIRES A 15' SIDE YARD SETBACK AND BOTH STRUCTURES ARE 1' OFF THE SIDE YARD LOT LINE.
- F8. THE R20 ZONE REQUIRES 15' OFF THE REAR YARD SETBACK AND THE STRUCTURE ON LOT 1 IS LOCATED 1' FT OFF THE REAR LOT LINE AND THE STRUCTURE ON LOT 2 IS 15' OFF THE REAR LOT LINE.

BASED ON FINDINGS F1-F8 WE FIND A HARDSHIP EXISTS OWING TO THE UNIQUE CONDITIONS OF THE LOT. F9. ON THE LOT THE 2 HOUSES WERE BUILT BEFORE BOTH THE SUBDIVISION CONTROL LAW AND THE ZONING ACT, ST. 1975, C.808 WENT INTO EFFECT.

F10. IT IS ASSESSED CURRENTLY UNDER USE CODE 109 AS ONE SINGLE LOT HAVING 2 HOUSES ON IT. GRAFTON ASSESSORS DEPT. RECORDS SHOW ONE HOUSE WITH YEAR BUILT AS 1890 AND THE OTHER HOUSE WITH A YEAR BUILT AS 1920.

F11. SINCE THE STRUCTURES PREDATED THE EFFECTIVE DATE OF GRAFTON'S SUB-DIVISION BYLAW, IT CONSTITUTES A PRE-EXISTING, NON-CONFORMING STRUCTURE ENTITLED TO GRANDFATHER STATUS UNDER THE ZONING ACT, G.L.C.40A, SECTION 6.

F12. THESE 2 SEPARATE STRUCTURES/HOUSES ON THE SAME LOT ARE PRE-EXISTING, NON-CONFORMING.

F13. THERE IS NO ADJOINING LAND AVAILABLE TO AVOID, SATISFY, OR DIMINISH THE NON-CONFORMITY.

F14. THERE WILL BE A SEPARATE DRIVEWAY ACCESS TO EACH STRUCTURE/LOT FROM FERRY ST. ENSURING VEHICULAR ACCESS TO EACH LOT RECENTLY APPROVED AND CREATED BY THE GRAFTON PLANNING BOARD UNDER AN ANR SUBDIVISION DECISION.

F15. THERE WILL BE NO CHANGE IN THE APPEARANCE OR USE OF THE BUILDING ON THE PROPERTY AND THEIR RELATION TO ADJOINING PROPERTIES.

F16. NO FURTHER EXPANSION OF ANY NON-CONFORMITY OF ZONING BY-LAWS FOR THE TWO LOTS CREATED BY THE GRAFTON PLANNING BOARD ANR SUBDIVISION IS ALLOWED.

BASED ON FINDING F9-F16, RELIEF IS GRANTED WITHOUT A SUBSTANTIAL DEROGATION FROM THE INTENT OR PURPOSE OF THE BY-LAW.

F17. THE LOT IS LOCATED IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT.

F18. THE CHANGE WILL INCREASE THE AMOUNT OF IMPERVIOUS DUE TO THE ADDITION OF A DRIVEWAY FOR LOT 1. BASED ON FINDINGS F17 & F18 THE INCREASE IN IMPERVIOUS IS NOT MORE DETRIMENTAL TO THE WATER SUPPLY PROTECTION OVERLAY DISTRICT.

On a roll-call vote:

Chairman: Yes

Member 2: Absent at Hearing

Vice Chairman: Absent at Hearing

Member 3: Absent at Hearing

Clerk: Yes

Alternate 1: Yes

Member 1: Yes

Motion Granted

This decision is final except that any person who may be aggrieved by this decision has the right to appeal to the Superior Court in accordance with the provisions G.L. c. 40A.

William Yeomans, Chairman



William McCusker, Vice Chairman



Kay Reed, Clerk



Elias Hanna, Member 1



Karl Chapin, Member 2

Megan Perrotta, Alternate Member 1

Marianne Desrosiers, Alternate Member 2

Marianne Desrosiers

A true copy;

Attest:

Kandy L. Lavallee

Kandy L. Lavallee, Town Clerk

Grafton, MA

A complete file of this case (Case # 2018 / 843

is on file with the Town Clerk.)

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ATTEST: WORC. Anthony J. Viglotti, Register