



Office of the Zoning Board of Appeals
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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

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

GENERAL NOTES

- 1.) THE PURPOSE OF THIS PLAN IS TO DIVIDE THE LAND OF TIMOTHY S. MATATALL, JR. INTO LOT 1 AND LOT 2 AS SHOWN HEREON.
- 2.) THIS SURVEY AND PLAN HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS SUCH A REPORT MIGHT DISCLOSE.
- 3.) ZONING DISTRICT: MEDIUM DENSITY RESIDENTIAL (R20). WATER SUPPLY PROTECTION DISTRICT OVERLAY
- 4.) ABUTTERS INFORMATION TAKEN FROM ASSESSORS RECORDS.

REGULATORY NOTES

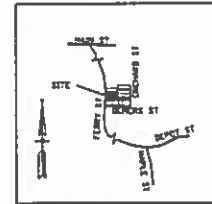
THERE ARE NO FLOOD PLAINS, WATERWAYS OR WETLAND RESOURCE AREAS ON SITE OR WITHIN 100 FEET OF THE PROPERTY.
 THERE ARE NO KNOWN WELLS ON SITE OR WITHIN 100 FEET OF THE PROPERTY.
 THIS PLAN DOES NOT PROPOSE A SUBDIVISION UNDER MGL CHAPTER 41A SEC 81B AS "THE DIVISION OF A TRACT OF LAND ON WHICH TWO OR MORE BUILDINGS WERE STANDING WHEN THE SUBDIVISION CONTROL LAW WENT INTO EFFECT IN THE CITY OR TOWN IN WHICH THE LAND LIES INTO SEPARATE LOTS ON EACH OF WHICH ONE OF SUCH BUILDINGS REMAINS STANDING, SHALL NOT CONSTITUTE A 'SUBDIVISION' DATE OF SUBDIVISION ENACTMENT IN GRAFTON WAS 1955."
 EVIDENCE OF PRE-EXISTENCE OF BUILDINGS TO THE SUBDIVISION CONTROL LAW INCLUDES TOWN OF GRAFTON VALUATION LISTS FROM 1948 AND 1953-54 WHICH INDICATES TWO DWELLINGS ALSO, COPIES OF HISTORIC U.S.G.S. MAPS FROM 1944 WHICH DOES NOT SHOW TWO BUILDINGS AND FROM 1955 WHICH DOES SHOW TWO BUILDINGS ON THE LOT.

GRAFTON PLANNING BOARD
 APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED

DATE _____

COMPLIANCE WITH ZONING OR OTHER REGULATIONS IS NEITHER EXPRESSED NOR IMPLIED

LOCUS MAP
 1" = 1000'



ZONING DISTRICT	TOWN OF GRAFTON	
	MEDIUM DENSITY RESIDENTIAL (R20)	RESIDENTIAL (R20)
FRONT YARD	100 FEET	100 FEET
REAR YARD	100 FEET	100 FEET
SIDE YARD	10 FEET	10 FEET
MIN. SETBACK	10 FEET	10 FEET
MIN. SETBACK	15 FEET	15 FEET

PLAN OF LAND
 LOCATED IN
 GRAFTON, MASSACHUSETTS
 OWNED BY
 TIMOTHY S. MATATALL, JR.

WORCESTER W.D.R.D DEED: BK 48414 PAGE 374, DATED SEPTEMBER 27, 2007
 ASSESSORS PROPERTY ID : 110/114.0-0000-0125.0

PREPARED BY:

HUB SURVEY



HUB SURVEY ASSOCIATES INC.
 10 PHELPS PLACE
 WEST BOYLSTON, MA 01583

SCALE: 1 INCH EQUALS 30 FEET

DATE: MARCH 22, 2019



GRAPHIC SCALE

I HEREBY CERTIFY THAT THIS SURVEY AND PLAN CONFORM TO THE ETHICAL PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

I FURTHER CERTIFY THAT THE PREPARATION OF THIS PLAN CONFORMS WITH RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.


 PROFESSIONAL LAND SURVEYOR



3-23-2019

NOTE: THIS PLAN SUPERSEDES PLAN RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS IN PLAN BOOK 932 PLAN 68.

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