



**Town of Grafton  
Zoning Board of Appeals  
30 Providence Road  
Grafton, MA. 01519**

**508-839-5335 x 1154 - Fax: 508-839-4602  
E-mail: [koshivosk@graffton-ma.gov](mailto:koshivosk@graffton-ma.gov)  
Website: [www.graffton-ma.gov](http://www.graffton-ma.gov)**

**Zoning Board of Appeals**

**New Case Notice**

Case Number #

2019 / 861

The Grafton Board of Appeals has received a petition from **NEW ENGLAND POWER COMPANY D/B/A: N**  
for **62 WATERVILLE** requesting that the Zoning Board of Appeals grant a

Variance

to allow: **INSTALLATION OF A PRIVACY FENCE WITHIN THE REQUIRED 15 FT. REAR YARD  
SETBACK, LOCATED AT 62/64/64R WATERVILLE STREET. SEE ATTACHED STATEMENT IN  
SUPPORT.**

Map: 19 Lot: 84.0 Block: 000

The Board will conduct a Public Hearing on \_\_\_\_\_ at 7:00 PM in Conference  
Room A, at the Municipal Center, 30 Providence Road, Grafton, MA 01519 to consider this request.

**ZONING BOARD OF APPEALS**

William McCusker, Chairman

William Yeomans, Vice Chairman

Kay Reed, Clerk

Elias Hanna, Member #1

Karl Chapin, Member #2

Marianne Desrosiers, Alternate #1

Brian Waller, Alternate #2

**PETITION TO THE ZONING BOARD OF APPEALS  
TOWN OF GRAFTON, MASSACHUSETTS**

DATE: August 12, 2019

I/We hereby petition your Board to conduct a public hearing and consider the granting of relief from under hardship resulting from literal enforcement of the protective Zoning Bylaw, by exercising your power to:

(Mark one)

- Review refusal of Selectman or others to grant a permit
- Grant a **VARIANCE** from the terms of the Zoning Bylaw, SECTION 3.2.3.2.
- Grant a **SPECIAL PERMIT** for a specific use which is subject to the approval of your Board.

**FOR LAND/BUILDINGS AT** 62 and 64 Waterville Street

**TO ALLOW:**

Installation of a privacy fence within the required 15 ft rear yard setback. See Statement in Support attached hereto.

2019 AUG 14 PM 2:45  
RECEIVED TOWN CLERK  
TOWN OF GRAFTON, MA

*H*

Zoning Board of Appeals

AUG 14 2019

RECEIVED

Please complete this **entire** section:

11

0080.A and 0080.0

Location of property: Tax Plan # 19 Plot # 0084.6

Zoning District in which the property is located: Medium Density Residential (R-20)

Title of Property in name of: New England Power Company d/b/a National Grid

Whose address is: 40 Sylvan Road, Waltham, MA 02451

Deed recorded in Book # 2770.59209, Page # 298, 127

Plan Book #                     , Plan #                     

Signature of Petitioner: *Michael E Guerin* Michael E Guerin

Print Name New England Power Company d/b/a National Grid

Address of Petitioner: c/o Bowditch & Dewey, LLP, Attn: Joshua Lee Smith, Esq.

Phone Number of Petitioner: 311 Main Street, Worcester, MA 01608

(508) 926-3464, jsmith@bowditch.com

**Statement in Support of New England Power Company d/b/a National Grid  
Application to Town of Grafton Zoning Board of Appeals for Grant of  
Variance under Section 6.5.4 of the Grafton Zoning By-Law for Privacy Fence at  
Existing Electric Substation at 64 Waterville Street, Grafton, Massachusetts**

New England Power Company d/b/a National Grid (“NEP”) is seeking approval from the Grafton Zoning Board of Appeals (the “Board”) for grant of a dimensional variance under Section 6.5.4 of the Grafton Zoning By-Law in connection with the installation of a privacy fence at an existing electric substation known as North Grafton Substation #328 (the “Substation”) located at 64 Waterville Street, Grafton, Massachusetts.

I. **Background, Proposed Use and Project Scope.**

The Substation and related facilities are currently located entirely on three parcels of land known and numbered as 62 and 64 Waterville Street and 64 Rear Waterville Street, which are all owned by NEP<sup>1</sup> and identified in the Assessor’s property records as 110/019.0-0000-0084.0, 110/011.0-0000-0080.0 and 110/011.0-0000-0080.A (collectively, the “Property”). The Property is located entirely within the Medium Density Residential (R-20) zoning district. The majority of the Property is also located within the Water Supply Protection Overlay (WSPO) District. The Substation was originally constructed in approximately 1939, and the substation use and facilities at the Property constitute pre-existing nonconforming uses and structures.

On October 4, 2018, the Board unanimously voted to approve the granting of certain front, rear and side yard setback variances for certain chain link security fencing and a retaining wall and a special permit in connection with the upgrading and rebuilding of the Substation as described therein. Copies of the 2018 decisions have been submitted with this Application. NEP now proposes to install an 8-foot tall, approximately 155.5’ long, wooden privacy fence (the “Privacy Fence”) to serve as additional screening between the Property and the neighboring property to the north at 66 Waterville Street.

II. **Requirement for Variance under Section 6.5.4.**

The Privacy Fence constitutes a structure based on its height, and, therefore, is subject to minimum yard setback requirements. The Privacy Fence will be installed on the northerly side lot line of the Property, i.e., will have a 0-foot setback, and, therefore, will not comply with the minimum 15-foot side yard setback requirement.

Section 3.3.1 of the Zoning By-Law provides that “[b]uildings or structures shall be erected or used and premises shall be used only as set forth in the ‘Intensity of Use Schedule’ in Section 3.2.3.2, unless otherwise exempted by statute.” Section 6.5.4 of the Zoning By-Law sets forth requirements for the issuance of variances. Based on the foregoing, the Privacy Fence requires a variance of 15 feet from the minimum 15-foot side yard setback requirement.

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<sup>1</sup> Title to Parcel 110/011.0-0000-0080.0 was conveyed from Massachusetts Electric Company d/b/a National Grid to NEP by virtue of a deed dated July 31, 2018 and recorded in the Worcester District Registry of Deeds in Book 59209, Page 127.

### III. Reasons for Approval of Variance under Section 6.5.4.

The requested variance under Section 6.5.4 should be approved by the Board for the reasons stated herein.

1. Owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Zoning By-Law would involve substantial hardship, financial or otherwise, to the petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law.

Unlike other properties and uses in the zoning district, the Project must comply with electrical safety and clearance requirements (among equipment, facilities and fencing), standards and codes, including, but not limited to, the National Electric Safety Code. There is very limited space available to properly and safely arrange all of the required equipment, structures (including the chain link security fencing that was previously approved) and facilities at the Property, which results in the proposed Privacy Fence line being within minimum yard setback area. Also unique to the Property and substation use, the approved chain link security fencing must be at the proposed height of 8' plus 1' of barbed wire in order to comply with safety and security standards and to adequately deter trespassers, which results in the need for the proposed Privacy Fence to also be taller. Having a taller Privacy Fence will also enhance the screening of the Substation, which contain various equipment and facilities that can be viewed from the neighboring property despite landscape buffers and the chain link security fencing. But for these safety and security standards and the , the proposed Privacy Fence could be at a lower height, in which case it would not be subject to minimum yard setback requirements. The topography of the land especially affects the Property and not surrounding properties in that the Property contains part of a transmission line corridor which contains typical changes in grades and steep slopes, thereby leaving little room to accommodate the Substation facilities, including the Privacy Fence. Therefore, for safety, security, screening, topographic and operational reasons, the Privacy Fence must be located as shown on the submitted plans.

NEP would suffer substantial hardship if literal enforcement of the side yard setback provision of the Zoning By-Law was to be enforced as there would not be sufficient area to accommodate the Privacy Fence at this location. The Substation facilities cannot be safely redesigned or reconfigured in a manner that will comply with minimum yard setback requirements. Therefore, if the requested variance is not granted, NEP would have to acquire rights to abutting properties or a new site in which to construct a new substation or expand another existing substation site. There are no such alternative sites available in close proximity to the Property and the transmission line corridor, and, even if a reasonably alternative site became available, it would be cost prohibitive to perform due diligence on, acquire rights to and design and construct facilities at such an alternative site. Moreover, the Project is highly time-sensitive and necessary in order to improve electric reliability in the Town and surrounding communities.

The requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law. The Privacy Fence proposes only a minor modification of a portion of the fence line, and the proposed placement serves to protect the abutting property by providing enhanced screening and increases safety by providing additional separation between 66 Waterville Street and the Substation providing a barrier from certain rip rap along the property line. Although the new Substation facilities will be screened from neighboring properties by existing dense woodlands, new plantings and vegetative buffers, the Privacy Fence will provide even greater screening.

The nature and purpose of the substation use under the Substation project is for the public good and benefit. The proposed upgrades and improvements to the Substation will promote the health, welfare, safety, economic vitality and growth of the Town and surrounding communities by improving the capacity and reliability of electric service in the area.

The requested relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law. Installation of the Privacy Fence is consistent with the general purpose and intent of the Zoning By-Law, and will not interfere with or negatively impact the resources protected thereby. The electric substation use is the most appropriate use of the Property, which has been used as an electric substation for decades and contains existing transmission lines infrastructure and related structures, fixtures and equipment that are outdated and dilapidated, including, the existing fencing and retaining walls. The visual screening of the land will be substantially improved as a result of the installation of the Privacy Fence.

2. The variance issuance will not result in significantly increased flood heights, additional threats to public safety, extraordinary, public expense, nuisances, fraud on or victimization of the public, or conflicts with existing local laws or ordinances.

The Property is not located in a floodplain district, and will not result in any increased flood heights. The installation of the Privacy Fence will not create concerns pertaining to public safety or general welfare. On the contrary, allowing the reduced setback distance for the Privacy Fence will provide safe and necessary separation from high voltage substation equipment and facilities.

Allowing the requested relief will not result in any public expense, nuisances, fraud or victimization of the public, but, rather, will result in increased tax revenues, promote the highest and best use of the Property and will have no greater impact on or adversely affect the neighborhood. The Privacy Fence will serve as additional screening and buffering between the Substation and neighboring properties that is not currently present at the Property. Except for the relief requested herein, the Building Inspector has confirmed that the installation of the Privacy Fence does not require any other zoning-related permits or approvals. NEP has already obtained all other necessary non-zoning permits and approvals necessary for the Substation improvement project.

Joshua Lee Smith  
Direct telephone: 508-926-3464  
Direct facsimile: 508-929-3064  
Email: [jsmith@bowditch.com](mailto:jsmith@bowditch.com)

RECEIVED  
2019 AUG 14 PM 12:45

August 14, 2019

**VIA HAND DELIVERY  
AND ELECTRONIC MAIL (KOSHIVOSK@GRAFTON-MA.GOV)**

Grafton Zoning Board of Appeals  
Town of Grafton  
Grafton Memorial Municipal Center  
30 Providence Road  
Grafton, MA 01519  
Attention: Katrina Koshivos, Secretary

RECEIVED  
AUG 14 2019  
Zoning Board of Appeals

**Re: Application for Variance under Section 6.5.4 of the Grafton Zoning By-Law at 64  
Waterville Street, Grafton, Massachusetts**

Dear Ms. Koshivos:

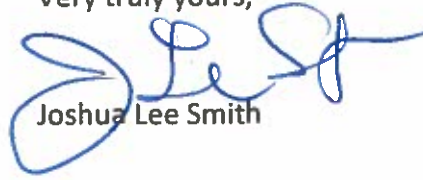
This firm represents New England Power Company d/b/a National Grid in its application for a grant of a variance from the Grafton Zoning Board of Appeals (the "Board") pursuant to Section 6.5.4 of the Grafton Zoning By-law. We hereby submit the following items for filing with the Board:

1. Application for Variance with Statement in Support (1 original, 9 copies);
2. Plan (2 full size and 8 - 11"x17" copies);
3. Certified abutters list and two sets of labels;
4. Certificates of Good Standing; and
5. Filing fee payable to the Town of Grafton in the amount of \$165.00.

Kindly file this Application with the Board and the Town Clerk, and schedule this Application for review at the Board's next available meeting.

Please contact me if you require any additional information or documentation in order to process this Application. Thank you.

Very truly yours,



Joshua Lee Smith

JLS:mab  
Enclosures

cc: National Grid Project Team (via Email)



**TOWN OF GRAFTON**  
 GRAFTON MEMORIAL MUNICIPAL CENTER  
 30 PROVIDENCE ROAD  
 GRAFTON, MASSACHUSETTS 01519  
 (508) 839-5335 ext 1170 • FAX: (508) 839-4602  
 www.grafton-ma.gov

TREASURER / COLLECTOR

## Certificate of Good Standing

Applicants seeking permits with the Town of Grafton must submit this completed form at the time of application. When all obligations are paid to date, you must attach this "Certificate of Good Standing" with your application. Delinquent bills must be paid in full before the appropriate department accepts your application. Please make arrangements to pay these outstanding bills at the Collector's Office.

**Please note: it can take up to three (3) business days to process each request.**

Please check all that apply and indicate if permit(s) have been issued.

	Permit Issued?			Permit Issued?	
	Yes	No		Yes	No
<input checked="" type="checkbox"/> Building - Inspection(s)	_____	_____	X (fence)	_____	_____
<input type="checkbox"/> Building - Electric	_____	_____	<input type="checkbox"/> Septic System	_____	_____
<input type="checkbox"/> Building - Plumbing	_____	_____	<input type="checkbox"/> Conservation	_____	_____
<input type="checkbox"/> Board of Health	_____	_____	<input type="checkbox"/> Planning	_____	_____
			<input checked="" type="checkbox"/> Other	_____	_____

Other Permit: Zoning Board of Appeals Variance

New England Power Company d/b/a National Grid

Petitioner Name

40 Sylvan Road

Petitioner Address

Waltham, MA 02451

City, State, Zip

(508) 926-3464

Phone

New England Power Company d/b/a National Grid

Property Owner / Applicant

64 Waterville Street (Rear)(011.0-0000-0080.A)

Property Address

Grafton, MA

City, State, Zip

Date:	Current	Delinquent	N/A
Real Estate	✓		
Personal Property			✓
Motor Vehicle Excise	✓		
Disposal	✓		
General Billing			✓

*[Signature]*  
 Treasurer / Collector Signature

8/1/19  
 Date

Form Revised: 10/15/2012





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	Yes	No		Yes	No
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<input type="checkbox"/> Building - Electric	_____	_____	<input type="checkbox"/> Conservation	_____	_____
<input type="checkbox"/> Building - Plumbing	_____	_____	<input type="checkbox"/> Planning	_____	_____
<input type="checkbox"/> Board of Health	_____	_____	<input checked="" type="checkbox"/> Other	_____	_____

Other Permit: Zoning Board of Appeals Variance

New England Power Company d/b/a National Grid  
 Petitioner Name  
40 Sylvan Road  
 Petitioner Address  
Waltham, MA 02451  
 City, State, Zip  
(508) 926-3464  
 Phone

New England Power Company d/b/a National Grid  
 Property Owner / Applicant  
62 Waterville Street (019.0-0000-0084.0)  
 Property Address  
Grafton, MA  
 City, State, Zip

Date:	Current	Delinquent	N/A
Real Estate	✓		
Personal Property			/
Motor Vehicle Excise	✓		
Disposal	✓		
General Billing			/

*Est An*  
 Treasurer / Collector Signature

8/1/19

Date



**TOWN OF GRAFTON**  
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 30 PROVIDENCE ROAD  
 GRAFTON, MASSACHUSETTS 01519  
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	Permit Issued?			Permit Issued?	
	Yes	No		Yes	No
<input checked="" type="checkbox"/> Building - Inspection(s) _____	_____	X (fence)	<input type="checkbox"/> Septic System _____	_____	_____
<input type="checkbox"/> Building - Electric _____	_____	_____	<input type="checkbox"/> Conservation _____	_____	_____
<input type="checkbox"/> Building - Plumbing _____	_____	_____	<input type="checkbox"/> Planning _____	_____	_____
<input type="checkbox"/> Board of Health _____	_____	_____	<input checked="" type="checkbox"/> Other _____	_____	_____

Other Permit: Zoning Board of Appeals Variance

New England Power Company d/b/a National Grid

Petitioner Name

40 Sylvan Road

Petitioner Address

Waltham, MA 02451

City, State, Zip

(508) 926-3464

Phone

New England Power Company d/b/a National Grid

Property Owner / Applicant

64 Waterville Street (011.0-0000-0080.0)

Property Address

Grafton, MA

City, State, Zip

Date:	Current	Delinquent	N/A
Real Estate	✓		/
Personal Property			/
Motor Vehicle Excise	✓		
Disposal	✓		
General Billing			/

*[Signature]*  
 Treasurer / Collector Signature

8/11/19  
 Date

Form Revised: 10/15/2012



ID	Site Address	Owner Name	Co-Owner Name	Owner Address	Town	State	Zip	Book	Page
011.0-0000-0059.0	65 WATERVILLE S'	FLYNN SEAN		65 WATERVILLE STREET	N GRAFTON	MA	01536	35077	218
011.0-0000-0059.A	67 WATERVILLE S'	FLYNN MATTHEW D	FLYNN KATHERINE M	67 WATERVILLE STREET	N GRAFTON	MA	01536	45616	272
011.0-0000-0059.B	65 WATERVILLE S'	FLYNN CORNELIUS J JR	FLYNN MARILYN E	65 WATERVILLE STREET	N GRAFTON	MA	01536	35077	220
011.0-0000-0060.0	69 WATERVILLE S'	MAUNSELL PATRICK & BRIDGE	MAUNSELL FITZGERALD ELIZABETH	69 WATERVILLE STREET	N GRAFTON	MA	01536	51753	272
011.0-0000-0061.0	71 WATERVILLE S'	RIVADENEYRA CESAR		71 WATERVILLE STREET	N GRAFTON	MA	01536	51776	276
011.0-0000-0070.0	72 WESTBORO RC	BOYLE JOHN M	ANDERS JUDY	72 WESTBORO ROAD	N GRAFTON	MA	01536	16371	127
011.0-0000-0077.0	70 WATERVILLE S'	LEVITRE NORMAN J	LEVITRE MARLA J	70 WATERVILLE STREET	N GRAFTON	MA	01536	12575	97
011.0-0000-0078.0	68 WATERVILLE S'	MURRAY JUNE A TRUSTEE	JUNE A MURRAY IRREVOCABLE TR	68 WATERVILLE STREET	N GRAFTON	MA	01536	48789	139
011.0-0000-0079.0	66 WATERVILLE S'	MURRAY JUNE A TRUSTEE	JUNE A MURRAY IRREVOCABLE TR	66 WATERVILLE STREET	N GRAFTON	MA	01536	48789	132
011.0-0000-0080.0	64 WATERVILLE S'	MASS ELECTRIC CO	C/O PROPERTY TAX DEPARTMENT	40 SYLVAN ROAD	WALTHAM	MA	02451	2765	58
011.0-0000-0080.A	64 REAR WATERV	NEW ENGLAND POWER CO	PROPERTY TAX DEPARTMENT	40 SYLVAN ROAD	WALTHAM	MA	02451	0	0
012.0-0000-0012.0	88 WESTBORO RC	EQUIPMENT CARE CENTER OF		88 WESTBORO ROAD	N GRAFTON	MA	01536	37347	145
012.0-0000-0016.0	84 WESTBORO RC	BELL ROY E II	ROY CLAIRE H	84 WESTBORO ROAD	N GRAFTON	MA	01536	16617	234
019.0-0000-0081.0	57 WATERVILLE S'	TALCOTT NICHOLAS	TALCOTT NATALIE	57 WATERVILLE STREET	N GRAFTON	MA	01536	55134	267
019.0-0000-0082.0	59 WATERVILLE S'	MARSHALL FREDERICK P & OLI	CONNOR STACEY, AUGER NANCY &	59 WATERVILLE STREET	N GRAFTON	MA	01536	52105	301
019.0-0000-0082.A	61 WATERVILLE S'	DUNNE ROBERT E		18 SCARLETT STREET	W BOYLSTON	MA	01583	57964	173
019.0-0000-0083.0	63 WATERVILLE S'	NEW ENGLAND POWER CO INC	PROPERTY TAX DEPARTMENT	40 SYLVAN ROAD	WALTHAM	MA	02451	2761	132
019.0-0000-0084.0	62 WATERVILLE S'	NEW ENGLAND POWER CO INC	PROPERTY TAX DEPARTMENT	40 SYLVAN ROAD	WALTHAM	MA	02451	2770	298
019.0-0000-0085.0	5 BIRCH STREET	BOWMAN STEPHEN		7 BIRCH STREET	N GRAFTON	MA	01536	8208	121
019.0-0000-0085.A	60 WATERVILLE S'	O'CONNOR PATRICK JR		60 WATERVILLE STREET	N GRAFTON	MA	01536	18712	58
019.0-0000-0085.B	3 BIRCH STREET	BOWMAN KEVIN G		1 BIRCH STREET	N GRAFTON		01536	49932	46
019.0-0000-0086.0	7 BIRCH STREET	BOWMAN STEPHEN		7 BIRCH STREET	N GRAFTON	MA	01536	8208	121
019.0-0000-0089.0	58 WATERVILLE S'	MESPELLI CHRISTINE M		58 WATERVILLE STREET	N GRAFTON	MA	01536	53047	97
019.0-0000-0090.0	56 WATERVILLE S'	LAMPREY KRISTIE L		56 WATERVILLE STREET	N GRAFTON	MA	01536	47492	157
019.0-0000-0093.0	46 WATERVILLE S'	GRAFTON TOWN OF	N GRAFTON ELEMENTARY SCHOOL	30 PROVIDENCE ROAD	GRAFTON	MA	01519	3762	127
020.0-0000-0005.0	8 BIRCH STREET	K & T BOWMAN TRUCKING INC		1 BIRCH STREET	N GRAFTON	MA	01536	20538	194



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

Town of Grafton, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2018  
Data updated 4/1/2018

1" = 262 ft