

**DECISION  
GRAFTON PLANNING BOARD**

RECEIVED TOWN CLERK  
GRAFTON, MA

**SITE PLAN APPROVAL (SPA 2023-1)**

2023 APR 11 PH 12:33

**Change from Retail/Bakery to Café  
1 Grafton Common, Grafton, MA 01519**

**Sean Padgett (Applicant)  
Town of Grafton (Owner)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of One Grafton Common, LLC., One Grafton Common, Grafton, MA 01519 (hereinafter the APPLICANT), represented by Sean Padgett, for a cafe on property located at One Grafton Common, Grafton, MA 01519 (hereinafter the SITE) Assessors Map 74, Lot 72G, owned by The Town of Grafton, 30 Providence Road, Grafton, MA 01519 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 1145, Page 441. Said property is located in a Neighborhood-Business (NB) zone.

**I. BACKGROUND**

The Application was filed with the Planning Board February 23, 2023, and with the Town Clerk on February 27, 2023. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 9 and March 16, 2023, and posted with the Town Clerk's Office on March 7, 2023. Abutters were notified by First Class Mail. The public hearing on the Application was opened on March 27, 2023. During the public hearings, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on March 27, 2023.

The following Board members were present throughout the public hearing: Chairman Justin Wood, Vice Chairman Robert Hassinger, Clerk David Robbins, Member Linda Hassinger, and Associate Member Maura McCormack. Member Prabhu Venkataraman was absent from the hearing on March 27, 2023. 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.

**II. SUBMITTALS** The following items were submitted to the Board for its consideration of this application:

- EXHIBIT 1.** Application Package submittal materials, received February 27, 2023, consisting of the following:
- a. Application, stamped by the Town Clerk on February 27, 2023; 1 page.
  - b. Certificate of Good Standing, signed by the Treasurer Collector, dated February 27, 2023, 1 page.
  - c. Abutters Listing for One Grafton Common, Map 74, Lot 72G, dated February 23, 2023, signed by the Principal Assessor, 2 pages.
  - d. Project Narrative addressed to the Grafton Planning Board on February 23, 2023, prepared by Sean Padgett, 3 pages.
  - e. Floor Plans, Untitled and undated, 1 page.
  - f. Revised Waiver Request Form, submitted as part of the application package for "SPA 2023-1 1 Grafton Common," with waivers requested for parking and loading spaces,

- a Stormwater Management Hydrological Study, Earthwork Calculations, Written Statements from the architect and/or engineer, and a Traffic Study, 3 pages.
- EXHIBIT 2.** Site Plan, “Plan of Land Owned by the Town of Grafton,” prepared by B&R Survey, Inc., 100 Grove Street, Worcester, MA 01605
- EXHIBIT 3.** Public Hearing Legal Notice, stamped by the Town Clerk’s Office on March 7, 2021, 1 page.
- EXHIBIT 4.** Memorandum by the Town Planner addressed to the Grafton Planning Board, “One Grafton Common Application for Site Plan Approval (SPA 2023-01),” dated March 6, 2023, 2 pages.
- EXHIBIT 5.** Email from David Van Zandt, 3 Grafton Common, regarding “One Grafton Common Change of Use Request,” dated March 14, 2023, 1 page.
- EXHIBIT 6.** Email from Normand Crepeau, Grafton Police Department, to the Planning Department, dated March 15, 2023, 2 pages.
- EXHIBIT 7.** Email from Michael Killeen, Fire Prevention Officer, to the Planning Department, dated March 15, 2023, 1 page.
- EXHIBIT 8.** Email from Nancy Connors, Health Department, to the Planning Department, dated March 15, 2023, 1 page.
- EXHIBIT 9.** Email from Ann Marie Foley, 45 South Street, regarding “One Grafton Common – Sean Padgett – Café,” dated March 23, 2023, 2 pages.
- EXHIBIT 10.** Email from Beth and Dan Concaugh, regarding “Town House Permit,” dated March 26, 2023, 1 page.
- EXHIBIT 11.** Email from Sean Padgett, One Grafton Common, regarding “Public Hearing: SPA 2023-01, 1 Grafton Common, Café,” dated March 27, 2023, 2 pages.
- EXHIBIT 12.** Memorandum by Sean Padgett addressed to the Grafton Town Planner, “Public Hearing: SPA 2023-01, 1 Grafton Common, Cafe,” dated March 27, 2023, 1 page.

### **III. FINDINGS**

At their meeting of March 27, 2023, after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning (motion by Robert Hassinger, seconded by David Robbins), voted four (4) in favor, one (1) absent, 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 Neighborhood Business (NB) District.
- F4. The subject property is pre-existing non-conforming and is recorded as being constructed in 1883.

- F5. That the Grafton Zoning Board of Appeals on March 11, 2011, and June 4, 2014 granted a special permit to modify the pre-existing non-conforming structure to permit the construction of an addition that included an elevator for handicapped accessibility and raising of the building porch by eleven (11) inches.
- F6. That the Grafton Planning Board on March 28, 2018, granted a special permit and site plan approval to authorize a change in use to a bar room which is categorized by the Use Regulations as "other eating or drinking establishment" on the property.
- F7. 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's tenant space and changing the use from Retail/Bakery to Café. No exterior modifications are proposed (see EXHIBIT 1d, and EXHIBIT 2).
- F8. That the proposed use may be allowed in the Neighborhood Business District (NB) zoning district by Site Plan Review of the Grafton Planning Board in accordance with, Section 3.2.3.1(12) of the Grafton Zoning Bylaw. That the application for Site Plan Approval is being sought for the requested use of a Café to be located at 1 Grafton Common (the Site), which is considered a use to allow for "Establishments selling food prepared for immediate consumption where customers are served primarily at a table or counter" use within Section 3.2.3.1 - Use Regulation Schedule.
- F9. Off-street parking and loading areas where required are satisfactory in that on-site parking is not required per Section 4.2.5.1 which allows parking within 300 feet and loading is to be provided by the owners' vehicles (SUV's) scheduled outside of congested commuting times, which will be parked on George Jordon Jr. Boulevard and deliveries made through the Worcester Street entrance to the Cafe.
- F10. That during the public hearing, the Board discussed concerns with the volume of parking available at the Grafton Common Historic District but remarked that it will have minimal effect on the proposed change of use. The Planning Board, during the public hearing, discussed parking around 1 Grafton Common and noted there are large events on the Common and that there are locations, including Town owned parcels, in the vicinity where people will park and walk to the Site.
- F11. That the Town Planner worked with the applicant to analyze parking and that Section 4.2.5.1 allows parking within 300 feet that can be used towards the parking requirement. The Applicant notes that the historic buildings within the district do not have room for on-site parking and relies on communal parking on the street and around the Common. The Planning Board stated that 1 Grafton Common does not have sufficient on-site parking to accommodate existing uses in the building.
- F12. That during the public hearing, the business owner confirmed the hours of operation will support hosting a year-round ice cream business, with hours changing seasonally. The business owner confirmed the summer season hours will be 10 am to 9 pm. The business owner will utilize kitchen facilities at the Grafton Grill to support year-round service. The business owner states in their application that the maximum staff for any shift will be three (3) employees.

#### **IV. WAIVERS**

At their meeting of March 27, 2023, 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 David Robbins), voted four (4) in favor, one (1) absent, and zero (0) opposed, to **GRANT** the Applicant's request for:

- W1. 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:
- (19.) **Parking and Loading Spaces**
- W2. 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. 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. Waivers from the following requirements of **Section 1.3.3.3 (g) (1) Written Statements** of the ZBL with regard to the engineer and/or architect preparing the plans indicating that the building(s) and site have been designed to comply with the performance standards set forth in Section 4.2 of the Zoning By-Law, for the reasons stated within the Findings of this Decision.
- W5. 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.

## V. **DECISION**

At their meeting of April 10, 2023, 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 David Robbins, seconded by Robert Hassinger, voted three (3) in favor, one (1) absent, 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 change of use on the subject property from a Retail/Bakery to Café, 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 Planning Board. If such 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.) Other permits from Town Departments for, and associated with, the use authorized by this Decision shall be secured in accordance with, and conform to, the Town of Grafton By-laws. This Decision shall not be construed as approving or authorizing any such permits.
- C6.) The Applicant agrees to and accepts the conditions set forth in this Site Plan Approval Decision.
- C7.) 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.
- C8.) 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.
- C9.) 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**

- C10.) 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.

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

- C11.) All construction vehicles and vehicles of all workers shall not impede traffic along Worcester Street or Grafton Common at any time.
- C12.) All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Building Department 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>Justin Wood, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>
<u>David Robbins, Clerk</u>	<u>AYE</u>	<u>Maura McCormack, Assoc. Member</u>

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Fiona Coughlan, Town Planner

  
\_\_\_\_\_  
Date

- cc: Applicant / Owner
- Building Inspector
  - Board of Health