

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 195



Bk: 35948 Pg: 248 Doc: DECN
Page: 1 of 15 03/24/2006 11:24 AM

TOWN CLERK

CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD
Definitive Subdivision Plan Approval
"Ferry Ridge Estates"

PETITIONER: Ferry Ridge LLC
896 Boston Post Road, Marlborough, MA

OWNER: Ferry Ridge LLC
896 Boston Post Road, Marlborough, MA

DEED REFERENCE: Off Ferry Street
Assessor's Map 122, Lots 1
Worcester District Registry of Deeds
Book 25384, Pages 002

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton for Definitive Subdivision Plan Approval was received and filed in the Office of the Town Clerk on June 29, 2004 at 11:50 AM.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on July 19, 2004.

A true copy, Attest:

(Seal)

Maura A. Clark
Town Clerk - Grafton, Massachusetts

RETURN TO: STAN GORDON
FERRY RIDGE LLC
929 BOSTON POST ROAD EAST
MARLBOROUGH, MA

01753

cl

15

RECEIVED-TOWN CLERK
GRAFTON, MA.JUN 29 11 50 AM '04 *OK*

**DECISION
GRAFTON PLANNING BOARD**

**DEFINITIVE SUBDIVISION PLAN
"FERRY RIDGE ESTATES"
Off Ferry Street, South Grafton, MA**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Ferry Ridge LLC, 896 Boston post Road, Marlborough, MA (hereinafter the Applicant), for approval of a Definitive Subdivision Plan for a 9-lot single-family Flexible Development residential subdivision on property located off Ferry Street, South Grafton, and shown as Grafton Assessor's Map 122, Lot 1 (hereinafter the Site), and owned by Ferry Ridge LLC, by deed recorded in the Worcester District Registry of Deeds: Book 25384, Page 002.

I. BACKGROUND

The application for Approval of a Definitive Subdivision Plan (hereinafter Application) was filed with the Planning Board on May 13, 2003. A public hearing on the Application was opened on June 9, 2003, and continued, at the request of the applicant with concurrence of the Board, to the July 14 and August 11, 2003 meetings. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 21 and 28, 2003, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard.

The following Planning Board members were present throughout the public hearing: Chairman Keith Regan, Vice Chairman Robert Hassinger and Virgil Gray. At the hearings Paul Grasewicz of GRAZ Engineering represented the applicant. 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 for Approval of a Definitive Plan, received by the Planning Board on 5/13/03.
- EXHIBIT 2: Town of Grafton *Area Within A Subdivision* form, received 5/13/03.
- EXHIBIT 3: Town of Grafton *Engineer's Certificate* form, received 5/13/02;
- EXHIBIT 4: Town of Grafton *Verification of Proposed Street Names* form, received 5/13/03;
- EXHIBIT 5: Correspondence from GRAZ Engineering (1 page), received 5/13/03, re: list of requested waivers from the *Subdivision Rules and Regulations*.
- EXHIBIT 6: Correspondence from GRAZ Engineering (1 page), received 5/13/03, re: confirmation of soil testing.
- EXHIBIT 7: Copy of correspondence from GRAZ Engineering to Town Owned Land Committee (3 pages), received 5/13/03, re: land on south side of Ferry Street across from proposed road.

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 2 of 14*

- EXHIBIT 8: The following plan prepared by GRAZ Engineering, LLC, and entitled *Ferry Ridge Estates - Definitive Subdivision, Grafton, Massachusetts* (12 sheets), dated 5/9/03, and comprised of the following sheets:
- *Cover Sheet*;
 - *Definitive Lot Layout Plan* (sheet 2 of 12), scale 1" = 40';
 - *Definitive Lot Layout Plan* (sheet 3 of 12), scale 1" = 40';
 - *Existing Topography, Soils and Features* (sheet 4 of 12), scale 1" = 60';
 - *Camelot Drive Plan and Profile* (sheet 5 of 12), scale as shown;
 - *Land Use / Tree Plan* (sheet 6 of 12), scale 1" = 40';
 - *Off-Site Improvements Plan* (sheet 7 of 12), scale 1" = 20';
 - *Water Details* (sheet 8 of 12), scale as shown;
 - *Sanitary Sewer Details* (sheet 9 of 12), scale as shown;
 - *Drainage Details* (sheet 10 of 12), scale as shown;
 - *Drainage and Erosion Control Details* (sheet 11 of 12), scale as shown;
 - *Miscellaneous Details* (sheet 12 of 12), scale as shown;
- EXHIBIT 9: *Ferry Ridge Estates, Stormwater Hydrology*, dated 5/12/03, prepared by GRAZ Engineering, LLC.
- EXHIBIT 10: Certified List of Abutters.
- EXHIBIT 11: Public Hearing Legal Notice.
- EXHIBIT 12: Return memo from Town Clerk's Office, received 5/22/03.
- EXHIBIT 13: Return memo from Sewer Department, received 5/22/03.
- EXHIBIT 14: Correspondence from Treasurer/Collector, received 5/27/03.
- EXHIBIT 15: Correspondence from Conservation Commission, received 5/28/03.
- EXHIBIT 16: Correspondence from Graves Engineering, dated 6/5/03, re: Definitive Plan Review (fax and original copy).
- EXHIBIT 17: Correspondence from Board of Selectmen/Town Administrator, received 6/6/03.
- EXHIBIT 18: Planning Board "Sign-In Sheet" for 6/9/03 Public Hearing.
- EXHIBIT 19: Applicant's written request for continuance of the Public Hearing to 7/14/03.
- EXHIBIT 20: Correspondence from South Grafton Water District, received 6/17/03.
- EXHIBIT 21: *Proposed Ferry Ridge Estates, Hydrology Report*, revised through 7/2/03, prepared by GRAZ Engineering.
- EXHIBIT 22: Plans identified in EXHIBIT 8, revised 7/2/03.
- EXHIBIT 23: Correspondence from GRAZ Engineering, received 7/7/03, re: response to EXHIBIT 16.
- EXHIBIT 24: Correspondence from Graves Engineering, dated 7/11/03, re: Definitive Plan Review (fax and original copy).
- EXHIBIT 25: Planning Board "Sign-In Sheet" for 7/14/03 Public Hearing.
- EXHIBIT 26: Written request from Applicant, received 7/14/03, to extend the decision deadline for the definitive plan application to 9/19/03.
- EXHIBIT 27: Applicant's written request for continuance of the Public Hearing to 8/11/03.
- EXHIBIT 28: Copy of letter to Town Clerk, dated 7/15/03, regarding Board's granting of applicant's request to extend decision deadline for definitive plan application.
- EXHIBIT 29: Correspondence from GRAZ Engineering, received 8/7/03, re: minor changes shown on revised plans.

A true copy,
Attest:


Maureen A. Clark, Town Clerk of Grafton

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 3 of 14*

- EXHIBIT 30: Plans identified in EXHIBITS 8 and 22, revised as follows:
- Sheets 5, 6, 8 and 11, revised 8/6/03;
 - Sheets 2 and 3, revised 8/7/03;
 - Sheets 4, 7, 9, 10 and 12, revised 7/2/03.
- EXHIBIT 31: Correspondence from Town Planner to Board of Health, dated 8/8/03, re: request for additional comments due to South Grafton Water District comments.
- EXHIBIT 32: Planning Board "Sign-In Sheet" for 8/11/03 Public Hearing.
- EXHIBIT 33: Correspondence from Grafton Board of Health, received 9/2/03.
- EXHIBIT 34: Written request from Applicant, received 9/8/03, to extend the decision deadline for the definitive plan application to 10/3/03.
- EXHIBIT 35: Copy of letter to Town Clerk, dated 9/9/03, regarding Board's granting of applicant's request to extend decision deadline for definitive plan application.
- EXHIBIT 36: Written request from Applicant, received 9/19/03, to extend the decision deadline for the definitive plan application to 11/21/03.
- EXHIBIT 37: Copy of letter to Town Clerk, dated 9/24/03, regarding Board's granting of applicant's request to extend decision deadline for definitive plan application.
- EXHIBIT 38: Written request from Applicant, received 11/6/03, to extend the decision deadline for the definitive plan application to 2/21/04.
- EXHIBIT 39: Copy of letter to Town Clerk, dated 11/14/03, regarding Board's granting of applicant's request to extend decision deadline for definitive plan application.
- EXHIBIT 40: Major Residential Special Permit (MRSP 2002-1) for Ferry Ridge Estates.
- EXHIBIT 41: Modification of Major Residential Special Permit for Ferry Ridge Estates.
- EXHIBIT 42: Written request from Applicant, received 2/6/04, to extend the decision deadline for the definitive plan application to 4/25/04.
- EXHIBIT 43: Correspondence from Applicant, received 2/10/04, regarding confirmation of extension of decision deadline for definitive plan application.
- EXHIBIT 44: Copy of letter to Town Clerk, dated 2/10/04, regarding Board's granting of applicant's request to extend decision deadline for definitive plan application.
- EXHIBIT 45: Written request from Applicant, received 4/26/04, to extend the decision deadline for the definitive plan application to 7/2/04.
- EXHIBIT 46: Copy of letter to Town Clerk, dated 4/29/04, regarding Board's granting of applicant's request to extend decision deadline for definitive plan application.
- EXHIBIT 47: Correspondence from Applicant (6 pages), received 5/19/04, re: South Grafton Water District agreement to provide water service.

III. FINDINGS

At their meeting of June 14, 2004, 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 Mr. Gray, seconded by Mr. Hassinger) voted 3 – 0 in favor (roll call vote: Hassinger-aye; Gray-aye; Regan-aye) to make the following findings:

- F1.) That this application is for a Flexible Development Definitive Subdivision Plan, and has evolved from a Major Residential Special Permit (MRSP 2002-1) granted by the Planning Board, dated 7/23/02, and recorded in the Worcester District Registry of Deeds on 11/18/02 in Book 28120, Pages 175-188. The Board further finds that said Special Permit was

A true copy,
Attest:


Maureen A. Clark, Town Clerk of Grafton

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 4 of 14*

modified by Planning Board decision dated 2/4/03, and which modification specifically waived the time requirement set forth in SP 2002-1 for recording such in the WDRD and allowed the recording date noted herein.

- F2.) That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the information and material submitted and presented in association with the Application.
- F3.) That determinations regarding the following findings are also predicated upon satisfactory completion of all road and other related improvements shown on the Plans in accordance with *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts*, revised through 11-29-99 (hereinafter *Rules and Regulations*), except where modified by this Decision or MRSP 2002-1, as well as in accordance with all applicable Federal, State and other Local regulations.
- F4.) That determinations regarding the following Findings are also predicated upon satisfying all of the conditions stated within this Decision and all applicable conditions of MRSP 2002-1.
- F5.) That the Applicant requested (as described in EXHIBIT 5 of this Decision) waivers from the following Sections of the *Rules and Regulations*:
- Section 4.2.1.2 – to allow installation of sloped granite curbing instead of vertical granite curbing where required by the *Rules and Regulations*, except along the radii of intersections and the cul-de-sac.
 - Section 4.10.4 – to allow the maximum slopes of the trail as shown on the plans submitted with the application.
 - Section 5.4.2.2 - to allow less than four feet (4') of cover over drain pipes.
- F6.) That the materials and information submitted satisfy the requirements of Section 3.3.1 of the *Rules and Regulations* regarding submission of a Definitive Plan.
- F7.) That the materials and information submitted satisfy the requirements of Section 3.3.2 of the *Rules and Regulations* regarding Plan Sheets.
- F8.) That the materials and information submitted satisfy the requirements of Section 3.3.3 of the *Rules and Regulations* regarding Definitive Plan Contents.
- F9.) That the materials and information submitted satisfy the requirements of Section 3.3.4 of the *Rules and Regulations* regarding Additional Submittal Requirements. The Board further finds that an Environmental and Community Impact Analysis (ECIA) is not required for this Application as the number of proposed lots and the total street/roadway frontage being created by this Application is below the minimum threshold listed in said Section.

A true copy,
Attest:

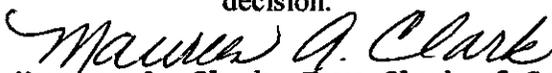
Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 5 of 14*

- F10.) With regard to the conditions of approval listed in MRSP 2002-1, the Board finds that:
- a.) With regard to Condition # 1, this Application is for a Flexible Development definitive subdivision plan.
 - b.) With regard to Condition # 2, the total number of lots intended for building purposes and shown on the Definitive Plan is nine (9);
 - c.) With regard to Condition # 3, the definitive plan has been developed substantially as depicted on the plans approved as part of MRSP 2002-1;
 - d.) With regard to Conditions # 4, # 5 and # 6, said conditions remain in full force and effect;
 - e.) With regard to Condition # 7, the Applicant submitted (EXHIBIT 8 of this Decision) a land use plan with regard to the proposed common land;
 - f.) With regard to Conditions # 8 and # 9, said conditions are not applicable to the definitive plans submitted as the retaining wall shown on the preliminary plan submitted and reviewed with SP 2002-1 is not depicted as part of the definitive design plan.
 - g.) With regard to Condition # 10, the Department of Public Works provided verbal confirmation that the information submitted satisfies the requirements and concerns identified by the DPW during the review of SP 2002-1.
 - h.) With regard to Condition # 11, said condition has been addressed to the extent possible at the time of filing the definitive plan. The Board further finds that the requirements and/or concerns of the Conservation Commission will, if necessary, continue to be addressed after approval of any definitive plan and that satisfactorily addressing such matters shall be a requirement of any definitive plan approval if granted;
 - i.) With regard to Condition # 12, the Modification of Special Permit decision referenced within the Findings of this Decision addresses the time requirements for recording the Special Permit at the WDRD;
 - j.) With regard to Condition # 13, said condition is satisfied;
 - k.) With regard to Conditions # 14 and # 15, said conditions remain in full force and effect.

F11.) That as part of the approval of MRSP 2002-1, the Special Permit from which this Definitive Plan is derived, the Applicant was granted the following waivers from the *Rules and Regulations*:

- Section 4.1.5.2 – to allow a road grade of 9.5% (instead of the maximum 8%) between stations 3+59.74 and 3+87.90 as shown on the plans identified as EXHIBIT 25 of the Special Permit Decision.
- Section 4.1.6.3 – to allow a dead-end street length of 560' (instead of the maximum 500').
- Section 4.1.6.5 – to not require an easement for a future roadway extension to adjacent land, for the reasons stated within the Findings of the Special Permit decision.

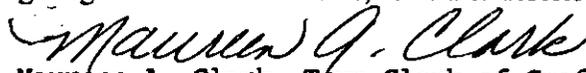

Maureen A. Clark, Town Clerk of Grafton

A true copy,
Attest:

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 6 of 14*

- F12.) That the definitive plans that are the subject of this Application (EXHIBIT 30) depict a road grade of 9.5% between stations STA 3+28.74 and STA 3+52.90, a length of approximately 24.16 feet, as noted in EXHIBIT 24. The Board further finds that although the segment of road shown at 9.5% grade on the definitive plans is not in the exact location as specified in the waiver granted as part of the Special Permit (SP2002-1) and Preliminary Plan Approval, the length and location of the segment presently shown at 9.5% grade is consistent with the intent of the previously granted waiver. In making this finding, the Board notes the preliminary nature of the plans submitted for review of SP 2002-1.
- F13.) That the definitive plans indicate the possibility of groundwater seepage from the proposed slope located to the rear of Lots 1 -5 as a result of the nature of the associated cuts, and as noted in correspondence from the Board's consulting engineer (EXHIBIT 24 of this Decision). The Board also finds that EXHIBIT 24 indicates that based on the information submitted, it can not be determined at this time whether such a condition will occur or to what extent.
- F14.) That the Plans depict a limited amount of proposed grading within the open space/common land, and associated with the construction of a small section of road and certain lots. The Board further finds that the Applicant proposes to re-vegetate these disturbed areas in order create conditions consistent with the intent and purposes for such open space / common land.
- F15.) That the Plans depict a realignment of the intersection of Ferry Street and Old Ferry Street, both public ways in the Town of Grafton. The Board further finds that the alteration created by said proposed realignment was approved on October 20, 2003, by Town Meeting vote, and in accordance with the requirements of Massachusetts General Laws for such alteration.
- F16.) That the concept of the Applicant's proposed design to use the Town-owned land on the north side of Ferry Street for the stormwater management structure, as shown on the plans, was approved by the Grafton Board of Selectmen subject to the Applicant's submission of a License Agreement satisfactory to said Board regarding the use of the land and associated site improvements.
- F17.) That Section 4.7.3 of the *Rules and Regulations* states: "*Every structure shall be connected to and serviced by operating facilities of a municipal water supplier, or of a public utility franchised to furnish water to the district within which the subdivision is located, or a source approved by the Town Board of Health and the Fire Department.*"
- F18.) That the South Grafton Water District, the utility which has jurisdiction over supplying water service to the area in which this subdivision is located, submitted correspondence (EXHIBIT 20 of this Decision) stating that said utility can not supply water to this development due to the threat of contamination to one of the utility's wells, as further described in said EXHIBIT.
- F19.) That the Grafton Board Health indicated (EXHIBIT 33 of this Decision) that the Board did not support at this time the installation of private wells for the proposed subdivision due to concerns associated with potential contamination of existing wells and the potential for endangering the health of residents, as further described in said EXHIBIT.

A true copy,
Attest:


Maureen A. Clark, Town Clerk of Grafton

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 7 of 14*

F20.) That at its meeting of August 11, 2003, the Planning Board voted to close the public hearing and leave the record open only to receive written correspondence from the appropriate authority(ies) for the purpose of clarifying the issues noted within the Findings of this Decision with respect to the provision of water service/supply for this subdivision. The Board further finds that the Applicant submitted correspondence (EXHIBIT 47 of this Decision) indicating that water service for the proposed subdivision that is the subject of this Application will be provided by the South Grafton Water District.

IV. WAIVERS

At their meeting of June 14, 2004, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Gray) voted 3 – 0 in favor (roll call vote: Hassinger-aye; Gray-aye; Regan-aye) to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations* as the waiver request is consistent with the intent and purposes of the Subdivision Control Law, and is consistent with past practice:

- Section 4.2.1.2 – to allow installation of sloped granite curbing instead of vertical granite curbing where required by the *Rules and Regulations*, except along the radii of intersections and the cul-de-sac.

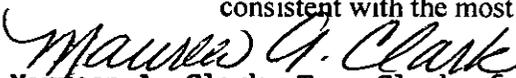
At their meeting of June 14, 2004, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Gray) voted 3 – 0 in favor (roll call vote: Hassinger-aye; Gray-aye; Regan-aye) to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*:

- Section 4.10.4 – to allow the maximum trail slopes as shown on the plans identified as EXHIBIT 30 of this Decision.

At their meeting of June 14, 2004, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Gray) voted 3 – 0 in favor (roll call vote: Hassinger-aye; Gray-aye; Regan-aye) to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*, and as described below, as the plans indicate the drainage pipe in the specified locations will be of suitable material (Class V RCP) with respect to the proposed amount of cover:

- Section 5.4.2.2 – specifically to allow less than four feet (4') of cover, in a manner consistent with the most recent plans (EXHIBIT 30 of this Decision).

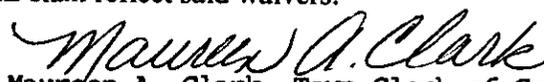
A true copy,
Attest:


Maureen A. Clark, Town Clerk of Grafton

V. DECISION and CONDITIONS

At their meeting of June 14, 2004, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Gray) voted 3 – 0 in favor (roll call vote: Hassinger-aye; Gray-aye; Regan-aye) to **APPROVE** the Application for Approval of a Definitive Subdivision Plan with the following conditions:

- 1.) Prior to Plan endorsement, the drainage easements along the proposed road and referenced in the Notes on Sheet 2 shall be depicted on the Plans.
- 2.) Prior to plan endorsement, the Applicant shall submit written verification of approval by the Grafton Tree Warden of the street trees shown on the plans.
- 3.) Prior to plan endorsement, the Applicant shall submit written verification to the Planning Board that the locations of the street lights shown on the Plan have been approved by the Grafton Board of Selectmen. Also prior to plan endorsement, the technical specifications for said lighting, as approved by the DPW Director, shall be included on a sheet of the Plans.
- 4.) Prior to Plan endorsement, the Applicant shall submit to the Planning Board a copy of a properly executed License Agreement for use of the Town-owned property on the north side of Ferry Street for the proposed stormwater management structure, as shown on the Plans. Reference to this Agreement shall be included in an appropriate location on the Plans. All conditions and requirements contained within said License Agreement are hereby incorporated by reference and shall constitute a condition of this Decision
- 5.) Prior to plan endorsement, the plans shall be revised to include an easement along the rear of Lots 1-5 to provide, in the opinion of the Planning Board, adequate area to accommodate mitigation measures to address possible groundwater seepage from the slope behind said lots should future conditions warrant such action.
- 6.) Prior to plan endorsement, the plans shall be revised to the satisfaction of the Planning Board to include details for planting/re-vegetating the areas of the open space / common land subject to disturbance and/or grading, as shown on the plans.
- 7.) Prior to plan endorsement, the plans shall be revised to the satisfaction of the Planning Board to include observation ports in each line of the subsurface detention systems.
- 8.) Prior to plan endorsement, the plans shall be revised such that the turnaround of the open space trail shown on the plans has a minimum centerline radius of twenty-five feet (25'), as required by Section 4.10.5 of the *Rules and Regulations*.
- 9.) Prior to plan endorsement, all waivers from the *Rules and Regulations* granted as part of this Decision and MRSP 2002-1 shall be listed on the plans, and the relevant details/features of the plans shall reflect said waivers.

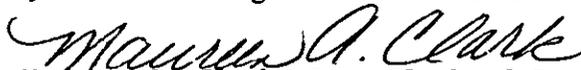

Maureen A. Clark, Town Clerk of Grafton

A true copy,
Attest:

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 9 of 14*

- 10.) Prior to plan endorsement, all sheets of the approved Plan shall reference Special Permit MRSP 2002-1, including its Worcester District Registry of Deeds Book and Page numbers using the following statement: "This Plan is prepared in accordance with a Major Residential Special Permit granted by the Grafton Planning Board on _____, and recorded in the Worcester District Registry of Deeds in Book____, Page_____."
- 11.) Prior to plan endorsement, these conditions shall be inscribed by the Applicant on a sheet of the plans suitable for recording at the Worcester Registry of Deeds. Such sheet(s) shall be so recorded as part of the Definitive Plan. Reference to said conditions and the appropriate sheet shall be inscribed on any sheet(s) that do not contain the conditions of approval.
- 12.) Prior to plan endorsement, all applicable requirements of Section 3.3.7 of the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts (revised through 11-29-99)* shall be satisfied.
- 13.) As per Section 3.3.10 of the *Subdivision Regulations*, prior to the release of any lot or reduction in surety, executed documents in a form acceptable to the Town shall be submitted that grant to the Town all rights regarding the roadway, drainage easements and all other infrastructure.
- 14.) This Approval shall not be construed as approving the buildability of any lots shown on the Plans. All applicable Federal, State or other Local permits/approvals must be obtained for each lot prior to construction on said lot.
- 15.) This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as, but not limited to, water, sewer, drainage and utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of such agencies/entities are hereby incorporated by reference as a requirement of this Decision.
- 16.) Prior to the start of any construction activity on the Site, an initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant/developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.

A true copy,
Attest:


Maureen A. Clark, Town Clerk of Grafton

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 10 of 14*

- 17.) Prior to the start of any construction activity on the Site, the Applicant shall submit to the Town (through the Planning Board) a bond or other type of security acceptable to the Board, in an amount to be determined by the Board and its agent, for the purposes of ensuring adequate stormwater management and erosion control /site stabilization during the construction process. Said bond/security shall not be released until the Site is stabilized and all stormwater management facilities are functioning to the satisfaction of both the Planning Board and Conservation Commission.
- 18.) Once construction activity commences, the Site shall be inspected on a weekly basis by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant/developer, in order to monitor the stormwater management system/facilities and erosion control/site stabilization measures. The frequency of inspections may be decreased only upon written authorization by the Planning Board. The Planning Board reserves the right to require additional stormwater management and eroison control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant / developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) day of receiving said notice, or other time as agreed upon by both the Planning Board and Conservation Conservation Commission.
- 19.) Upon commencing any construction activity on the Site, and in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant/developer. A copy of this document shall be forwarded to the Planning Board, Conservation Commission and Department of Public Works prior to commencing any construction activity.
- 20.) No building permit(s) shall be issued until the subdivision road shown on the Plans is constructed with a binder course of pavement in accordance with the *Grafton Subdivision Rules and Regulations*, and all stormwater management structures/system are operational, or other temporary measures for stormwater management and erosion control, are installed and operational to the satisfaction of the Planning Board, Conservation Commission, and their agent(s) .
- 21.) Any modification to the approved Plans shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning 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. Any Modification of this Decision shall be made pursuant to Section 3.3 of the *Rules and Regulations*.

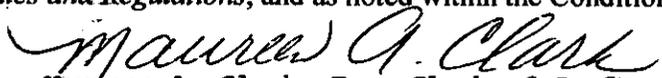


Maureen A. Clark, Town Clerk of Grafton

A true copy,
Attest:

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 11 of 14*

- 22.) All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its designee upon request made by the Applicant to the Planning Board or its designee, in accordance with any policies for such requests.
- 23.) The Planning Board reserves the right, pursuant to the *Subdivision Rules and Regulations* and Section 1.5.1.1 of the ZBL, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, or conducting any inspections or other work associated with the construction of the subdivision. In accordance with the applicable sections of the *Subdivision Rules and Regulations* and the ZBL, any fees or expenses associated with such reviews 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.
- 24.) Prior to acceptance of the way and improvements by the Town, a determination shall be made by the Planning Board, through its designated consulting engineer, as to whether the detention basins, as well as all other improvements, are constructed and operate as designed on the approved plan(s). If a negative determination is made, the Applicant shall, at their own expense, remedy any and all deficiencies to the satisfaction of the Board.
- 25.) Except as otherwise approved by the Planning Board, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the *Rules and Regulations*. All site improvements shall be inspected at the appropriate stage of construction in accordance with the *Subdivision Rules* and as required by the Board.
- 26.) All site development and construction shall be performed in accordance with the approved Plans and the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts (revised through 11-29-99)*, as well as with all applicable Federal, State and Town laws, ordinances and regulations. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings, Waivers or Conditions of this Decision or any related Special Permit, the requirements of the *Rules and Regulations* shall apply. 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.
- 27.) If applicable, construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Decision. 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. Any modification of this Decision shall be made pursuant to Section 3.3 of the *Rules and Regulations*, and as noted within the Conditions of this Decision.


Maureen A. Clark, Town Clerk of Grafton

A true copy,
Attest:

*DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 12 of 14*

- 28.) All grading and construction shall be performed in accordance with the Plan, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any non-permitted pollutants or siltation into waterways during construction or after completion of the subdivision.
- 29.) All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the release of any lot within that portion of the subdivision.
- 30.) Soil erosion shall be prevented before it occurs, and it shall be the applicant's responsibility not to undertake more work than can be safely and adequately controlled. Areas that cannot be restored or stabilized immediately shall be mulched immediately to prevent any potential erosion or sedimentation.
- 31.) Suitable erosion controls, including temporary sediment traps, shall be employed during the construction process.
- 32.) Any off-site work in a public right-of-way shall be conducted in conformance with the *Subdivision Regulations* and in accordance with any applicable permits or requirements of the Town Highway Department.
- 33.) Construction and installation of the roadway and municipal services shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., and there shall be no construction activity on state and federal holidays.
- 34.) In no case shall additional filling or land disturbance occur that results in a steeper slope or a slope that encroaches on the roadway to a greater degree than shown on the plans without the expressed prior approval of the Planning Board.
- 35.) The Town reserves the right to require reasonable additional construction techniques, for either on-site or off-site work, in response to actual field conditions, effects of construction methods and as the situation warrants. This may include, without limitation, earth work, purchase and installation of materials, infrastructure, etc., and lot drainage issues.
- 36.) Driveway slopes, both within and outside the right-of-way shall comply with the *Subdivision Regulations*, and development of individual lots shall not cause detrimental drainage, erosion or sedimentation onto adjacent property, roadways or lots.
- 37.) All construction and site improvements shall be completed within two years of the date of plan endorsement or thirty (30) months from the date of this Decision, whichever occurs sooner. This Decision shall lapse after said applicable time period, and no other work may occur, and the subdivision approval shall be deemed automatically rescinded unless the Planning Board grants an extension pursuant to the *Subdivision Regulations*. Requests for extensions shall require a public hearing in accordance with all applicable requirements for conducting such hearings.

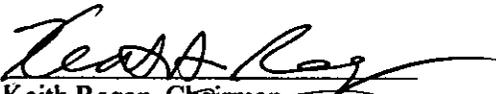
A true copy,
Attest:

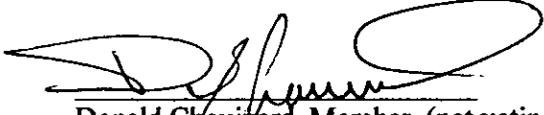

Maurgen A. Clark, Town Clerk of Grafton

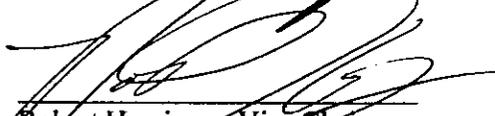
DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 13 of 14

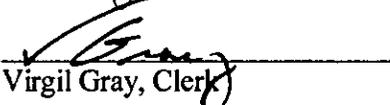
- 38.) The applicant, their successors and assigns, will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to adequately serve such lot has been completed in accordance with the approved Plans and the *Rules and Regulations*. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings, Waivers or Conditions of this Decision, the requirements of the *Rules and Regulations* shall apply.
- 39.) The Definitive Plan shall be submitted for endorsement within six (6) months following approval.
- 40.) Any inability or failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

WITNESS our hands this 29th day of June, 2004.


Keith Regan, Chairman


Donald Chouinard, Member (not voting)


Robert Hassinger, Vice Chairman


Virgil Gray, Clerk


Margaret Small, Member (not voting)

COMMONWEALTH OF MASSACHUSETTS

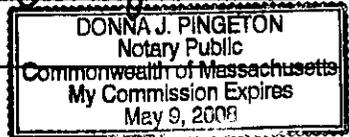
Worcester ss

June 29, 2004.

On this 29th day of June, 2004, personally appeared Keith Regan, a member of the Grafton Planning Board, and acknowledged the foregoing to be his free act and deed on behalf of said Board.


Notary Public


Maureen A. Clark, Town Clerk of Grafton



A true copy,
Attest:

DECISION – Grafton Planning Board
Definitive Subdivision Plan - "Ferry Ridge Estates"
Off Ferry Street, South Grafton, MA • Assessor's Map 122, Lot 1
Ferry Ridge LLC (applicant / property owner)
Page 14 of 14

cc:	Applicant	Board of Appeals
	Owner	DPW Director / Highway Department
	Board of Selectmen	Town Engineer
	Board of Health	Building Inspector
	Conservation Commission	South Grafton Water District
	Board of Assessors	Board of Sewer Commissioners

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Maureen A. Clark
Maureen Clark, Town Clerk

July 20, 2004
Date

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk of Grafton

ATTEST: WORC. Anthony J. Vigliotti, Register