DECISION
GRAFTON PLANNING BOARD

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MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL (EXTENSION OF CONSTRUCTION DEADLINE)

"Dendee Acres" Subdivision
Desrosiers Landing
Off 61 Elmwood Avenue, South Grafton, MA

Charles Kady, Jr. (Applicant / Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Charles Kady Jr., 129 Charlton Road, Spencer, MA 01562 (hereinafter the APPLICANT), for modification of a Definitive Subdivision Plan Approval Decision to extend the construction deadline (as specified in the Definitive Plan Approval Decision) for completion of the road and associated infrastructure for an nine (9) lot flexible development subdivision on property located off 61 Elmwood Street, South Grafton, including property previously shown as Grafton Assessor's Map 113, Lot 121. Said subdivision includes the road known as Desrosiers Landing.

The Definitive Plan Approval decision, dated May 24, 2006, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 44980, Page 115. Condition #34 of said Approval Decision requires the subdivision to be completed within two (2) years of the date of the Decision. The deadline for completion was extended until April 7, 2016 by decision of the Planning Board on April 13, 2015.

I. BACKGROUND

The above referenced application for a Modification of a Definitive Plan Approval (hereinafter Application) was submitted on February 16, 2016. A public hearing on the Application was held on March 14, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 23 and March 3, 2016, 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. Following public input the hearing was closed on March 14, 2016.

The following Board members were present during the entire public hearing process: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins. At the hearing Charles Kady, Jr. of Kady Builders presented the proposal. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk.

II. SUBMITTALS

The following Exhibits were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound Application packet submitted by Charles Kady, Jr. received on February 16, 2016; materials submitted included the following:

- Application for Approval of a Modified Definitive Plan, "Dendee Acres" Subdivision, submitted Charles Kady, Jr., dated February 16, 2016; 2 pages.

- Certificate of Good Standing, signed by the Treasurer / Collector's Office on February 16, 2016; 1 page.
- Certified List of Abutters, dated February 10, 2016, 1 page.

EXHIBIT 2. Memorandum, departmental project review comments, Board of Health, received February 24, 2016 1 page.

EXHIBIT 3. Public Hearing Sign-In Sheet for the March 14, 2016 public hearing; 1 page.

III. FINDINGS

At their meeting of March 28, 2016 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. Robbins, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

F1. That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.

F2. That during the public hearing the Applicant reviewed the outstanding construction items (see EXHIBIT #1). The Applicant noted that he plans to work on installing granite curbing, construct the sidewalk, install street trees, and loam & seed. He noted that eight of the nine units had been sold and that he plans to construct the final house this spring. The final lot contains a lot of rock and will require heavy equipment to clear.

F3. That during the public hearing the Board and the Applicant discussed the time line for completion. Mr. Kady noted that he had not made as much progress as had hoped the last time he met with the Board. However, since then, work has increased and he intends to have the project complete within the upcoming year.

F4. That during the public hearing Town Planner Joseph Laydon reviewed the status Condition #2 of the Planning Board Decision which granted the previous extension. The Applicant was required coordinate with the Assistant Town Engineer regarding the repair of the section of Elmwood Street at the location of the sewer tie-in for subdivision. Mr. Laydon noted that the work has been completed.

F5. That the Board received written comment from the Board of Health that stated "Served by town water and town sewer, therefore, no comments." (see EXHIBIT #2).

IV. DECISION and CONDITIONS

At their meeting of March 28, 2016 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. Robbins, seconded by Mr. Hassinger) voted 5-0 to **APPROVE** the application for Modification of Definitive Plan Approval decision with the following conditions:

C1.) This approval specifically modifies Condition #34 of the Definitive Plan Approval decision, dated May 24, 2006, is recorded in the Worcester District Registry of Deeds and referenced herein. This

approval as presented in this Decision specifically allows an extension of the time period in which to complete the Subdivision (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to **April 7, 2017**.

C2.) This DECISION shall not take effect until the Applicant has recorded it at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.

C3.) Unless modified by this Decision, all conditions of the previous Definitive Plan Approval decision for the "Dendee Acres" Subdivision recorded in the Worcester District Registry of Deeds and referenced herein, remain in full force and effect.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted **5-0** to **APPROVE** the modification of a definitive plan approval to extend the period to construct based on the information received at the public hearing and the aforementioned findings.

Sargon Hanna, Chairman	AYE	Linda Hassinger, Member	AYE
Michael Scully, Vice Chairman	AYE	David Robbins, Member	AYE
Robert Hassinger, Clerk	AYE		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

Joseph Laydon, Town Planner

3-31-2016
Date

cc: Applicant / Owner
- Graves Engineering
- Building Inspector
- Assistant Town Engineer