

**DECISION
GRAFTON PLANNING BOARD**

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

**“Bull Meadow” Subdivision
(Appaloosa Drive & Carriage House Lane)
Off Appaloosa Drive, North Grafton, MA**

Bull Meadow, LLC (Applicant / Owner)

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GRAFTON, MA
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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Bull Meadow, LLC, 2 Rachel Road, Boylston, MA 01505 (hereinafter the Applicant / Owner), for a 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 a fifteen (15) lot Conventional Development Residential Subdivision on property located at 11 Appaloosa Drive, 109R Adams Road, 37 Side Bridle Ridge Drive, and 94R Old Westboro Road, and shown as Grafton Assessor’s Map 110, Lot 31 & Map 110, Lot 32 (hereinafter the Site) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 35310, Page 74 and Book 53605, Page 383.

The Definitive Plan Approval decision, dated March 27, 2017, as filed with the Town Clerk on March 28, 2017, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 57074, Page 1. Condition #A12 of said Approval decision requires the subdivision to be completed within two (2) years of the date of Plan Endorsement or thirty (30) months of the date of the Decision, whichever is sooner.

The Modification of a Definitive Plan Approval decision, dated November 5, 2018, as filed with the Town Clerk on November 14, 2018, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 61957, Page 69.

I. BACKGROUND

The above referenced application for a Modification of a Definitive Plan Approval (hereinafter Application) was submitted on January 9, 2020. A public hearing on the Application was held on February 10, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on January 23rd and 30th, 2020, 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 February 10, 2020.

The following Board members were present during the entire public hearing process: Chairman David Robbins, Vice Chairman Robert Hassinger, Clerk Justin Wood, Member Prabhu Balaji Venkataraman and Member Linda Hassinger. At the hearing, Patrick McCarty of McCarty Engineering 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 McCarty Engineering, Inc., received on January 9, 2020; materials submitted included the following:

- Application for Approval of a Modified Definitive Plan, “Estates at Bull Meadow” Definitive Subdivision, submitted McCarty Engineering, Inc., dated January 6, 2020; 2 pages.
- Certificate of Good Standing, signed by the Treasurer / Collector’s Office on January 6, 2020; 1 page.
- Certified List of Abutters, dated January 9, 2020, 2 pages.
- Letter from Brian Marchetti, P.E., McCarty Engineering, Inc., to Mr. Joseph Laydon, Town Planner, dated December 31, 2019, received January 9, 2020, regarding Modified Definitive Plan Request.

EXHIBIT 2. Public Hearing Legal Notice Filed with the Town Clerk on January 28, 2020.

EXHIBIT 3. Public Hearing Sign-In Sheet for the February 10, 2020 public hearing; 1 page.

III. FINDINGS

At their meeting of February 24, 2020 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. Hassinger, seconded by Mr. Wood) 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, Patrick McCarty reviewed the status of the subdivision and noted that, an application for the extension of the construction deadline was sought to allow a purchase and sales agreement with a prospective buyer of the project to proceed. He noted the prospective buyer was aware of the Planning Board Decisions and associated conditions of approval.
- F3. That during the public hearing, the Board noted that annual extensions of definitive subdivision projects are typical to allow the Board updates on the project’s status and to allow public comment during construction. Chairman Robbins noted that generally, the Board votes favorably upon extensions requested in a timely manner.

IV. DECISION and CONDITIONS

At their meeting of February 24, 2020 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. Hassinger, seconded by Mr. Wood) voted 5-0 to **APPROVE** the application for Modification of Definitive Plan Approval decision with the following conditions:

- C1.) This approval specifically modifies Condition #A12 of the Definitive Plan Approval decision, dated April 17, 2017, as recorded in the Worcester District Registry of Deeds (WDRD) 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 **November 14, 2020**.

- C2.) This DECISION shall not take effect until the Applicant has recorded it at the Worcester District Registry of Deeds 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, and subsequent Modification of Definitive Subdivision Approval for the "Estates at Bull Meadow" 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.

<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Christopher McGoldrick , Town Planner

3/2/2020

Date

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

To Whom It May Concern: This is to certify and verify that twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavalley, Town Clerk

Date