

**DECISION
GRAFTON PLANNING BOARD**

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PRELIMINARY PLAN APPROVAL 2018 OCT 23 AM 8:57

**“SUGAR REALTY TRUST” SUBDIVISION
15 Meadowbrook Road**

Handwritten initials

Robert Flynn (Applicant), William Flynn, Trustee of the Sugar Realty Trust (Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Robert Flynn (hereinafter the APPLICANT), 15 Meadowbrook Road, Grafton MA 01519, for Preliminary Plan Approval of a three lot residential subdivision on property located at 15 Meadowbrook Road (Grafton Assessor's Map 67, Lot 11) owned by the APPLICANT by deed recorded at the Worcester District Registry of Deeds, Book 45004, Page 398.

I. BACKGROUND

The above referenced Application for a Preliminary Plan Approval (hereinafter Application) was submitted on July 20, 2018. Notice of the public meeting and the subject matter thereof was sent to abutters by First Class Mail. The public meeting on the Application was opened August 27, 2018. Following public input the meeting was closed.

The following Board members were present throughout the public meeting: Chairman Robert Hassinger, Vice Chairman Linda Hassinger, Clerk Sharon Carroll-Tidman, Members David Robbins and Michael Scully, and Associate Member Paul Monroe. At the meeting Andrew Baum of Summit Engineering & Surveying. and the Applicant were present to discuss the Application. At the public meeting, all those wishing to speak to the petition were heard. 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. Original Application Submission, received July 20, 2018 to include the following:

- a. Application for Approval of a Preliminary Plan, signed by Robert Flynn, Sr., dated June 1, 2018, date stamped by the Town Clerk on July 20, 2018 and date stamped by Planning on July 20, 2018, 1 page.
- b. Letter dated June 19, 2018, from Andrew Baum, PE, to the Planning Board, entitled: "Revised Materials, Application for Approval of Preliminary Plan, 15 Meadowbrook Road, Assessors Map 67, Lot 11" and date stamped by Planning on July 19, 2018, 1 page.
- c. Certificate of Good Standing, signed by Susan E. Rosen, dated June 1, 2018, date stamped by Treasurer/Collector on June 1, 2018 and date stamped by Planning on July 20, 2018, 1 page.
- d. Abutters List for 15 Meadowbrook Road, dated June 4, 2018, signed by Kenneth M. O'Brien, Data Collector, and date stamped by Planning on July 20, 2018, 1 page

- e. Letter dated July 15, 2018, from Andrew Baum, PE, to the Planning Board, entitled: “Waiver Request to accompany Application for Approval of Preliminary Plan, 15 Meadowbrook Road, Assessors Map 67, Lot 11”, and date stamped by Planning on July 20, 2018, 3 pages.
- EXHIBIT 2. “Preliminary Plan, Sugar Realty Trust, 15 Meadowbrook Road, Grafton, MA, prepared for Robert Flynn,” dated June 8, 2018, revised July 17, 2018, drawn by Summit Engineering & Survey, Inc., consisting of 4 pages.
- EXHIBIT 3. Public Comment: Zoning Board of Appeals, Katrina Koshivos, email dated July 24, 2018, and date stamped by Planning on July 24, 2018, 1 page:
- EXHIBIT 4. Public Comment: Board of Health, Nancy Connors, email dated July 31, 2018 and date stamped by Planning on July 31, 2018, 1 page.
- EXHIBIT 5. Public Meeting Notice, stamped by Town Clerk on August 7, 2018, 1 page.
- EXHIBIT 6. Report: “15 Meadowbrook Road, Preliminary Plan Review,” letter from Jeffrey M. Walsh, P.E., Graves Engineering Inc., dated August 8, 2018 and date stamped by Planning on August 8, 2018, 2 pages.
- EXHIBIT 7. Letter regarding “Revised Materials, Application for Approval of Preliminary Plan, 15 Meadowbrook Road, Assessors Map 67, Lot 11,” dated August 24, 2018, from Andrew Baum, PE, of Summit Engineering & Survey, Inc., and date stamped by Planning on August 24, 2018, 2 pages.
- EXHIBIT 8. Plans entitled “Preliminary Plan, Sugar Realty Trust, 15 Meadowbrook Road, Grafton, MA,” prepared by Summit Engineering & Survey, Inc, dated June 8, 2018 and revised August 23, 2018 comprising four 4 sheets as follows:
- a. Sheet 1 of 4 entitled “Cover Sheet – Existing Conditions.”
 - b. Sheet 2 of 4 entitled “Concept Plan A – With Waivers.”
 - c. Sheet 3 of 4 entitled “Concept Plan B – No Waivers.”
 - d. Sheet 4 of 4 entitled “Conceptual Profiles.”
- EXHIBIT 9. Public Comment, from Jeremy F. and Charlene F. Swett, dated August 24, 2018, and date stamped by Planning on August 24, 2018, 1 page.
- EXHIBIT 10. Report: “15 Meadowbrook Road, Preliminary Plan Review,” letter from Jeffrey M. Walsh, P.E., Graves Engineering, Inc., dated September 18, 2018 and date stamped by Planning on September 18, 2018, 3 pages.

III. FINDINGS

At their meeting of October 22, 2018, 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 Mrs. Hassinger) voted 4-0 in favor to make the following Findings:

- F1. That this Application is for Preliminary Plan Approval (Exhibit 1), consisting of three (3) lots, one of which will contain the existing single-family structure at 15 Meadowbrook Road and two of which are proposed for the construction of new single-family structures.
- F2. That the subject Site is located in a Low Density Residential (R-40) as shown on the Plans identified within the EXHIBITS 2 and 8 of this Decision. No portion of the site is located within the Water Supply Protection Overlay District.
- F3. The Applicant proposes lots be supplied by individual wells and on-site septic systems.
- F4. That determinations regarding the following Findings are based upon the plans identified in this Decision, which are preliminary in nature, as well as the materials and information submitted and presented in association with the Application.
- F5. That determinations regarding the following Findings are predicated upon the submission and approval of plans developed substantially as shown on the relevant Plans identified within the EXHIBITS of this Decision, and conform to this Decision and the Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts (revised through 4-27-09, hereinafter Rules and Regulations), except where modified by this Decision, and also conform to all applicable Federal, State and other Local regulations.
- F6. That determinations regarding the following Findings are also predicated upon satisfying all of the conditions stated within this Decision, and any subsequent definitive plan conditions of approval.
- F7. That the submission of the Preliminary Subdivision Plan submitted by the Applicant (EXHIBIT #8) depicts a total of three (3) lots.
- F8. That the submission of the Preliminary Subdivision Plan (EXHIBITS #2 and #8) included two development plans, one with waivers requested referred to as Concept Plan A and one in full compliance with subdivision rules and regulations referred to as Concept Plan B.
- F9. That the Applicant requested waivers from the Subdivision Rules and Regulations for Flexible Development Plan (see EXHIBIT #1e) which include the following:
- Section 3.2.4.5 – Environmental and Community Impact Analysis
 - Section 4.1.3.3 – Minimum tangent length between reverse curves
 - Section 4.1.3.5 – Property Lines at street intersections to be rounded or cut back
 - Section 4.1.3.7 – Roadway and right-of-way centerline to be co-linear
 - Section 4.1.4.1 (a) – Minimum right-of-way width
 - Section 4.1.4.2 (a) – Minimum pavement width
 - Section 4.1.5.3 – Vertical curve requirements
 - Section 4.1.5.6 (a) – Length of required leveling area
 - Section 4.1.6.5 – Provide developable roadway easement from end of turnaround to adjacent property
 - Section 4.2.1.2 – Provide granite curbing
 - Section 4.2.2 – Bituminous curb
 - Section 4.7.6 – Provide street lighting
 - Section 4.9.1 – Provide 4-foot sidewalk along entire length of roadway
 - Section 4.9.4 – Trees planted on both sides outside of right-of-way

At their meeting of October 22, 2018, 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 Mrs. Hassinger) voted 4-0 in favor to make the following Findings:

- F10. That during the public meeting the Board and the Applicant reviewed the existing conditions of the site. The site is 12.40 acres in Grafton.
- F11. That during the public meeting the Board received testimony, verbal and written, from:
- Andy Deschenes, 13 Meadowbrook Road. Mr. Deschenes stated his concern about the visual; impacts to the view from the road and that he preferred the development plan with waivers requested (Concept Plan A).
 - Jeremy Swett – 17 Meadowbrook Road (see EXHIBIT #9). Mr. Swett stated he submitted comments in writing. He added that he was concerned about the loss of trees and about runoff from the roadway.
 - Jennifer Davy – 9 Meadowbrook Road. Ms. Davy said she was currently building a new house on adjacent property and stated her preference was for the development plan with waivers (Concept Plan A). She said that it would improve property values in the area.

During the course of the public meeting the Applicant reviewed these issues and provided documentation to clarify their position (see FINDINGS and EXHIBITS).

- F12. That during the public meeting, the Board and the Applicant discussed the Concept Plan A and Concept Plan B. A number of revisions were submitted to Planning Department staff in advance of the public meeting. The submitted plans also reflect comments received from the Graves Engineering, the Board's peer review consultant.
- F13. That during the public meeting, the Board and the Applicant discussed emergency vehicles and the ability of fire department vehicles to access the site. The Town Planner stated the Fire Department had participated in Development Team meetings with the Applicant and his engineer where emergency vehicle turnaround was discussed. He stated the plans reflected discussions and that the Fire Department would continue to have an opportunity to review the adequacy of emergency turnaround when a definitive subdivision is submitted.
- F14. That during the public meeting, the Board and the Applicant discussed the two development options. Mr. Baum, the Applicant's engineer, stated the Concept B complies with the Board's rules and regulations and Concept A seeks waivers to reduce the impact a compliant road would have on the neighborhood. He stated that since only two new homes are to be built, the design of Concept A was intended to incorporate natural drainage and to expand the existing driveway in a manner to reduce impacts to the adjacent properties and the neighborhood.
- F15. That during the public meeting, the Board and the Applicant discussed the roadway design and the requirements set forth in the Subdivision Rules and Regulations. The Applicant provided a list of waivers required by Concept Plan A that were submitted with the Application and the revised plans (EXHIBITS #1e and #8).

V. DECISION and CONDITIONS

At their meeting of October 22, 2018, 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 Mrs. Hassinger) voted 4-0 to **APPROVE** the Applicant's application for a **Preliminary Plan** with Conditions as noted below.

1. The Board finds that the final Preliminary Plan submitted for consideration (EXHIBIT #8) substantially conformed with the criteria set forth in the Subdivision Rules & Regulations.
2. The Applicant shall, at the time of submission of the Definitive Subdivision Plan, formally request waivers as identified in Finding F9, and include a waiver for extension of municipal water service within 2,000 feet of existing service.
3. The Applicant shall coordinate with the Fire Department the design of the emergency turnaround to ensure that it can accommodate emergency response vehicles.
4. The Planning Board determines that Concept A is the preferable development plan. The Board's preference for Concept Plan A shall not be considered an approval and final approval shall occur upon the submission and review of an application for Definitive Subdivision Approval. The Board encourages the Applicant to re-evaluate waivers requested and give consideration to complying with appropriate standards recognizing the size of the development.

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

10-23-18

Date

cc: Applicant /Owner

- Owner
- Graves Engineering
- Building Inspector
- Board of Health
- Assessor
- Grafton Water District

