



**PLANNING  
DEPARTMENT**

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**M E M O R A N D U M**

**TO:** Town of Grafton Zoning Board of Appeals  
**FROM:** Christopher McGoldrick, Town Planner  
**CC:** Atty. Dan Hill, Town Counsel (via email)  
Katrina Koshivos, Office Manager – Grafton ZBA (via email)  
Atty. Donald Borenstein, Johnson & Borenstein, LLC (via email)  
Peter Hinghorani, Adams Road Company, LLC – Applicant (via email)  
**DATE:** February 11, 2022  
**SUBJECT:** Staff Review of Determination of Completeness - High Point Estates

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*This memo has been prepared in response to the Planning Department's receipt of the Draft Request for Determination of Completeness regarding High Point Estates:*

**BACKGROUND**

On November 30, 2019, a letter was submitted to William McCusker, Chairman of the Grafton Zoning Board of Appeals, regarding, "High Point Estates: Request for Determination of Completeness of the Subdivision".

On December 3, 2019, a draft request for Determination of Completeness of the Subdivision was hand delivered to the Planning Department. The submittal is noted as, "Not a official Submission".

On December 31, 2019, Graves Engineering, Inc. issued additional peer review comments, noting additional required site work and As Built revisions.

On January 2, 2020, Joe Laydon, Town Planner conducted a site visit and issued a memorandum detailing existing site deficiencies which need to be addressed. (see Appendix A)

On March 11, 2020, Graves Engineering, Inc. issued additional peer review comments, noting additional required site work and As Built revisions.

On March 13, 2020, the draft request for Determination of Completeness of the Subdivision was filed with the Town Clerk and hand delivered to the Building Department.

On March 25, 2020, staff issued a memorandum detailing critical deficiencies with the submitted materials and recommending next steps.

On February 8, 2022, a letter was received by the Planning Department submitted to Brian Waller, Chairman of the Grafton Zoning Board of Appeals, regarding, "High Point Estates Comprehensive

Permit Subdivision; Request for Determination of Completeness and Release of Surety”, with associated materials. The 45-day deadline for the Zoning Board of Appeals to Act is March 25, 2022.

### STAFF ANALYSIS

Staff provides the following analysis regarding the Determination of Completeness submission requirements as outlined in Section 3.3.11 of the Grafton Rules and Regulations. Planning Department comments have been italicized for ease of review:

1. Proof of newspaper publishing within fourteen (14) days of submitting a written Request for Determination of Completeness with the Town Clerk.

*Planning Department Staff has not received documentation regarding posting of an announcement in the Worcester Telegram and Gazette or other local news sources completed within fourteen (14) days of filing with the Town Clerk as required by Section 3.3.11.2 of the Grafton Rules and Regulations. Per discussion with the Applicant’s attorney, we understand this information is forthcoming pending coordination with ZBA and staff.*

2. Written statement and documentation that the said construction or installation in connection with which such surety or covenant has been secured, has been completed in accordance with the requirements contained under Section 5.

*We note the applicant’s Letter to Mr. Brian Waller, Chairman, regarding, “High Point Estates Comprehensive Permit Subdivision; Request for Determination of Completeness and Release of Surety”, with associated materials, dated February 7, 2022. This letter was submitted concurrently to the Town Clerk as required by Section 3.3.11.2 of the Grafton Rules and Regulations. We note, the provided letter includes certification by the applicant that, “the said construction or installation in connection with which such surety or covenant has been secured, has been completed in accordance with the requirements contained under Section 5.” However, the Engineer’s Certificate of Compliance is blank and the associated comment #2A in the Cover Letter is missing information.*

3. Material shall include, at a minimum:

- a. Name and address of Applicant.

*We note the submitted material satisfies this requirement.*

- b. A compliance certificate signed under oath by the Developer and his Engineer that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Grafton's Zoning By-Laws.

*We note the submitted material is blank and does not satisfy this requirement. The Applicant should have their Engineer provide the required certification.*

- c. Copies of or reference to the requisite Inspection Forms and Reports.

*The provided Certificates of Compliance are a Complete Certification from the Grafton Conservation Commission and have been duly recorded at the Worcester District Registry of Deeds.*

*The provided Graves Engineering Reports are as follows:*

***October 22, 2020***

***(Review of Draft As-Built Plans, Acceptance Plans and Legal Descriptions):***

*All comments appear to be satisfied. We note comment #52 regarding the drain easement lines at the rear of Lots 3 & 4. GEI and Staff have no issue with the revision and defers further comment, if any, to the ZBA.*

***September 23, 2020***

***(Construction Completeness Review):***

*We note comment #20 which indicates the ZBA should review final approval of the trail system. GEI finds the provided trail to be easier to use than former conditions.*

*We note comment #28 regarding recording of the Conservation Certificates of Compliance. As noted above, staff can confirm the documents have been duly recorded at the Worcester District Registry of Deeds.*

*We note comment #31 regarding drainage infrastructure installed to address issues of icing in the public way. As of this time, staff nor GEI are aware of continued icing issues.*

- d. Written evidence of compliance with the Definitive Plan from the following:
1. Planning Board and Superintendent of Streets as to construction of all ways and sidewalks, and installation of street signs, traffic signs, street lighting and appurtenances, pavement, gutters and curbs, monuments, required grading and drainage, lot drainage, planting and seeding.  
*We refer to items in the Graves Engineering Inc., peer review comment letter, dated September 23, 2020, which defer final comment to the ZBA.*
  2. The appropriate water utility as to all water mains, hydrants and appurtenances.  
*The provided letter from Matthew Pearson, Grafton Water District, dated June 24, 2020 indicates all work has been completed satisfactorily.*
  3. The Board of Health as to the installation of sewage disposal facilities, if applicable, or the Board of Sewer Commissioners, if applicable.  
*The provided letter from Philip Leger, R.S., Chief of Environmental Health & Response, dated March 27, 2020, indicates the Health Department is satisfied relative to the provided septic systems. We note three (3) lots remain undeveloped. The septic permit for 95 High Point Drive has expired and will require a new filing fee and blueprints.*

4. The Fire Department as to the installation of the fire alarm system, if any.

*The provided letter from Steve Charest, Assistant Chief, dated December 2018, indicates all work has been completed satisfactorily.*

- e. As-built plan of completed street or streets, drawn on tracing cloth or other material suitable to the Planning Board, and showing all plans and profiles corrected and certified by the developer's engineer to be actual as-built locations and profiles of all streets, ways and utilities, including those installed by others, such as gas, electric, telephone, cable TV, and other companies, the location of all lines and the assigned house number for each dwelling, together with one (1) set of reproducible drawings of said as-built plan.

*All comments appear to be satisfied. We note comment #52 regarding the drain easement lines at the rear of Lots 3 & 4. GEI and Staff have no issue with the revision and defers further comment, if any, to the ZBA.*

- f. Written request for final inspections by the Planning Board; and

*All comments appear to be satisfied. We note comment #52 regarding the drain easement lines at the rear of Lots 3 & 4. GEI and Staff have no issue with the revision and defers further comment, if any, to the ZBA.*

- g. Written request for a Determination of Completeness.

*We note the submitted material satisfies this requirement.*

#### STAFF RECOMMENDATIONS

We respectfully recommend the following:

1. We recommend the Zoning Board of Appeals schedule a public hearing in coordination with the Applicant. Scheduling of the hearing will allow the Applicant to satisfy the requirements of Comment #1. Prior to the public hearing, the Applicant should provide documentation satisfying Comment #2.
2. We recommend the Applicant and Members of the ZBA review items included in Graves Engineering Inc.'s peer review letters deferring to the ZBA. Final deliberation regarding these items can be addressed at the public hearing.
3. If additional time is required to complete these recommendations, the applicant may wish to request a continuance of the Decision Deadline to a later, mutually agreeable date with the Zoning Board of Appeals.
4. If not already done, we recommend the Easement and Grant of Road language provided in the Applicants previously submitted "Misc Materials" be forwarded to Town Counsel for legal review and comment.
5. We note the three (3) remaining lots which are undeveloped. Two of these lots are designated as affordable units. Final development of these lots are separate from the road acceptance process, therefore, staff does not see an issue in this regard with issuing a determination of completeness. However, the final development of these lots is a critical piece of compliance with the

Comprehensive Permit. The ZBA may wish to consult with Town Counsel regarding the release of surety in relation to compliance with the Comprehensive Permit. In any case, no occupancy permit for the remaining market rate unit should be issued prior to completion of the units designated as affordable.

We trust this memo clarifies the Planning Department's analysis and recommendations regarding the above referenced Request for Determination of Completeness – High Point Estates. We are happy to discuss any portion of this memo which may be unclear.

Thank you.