



**PLANNING
DEPARTMENT**

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MEMORANDUM

TO: Town of Grafton Zoning Board of Appeals
FROM: Christopher McGoldrick, Town Planner
CC: Katrina Koshivos, Office Manager – Grafton ZBA (via email)
Peter Hinghorani, Adams Road Company, LLC – Applicant (via email)
DATE: March 25, 2020
SUBJECT: Staff Review of Determination of Completeness - High Point Estates

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.

QUICK NOTES

- The Planning Department finds the provided Request for Determination of Completeness as submitted to the Town Clerk on March 13, 2020, to be incomplete and critically deficient.
- We respectfully suggest the seven (7) recommendations provided below for the consideration of both the Board and Applicant.
- Staff has not evaluated if site issues identified in Joe Laydon's January 2, 2020 site visit memo have been addressed. Staff is available to conduct a follow-up site visit and update.
- Staff is available to meet both the applicant and members of the Board upon request.
- Staff is available to attend meetings of the Zoning Board of Appeals upon request of the Chairman.

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. We note the applicant's submitted materials request assistance with this aspect of the application. Please see Staff Recommendations #1 & #2 below.

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. William McCusker, Chairman, regarding, "High Point Estates: Request for Determination of Completeness of the Subdivision", dated November 30, 2019. To our knowledge this letter was not submitted concurrently to the Town Clerk as required by Section 3.3.11.2 of the Grafton Rules and Regulations. The provided letter also does not include 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." We illustrate below that it is our determination that the requirements contained under Section 5 have not yet been satisfied. Please see Staff Recommendations #1 & #2 below.

3. Material shall include, at a minimum:
 - a. Name and address of Applicant.

We note the submitted material satisfies this requirement. See EXHIBIT #1 of the Applicant's submitted material.

- 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.

QUICK NOTES

It is our opinion that the November 30, 2019 Request for Determination Letter was insufficient to begin the forty-five (45) day deadline for review under Section 3.3.11.3 of the Grafton Rules and Regulations, as the requirements of Section 3.3.11.2 were not satisfied by the application, namely providing documentation to the Town Clerk and publishing due notice in a newspaper within fourteen (14) days of submittal. It is unclear to us if the March 13, 2020 submittal of materials to the Town Clerk was sufficient to begin the abovementioned forty-five (45) day deadline for review. Regardless, the fourteen (14) day deadline to publish notice in the newspaper, to our knowledge, was not completed, and is a critical component of a complete submittal. The Board may still wish to seek advice of Town Counsel.

We note the submitted material satisfies this requirement. See EXHIBIT #3 of the Applicant's submitted material.

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

We note items included in EXHIBIT #4A and EXHIBIT #4B are as follows:

- *Certificate of Compliance, as recorded in the Worcester Registry of Deeds (Bk: 60227 Pg: 327 & 341), on April 2, 2019*
- *Peer Review Comment Letter regarding, "High Point Estates (Adams Road Trust); Construction Completeness Review", prepared by Jeffrey M. Walsh, P.E., Graves Engineering, Inc., dated February 14, 2019.*
- *Peer Review Comment Letter regarding, "High Point Estates (Adams Road Trust); Review of Draft As-Built Plans", prepared by Jeffrey M. Walsh, P.E., Graves Engineering, Inc., dated February 14, 2019.*

The provided Certificate of Compliance is a Partial Certification. A Complete Certification should be obtained from the Grafton Conservation Commission and provided as supplemental information through the Town Clerk. (See Staff Recommendation #3)

On October 7, 2019, the provided Peer Review Comment Letters have received response from Patrick C. Garner, PLS, Patrick C. Garner Company, Inc (See EXHIBIT #8 of the Applicant's submitted materials). We note, additional peer review comments were provided by Graves Engineering Inc. on December 31, 2019 and March 11, 2020, but have not been included in the submitted materials. We have included these materials in Appendix B and Appendix C of this memo for your review. We note these comment letters outline additional work required to satisfy the requirements provided in Section 5 of the Grafton Rules and Regulations.

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 March 11, 2020, and included in Appendix C of this memorandum, which still need to be addressed. These items include, but are not limited to work relating to, installation of street lighting and appurtenances, grading and drainage, lot drainage, planting and seeding. (See Staff Recommendation #4)

2. The appropriate water utility as to all water mains, hydrants and appurtenances.

We refer to items in the Graves Engineering Inc., peer review comment letter, dated March 11, 2020, and included in Appendix C of this memorandum, which still need to be addressed. These items include, but are not limited to work relating to water utilities. (See Staff Recommendation #4)

3. The Board of Health as to the installation of sewage disposal facilities, if applicable, or the Board of Sewer Commissioners, if applicable.

The Planning Department has not reviewed if the completed work complies with the requirements of the Board of Health. The Applicant should solicit comment from the Board of Health and include this as supplemental information through the Town Clerk.

We note the comment in the provided "List of Documents" regarding Title 5 compliance. No Title 5 Certificates of Compliance have been provided. It is our understanding that additional lots still remain to be developed. We have not reviewed if these have been issued Title 5 Certificates of Compliance. (See Staff Recommendation #5)

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

We note EXHIBIT #7 of the Applicant's submitted materials.

- 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.

We refer to items in the Graves Engineering Inc., peer review comment letter, dated March 11, 2020, and included in Appendix C of this memorandum, which still need to be addressed. (See Staff Recommendation #4)

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

We refer to items in the Graves Engineering Inc., peer review comment letter, dated March 11, 2020, and included in Appendix C of this memorandum, which still need to be addressed. (See Staff Recommendation #4)

- g. Written request for a Determination of Completeness.

We note the submitted material satisfies this requirement. See EXHIBIT #1 of the Applicant's submitted material.

STAFF RECOMMENDATIONS

We respectfully recommend the following:

1. We recommend the Applicant provide a formal letter requesting the Decision Deadline be continued to the Zoning Board of Appeals April 30, 2020 meeting and file it with the Town Clerk.
2. We recommend the Applicant publish notice in the Worcester Telegram and Gazette a minimum of fourteen (14) days prior to the abovementioned meeting¹. The Planning Department is

¹ By April 16, 2020. We note the T&G requests an approximate one (1) week lead time for publishing.

available to draft an appropriate announcement for publishing at the request of the Applicant and/or Chairman of the Zoning Board of Appeals.

3. We recommend the Applicant obtain a Complete Certificate of Compliance from the Grafton Conservation Commission. Said Certificate should be provided to the Zoning Board of Appeals through the Town Clerk by the Applicant.
4. We recommend the Applicant review remaining items included in Graves Engineering Inc.'s peer review letters, dated March 11, 2020 and address plans and sitework as necessary.
5. We recommend the Applicant solicit comment from the Board of Health. Said comment should be provided to the Zoning Board of Appeals through the Town Clerk by the Applicant.
6. 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.
7. We recommend the Easement and Grant of Road language provided in the Applicants submitted "Misc Materials" be forwarded to Town Counsel for legal review and comment.

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.