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**DECISION  
GRAFTON PLANNING BOARD**

**DEFINITIVE SUBDIVISION PLAN  
“ABBY WOODS” SUBDIVISION**

**Off Carroll Road, Grafton, MA  
(Assessor’s Map 56, Lot 30)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Central Massachusetts Home Builders LLC, 125 Olean Street, Worcester, MA 01612 (hereinafter the Applicant / Owner), for a Definitive Plan Approval for a 10 lot Conventional Development Residential Subdivision on property located at 18 Carroll Road, and shown as Grafton Assessor’s Map 56, Lot 30 (hereinafter the Site), and owned by Central Massachusetts Home Builders LLC by declaration recorded in the Worcester District Registry of Deeds (WDRD) in Book 43213, Page 4.

**I. BACKGROUND**

The application for Approval of a Definitive Subdivision Plan (hereinafter Application) was filed with the Planning Board February 26, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 5th and 12th, 2020 and posted with the Town Clerk’s Office. Abutters were notified by First Class Mail. The public hearing on the Application was scheduled for March 23, 2020 and was continued, at the request of the applicant with concurrence of the Planning Board, to April 27, 2020 and May 18, 2020. The public hearing on the Application was opened on May 18, 2020 and was continued, at the request of the applicant with concurrence of the Planning Board, to June 22, 2020, July 27, 2020 and August 10, 2020. At the public hearings, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman David Robbins, Clerk Justin Wood, Member Linda Hassinger, Member Prabhu Venkataraman and Associate Member Vikram Dave. At the hearings, Zac Couture and Lesley Wilson of HS&T Group, Inc. represented the Applicant and 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 or in the Office of the Planning Board.

Previously, on January 24, 2011, the Grafton Planning Board granted a Major Residential Special Permit (MRSP 2010-8) for the subject property, recorded in the Worcester District Registry of Deeds (WDRD: Bk.47336 Pg.90). On July 11, 2011, the Grafton Planning Board granted a Definitive Plan Approval for the subject property.

**II. SUBMITTALS**

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

- EXHIBIT 1. Original Application Submission, received February 26, 2020 to include the following:
- a. Application for Approval of a Definitive Plan, dated February 25, 2020, date stamped by the Town Clerk on February 26, 2020 and date stamped received by the Planning Board on February 26, 2020, 1 page.

- b. Application for Approval of a Definitive Plan; Area Within a Subdivision, date stamped by the Town Clerk on February 26, 2020 and date stamped received by the Planning Board on February 26, 2020, 1 page.
  - c. Application for Approval of a Definitive Plan; Land Surveyor’s Certificate, dated February 18, 2020, date stamped received by the Planning Board on February 26, 2020, 1 page.
  - d. Application for Approval of a Definitive Plan; Engineer’s Certificate, dated February 18, 2020, date stamped by the Town Clerk on February 26, 2020 and date stamped received by the Planning Board on February 26, 2020, 1 page.
  - e. Application for Approval of a Definitive Plan; Verification of Proposed Street Names, dated March 11, 2020, date stamped received by the Planning Board on March 13, 2020, 1 page.
  - f. Application for Approval of a Definitive Plan; Instruction Sheet, dated February 18, 2020, date stamped received by the Planning Board on February 26, 2020, 11 pages.
  - g. Certificate of Good Standing, signed by Christine Atchue, dated February 13, 2020 and date stamped received by the Planning Board on February 26, 2020, 1 page.
  - h. Abutters Listing for 18 Carroll Road, Map 56, Lot 30, dated December 23, 2019, signed by Kenneth Michael O’Brien, Grafton Data Collector, 1 page.
  - i. DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Entry, Prepared by Robert G. Murphy, dated September 6, 2019, received by the Planning Board on February 26, 2020, 2 pages.
  - j. Environmental and Community Impact Analysis, prepared by HS&T Group, Inc., 2 pages.
- EXHIBIT 2. Plan: “Definitive Subdivision; Abby Woods”, dated February 11, 2020, prepared by HS&T Group, Inc., 75 Hammond Street – 2<sup>nd</sup> Floor, Worcester, MA 01610, received by the Planning Board on February 26, 2020, 13 sheets.
- EXHIBIT 3. Plan: “Abby Woods; A Definitive Subdivision in North Grafton, Massachusetts; [Flexible – Development]”, dated February 11, 2020, prepared by HS&T Group, Inc., 75 Hammond Street – 2<sup>nd</sup> Floor, Worcester, MA 01610, received by the Planning Board on February 26, 2020, 6 sheets.
- EXHIBIT 4. Report: “Hydrology & Stormwater Management Report”, dated February 11, 2020, prepared by HS&T Group, Inc., 75 Hammond Street – 2<sup>nd</sup> Floor, Worcester, MA 01610, received by the Planning Board on February 26, 2020, 105 pages.
- EXHIBIT 5. Public Hearing Notice, stamped by the Town Clerk’s office on March 5, 2020; 1 page.
- EXHIBIT 6. Email from Katrina Koshivos, Zoning Board of Appeals, regarding 18 Carroll Road – “Abby Woods” – Major Residential Special Permit, dated March 11, 2020, received by the Planning Board on March 11, 2020, 1 page.
- EXHIBIT 7. Public Hearing Continuance Request, dated March 19, 2020, by Zac Couture, HS&T Group, Inc., received by the Planning Board on March 19, 2020, 1 page.

- EXHIBIT 8. Peer Review: “Abby Woods”, dated March 26, 2020, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, 3 pages.
- EXHIBIT 9. Public Hearing Continuance Request, dated April 22, 2020, by Zac Couture, HS&T Group, Inc., received by the Planning Board on April 22, 2020, 1 page.
- EXHIBIT 10. Letter from Zac Couture, HS&T Group, Inc., regarding “Abby Woods Definitive Plan Review”, dated May 11, 2020, 3 pages.
- EXHIBIT 11. Plan: “Definitive Subdivision; Abby Woods”, dated February 11, 2020, prepared by HS&T Group, Inc., 75 Hammond Street – 2<sup>nd</sup> Floor, Worcester, MA 01610, received by the Planning Board on May 12, 2020, 13 sheets.
- EXHIBIT 12. Report: “Hydrology & Stormwater Management Report”, dated February 11, 2020, revised May 11, 2020, prepared by HS&T Group, Inc., 75 Hammond Street – 2<sup>nd</sup> Floor, Worcester, MA 01610, received by the Planning Board on May 12, 2020, 97 pages.
- EXHIBIT 13. Public Hearing Continuance Request, dated June 4, 2020, by Zac Couture, HS&T Group, Inc., received by the Planning Board on June 4, 2020, 1 page.
- EXHIBIT 14. Peer Review: “Abby Woods”, dated June 19, 2020, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, 3 pages.
- EXHIBIT 15. Public Hearing Continuance Request, dated June 22, 2020, by Zac Couture, HS&T Group, Inc., received by the Planning Board on June 22, 2020, 1 page.
- EXHIBIT 16. Plan: “Definitive Subdivision; Abby Woods”, dated February 11, 2020, prepared by HS&T Group, Inc., 75 Hammond Street – 2<sup>nd</sup> Floor, Worcester, MA 01610, received by the Planning Board on August 5, 2020, 15 sheets.
- EXHIBIT 17. Public Hearing Continuance Request, dated August 7, 2020, by Zac Couture, HS&T Group, Inc., received by the Planning Board on August 7, 2020, 1 page.
- EXHIBIT 18. Public Hearing Continuance Request, dated August 18, 2020, by Zac Couture, HS&T Group, Inc., received by the Planning Board on August 18, 2020, 1 page.
- EXHIBIT 19. Letter from Zac Couture, HS&T Group, Inc., regarding, “Request for Waiver”, dated August 20, 2020, received by the Planning Board on August 20, 2020, 1 page.
- EXHIBIT 20. Letter from Zac Couture, HS&T Group, Inc., regarding, “Letter of Intent – Conventional Subdivision”, dated August 20, 2020, received by the Planning Board on August 20, 2020, 1 page.

### **III. FINDINGS**

At their meeting of August 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 Justin Wood, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to make the following Findings:

- F1.) That this application is for a ten (10)-lot Conventional Development Definitive Subdivision Plan, and has evolved from a Major Residential Special Permit (MRSP 2020-3), granted by the Grafton Planning Board.
  - F2.) That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the information and material submitted and presented in association with the Application.
  - F3.) That determinations regarding the following findings are also predicated upon satisfactory completion of all road and other related improvements shown on the Plans in accordance with *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 or MRSP 2010-8, as well as in accordance with all applicable Federal, State and other Local regulations.
  - F4.) That determinations regarding the following findings are also predicated upon satisfying all of the conditions stated within this Decision and all applicable conditions of MRSP 2020-3.
  - F5.) That the Applicant requested a waiver from the following Section of the *Rules and Regulations*:
    - Section 4.1.6.5:** In the event a dead end street is allowed, the plans shall show a roadway easement from the end of the dead end street to adjacent property. Such easement shall be demonstrated to be reasonably developable in accordance with these regulations.
- The Board further finds that no waivers from the *Rules and Regulations* were granted as part of MRSP 2020-3 decision.
- F6.) That the data submitted satisfies the requirements of Section 3.3.1 of the *Rules and Regulations* regarding submission of a Definitive Plan.
  - F7.) That the data submitted satisfies the requirements of Section 3.3.2 of the *Rules and Regulations* regarding Plan Sheets.
  - F8.) That the materials and information submitted satisfy the requirements of Section 3.3.3 of the *Rules and Regulations* regarding Definitive Plan Contents.
  - F9.) That the materials and information submitted satisfy the requirements of Section 3.3.4 of the *Rules and Regulations* regarding Additional Submittal Requirements. The Board further finds that a traffic study (Section 3.3.4.7) is not required for this Application as the number of proposed lots and the total street/roadway frontage being created by this Application are below the minimum threshold listed in said Sections.
  - F10.) That during the public hearing the Board and the Applicant discussed the history of the project noting that it had been presented to the Board in 2003 and 2011, and that the original approvals had expired. The Applicant stated that the new submittal was similar to the previous projects with some minor changes regarding the hydraulic calculations and wetlands delineation, as well as Graves Engineering peer review comments.
  - F11.) That during the public hearing the Board and the Applicant discussed the waiver request to eliminate the roadway easement. The Applicant had previously stated that the submitted definitive plans showed that the easement was eliminated. He referred back to the Special Permit / Site Plan Approval process where the Board had discussed the impacts of the easement on the lot configurations and the need to balance the issue of practical access to the abutting property against the environmental impacts. The Applicant stated, that in his opinion, the land configuration and

constraints imposed by the railroad location would require that an easement between Lots 4 and 5 to the abutting property would traverse approximately 200 feet of wetlands. The Applicant had previously noted that the Conservation Commission did not support the easement due to the potential wetlands impacts.

Previously the Board had asked if the Applicant had conducted any analysis to better determine the impacts to the abutting property if the easement were eliminated. The Applicant stated that they had assessed the impacts of the development of a roadway in the easement noting that there would be a need for significant fill in the wetlands. He stated that it would be unlikely that this would be approved by the Conservation Commission.

F12.) Previously, members of the Board questioned if the Applicant had done enough to investigate other easement locations on the site such as in the upland area to avoid the wetlands. The Applicant stated that they investigated several options for the location of the easement including through the wetlands and through the upland area. He stated that, in his opinion, both options were impractical from an engineering perspective and both locations were constrained either by extensive wetlands on the site or by the active railroad line on the abutting property.

F13.) With regard to the conditions of approval listed in MRSP 2020-3, the Board finds that:

- a.) With regard to **Condition # 1**, this Application is for a Conventional Development subdivision.
- b.) With regard to **Condition # 2**, the total number of lots intended for building purposes shown on the Definitive Plans does not exceed ten (10);
- c.) With regard to **Condition # 3**, the lots have been configured in a manner that provides the maximum practicable amount of distance between any proposed dwellings and the wetlands as shown on the plans;
- d.) With regard to **Condition # 4**, the Applicant has provided documentation regarding the practicality of providing easement access from the subject property to the abutting property in the event that the Applicant seeks a waiver to eliminate the Easement for Future Roadway purposes. The Board further finds that the Applicant did seek a waiver request as part of the Definitive Plan Approval process (see FINDING #F10, #F11 and #F12);
- f.) With regard to **Condition #5**, the Applicant shall provide evidence of a written plan satisfactory to the Grafton Department of Public Works / Tree Warden and the Planning Board for clearing / trimming of vegetation along the property boundary with Carroll Road in order to maximize the sight distances shown on the plans. In addition, the Definitive Plans shall be revised to include this requirement on the final endorsed plans.
- f.) **Conditions #6,# 7, # 8, # 9, #10** remain in full force and effect;
- g.) With the regard to **Condition # 11**, the plans indicate that the lots shown on the Plan shall be serviced by public water and sewer service.
- h.) **Conditions # 12 and #13** remain in full force and effect;
- i.) With regard to **Conditions # 14 and #15**, the Special Permit authorizing the conventional development and related plan described within this Decision shall be recorded in the Worcester

District Registry of Deeds, and a copy of the recording information has been submitted to the Planning Board;

- j.) **Conditions # 16 and #17** remain in full force and effect;

#### IV. WAIVERS

W1. At their meeting of August 24, 2020 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the findings stated within this Decision, the Grafton Planning Board (motion by Justin Wood, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant’s request for the following Waiver from the *Rules and Regulations*, as specified below:

- **Section 4.1.6.5** – In the event a dead end street is allowed, the plans shall show a roadway easement from the end of the dead end street to adjacent property. Such easement shall be demonstrated to be reasonably developable in accordance with these regulations.

The Board found that based on available wetlands data and testimony during the public hearing (see FINDINGS #F11 and #F12) that it is not possible to create an easement that can be demonstrated to be reasonably developable.

#### V. DECISION and CONDITIONS

At their meeting of August 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 Justin Wood, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **GRANT** the Application for Approval of a Definitive Subdivision Plan with the following conditions:

- C1.) Prior to plan endorsement, the Applicant shall submit to the Planning Board written approval from the Grafton DPW Director/Tree Warden for the proposed species of trees to be used as street trees. The plan submitted for endorsement shall include all relevant details for said trees (e.g., size, type, planting details, etc.) as approved by the Tree Warden/DPW Director.
- C2.) Prior to plan endorsement, the plans shall be revised to the satisfaction of the Board, by an affirmative vote of at least three (3) Board members, and Grafton DPW Director/Tree Warden to depict the details for clearing/trimming vegetation both within the layout of Carroll Road and on the proposed lots in order to maximize the sight distance for the intersection of the proposed subdivision road with Carroll Road.
- C3.) Prior to plan endorsement, these Conditions shall be inscribed by the Applicant on a sheet of the Plans suitable for recording at the Worcester Registry of Deeds. Such sheet(s) shall be so recorded as part of the Definitive Plan. Reference to these Conditions and the corresponding sheet number(s) shall also be inscribed on any sheet(s) that do not contain the Conditions of Approval.
- C4.) Prior to plan endorsement, all applicable requirements of Section 3.3.7 of the *Rules and Regulations* shall be satisfied.

- C5.) This Approval shall not be construed as approving the buildability of any lots shown on the Plans. All applicable Federal, State or other Local permits/approvals must be obtained for each lot prior to construction on said lot.
- C6.) This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Water District, Grafton Board of Sewer Commissioners/Sewer Department, Grafton Police Department, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.
- C7.) As per Section 3.3.10 of the *Rules and Regulations*, prior to the release of any lot or reduction in surety, executed documents in a form acceptable to the Town shall be submitted that grant to the Town all rights regarding the roadway, drainage easements and all other infrastructure.
- C8.) Prior to the start of any construction activity on the Site, an initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant/developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.
- C9.) Prior to commencing any work within Carroll Road, a public way, all required permits/approval shall be obtained from the Grafton Department of Public Works.
- C10.) Prior to any activity commencing on the Site related to the construction authorized by this Approval including that associated with the road, the vegetation along the property boundary shall be cleared to the satisfaction of the Board, by an affirmative vote of at least three (3) Board members, and Department of Public Works Director, in order to maximize the sight distances for the intersection of the proposed road with Carroll Road.
- C11.) Prior to the start of any construction activity on the Site, the Applicant shall submit to the Town (through the Planning Board) a bond or other type of security acceptable to the Board, in an amount to be determined by the Board and its agent, for the purposes of ensuring adequate stormwater management and erosion control /site stabilization during the construction process. Said bond/security shall not be released until the Site is stabilized and all stormwater management facilities are functioning to the satisfaction of both the Planning Board and Conservation Commission.
- C12.) Once construction activity commences, the Site shall be inspected on a weekly basis by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant/developer, in order to monitor the stormwater management system/facilities and erosion

control/site stabilization measures. The frequency of inspections may be decreased only upon written authorization by the Planning Board. The Applicant / developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) day of receiving said notice, or other time as agreed upon by both the Planning Board and Conservation Commission.

- C13.) Upon commencing any construction activity on the Site, and in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant/developer. A copy of this document shall be forwarded to the Planning Board, Conservation Commission and Department of Public Works prior to commencing any construction activity.
- C14.) Any modification to the approved Plans shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 3.3 of the *Rules and Regulations*.
- C15.) All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its designee upon request made by the Applicant to the Planning Board or its designee, in accordance with any policies for such requests.
- C16.) The Planning Board reserves the right, pursuant to the *Rules and Regulations* and Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, and conducting any inspections or other work associated with the construction of the subdivision. In accordance with the applicable sections of the *Rules and Regulations* and the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
- C17.) Prior to acceptance of the way and improvements by the Town, a determination shall be made by the Planning Board, through its designated consulting engineer, as to whether the detention basins, as well as all other improvements, are constructed and operate as designed on the approved plan(s). If a negative determination is made, the Applicant shall, at their own expense, remedy any and all deficiencies to the satisfaction of the Board.
- C18.) Except as otherwise approved by the Planning Board, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the *Rules and Regulations*. All site improvements shall be inspected at the appropriate stage of construction in accordance with the *Rules and Regulations* and as required by the Board.
- C19.) All site development and construction shall be performed in accordance with the approved Plans and the *Rules and Regulations*, as well as with all applicable Federal, State and Town laws, ordinances and regulations. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this



Decision or any related Special Permit, the requirements of the *Rules and Regulations* shall apply. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.

- C20.) Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Decision. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any modification of this Decision shall be made pursuant to Section 3.3 of the *Rules and Regulations*, and as noted within the Conditions of this Decision.
- C21.) All grading and construction shall be performed in accordance with the Plan, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any non-permitted pollutants or siltation into waterways during construction or after completion of the subdivision.
- C22.) All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the release of any lot within that portion of the subdivision.
- C23.) Construction and installation of the roadway and municipal services shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., and there shall be no construction activity on state and federal holidays.
- C24.) In no case shall additional filling or land disturbance occur that results in a steeper slope or a slope that encroaches on the roadway to a greater degree than shown on the plans without the expressed prior approval of the Planning Board.
- C25.) The Town reserves the right to require reasonable additional construction techniques, for either on-site or off-site work, in response to actual field conditions, effects of construction methods and as the situation warrants. This may include, without limitation, earth work, purchase and installation of materials, infrastructure, etc., and lot drainage issues.
- C26.) Driveway slopes, both within and outside the right-of-way shall comply with the *Rules and Regulations*, and development of individual lots shall not cause detrimental drainage, erosion or sedimentation onto adjacent property, roadways or lots.
- C27.) All construction and site improvements shall be completed within two years of the date of plan endorsement or thirty (30) months from the date of this Decision, whichever occurs sooner. This Decision shall lapse after said applicable time period, and no other work may occur, and the subdivision approval shall be deemed automatically rescinded unless the Planning Board grants an extension pursuant to the *Rules and Regulations*. Requests for extensions shall require a public hearing in accordance with all applicable requirements for conducting such hearings.
- C28.) The applicant, their successors and assigns, will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to adequately serve such lot has been completed in accordance with the approved Plans and the *Rules and Regulations*. In the event of a discrepancy between the Plans and the *Rules and*

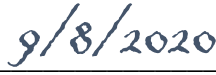
*Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision, the requirements of the *Rules and Regulations* shall apply.

- C29.) The Definitive Plan shall be submitted for endorsement within six (6) months following approval.
- C30.) A copy of such recorded Definitive Plan Approval Decision, including Registry of Deeds Book and Page numbers, shall be submitted to the Planning Board Office within thirty (30) days of recording.
- C31.) By recording this Definitive Plan Approval Decision in the Worcester Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision, and which acceptance shall bind the Applicant and its successors and assigns.
- C32.) Any inability or failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

cc: Applicant / Owner  
Conservation Commission

**DATE OF FILING OF DECISION:                      BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Christopher J. McGoldrick, Town Planner

  
\_\_\_\_\_  
Date

- cc: Applicant / Owner
- Building Inspector
  - Assessors
  - Conservation Commission

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

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Kandy Lavalley, Town Clerk

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Date