

**DECISION
GRAFTON PLANNING BOARD**

**MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2016-4)
& PRELIMINARY PLAN APPROVAL**

**“THE RIDINGS” SUBDIVISION
Off 88 Adams Road**

Steven Venincasa d/b/a Casa Builders & Developers Corp. (Applicant / Owner)

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Steven Venincasa d/b/a Casa Builders & Developers Corp. (hereinafter the APPLICANT), P.O. Box 1205, Westborough, MA 01581, for a Major Residential Special Permit (MRSP 2016-4) / Preliminary Plan Approval for a Flexible Development residential subdivision on property located at 88 Adams Road (Grafton Assessor's Map 32, Lot 10) owned by the APPLICANT by deed recorded at the Worcester District Registry of Deeds, Book 37262, Page 367.

I. BACKGROUND

The above referenced Application for a Major Residential Special Permit and Preliminary Plan Approval (hereinafter Application) was submitted on February 26, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 10 and March 14, 2016, and posted with the Town Clerk's Office on March 4, 2016. Abutters were notified by First Class Mail. The public hearing on the Application was opened March 28, and continued, at the request of the applicant with concurrence of the Planning Board, to the following meetings: April 25, 2016 and June 13, 2016 (no testimony received).

Due to a change in the Board membership as a result of Town elections, the public hearing was re-advertised. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 26 and June 2, 2016, and posted with the Town Clerk's Office on May 24, 2016. Abutters were notified by First Class Mail. The public hearing on the Application was opened June 27, 2016, and continued, at the request of the applicant with concurrence of the Planning Board, to the following meetings: July 25, August 29 (no testimony received), September 12 (no testimony received), October 3, November 24 and December 12, 2016, and January 23, 2017. Following public input the hearing was closed on January 23, 2017.

The following Board members were present throughout the public hearing: Chairman Michael Scully (Mullin Certification for June 27, 20126 - see EXHIBIT #23), Vice Chairman Robert Hassinger, Clerk Mr. Robbins, Members Linda Hassinger and Tracy Lovvorn; and Associate Member Sharon Carroll-Tidman (not voting). At the hearings James Tetreault of Thompson-Liston Associates, Inc. and the Applicant were present to discuss the Application. At the public hearing, 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. Application Materials submitted by James Tetreault, Thompson-Liston Associates, Inc.; received February 26, 2016; included the following:

- a. Application for Special Permit, dated February 15, 2016, received by the Clerk’s Office February 26, 2016; 1 page.
 - b. Application for Approval of a Preliminary Plan, dated September 29, 2015, 1 page.
 - c. Certificate of Good Standing, signed by the Treasurer / Collector’s Office on February 11, 2016; 1 page.
 - d. Certified Abutters list, signed by Assessor’s Office Manager on October 2, 2015; 1 page
 - e. Correspondence, Preliminary Subdivision filing for Land at 88 Adams Road, Grafton, Massachusetts Assessor’s Map 32 Parcel 10, submitted by James Tetreault, dated February 12, 2016; 2 pages.
 - f. Project Information Summary, dated February 12, 2016; 2 pages.
 - g. List of Project Waivers, dated February 12, 2016, 1 page.
 - h. Environmental and Community Impact Analysis, dated February 12, 2016; 3 pages.
 - i. Project Soil Limitations, submitted by Thompson-Liston Associates, Inc., dated February 12, 2016, no received date; 1 page
 - j. Grafton Conservation Commission, Subject: Order of Resource Area Delineation – DEP #164886 & Determination of Applicability – 88 Adams Road (Assessor’s Map 32, Lot 10), dated September 4, 2014; 8 pages.
 - k. Traffic Impact Study, Prepared by Conley Associates, dated February 2016; 37 pages.
 - l. Flood Insurance Rate Map, Map number 250270832F, revised date July 16, 2014, 8 ½” X 11”, color; 1 page.
 - m. Plan Set; Flexible Plan Preliminary Subdivision, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white, dated November 25, 2015; 22 sheets.
 - n. Plan Set; Conventional Plan Preliminary Subdivision, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white, dated January 13, 2016; 26 sheets.
- EXHIBIT 2.** Email, Subject: MRSP 2016-6 & Preliminary Plan Approval – “The Ridings” Subdivision – 88 Adams Road, sent from Nancy Connors, Board of Health, dated and received March 2, 2016; 1 page.
- EXHIBIT 3.** Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received March 3, 2016; includes the following:
- a. Plan Set; Flexible Plan Preliminary Subdivision, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white, dated November 25, 2015, no revision date; 12 sheets.
 - b. Plan Set; Conventional Plan Preliminary Subdivision, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white, dated January 13, 2016, no revision date; 26 sheets.
- EXHIBIT 4.** Public Hearing Notice with attached publication pages, stamped by the Town Clerk’s office on March 4, 2016; 3 pages.

- EXHIBIT 5. Correspondence, Subject: The Ridings, 88 Adams Road Preliminary Plan and MRDSP Review, submitted by Graves Engineering, Inc., dated and received March 18, 2016; 6 pages.
- EXHIBIT 6. Correspondence with supporting documents, RE: Border Dispute, submitted by Kathlyn Laflamme, dated March 18, 2016, dated March 22, 2016; 8 pages.
- EXHIBIT 7. Minutes of Meeting, Planning Department – Technical Review, March 22, 2016; 2 pages.
- EXHIBIT 8. Correspondence, Ref: The Ridings Development 88 Adams Road, submitted by Stephen Charest, Asst. Chief, Fire Department, dated March 23, 2016, received March 23, 2016; 1 page.
- EXHIBIT 9. Public Hearing Sign In Sheet, March 28, 2016; 1 page.
- EXHIBIT 10. Public Hearing Continuance Request Form, dated and received March 20, 2016, signed by James Tetreault; 1 page.
- EXHIBIT 11. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received April 18, 2016; includes the following:
- a. Correspondence, Subject: Preliminary Subdivision filing for Land at 88 Adams Road, Grafton, Massachusetts Assessor’s Map 32 parcel 10, submitted by James Tetreault, dated April 18, 2016; 8 pages.
 - b. Plan Set; Flexible Plan Preliminary Subdivision, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white, dated November 25, 2016, revised April 14, 2016; 22 sheets.
 - c. Plan Set; Conventional Plan Preliminary Subdivision, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white, dated January 13, 2016, revised April 15, 2016; 26 sheets.
- EXHIBIT 12. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received April 20, 2016; includes the following:
- a. Correspondence, Subject: Preliminary Subdivision filing for Land at 88 Adams Road, Grafton, Massachusetts Assessor’s Map 32 parcel 10, submitted by James Tetreault, dated April 18, 2016; 1 page.
 - b. Revised Flexible Development Alternate Layout Land Plan, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white, dated April 20, 2016; 1 page.
- EXHIBIT 13. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received April 21, 2016; includes the following:
- a. The Ridings Open Space Presentation Plan (Flexible), color, no date; 1 sheet.
 - b. The Ridings Open Space Presentation Plan (Conventional), color, no date; 1 page.
- EXHIBIT 14. Public Hearing Sign In Sheet, dated April 25, 2016; 1 page.
- EXHIBIT 15. Public Hearing Continuance Request Form, dated April 25, 2016, Signed by James Tetreault; 1 page.

- EXHIBIT 16. Public Hearing Notice with attached publication pages, stamped by the Town Clerk’s office on May 24, 2016; 3 pages.
- EXHIBIT 17. Certified Abutters list, signed by Assessor’s Office Manager, dated and received May 27, 2016; 2 pages.
- EXHIBIT 18. Public Hearing Sign In Sheet, June 13, 2016; 1 page.
- EXHIBIT 19. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received June 20, 2016; includes the following:
- a. Correspondence, Subject: Preliminary Subdivision filing for Land at 88 Adams Road, Grafton, Massachusetts, Assessor’s map 32 parcel 10, submitted by James Tetreault, PE, dated and received June 20, 2016; 1 page.
 - b. Plan Set; Revised Conventional Plan Preliminary Subdivision, submitted by Thompson-Liston Associates, Inc., revised through June 6, 2016, received June 20, 2016; 24 sheets.
- EXHIBIT 20. Correspondence from Graves Engineering, Inc., Subject: The Ridings, 88 Adams Road, Preliminary Plan and MRDSP Review, dated and received June 24, 2016; 6 pages.
- EXHIBIT 21. Public Hearing Sign In Sheet, dated June 27, 2016; 1 page.
- EXHIBIT 22. Public Hearing Continuance Request Form, dated June 27, 2016, Signed by James Tetreault; 1 page.
- EXHIBIT 23. Mullin Rule Certification for June 27, 2016 Public Hearing, signed by Michael Scully on July 11, 2016; 1 page.
- EXHIBIT 24. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received July 18, 2016; includes the following:
- a. Correspondence, Subject: Preliminary Subdivision filing for Land at 88 Adams Road, Grafton, Massachusetts Assessor’s Map 32 parcel 10, submitted by James Tetreault, dated July 18, 2016; 1 page.
 - b. Plan Set; Revised Conventional Plan Preliminary Subdivision Plan Set, prepared by Thompson-Liston Association, Inc., 11” X 17”, black and white, revised through July 14, 2016; 25 sheets.
 - c. Sight Distance Confirmation Plan and Profile of Adams Road, prepared by Thompson-Liston Associates, Inc., 11” X 17”, black and white; 1 sheet.
- EXHIBIT 25. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received July 19, 2016; includes the following:
- a. Correspondence from James Tetreault, Thompson-Liston Associates, Inc., Re: Conventional Subdivision Concept Plan filing for Land at 88 Adams Road, dated July 19, 2016; 1 page.

- b. Plan Set; Revised Conventional Plan Preliminary Subdivision Plan Set, prepared by Thompson-Liston Association, Inc., 11” X 17”, black and white, revised through July 14, 2016; 18 sheets.
- EXHIBIT 26. Correspondence from Graves Engineering, Inc., Re: The Ridings, 88 Adams Road, Preliminary Plan and MRDSP Review, dated July 25, 2016, received July 25, 2016; 6 pages.
- EXHIBIT 27. Public Hearing Sign In Sheet, July 25, 2016; 1 page.
- EXHIBIT 28. Public Hearing Continuance Request Form, dated July 25, 2016, Signed by James Tetreault; 1 page.
- EXHIBIT 29. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received August 24, 2016; includes the following:
- a. Preliminary Subdivision filing for Land at 88 Adams Road, Grafton, Massachusetts Assessor’s Map 32 parcel 10, submitted by James Tetreault; dated August 22, 2016; 1 page.
 - b. Plan Set; Revised Conventional Plan Preliminary Subdivision in Grafton, MA, Submitted By Thompson-Liston Associates, Inc., 11” x 17”, Black and White, Revised through August 15, 2016, Received August 24, 2016; 25 Pages.
- EXHIBIT 30. Email Correspondence, From: Joe Laydon, Grafton Town Planner, To: James Tetreault and Steven Venincasa, dated August 25, 2016; 1 Page.
- EXHIBIT 31. Public Hearing Continuance Request, dated August 26, 2016, signed by James Tetreault; 1 page.
- EXHIBIT 32. Public Hearing Sign In Sheet, August 29, 2016; 1 page.
- EXHIBIT 33. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received September 12, 2016; includes the following:
- a. Correspondence, From James Tetreault, PE of Thompson-Liston Associates, Inc., To Grafton Planning Board, Re: Preliminary Subdivision filing for Land at 88 Adams Road, Grafton, MA Assessor’s Map 32 Parcel 10; 1 Page.
 - b. Plan Set; Revised Conventional Plan Preliminary Subdivision in Grafton, MA, Submitted By Thompson-Liston Associates, Inc., 11” x 17”, Black and White, revised September 2, 2016; 24 sheets.
- EXHIBIT 34. Email; Request for Public Hearing Continuance Request, Subject: Revised Plans for The Ridings, dated September 12, 2016, From by James Tetreault; 1 page.
- EXHIBIT 35. Public Hearing Sign In Sheet, September 12, 2016; 1 page.
- EXHIBIT 36. Correspondence from Jeffrey M. Walsh, P.E., Graves Engineering, Inc.; Subject: The Ridings, 88 Adams Road Preliminary Plan and MRDSP Review – Dated September 21, 2016, Received September 22, 2016; 7 Pages.
- EXHIBIT 37. Public Hearing Sign In Sheet, dated October 3, 2016; 1 page.

- EXHIBIT 38. Public Hearing Continuance Request Form, dated October 3, 2016, Signed by James Tetreault; 1 page.
- EXHIBIT 39. Email Correspondence, From: Ken Sherman, To: Planning Department, Re: Major Residential Special Permit (MRSP 2016-4) & Preliminary Plan Approval, “The Ridings” Subdivision - Off 88 Adams Road, Dated & Received November 10, 2016; 1 Page.
- EXHIBIT 40. Correspondence, From Ken Sherman, Re: “The Ridings”, no dated, received November 14, 2016; 1 page.
- EXHIBIT 41. Public Hearing Sign In Sheet, dated November 14, 2016; 1 page.
- EXHIBIT 42. Public Hearing Continuance Request Form, dated November 14, 2016, Signed by James Tetreault; 1 page.
- EXHIBIT 43. Memorandum, From: Conservation Commission, To: Planning Board, Re: Input for “The Ridings” Subdivision, Dated and Received December 09, 2016; 2 pages.
- EXHIBIT 44. Fax, From: CDR Kenneth B. Sherman, To: Chair Grafton Planning Board, Subject: The Ridings, Dated December 8, 2016, Received December 9, 2016; 2 pages.
- EXHIBIT 45. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received December 9, 2016; includes the following:
- a. Correspondence, From: James Tetreault of Thompson-Liston Associates, Inc., To Grafton Planning Board, Re: Preliminary Subdivision filing for Land at 88 Adams Road; 2 pages.
 - b. Open Space Plan - “The Ridings”, Prepared by Thompson-Liston Associates, Inc., Color; 1 page.
- EXHIBIT 46. Memorandum, From: Joe Laydon, Town Planner, To: Planning Board, Re: Department Consensus on The Ridings and Length of Dead End Streets, Dated December 9, 2016; 2 pages.
- EXHIBIT 47. Public Hearing Sign In Sheet, dated December 12, 2016, 1 page.
- EXHIBIT 48. Public Hearing Continuance Request Form, dated December 12, 2016, Signed by James Tetreault, 1 page.
- EXHIBIT 49. Revised Application Materials submitted by Thompson-Liston Associates, Inc.; received January 17, 2017; includes the following:
- a. Correspondence, From: James Tetreault of Thompson-Liston Associates, Inc., To Grafton Planning Board, Re: Preliminary Subdivision filing for Land at 88 Adams Road; 1 page.
 - b. Plan Set; Flexible Plan Preliminary Subdivision in Grafton, Massachusetts, prepared by Thompson – Liston Associates, Inc., dated November 25, 2016, revised January 13, 2017; 22 sheets.

- EXHIBIT 50. Correspondence, From Jeffrey M. Walsh, P.E., Graves Engineering, Inc., To Joseph Laydon, Grafton Town Planner, Subject: The Ridings, 88 Adams Road Preliminary Plan and MRDSP Review – dated and received January 20, 2017; 8 Pages.
- EXHIBIT 51. Correspondence Stating Preference for Flexible Plan Development, From James Tetreault, PE, Thompson-Liston Associates, Inc., To Grafton Planning Board, dated and received February 23, 2017; 1 page.
- EXHIBIT 52. Public Hearing Sign In Sheet, dated January 23, 2017; 1 page.
- EXHIBIT 53. Correspondence from James Tetreault, Thompson-Liston Associates, Inc.; Re: Preliminary Subdivision filing for Land at 88 Adams Road, Grafton Massachusetts, Assessor’s Map 32 parcel 10; Revised Waiver Request; dated February 11, 2017; 1 page.
- EXHIBIT 54. Memorandum to Planning Board, From Joe Laydon, Town Planner, Re: Comments for the Ridings Deliberations, dated February 13, 2017; 2 pages.

III. FINDINGS

At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 in favor to make the following Findings:

- F1. That this Application is for a Major Residential Development and Preliminary Plan Approval, as defined in Section 2.1 of the Grafton Zoning By-law (hereinafter ZBL).
- F2. That the subject Site is located in a Low Density Residential (R-40) as shown on the Plans identified within the EXHIBITS of this Decision. No portion of the site is located within the Water Supply Protection Overlay District.
- F3. That Major Residential Developments are permitted in an R-40 zoning district only upon the issuance of a Special Permit from the Planning Board in accordance with Sections 5.3 and 1.5 of the ZBL.
- 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 waiver requests for the Preliminary Plan – Flexible Development were based on a number of factors unique to this Application and within the context of the Grafton Zoning By-Law, specifically:

5.3.14 Ways, Interior Streets, and Utilities

The construction of all ways, interior streets and utilities shall be in accordance with the standards specified in the Subdivision Rules. The Planning Board is strongly encouraged to waive those sections of the Subdivision Rules in the interests of good design if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel. While each development proposal is unique the Planning Board is encouraged to waive standards for cartway width (5.2.2.1), curbing (4.2, 5.7.3), Right of Way (4.1.4.1), Dead End Streets (4.1.6),

Sidewalks (4.1.4.3), Drainage (4.7.9.2), Common Driveway (4.12 and 5.14) and to use a 25 mile per hour Design Speed to establish engineering criteria for minimum grade (4.1.5.1), maximum grade (4.1.5.2), minimum tangent length between reverse curves (4.1.3.3) and maximum grade within 50 feet of an intersection (4.1.5.6). (T.M.5-13-91)

- F6. 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.
- F7. 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.
- F8. That determinations regarding the following Findings are also predicated upon the satisfactory completion of all road and other improvements in accordance with the Rules and Regulations, except where modified by this Decision or any subsequent definitive plan conditions of approval, and also in accordance with all applicable Federal, State and other Local permits and regulations.
- F9. That the final submission of the Conventional Development Plan submitted by the Applicant (EXHIBIT #33b) depicts a total of forty three (43) lots. The Board also finds that the final submission of the Flexible Development Plan (EXHIBIT #49b) depicts a total of thirty nine (39) proposed lots. The total size of the site is 71.89 acres.
- F10. The Applicant proposes to provide public water service for the proposed development. No public sewer will be provided for the proposed development.
- F11. That the Applicant requested waivers from the Subdivision Rules and Regulations for Flexible Development Plan (see EXHIBIT #53) which include the following:
- Section 4.1.2.1.b – cuts and fills greater than 6 feet within a right of way
 - Section 4.1.3.6 – intersections to be at least 600 feet apart
 - Section 4.1.4.2b – minimum pavement width of Minor Road A
 - Section 4.1.6.3 – length of dead end road

At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 in favor to make the following Findings:

- F12. That during the public hearing the Board and the Applicant reviewed the existing conditions of the site. The site is 71.80 acres in Grafton. The proposed development plan shows lots in Grafton connecting to additional lots proposed on adjacent land in Westborough which will be connected by a through road known now as Road A. The Westborough lots will be developed off of Harvest Way in Westborough.
- F13. That during the public hearing the Board received testimony, verbal and written, from :
- Kathlyn Laflamme, 112 Adams Road. Ms. Laflamme pointed out that there was an error in the property line between the Applicant's property and hers (see EXHIBIT #6). The Board

requested that the Applicant rectify the matter. No additional input was received on this matter at the close of the public hearing. Ms. Laflamme asked if the 50 foot extension of the right of way along her property is for fire access. Mr. Tetreault noted that the right of way is for possible road way extension and future planning.

- Ken Sherman – 89 Adams Road (see EXHIBITS #39 and #40). He noted that Adams Road was a designated Scenic Road and that a Scenic Road Permit was required. The Board noted that such a permit would be required at the time that the Applicant was ready to proceed with construction but not at this point in time. Mr. Sherman also questioned the minimum frontage width requirements to access the site. The Board required the Applicant to verify that they had enough frontage width to install a roadway which included the required rounding radii for vehicular turning movements. The Board finds that the Applicant provided this information and demonstrated that the access frontage was adequate.
- Joe Laflamme - 113 Adams Road was present for the hearing and requested a privacy fence of at least 9 foot tall due to frequent past trespassing and noted the disputed property on Old Adams Road. The Board noted that a fence would inhibit the open space habitat management. The Applicant noted the property dispute along Old Adams Road can be settled in favor of the Laflammes since the property is not needed for the subdivision construction.
- Jeff Underwood - 86 Adams Road - spoke about the impact on the existing neighborhood. He asked for the overall length of time the development will take place and what type of disruption to the existing neighborhood will be created by the construction of the proposed development, what the town ordinances are for work, and consideration for the impact on the existing neighborhood, especially since many of the residents in the area are retirees and home all day. He noted the noise created by the Massachusetts Turnpike (I-90). He asked that the Board consider leaving as many of the buffer trees standing as possible and also consider the noise when houses/decks are built. The Board noted that many of these issues will be discussed and decided at the Definitive Plan stage.
- Linda Underwood - 86 Adams Road – expressed concern about rate of speed on proposed Road A. The Applicant noted that they are requesting a narrower road in order to slow traffic on the road.
- Bryan Bush, Chairman of the Westborough Planning Board and Jim Robbins, Westborough Town Planner were present at the July 25, 2016 hearing. They reviewed their Town’s requirements and noted that the Flexible Development plan would be preferable for Westborough. Westborough’s Planning Board’s biggest concern is traffic particularly the impacts once the existing cul-de-sac in Westborough is extended. It was noted that Westborough’s approval is contingent on Grafton’s approval of the plan in order to continue the proposed cul-de-sac, otherwise the non-connected cul-de-sac would exceed the maximum allowed roadway length. It is noted that the Westborough Planning Board approved the Flex / Open Space plan for the portion of the development located within their town’s boundaries.

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

- F14. That during the public hearing, the Board and the Applicant discussed the conventional and the flexible development proposals. A number of revisions were submitted to both concepts throughout

the public hearing which reflect comments received from the Board and Graves Engineering, the Board’s peer review consultant. The Applicant had been requested to bring forth a conventional development plan that could be built without any waivers in order to determine the base lot count. The Board notes that the Applicant complied with this request.

It is noted that the Town Planner did not recommend the Conventional Development Plan due to the clearing of so many trees on the southern cul-de-sac adjacent to the Massachusetts Turnpike, roadway length 2,000 greater than the Flexible Plan, and the increased number of housing units. It was noted that the environmental integrity of the land would best be upheld with the Flexible Development Plan. The Board requested that staff provide an assessment of the various development concepts submitted (Conventional and Flexible) for the Board to consider. Some members of the Board stated that the Flexible Development Plan might be the best fit for this subdivision given the exceptional circumstances of this property. The Applicant noted that the Flexible Development Plan results in the least amount of work in the wetlands buffer zones. The Conventional Development Plan requires substantial tree removal, decreasing the natural noise barrier between the lots and the nearby highway.

The Board finds that Town staff (Town Planner, Conservation Agent, Assistant Fire Chief and the Highway Superintendent) provided a review of all the concepts presented and unanimously recommended the Flexible Development Plan (see EXHIBIT #43 and #46).

On January 23, 2017, the Board voted 4-1 to recommend the Flexible Development Plan with a lot count not to exceed thirty nine (39) as submitted (see EXHIBIT #39b) in accordance with Section 5.3.9 of the Grafton Zoning By-Law.

The Board finds that the Applicant submitted a written declaration to pursue the Flexible Development Plan at the public hearing on January 23, 2017 (see EXHIBIT #51). This was submitted in accordance with Section 5.3.9 of the Grafton Zoning By-Law.

F15. That during the public hearing, the Board and the Applicant discussed traffic impacts and sight lines along Adams Road. A traffic analysis was provided (see EXHIBIT #1j). Concerns were raised about the following:

- **Sight Distances:** It was noted that the proposed entrance to the site was situated along a stretch of Adams in a manner that might be problematic and potentially dangerous. Sight lines and existing rate of speed on Adams Road were cited with particular mention of the roadway profile of Adams road in that vicinity. The Applicant reviewed the American Association of State Highway and Transportation Officials (AASHTO) regulations as they relate to the intersection of Adams Road and Road A. Field measurements were taken and presented. The Applicant stated they are able to meet AASHTO. The Board noted that some work needed to be done to bring down the crest of the Adams Road to improve sight lines and that this could be addressed at the Definitive Plan stage. The Applicant stated that it would be considered.
- **Through Traffic:** Concerns were raised that Road A could potentially serve as a “cut through” to Westborough to avoid traffic on the main roads such as Old Westborough and Adams Roads. It was noted that people will always seek alternate routes but that the likelihood of Road A becoming a major cut through to Westborough, particularly for commuter traffic, was unlikely

given the proposed roadway design, proposed pavement width and proximity to major roadway connections in Westborough via Harvest Way.

See also: WAIVER #W3.

- F16. That during the public hearing, the Board and the Applicant discussed the disposition and nature of the proposed open space plan. The Board notes that the Applicant stated that it was their intent to transfer the open space portion of the site to the Sudbury Valley Trustees and that a preliminary set of guidelines for open space management were submitted (see EXHIBIT #45a),

Steve Sloan of the Sudbury Valley Trustees spoke to the Board to review the open space plan for the Flexible Development Plan as it relates not only to wildlife habitat but to the extension of the open space network already in place in Grafton and Westborough. The Applicant is proposing 45 acres open space in Grafton. That acreage would tie into 220 acres of Westborough Open Space if the Flexible Plan is chosen. Public access opportunities to the whole open space network in both towns would now be possible. He also stated that the vernal ponds in the areas would greatly benefit from the substantial buffer zones of the Flexible Plan. Mr. Sloan also discussed the benefits to the Area of Conservation and Environmental Concern (ACEC) near by the Adams Street property in Westborough.

Parking and access to the proposed open space was reviewed. A new parking area near the trail head in Westborough has now been included. A formal land use management plan which includes an overview of open space connections to the surrounding open space in both towns is required. The management plan should also identify controls for patrolling and enforcing any restrictions required for managing the open space. Mr. Steve Sloane, staff support to the Sudbury Valley Trustees, noted that the SVT would be assuming management of the open space. He reviewed the connections to open space areas abutting the project noting that the addition of the project open space would result in 300 acres of connected open space and trails. Not only would it benefit the people who wish to use the trails but a large swath of open space such as this would be a benefit to wildlife and rare species habitats. With regards to parking, Mr. Sloane stated that he preferred a single point of entrance to the open space network as it would be easier to manage and that it would be more visible to the police than access from cul de sacs. It was reiterated that the plan needs to be revised to show open space access points. Final access points could be discussed at the Definitive Plan stage.

- F17. That during the public hearing, the Board and the Applicant discussed cuts and fills as they relate to roadway design and the requirements set forth in the Subdivision Rules and Regulations. A number of roadway concepts for both the Conventional and Flexible Development plans were reviewed and considered. The final waiver request for cuts and fills were submitted as a result of the last submission of the Flexible Development Plan (EXHIBITS #49b and #53). See WAIVER #W1.
- F18. That during the public hearing, the Board and the Applicant discussed issues related to intersection offset distance between Road A in Grafton with Harvest Way and the section of the proposed development in Westborough. A number of roadway concepts for both the Conventional and Flexible Development plans were reviewed and considered. This request was reviewed based on the last submission of the Flexible Development Plan and final waiver requests (EXHIBITS #49b and #53). See WAIVER #W2.

- F19. That during the public hearing, the Board and the Applicant discussed the waiver request for minimum pavement width. This request was reviewed based on the last submission of the Flexible Development Plan and final waiver requests (EXHIBITS #49b and #53). See Waiver #W3
- F20. That during the public hearing, the Board and the Applicant discussed the waiver request to allow Road C to extend beyond the maximum allowable length of 500 feet. This request was reviewed based on the last submission of the Flexible Development Plan and final waiver requests (EXHIBITS #49b and #53). The Applicant is proposing a length of approximately 950 feet. See Waiver #W4.
- F21. That the Board received project review comments from Graves Engineering, the Town's peer review engineering contractor. The final review was submitted on January 20, 2017 (EXHIBIT #50). The review noted a number of items to be addressed during the Definitive Plan submission (see CONDITION #C7).

At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 in favor to make the following Findings:

- F22. With regard to Section 5.3.4(b)1, that the materials submitted in association with this Application satisfies the filing requirements of this Section regarding a Conventional Development Plan. See EXHIBIT #33b.
- F23. With regard to Section 5.3.4(b)2, that the materials submitted in association with this Application satisfies the filing requirements of this Section regarding a Flexible Development Plan. See EXHIBIT #49b.
- F24. With regard to Section 5.3.4(b)3, that the materials submitted in association with this Application satisfies the filing requirements of this Section regarding a Land Use Plan. See EXHIBITS ##33b, 45b, 49b.
- F25. With regard to Section 5.3.4(b)4, that the materials submitted in association with this Application satisfies the filing requirements of this Section regarding a comparison of the impacts of a Flexible Development Plan to those that would result from the Conventional Development Plan.
- F26. With regard to Section 5.3.4(b)5, that the materials submitted in association with this Application satisfies the filing requirements of this Section regarding a list of requested waivers from the Rules and Regulations. See EXHIBIT #3.
- F27. With regard to Section 5.3.4(b)6, that the materials submitted in association with this Application satisfies the filing requirements of this Section regarding the number of copies of required plans and/or reports.

At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 in favor to make the following Findings:

- F28. The maximum number of dwelling units authorized by this Major Residential Special Permit that could reasonably be expected to be developed on the property under a Flexible = Development Plan in full conformance with zoning, Subdivision Rules, health codes, wetland bylaws, and other applicable requirements is not to exceed thirty nine (39).
- F29. The Board further finds that the Applicant submitted a written statement electing to pursue the Flexible Development Plan to the Board at the January 23, 2017 public hearing (EXHIBIT 51) as required by Section 5.3.9 of the ZBL. On January 23, 2017, prior to the close of the public hearing, the Board voted unanimously 4-1 to recommend the Flexible Development Plan as most beneficial to the Town pursuant to Section 5.3.9 of the Grafton Zoning By-Law. The Board further finds that said EXHIBIT satisfies the requirements of Section 5.3.9 regarding communicating the Applicant's development preference to the Board.

At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 in favor to make the following Findings with regard to the specific issues listed in Section 1.5.5 of the ZBL:

- F30. With regard to Section 1.5.5(a), and based upon the Findings stated within this Decision, that ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate as it relates to the submission of a preliminary plan. The profile of Adams Road will be lowered which improve sight distances and safety. The most recent design shows that the number of cul de sacs has been reduced which is beneficial to automotive safety. Sidewalks are included on the site.
- F31. With regard to Section 1.5.5(b), and based upon the Findings stated within this Decision, that off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory as it relates to the submission of a preliminary plan. The Board finds that detailed information regarding this requirement would be addressed as part of a definitive plan submission. Surrounding uses are residential in nature; site abuts the Massachusetts Turnpike to the south. Density of development would likely generate noise levels exceeding existing ambient levels in the area as it relates to the Adams Road area. However, the residential use is in keeping with the surrounding area particularly to the west where the subdivision will extend into and be connected to another subdivision in Westborough. Driveways to be provided to each house lot. Impacts would likely be noticeable given the low level residential development currently in area and given the topography of the site. Some of the lighting impacts to the properties to the west would be mitigated by open space buffer.
- F32. With regard to Section 1.5.5(c), and based upon the Findings stated within this Decision, that refuse collection or disposal and service areas are satisfactory. The Board finds that this does not apply given the nature of the project.
- F33. With regard to Section 1.5.5(d), and based upon the Findings stated within this Decision, that screening and buffering with reference to type, dimensions and character are applicable to the submission of a preliminary plan. Existing vegetative cover to be used as buffer / screening. The

amount and types to be addressed as part of the Conditions. Issues relating to identification of Heritage Trees and no cut / no disturb areas on each lot to be identified. The Board, through the Definitive Plan stage, will have the opportunity to review existing vegetation for retention and have additional opportunities to review and discuss specific screening and buffering options.

- F34. With regard to Section 1.5.5(e), and based upon the Findings stated within this Decision, that signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district as it relates to the submission of a preliminary plan. The Board finds that detailed information regarding this requirement would be addressed as part of a definitive plan submission.
- F35. With regard to Section 1.5.5(f), and based upon the Findings stated within this Decision, that the required yards and other open space requirements are adequate. The Board finds that the Preliminary Plan has adequately addressed these issues. Further refinement to be developed during the Definitive Plan permitting phase.
- F36. With regard to Section 1.5.5(g), requiring that the Board determine if the proposed number of dwelling units conforms to zoning and is similar to abutting properties and the project is generally compatible with adjacent properties and other property in the district. The area is residential in nature to the south, east and west. To the north is primarily open space.
- F37. With regard to Section 1.5.5(h), and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, the applicable Water District, and all other applicable agencies, and based upon the plans and materials referenced in this Decision, there will not be any significant adverse impact on any public or private water supply. Soil testing has been completed and all proposed lots can accommodate septic systems. The Board of Health will continue to coordinate. The site will be served by the Grafton Water District.
- F38. With regard to Section 1.5.5(i), the Board finds that this is not applicable as the portion of the site to be developed is not located within the Water Supply Protection Overlay District.
- F39. With regard to Section 1.5.5(j), that protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory as it relates to the submission of a preliminary plan. None identified in the Application; no input received from Town Departments.

IV. WAIVERS

- W1. At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

Section 4.1.2.1(b) - The proposed streets in the subdivision shall be so designed as to minimize cut and fill. Cuts or fills greater than four (4) feet are considered significant and, in addition to the specific provisions of these Regulations, additional design and/or construction provisions may be required by the Board. Proposed grades within the right-of-way, including any cul-de-sac, shall not

be more than six feet (6') above or below existing grade unless specifically authorized by the Planning Board in unusual topographic circumstances.

Applicant's Request: They are seeking to allow for cuts or fills greater than 6 feet on Road A (see EXHIBIT #53, Comment #22).

During the course of the public hearing and through multiple submissions by the Applicant, Graves Engineering had continued to review this waiver request noting in their final review.

“It is noted that the number of requested cuts or fills varied throughout the process as the potential roadway configuration was altered based on ongoing discussion with the Board regarding the number and location of the proposed cul de sacs. The final concept presented to the Board resulted in a reduced number of requested cuts and fills in response to the Boards preferences pertaining to the location and number of cul de sacs.”

The Board finds that, based on the review of circumstances presented WAIVER #1, the Applicant presented a compelling argument to grant the waiver request. In granting this request the Board notes that there were circumstances unique to this project such as the need to balance environmental impacts, roadway design and items identified by Town Departments (see EXHIBIT #46) who unanimously recommended the final road layout that resulted the cuts and fills identified in this waiver request.

- W2. At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

Section 4.1.3.6 - Streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land at intervals of from six hundred feet (600') to twelve hundred feet (1200')

Applicant's Request: They are seeking the wavier to allow for the construction of Road C less than that distance from the intersection of Harvest Way (Westborough) and Road A (Grafton).

It is noted that this issue was discussed during the public hearing as it relates to public safety. The original design showed Road A ending at the proposed Harvest Way intersection with a new road that is proposed as part of this project to be developed in Westborough. Originally traffic on Road A would come to a stop at the three way intersection. The roadway configuration was redesigned to require Harvest Way traffic to stop with Road A and the new road for the Westborough portion of the proposed development to be a contiguous through street. Graves Engineering notes that the road in Westborough was moved approximately twenty feet farther away from the town line into Westborough (see EXHIBIT #50). The Board finds that the new redesigned concept is an improvement for the sake of public safety.

The Board finds that, based on the review of circumstances presented WAIVER #2, the Applicant presented a compelling argument to grant the waiver request. In granting this waiver request the Board notes that there were a number of unique factors associated with this Application including

the need to address public safety as it travels along Road A into and out of Westborough. The Board notes the Applicant had adequately addressed design issues that improved the overriding public safety concerns with regards to the traffic control at the intersection of Road A and Harvest Way in Westborough.

W3. At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 to **GRANT** the Applicant’s request for the following Waiver from the *Rules and Regulations*, as specified below:

- Section 4.1.4.2.b – Pavement Width – Minor Street A – thirty (30) feet and four (4) inches minimum

Applicant’s Request: Road A has been identified as a Minor Road B which requires width of pavement to be twenty six feet. The Applicant would like to reduce this width to twenty four feet.

It is noted that the original trip generation information supported the original classification of Road A as a Minor Road A (see EXHIBIT 1j). This information was based on fifty eight (58) lots. Throughout the public hearing process the number of lots was reduced to thirty nine (39) which represents a thirty percent reduction. This reduction resulted in in the eligibility for Road A to be classified as a Minor Road B which requires a minimum pavement width of twenty six feet. It is noted that a revised traffic study was not submitted. The current waiver request is based on the assumption that Road A can be classified as a Minor Road B. However, Graves Engineering, the Town’s peer review consultant, did not acknowledge the change in classification as the last peer review report (EXHIBIT #50) was submitted prior to the revised waiver request (EXHIBIT #53). Graves Engineering continued to evaluate the waiver request based on the original submission which identified Road A as a Minor Road A. The final comment regarding this request received from Graves Engineering is as follows:

“The plans propose roadway pavement widths of 24 feet throughout the project. A waiver request was submitted to allow this pavement width in lieu of a 30-foot wide pavement width on Road A. We don’t have an issue with the proposal to reduce the pavement width to less than 30 feet in an effort to promote traffic calming. At this time we don’t have a concern with the proposed width of 24 feet. If additional information comes to light that suggests a wider pavement width may be in order, then an alternative to the 24-feet with could perhaps be a pavement width of 25 feet (Section 4.1.4.2)”

In reviewing the plans, the Assistant Fire Chief stated that road should be no more narrow than twenty four (24) feet for public safety reasons (see EXHIBIT #46).

The Board finds that, based on the review of circumstances presented WAIVER #3, the Applicant presented a compelling argument to grant the waiver request. In granting this waiver, the Board notes that there are unique site factors which allow this waiver to be considered. Such factors include impacts to wetlands, traffic calming and reduction of environmental impacts (see FINDINGS #F13, #F15 and #F16; EXHIBITS #45a, and #46).

- W4. At their meeting of April 10, 2017, 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. Robbins) voted 5-0 to **DENY** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

Section 4.1.6.3 – However, if they are necessary for subdivisions with minor streets or common driveways, dead end streets and their extensions or segments, if any, shall not be shorter than one hundred fifty feet (150'), nor longer than five hundred feet (500').

Applicant's Request: They are seeking the Waiver to allow Road C to exceed the maximum length of 500 feet. The final plan set received (EXHIBIT #49b) shows Road C to be approximately 955 feet.

The Board discussed this item at length taking into consideration public safety requirements such as emergency vehicle access, roadway maintenance such as snow plowing, environmental impacts, site topography, access to the proposed open space, and providing through access to adjacent parcels.

Town staff reviewed the various roadway scenarios submitted by the Applicant throughout the course of the public hearing and submitted their recommendations (see EXHIBIT #53). Included in those review sessions were the Conservation Agent, the Assistant Fire Chief, the Town Planner and the Highway Superintendent. Staff unanimously recommended the Flexible Development Plan with the 900 foot cul de sac. The Applicant submitted a revised roadway design for Road C after the submission of the staff recommendation. The revised design shows a modified cul de sac between stations 6+00 and 7+00 with an additional linear roadway extending from station 7+00 to 9+55. Town staff who made the original recommendation did not review the final submission. Some members of the Board noted it was not an optimal solution.

It is noted that Graves Engineering reviewed the plans and submitted this comment (see EXHIBIT #50, comment 23 and EXHIBIT #53):

“The applicant has requested a waiver to allow a dead end street (Road C) in excess of 600 feet in length. A narrative was provided along with this waiver request. We don't take exception to the points made in the narrative. Nevertheless, we understand that the Planning Board will address waiver requests and may vote to deny or approve said waiver request.”

The Board notes that Section 4.1.6.4 of the Subdivision Rules and Regulations provides for the following:

“In the unusual event that topography or other site conditions justify a dead end street longer than five hundred feet (500'), and where there is a substantial public or conservation benefit to be achieved, the Planning Board may relax these standards. Any waiver request regarding this provision shall require the Board to specify the particular public and/or conservation benefit to be realized, and shall be referred by the applicant to the Police Chief, Fire Chief, Director of Public Works and Conservation Commission for their review and comment on this specific issue prior to the Board's action on such request.”

The Board finds that the final Preliminary Plan – Flexible Development submitted for consideration (EXHIBIT #49b) substantially conformed with the criteria set forth in the Subdivision Rules & Regulations. However the Applicant did not adequately address a number of issues pertaining to the design and length of Road C (see WAIVER #4). It was found that the Applicant did not provide enough information about the length and configuration of the proposed roadway in relation to the context of topographical and other site features. The Board further noted that the Applicant would have the opportunity to present alternative layouts during the definitive plan phase and that a new waiver request could be submitted at that time (see CONDITION #C2).

V. DECISION and CONDITIONS

A. MAJOR RESIDENTIAL SPECIAL PERMIT - RECORD OF VOTE

At their meeting of April 10, 2017, 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 Mr. Hassinger) voted 5-0 The following members voted to **APPROVE** the Applicant’s application for a **Major Residential Special Permit** with Conditions as noted below.

<u>Michael Scully, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Tracy Lovvorn, Member</u>	<u>AYE</u>
<u>Mr. Robbins, Clerk</u>	<u>AYE</u>		

CONDITIONS

- C1. This Major Residential Development Special Permit is for a Flexible Development Plan.
- C2. Prior to the submission of a Definitive Plan Approval application the Applicant will meet with Town staff, in particular the Department of Public Works, Planning Department, Conservation Agent and the Fire Department, to address the issues raised regarding Road C with particular attention to length of roadway, lot access with the potential use of common driveways, cul de sac design and other items identified as part of the Major Residential Special Permit process. The purpose of this condition is encourage the Applicant to design Road C in a manner that justifies the length of roadway by taking into consideration the requirements of the Subdivision Rule & Regulations and staff input as it relates to public safety, environmental considerations and lot configuration. The Town Planner shall be responsible for coordinating this effort.
- C3. The total number of dwelling unit lots that could be developed under this Major Residential Special Permit Decision for the Conventional Development Plan shall not exceed thirty nine (39) single family lots. This Condition 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 each said lot.
- C4. Any definitive plan filed pursuant to this Decision shall depict lot coverage with regards to amount of wooded areas to be left undisturbed. In particular coverage on the lots with existing wooded slopes shall be developed to minimize disturbance to and are responsible to the natural

systems that provide stormwater management safeguards, wildlife habitat sensitivity and noise mitigation.

- C5. Any definitive plan filed pursuant to this Decision shall demonstrate that they have satisfied the requirements of the Article 33: Shade Tree, Section 5(f), of the Town of Grafton General By-laws.
- C6. Any definitive plan filed pursuant to this Decision shall demonstrate that they have satisfied the public safety requirements of the Town including but not limited to the requirements of the Fire Department, Police Department and the Department of Public Works.
- C7. Any definitive plan filed pursuant to this Decision shall depict resolution of outstanding issues identified by Graves Engineering in their final peer review report dated January 20, 2017 (see EXHIBIT #50) including but not limited to: Comments #3, #6, #11, #14,
- C8. Pursuant to Section 5.3.10.1 of the ZBL, all subsequent submissions, requirements and approvals for the creation of the lots authorized by this Major Residential Special Permit shall be as specified in the Rules and Regulations, as applicable. Any subsequent Plan(s), which shall be developed substantially as depicted on the Plans identified as EXHIBIT #49b and modified pursuant to CONDITION #C2 of this Decision, shall be submitted to and reviewed by the Planning Board pursuant to Subdivision Control Law and the Rules and Regulations, and be developed in accordance with, and conform to, the Rules and Regulations, unless modified by this Decision. This Condition shall not be construed as approving any Definitive Subdivision Plans or other Plan(s) for the development specified in this Decision.
- C9. Pursuant to Section 5.3.10.3 of the ZBL, the Planning Board reserves the right to require changes to the Flexible Development Plan and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of the Bylaw.
- C10. Pursuant to Section 5.3.10.4 of the ZBL, subsequent to the granting of this Major Residential Special Permit for a Flexible Development and the approval of any Plan(s) submitted pursuant to Subdivision Control Law and the Rules and Regulations, the Planning Board may permit the relocation of lot lines within the development without initiating a new Major Residential Special Permit proceeding. Also pursuant to Section 5.3.10.4, changes in the layout of streets, in the use, ownership, and any other conditions stated in this Special Permit, or any information submitted, including requests for any waiver(s) or other relief that is not part of this Major Residential Special Permit Application, shall require written approval of the Planning Board in accordance with any applicable regulations. The Planning Board may, upon its determination, require a new Special Permit, in accordance with Section 1.5 of the ZBL, 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 Special Permit decision.
- C11. If during the review of any Plans derived from this Major Residential Special Permit, the Planning Board determines that a conflict exists between information from which this Decision is based and the information associated with such Plans, the Planning Board may, upon its determination, require a new Major Residential Special Permit if it finds that the proposed changes are substantial in nature and of public concern.
- C12. The lots shown on the Plans shall be serviced by public water as agreed upon by the Applicant. This Approval shall not be construed as final approval of any off-site improvements or work

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 Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision. All proposed work associated with the creation of the lots authorized by this Decision and subject to the departments/entities noted herein shall be shown on any subsequent Plans submitted pursuant to this Decision.

- C13. Any Order of Conditions and/or permits from the Conservation Commission that require substantial modification(s) to any of the plans approved by the Planning Board or conditions of this Major Residential Special Permit, shall follow the procedure specified within the Condition #C12 of this Decision.
- C14. In accordance with Section 1.5.8 of the ZBL, this Major Residential Special Permit shall lapse within two (2) years from the date of the expiration of the appeal period if a Plan for the creation of the lots authorized by this Decision has not been filed with the Planning Board in accordance with all applicable regulations. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C15. This Special Permit shall be recorded in the Worcester District Registry of Deeds (WDRD) prior to submitting any plan(s) for the creation of the lots authorized by this Decision. At the time of filing any such plan(s), the Applicant shall submit evidence to the Planning Board that this Decision has been recorded at the WDRD, including a copy of such recording bearing the WDRD Book and Page Number and/or Instrument Number. Any such Plan(s) submitted to the Planning Board for approval shall contain reference to this Decision, as well as other related approvals, indicating that such plan(s) is (are) prepared pursuant to said Decision(s)/Approval(s) and shall include WDRD recording information, including Book and Page numbers.
- C16. A copy of such recorded Special Permit Decision, including WDRD Book and Page numbers, shall be submitted to the Planning Board Office within thirty (30) days of recording.
- C17. By recording this Special Permit 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.
- C18. Any inability or failure or refusal by the Applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the revocation of this Special Permit.

B. PRELIMINARY PLAN - RECORD OF VOTE

At their meeting of April 10, 2017, 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 Ms. Hassinger) voted 5-0 to **APPROVE** the Applicant’s application for a **Flexible Development Preliminary Plan** with Conditions as noted below.

The Board finds that the final Preliminary Plan – Flexible Development submitted for consideration (EXHIBIT #49b) substantially conformed with the criteria set forth in the Subdivision Rules & Regulations. However, the Applicant did not adequately address a number of issues pertaining to the design and length of Road C (see WAIVER #4). It was found that the Applicant did not provide enough information about the length and configuration of the proposed roadway in relation to the context of topographical and other site features. The Board further notes that the Applicant would have the opportunity to present alternative layouts during the definitive plan phase and that a new waiver request could be submitted (see CONDITION #C2).

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

4-11-17

Date

- cc: Applicant /Owner
- Owner
 - Graves Engineering
 - Building Inspector
 - Board of Health
 - Assessor
 - Grafton Water District

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Donna Girouard, Town Clerk

Date

