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Attest:

Maureen A. Clark
Maureen A. Clark
Town Clerk, Grafton

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RECEIVED-TOWN CLERK
GRAFTON, MA.

DECISION

AUG 15 11 21 AM '96

GRAFTON PLANNING BOARD

MRSP 96-4
"HIGHFIELDS OF GRAFTON"
Magill Associates

Decision of the PLANNING BOARD (hereinafter the Board) on the petition of Magill Associates, 21 Grafton Common, Grafton, MA (hereinafter the Applicant) for property located between Keith Hill Road, Providence Road, Bruce Street and Old Upton Road, Grafton, MA, shown on Assessor's Map 83, Lot 18; Map 84, Lot 3; Map 91, Lots 3, 3A and 3C; Map 92, Lot 11; Map 108, Lot 4; Map 109, Lot 10 (hereinafter the Site).

I. BACKGROUND

This decision is in response to an Application for a Special Permit approval (hereinafter the Application) by the applicant to construct a 160 lot Flexible Development and 18-hole golf course at the Site. This application was formally received on January 19, 1996 and thereafter reviewed for completeness.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest as required by law, Sean Padgett, Chairman of the Board, called the hearing to order at 8:30 p.m. on March 11, 1996 in the McHale Conference Room of the Grafton Municipal Center, 30 Providence Road, Grafton, MA. The following Board members were present throughout the hearing: Chairman Sean Padgett, Clerk Cindy McDermid, Elias Hanna, Robert Hassinger and Associate Member Larry Boutiette. The hearing was continued to May 20, 1996 and then to June 10, 1996, at which time, following public input, the hearing was closed. The record of the proceeding and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

II. FILINGS

EXHIBIT 1 - Conceptual Design and Layout Plan, Flexible, drawn by Andrews Survey & Engineering, dated October 16, 1995

EXHIBIT 2 - Conceptual Design & Layout Plan, Conventional, Andrews Survey & Engineering, dated October 16, 1995

EXHIBIT 3 - Drainage calculations prepared by Gregory Valiton of Andrews Surveying, dated January 3, 1996

EXHIBIT 4 - Correspondence from Gregory Valiton, Andrews Engineering outlining waiver requests, dated January 10, 1996

MALCOLM DAVID DAVIDSON
34 HECHAWIC ST
W02C

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EXHIBIT 5 - Highfields of Grafton Preliminary Subdivision Plan, drawn by Andrews Survey & Engineering, Gregory M. Valiton, Reg. Prof. Engineer and Cornish, Silva & Mungeam, Golf Course Architects, dated January 10, 1996

EXHIBIT 6 - Application for Special Permit, received January 19, 1996

EXHIBIT 7 - Application for Approval of Preliminary Plan, received January 19, 1996

EXHIBIT 8 - Project Information Summary Form, received January 19, 1996
Certified list of abutters, received January 24, 1996

EXHIBIT 9 - Depart comments from the School Department, received January 25, 1996

EXHIBIT 10 - Department comments from the Board of Sewer Commissioners, dated February 6, 1996

EXHIBIT 11 - Copy of Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form, received February 7, 1996

EXHIBIT 12 - Correspondence from Tectonic Engineering, dated February 12, 1996

EXHIBIT 13 - Department comments from Conservation Commission, dated February 22, 1996

EXHIBIT 14 - Copy of Memorandum to Trudy Cox, Secretary of EOE, from Marcia Starkey, Dept. Of Food & Agriculture, dated March 12, 1996

EXHIBIT 15 - Copy of correspondence from E. Heidi Roddis, Mass. Audubon Society to Secretary Cox, EOE, dated March 14, 1996

EXHIBIT 16 - Copy of correspondence from Town Planner to Secretary Trudy Cox, EOE, dated March 18, 1996

EXHIBIT 17 - Copy of Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form, received March 27, 1996

EXHIBIT 18 - Copy of correspondence from Town Planner to Secretary Trudy Cox, Executive Office of Environmental Affairs, dated April 1, 1996

EXHIBIT 19 - Copy of Correspondence to Gregory Valiton, Andrews Survey from Richard N. Foster, Executive Office of Environmental Affairs, dated April 3, 1996, received April 5, 1996

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EXHIBIT 20 - Traffic Impact and Access Study for Proposed Residential Subdivision and 18-Hole Golf Course, Grafton, MA, prepared by HSA Corporation, dated April 26, 1996

EXHIBIT 21 - Copy of Correspondence from the Town Planner to Division of Watershed Management, dated May 14, 1996

EXHIBIT 22 - Sketch Plan pertinent to River withdrawal, received June 3, 1996

EXHIBIT 23 - Correspondence received from the applicant, regarding, Travel Distances to Clubhouse, received June 3, 1996

EXHIBIT 24 - Correspondence received from the applicant, regarding Comparison of Impacts, received June 3, 1996

EXHIBIT 25 - Correspondence received from the applicant, regarding Access Alternatives, received June 3, 1996

EXHIBIT 26 - Conceptual Intersection Improvement Plan, Sibley Street and Old Upton Road, received June 3, 1996

EXHIBIT 27 - Correspondence from HSA Corp. "Responses to Comments on the Traffic Impact and Access Study", dated June 6, 1996

EXHIBIT 28 - Integrated Pest Management (IPM) Plan, Highfields of Grafton Golf Course, Grafton, MA, prepared by Dr. William A. Torello, University of Massachusetts, Amherst, MA, received June 6, 1996

EXHIBIT 29 - Correspondence from applicant advising intent to pursue Flexible Development plan, dated June 10, 1996

III. CONCLUSIONS

CONCLUSION 1: The applicant has represented that his hope is to access the site initially exclusively by way of Old Upton Road. This raises serious concern about other aspects of the application, which had indicated that primary access to the golf course would be from Providence Road, the intersection of which is more than 3 times farther than the intersection with Old Upton.

CONCLUSION 2: The Traffic Impact and Assessment Study (TIAS) acknowledges that this project will impact the intersection of Routes 122/122A in South Grafton.

CONCLUSION 3: The Traffic Impact and Assessment Study (TIAS) acknowledges that this project will impact the intersection of Routes 122/140/Carroll Road

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CONCLUSION 4: The Traffic Impact and Assessment Study (TIAS) acknowledges that this project will impact the intersection of South Street and Upton Street.

CONCLUSION 5: The Traffic Impact and Assessment Study (TIAS) acknowledges that this project will impact the intersection of Bruce Street, Old Upton Street, South Street

CONCLUSION 6: The Traffic Impact and Assessment Study (TIAS) acknowledges that this project will impact the intersection of Sibley Street, Old Upton Street, the subdivision road.

CONCLUSION 7: The Traffic Impact and Assessment Study (TIAS) acknowledges that this project will impact Sibley Street, Old Upton Road and South Street

CONCLUSION 8: Access to the dense cluster of lots in the southeast portion of the site (lot #s 48 to 122) is extremely limited, requiring emergency vehicles to access the site primarily from the northern edges and to traverse up to one mile of new subdivision roadway

CONCLUSION 9: As proposed, this project would rely on withdrawal from the Quinsigamond River in order to irrigate the proposed golf course. There has been no information received relative to specific designs or even anticipated impact on the Quinsigamond River or on related natural resources, including (without limitation) the Fisherville Pond/Marshes and the Blackstone River.

CONCLUSION 10: This project could impact the environment from a variety of actions other than River withdrawal. Little or no information has been submitted to the Board which demonstrates there will be no adverse impact as a result, on groundwater, surface water, wetland resources and surrounding properties.

IV. FINDINGS

After due consideration of the exhibits and the record of the proceedings, and upon satisfaction of all conditions listed herein, the Board finds the following:

- F1) that the ingress and egress to 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, may be adequate only if, and provided all conditions are satisfied.

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- F2) that off-street parking and loading areas with particular attention to the items in the previous finding, and there are no substantial negative economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district, may be adequate only if, and provided all conditions are satisfied.
- F3) that refuse collection or disposal and services areas, with particular reference to items mentioned in the two previous findings may be adequate only if, and provided all conditions are satisfied.
- F4) that screening and buffering with reference to type, dimensions and character are adequate, may be adequate only if, and provided all conditions are satisfied.
- F5) that exterior signs, and exterior lighting with regard to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district, may be adequate only if, and provided all conditions are satisfied.
- F6) that the required yards and other open space requirements are adequate.
- F7) that the project is compatible with adjacent properties and other property in the district.
- F8) that there will not be any significant adverse impact on any public or private water supply.
- F9) that the proposal to withdraw water from the Quinsigamond River would involve withdrawal of water from a river within the Water Supply Protection Overlay District. However, this project will not have any significant or cumulative impact upon municipal water supplies.
- F10) that the Flexible Development and Proposed Uses comply to the requirements of the Bylaw and enhance the purpose and intent of Flexible Development.
- F11) that the Flexible Development and Proposed Uses are in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.
- F12) that the Flexible Development and Proposed Uses are on balance more beneficial to the Town than the development likely without such approval.

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- F13) that the Flexible Development and Proposed Uses comply with the requirements of Section 1.5.5 of the Zoning Bylaws for granting of Special Permits (contained as Findings F1 through F9 herein).
- F14) that the project will be connected to the public sewer system and therefore is in furtherance of the purposes of the Flexible Development and protection of the environment.

V. DECISION and CONDITIONS:

The Planning Board has reviewed and considered the material before it. In light of the foregoing conclusions and findings, and in an effort to facilitate ongoing review of this project at the Massachusetts Environmental Policy Act staff, the Board therefore voted to grant the Flexible Development Special Permit/Preliminary Subdivision plan subject to the following conditions:

1. This project will require extensive off site road improvements, in order to be deemed to provide adequate ingress and egress as required by the Zoning Bylaw. No proposals or designs have been submitted to the Board. The project also requires extensive provisions for the irrigation of the open space (golf course). Again, no plans, permits, etc. have been received by the Board. Finally, no information has been received regarding signage, trash storage, site lighting, off street parking and loading areas, nor with regard to screening and buffering.

Some of this material cannot be submitted with any degree of confidence until a number of State reviews have been conducted and/or permit(s) issued. This decision is being rendered in an effort to demonstrate that, although the files to date clearly lack the material necessary to allow the Planning Board to render approval for this project, the Board recognizes the applicant's need to continue gathering data for the purposes of continuing a responsible analysis of the impacts of this proposal.

Upon receipt of such material as is necessary to facilitate positive determinations (on all of the Findings listed above) by the Planning Board, the Board will conduct a public hearing which shall be held pursuant to the requirements of M.G.L. Chapter 40A, and the Grafton Zoning Bylaw, as an amendment to or modification of this special permit. The necessary material is listed below and shall be considered the minimum necessary for the Board's consideration; additional material may be appropriate and/or required.

No construction may be initiated, either on site or off site unless and until application for such Modified Special Permit, including all documentation and fees, has been received and is approved by the Planning Board pursuant to the Zoning Bylaw, which addresses at a minimum the following:

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- a - The applicant shall submit engineered plans showing a realignment and any other appropriate mitigation of the intersection of Routes 122/122A.
- b - The applicant shall submit engineered plans showing a realignment, widening and any other appropriate mitigation of Sibley Street.
- c - The applicant shall submit engineered plans showing the appropriate mitigation of the intersection of Routes 122/140/Carroll Road
- d - The applicant shall submit engineered plans showing appropriate mitigation of the intersection of South Street and Upton Street.
- e - The applicant shall submit engineered plans showing appropriate mitigation of the intersection of Bruce, South and Old Upton streets. This shall include, but not be limited to, a realignment of this intersection.
- f - The applicant shall submit engineered plans showing appropriate mitigation of the intersection of Sibley, Old Upton and the subdivision streets.
- g - The applicant shall submit engineered plans showing appropriate mitigation of Bruce Street, South Street and Old Upton Road. Such mitigation may include, but is not limited to, widening any/all of these roads, the installation of drainage, realignment (horizontal/vertical), traffic control.
- h - The applicant shall submit engineered plans showing an additional access roadway, connecting the southeast cluster of lots to Keith Hill Road at a point on Keith Hill Road no less than 1500 feet south of the intersection of Keith Hill Road with Old Upton Road.
- i - The applicant shall submit engineered plans for all aspects of the proposed Quinsigamond River water withdrawal, storage and distribution. Accompanying such information shall be all calculations and analyses so as to facilitate the Board's analysis of the potential impact of such a process during even the driest periods of time. The Board is particularly sensitive to this issue due to the fact that the water quality of the River has only been relatively recently attained, that recent summers have been fairly devoid of rainfall and that virtually any withdrawal of water will have some degree of impact on the river, its habitat and surrounding and related resources.
- j - Directional signage is anticipated. Designs, including a description of material, letter characteristics, and content, shall be submitted for the

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Board's review and approval. Directional signage shall be relatively small and unimposing. All signage for the golf course and associated uses shall indicate that access is from Providence Road. No signage (nor any printed or directional material) shall invite or condone travel along Bruce Street, Old Upton Street, Sibley Street or Keith Hill Road. Such signage may require additional permitting.

- k - A single, large(r) sign is anticipated to indicate the golf course. This sign may be located on Providence Road, at the entrance to the development project. The design of this sign shall be submitted for the Board's review and approval. No signage (nor any printed or directional material) shall invite or condone travel along Bruce Street, Old Upton Street, Sibley Street or Keith Hill Road. Erection of this sign may require additional permitting.
- l - Open areas have been shown. Due to the activities anticipated on this property, it is essential that landscaping, screening and buffering be adequate. Plans must be submitted showing all such information in detail, including vegetation types, fencing options, etc.
- m - The applicant has represented that there will be no nighttime use of the golf course and/or driving range. Therefore, no outside lighting of the course is permitted. No information has been supplied regarding outside lighting of the club house, parking areas, etc. Any proposal shall include information on lighting location, type, lumens, direction, etc.
- n - No information has been submitted regarding off street parking and loading areas. Plans must be submitted which show layout, circulation, surfacing, landscaping, etc. for the Board's review and approval.
- o - Plans must be submitted which detail types, quantities, application rates, storage provisions, management responsibility and a long term monitoring and management plan for pest management and fertilization chemicals.
- p - No information has been submitted regarding the use of existing structures, nor the construction of new structures. Plans must be submitted showing existing and proposed structures (illustrative footprints) and their existing and proposed uses.
- q - Information is required from local, state and/or federal sources, as appropriate, to demonstrate that the proposed river withdrawal and golf course maintenance will also not adversely impact public or private water supplies.

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- r - Plans must be submitted showing a land use and management plan for activities and/or use of the open space which is not devoted to the active recreational activity (golf).
2. A Definitive Plan shall be submitted for approval in compliance with the Town Subdivision Rules and Regulations, and any additional requirements stated in this document.
 3. The Planning Board hereby waives the specific provision of the Rules and Regulations Governing the Subdivision of Land set forth in Attachment 1, WAIVERS.
 4. Connection to public sewers is required. All regulations of the Grafton Board of Sewer Commissioners shall be complied with. Plans shall show utilities extending to and servicing all lots on Stratton and Rittenhouse Roads, and profiles for all work (on site and off site) shall be submitted with the Definitive Plan submittal, as shall appropriate easements in draft form securing rights to the Town for such utilities. Construction of these off site utilities is not the responsibility of the developer.
 5. Connection to the public water system is required. All regulations of the Grafton Water District shall be complied with. Plans shall show utilities extending to and servicing on all lots on Stratton and Rittenhouse Roads, and profiles for all work (on site and off site) shall be submitted with the Definitive Plan submittal, as shall appropriate easements in draft form securing rights to the Town for such utilities. Construction of these off site utilities is not the responsibility of the developer.
 6. A construction scheduling plan showing on and off site work must be submitted for the approval of the Board.
 7. The Definitive Plan submission shall include necessary calculations and design information to show the functional adequacy of the drainage system.
 8. Approval of the Grafton Conservation Commission in accordance with the Wetlands Protection Act and the Town of Grafton By-law is required. Any changes required by the Conservation Commission must be consistent with this approval; any other changes shall require a Modified Special Permit application.
 9. At the time of any Definitive Plan submission, the applicant shall submit a proposed easement addressing the use, care and maintenance of all open space property, consistent with the Zoning Bylaw.
 10. At the time of submission of a Definitive Plan, the applicant shall submit, in draft form, documents establishing any necessary easements, a maintenance

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plan and any other information necessary to ensure the proper construction, maintenance and functioning of the drainage system, stormwater management system and any water distribution system (other than water provided to individual structures by the Grafton Water District).

11. Any Definitive Plan submission shall include a detailed management plan regarding the significant excavation proposed for the project, and regarding overall project development. Such plan shall include, at a minimum, a description of soil erosion, sediment control and site stabilization systems to be employed, hours of operation, and a timetable regarding both excavation and construction. Any phasing proposal shall ensure that no cul de sac exceeds 500 feet in length, pursuant to the Subdivision Rules and Regulations.
12. Any Definitive Plan shall include provisions showing the retention, construction and/or reconstruction of fieldstone walls along the road rights of ways and/or borders of the open space vs building lot areas. Any off site road work shall also include plans for the retention/construction/reconstruction of fieldstone walls along the road rights of ways.
13. Any Definitive Plan shall also include provision for the planting of "street trees" as described and required by the subdivision rules and regulations. Such provision shall be made not only for planned subdivision roadways but for any off site road work, as well.
14. Any Definitive Plan shall include detailed plans demonstrating adequate provisions for fire protection. Such provisions may include pumps, storage tower(s)/standpipe, pressure reducers, etc.
15. Any Definitive Plan shall include wetland delineations as noted by the Conservation Commission, and shall show those delineations as well as the 100 foot buffer and 200 foot riverfront areas relative to all proposed lot lines, structures and areas of active recreational activity.
16. Any Definitive Plan shall reference this Special Permit including its Book and Page numbers with the statement that "This Plan is prepared in accordance with a Flexible Development Special Permit granted by the Grafton Planning Board on July 8, 1996, and recorded in the Worcester District Registry of Deeds as Book _____, Page _____." **INSTRUMENT NO.**
17. All grading and construction shall be performed in accordance with the Plan and shall be accomplished so as not to discharge any pollutants or siltation into waterways/wetlands during construction or after completion of the project.
18. All site development and project construction shall be performed in accordance with the Plan and with all State, federal and Town laws, ordinances and

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regulations applicable to the project. The applicant shall provide copies of all approvals and permits to the Planning Board.

19. An inability to receive any necessary permit(s) to allow development on any lot shall render the lot unbuildable.
20. Construction of the project shall not commence until the Applicant has recorded this Special Permit, the modified special permit required herein, required covenants/easements/instruments, and an approved Definitive Subdivision Plan for Highfields of Grafton at the Worcester Registry of Deeds and provided the Planning Board with certified copies of all such documents in accordance with applicable Rules and Regulations.
21. All site improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or any person or persons designated by the Planning Board as directed by the Board and upon written request made by the applicant to the Planning Board. Upon completion of all site improvements and construction, the applicant shall submit to the Planning Board an "as built" plan prepared by a registered professional engineer. Such plan shall be drawn in the same scale as the approved plan, and reviewed by the Planning Board or its designated agent. After inspection of the site improvements and construction by the Planning Board or its designated agent, the Board shall issue a certificate of compliance to the applicant indicating that the work conforms to the requirements of this decision.
22. If further research demonstrates that any of the foregoing is not practicable, the Board may during review of a modified Special Permit where that documentation is reviewed, waive or modify such requirement.
23. The applicant's failure or refusal to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.
24. By recording this Special Permit in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in the Special Permit, which acceptance shall bind the applicant and its successors and assigns.

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ATTACHMENT 1

WAIVERS

The Board voted on the following waiver requests:

1. From Section 3.3.3.19 (Existing Trees) - The applicant requests a waiver of requirements that all trees 12" and larger be shown on the plans. THE BOARD HELD ACTION ON THIS ITEM UNTIL THE REVIEW OF A MODIFIED SPECIAL PERMIT.
2. From Section 4.1.4.3 (Sidewalks) - The applicant requests a waiver to allow construction of a sidewalk on only one side of the roadway. GRANTED
3. From Section 4.1.5.2 (Maximum Roadway grade of 8%) - The applicant requests a waiver allowing a 10% grade from station 2+00 to station 10+00 and 9.5% from station 115+00 to station 121+00. GRANTED
4. From Section 4.2.1.2 (curb and berm requirements) - Applicant requests to use Cape Cod berm throughout the project. THE BOARD VOTED TO ALLOW THE USE OF CAPE COD BERM EXCEPT AT THE STREET RADII, THE CATCH BASIN HEADERS AND AT TRANSITION CURBING, WHERE GRANITE CURBING IS REQUIRED.
5. From Section 5.2.2.1 (pavement width) - Applicant requests to be allowed a roadway pavement width of 24 feet throughout the project. THE BOARD VOTED TO HOLD ACTION ON THIS ITEM AT THIS TIME.
6. From Section 5.4.1.2.B (drainage pipe) - The applicant requests to be allowed to use smooth interior/corrugated exterior polyethylene pipe (such as N-12 ADS) for drainage on the project. GRANTED.

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Witness our hands this 15th day of August, 1996

Robert Hassinger
Robert Hassinger, Chairman - AYE

Rand Bardsley, Vice Chairman - NOT PRESENT

Elias Hanna, Member - NOT PRESENT

Cindy McDermid
Cindy McDermid, Member - AYE

Sean Padgett
Sean Padgett, Member - AYE

Laurence M. Boutiette
Laurence Boutiette, Associate - AYE

COMMONWEALTH OF MASSACHUSETTS

Worcester ss

1996

On this 15th day of August, 1996 personally appeared Robert Hassinger, a member of the Grafton Planning Board, and acknowledged the foregoing to be his free act and deed on behalf of said Board.

Donna M. Howard
Notary Public
My commission expires December 1, 2000

cc: Applicant
Board of Selectmen
Board of Health
Conservation Commission
Board of Appeals

Town Engineer
Building Inspector
Highway Supervisor
Water District
Board of Sewer Commissioners

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.

Maureen A. Clark
Maureen Clark, Town Clerk
Date September 5, 1996

ATTEST: WORC. Anthony J. Vigliotti, Register