



TOWN CLERK

# TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER  
30 PROVIDENCE ROAD  
GRAFTON, MASSACHUSETTS 01519  
(508) 839-4722

*25MB*

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## CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD  
Definitive Plan Approval, Highfields of Grafton

PETITIONER: Magill Associates, Inc.  
21 Grafton Common, Grafton, MA

OWNER: Same

DEED REFERENCE: Assessor's Map 83, Lot 18 - Book 6872, Page 202; Map 84, Lot 3 - Book 4982, Page 536; Map 91, Lots 3 - Book 5439, Page 107; Map 91, Lot 3A - Book 5415, Page 535; Map 91, Lot 3C - Book 9422, Page 70; Map 92, Lot 11 - Book 4582, Page 207; Map 100, Lot 1 - (formerly Map 108, Lot 4) - Book 16794, Page 193; Map 109, Lot 10 - Page 4392, Page 72.

This is to certify that the Decision of the Planning Board for a Definitive Plan Approval for the above mentioned project was duly recorded in the Office of the Town Clerk on April 28, 2000 at 9:10 a.m. No Notice of Appeal of such approval was filed within the twenty days next, the appeal period ending on May 18, 2000.

A true copy, Attest:

(Seal)

*[Handwritten signature]*

*Maureen A. Clark*  
Town Clerk - Grafton, Massachusetts

JOSEPH M. ANTONELLIS  
ESQUIRE  
288 MAIN STREET, P O BOX 310  
MILFORD, MA 01757

## DECISION

## GRAFTON PLANNING BOARD

APR 28 9 10 AM '00

## DEFINITIVE SUBDIVISION PLAN

MAGILL ASSOCIATES  
PO Box 565, Grafton, MA 01519

## "HIGHFIELDS OF GRAFTON"

This decision of the Grafton Planning Board (hereinafter the Board) is in response to three petitions of Magill Associates Inc. (hereinafter the Applicant) regarding property located off Providence Road, off Old Upton Road and off Keith Hill Road. This particular decision is with regard to the application for Definitive Plan approval. The property is shown on the Grafton Assessor's Maps as 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, and is recorded in the Worcester Registry of Deeds in Book 4982 Page 535, Book 14941 Page 201, Book 6868 Page 44, Book 5439 Page 107, and Book 16794 Page 193.

## I. BACKGROUND

This decision is in response to Applications for Special Permits and Definitive Plan approval. Application for Special Permit 99-6 seeks to Modify the requirements of Major Residential Special Permit 96-4. Application for Special Permit 99-12 seeks approval for a Golf Course Recreational Use. Application for Definitive Plan approval seeks Definitive approval of the proposed subdivision.

The applications were formally received on April 30, 1999. At the written request of the Applicant, the hearings were scheduled to be convened in a unified manner (all 3 applications were reviewed together) on August 9, 1999. A separate decision is recorded for each application.

The project site is identified as encompassing 317.7 acres of land, which is presumed to include the area shown on the plans (Exhibit 6) as subdivision lots 1 through 157 and 159 through 162, as well as Parcel A and the "open space"). Of this, 221.8 acres is identified as open space.

After causing notice of the time and place of its public hearing, and of the subject matters thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest as required by law, Planning Board Chairman Robert Hassinger called the hearing to order at 7:50 pm on August 9, 1999 in the Grafton Municipal Center, 30 Providence Road, Grafton, MA. In response to the Applicant's written request, the hearing was continued to September 27, 1999, October 25, 1999, December 13, 1999, January 10, 2000, January 31, 2000 and February 28, 2000. The following members were present throughout the hearing(s): Chairman Robert Hassinger, Clerk Kenneth Deshais, Elias Hanna and Margaret J. Hurley. Associate Member Martin Temple was also present throughout the hearing(s) and was designated by the Chairman to participate in the Special Permit matters before the Board. He did not vote on this Definitive Plan decision. Vice Chair Ann Morgan recused herself throughout the entire process, noting that she is an Abutter of Notice to the project site, and did not participate in the Planning Board hearing(s) or decision(s).

A true copy,

Attest:



Maureen A. Clark  
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**"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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The Applicant was represented by John Magill, Jay Magill, attorney Joseph Antonellis, engineer Gregory Valiton (Andrews Survey & Engineering), traffic engineer Kim Hazervartian (Versant Engineering), William Turello (pest management), golf course architect Mark Mungeon (Cornish, Silva & Mungeon), and golf course consultant John LaPoint.

Following extensive public input, the hearing was closed on February 28, 2000. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Planning Board.

**II. FILINGS**

EXHIBIT 1 – Application for Definitive Plan Approval.

EXHIBIT 2 – Application for a Special Permit (Modification of SP 96-4).

EXHIBIT 3 – Trustee's Certificate

EXHIBIT 4 – Correspondence from engineer Gregory M. Valiton, dated April 28, 1999, requesting concurrent reviews and authorizing additional time for a decision in order to accommodate that request.

EXHIBIT 5- Correspondence from Greg Valiton, dated April 28, 1999, responding to letter from Town Planner, (dated April 23, 1999 and attached).

EXHIBIT 6 – Plans drawn by Andrews Survey & Engineering Inc. of Uxbridge, MA (engineer) and Cornish, Silva & Mungeam of North Uxbridge, MA (golf course architect) dated July 1, 1997 and revised through January 21, 2000, signed and stamped by engineer Gregory Valiton on February 17, 2000 and including the following 105 sheets:

Sheet 1	Recordable Plan Index Sheet
Sheets 2-28	Recordable Plans
Sheet LU1	Land Use Plan
Sheet CP1	Construction Phasing Plan
Sheet S1	Signage Plan
Sheet T1	Grading & Utilities Index Sheet
Sheets T2-T32	Grading & Utilities Plans
Sheets P1-P18	Roadway Profiles
Sheets C1-C8	Conservation and Erosion Control Plans
Sheets P1-P7	Tree Planting Plan
Sheets D1-D6	Construction Details
Sheets A1-A2	Club House Architect Plans
Sheets INT1	Re-design of Bruce Street, South Street, and Old Upton Road Intersection

EXHIBIT 7 – Correspondence from attorney Joseph M. Antonellis, dated April 29, 1999, transmitting draft easements for drainage, sewer, snow, road and utility, conservation restriction, and reservation of easements.

A true copy,

Attest:

*Maureen A. Clark*

Maureen A. Clark  
Town Clerk, Grafton, MA

**"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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EXHIBIT 8 – Article entitled "Integrated Pest Management (IPM) Plan..." prepared by Dr. William A. Torello.

EXHIBIT 9 – Correspondence entitled "Construction Scheduling and Management".

EXHIBIT 10 – Project Information Summary, signed by Gregory M. Valiton and dated July 15, 1997.

EXHIBIT 11 – Form Q Land Surveyor's Certificate, and "Supplement".

EXHIBIT 12 – Form P, Area Within Subdivision.

EXHIBIT 13 – Form V, Verification of Proposed street names. Lists Magill, Meadow Mist, Fox Pointe and Manor Hill.

EXHIBIT 14 – Certified List of Abutters.

EXHIBIT 15 – Correspondence from Gregory M. Valiton dated October 28, 1998, requesting waivers.

EXHIBIT 16 – Correspondence from Andrews Survey & Engineering dated October 10, 1999, regarding Soil Testing.

EXHIBIT 17 – Copy of application to Massachusetts Department of Environmental Protection, Division of Water Supply, with numerous attachments..

EXHIBIT 18 – Drainage Calculations and Hydrologic/Hydraulic Analysis, prepared by Andrews Survey & Engineering and dated May 1997

EXHIBIT 19 – Traffic Impact and Access Study, prepared by Versent LLC, Concord, NH, and dated March 1999.

EXHIBIT 20 – Draft Environmental Impact Report for Highfields of Grafton, prepared by Andrews Survey & Engineering and dated May 1999.

EXHIBIT 21 – SP 96-4 Decision and file. Decision recorded as Book 18965 Page 323 at the Worcester District Registry of Deeds.

EXHIBIT 22 – SP 98-16 granting extension of timeline relative to Special Permit 96-4 and recorded as Book 22574 Page 270 at the Worcester District Registry of Deeds.

EXHIBIT 23 – Department Correspondence from Treasurer/Collector.

EXHIBIT 24 – Department Correspondence from the Chief of Police.

EXHIBIT 25 – Department Correspondence from the Historical Commission.

EXHIBIT 26 – Memorandum from Town planner Megan DiPrete, dated June 8, 1999, regarding "Submittal, early reviews and comments".

A true copy,  
Attest:

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"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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EXHIBIT 27 – Correspondence from Graves Engineering, Inc. dated June 8, 1999.

EXHIBIT 28 – Correspondence from Town Planner Megan DiPrete to Secretary Durand, dated June 16, 1999, regarding EOEA #10616 and including attachments.

EXHIBIT 29 – Citizen input, dated June 18, 1999.

EXHIBIT 30 – Correspondence from Graves Engineering, Inc., dated June 22, 1999 (reviewing traffic and stormwater management.)

EXHIBIT 31 – Department Correspondence from the Fire Chief, dated June 23, 1999.

EXHIBIT 32 – Correspondence regarding EOEA # 10618, dated June 24, 1999.

EXHIBIT 33 – Correspondence from Town Engineer Thomas Ryder to Secretary Durand regarding EOEA # 10616 and received in Planning Board Office June 28, 1999.

EXHIBIT 34 – Correspondence from Greg Valiton, dated June 28, 1999, regarding Review comments.

EXHIBIT 35 – Correspondence to Secretary Durand from Richard Bourré (Mass Highway) regarding EOEA # 10618, dated June 28, 1999.

EXHIBIT 36- Correspondence to Secretary Durand from Mass Audubon Society, regarding EOEA #10618, dated June 24, 1999.

EXHIBIT 37 – Correspondence to Secretary Durand from Martha Starkey (Massachusetts EDEA Department of Food and Agriculture) regarding EOEA # 10618, dated June 24, 1999.

EXHIBIT 38 – Correspondence from Greg Valiton, dated July 27, 1999, addressed to Graves Engineering, Inc. and regarding drainage analyses.

EXHIBIT 39 – Certificate of the Secretary of Environmental Affairs on the DEIR 10618, dated July 1, 1999.

EXHIBIT 40 – Correspondence from Greg Valiton, dated July 27, 1999, with revised drainage calculations.

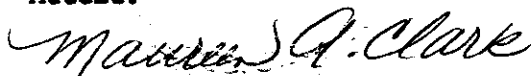
EXHIBIT 41 – Correspondence from Town planner Megan DiPrete, dated July 29, 1999, regarding "Applications, Process"

EXHIBIT 42 – Correspondence from Town Planner Megan DiPrete, dated July 27, 1999, regarding "Application for Special Permit for Golf Course."

EXHIBIT 43 – Correspondence from attorney Joseph Antonellis, dated July 26, 1999, regarding Scheduling of Hearings.

A true copy,

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Town Clerk, Grafton, MA

"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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EXHIBIT 44 – Correspondence from Greg Valiton, dated July 27, 1999, requesting waiver from the requirements of Section 4.1.5.

EXHIBIT 45- Correspondence from attorney Joseph Antonellis, dated July 28, 1999, regarding Special Permits issues.

EXHIBIT 46 – Correspondence from Graves Engineering, Inc., dated August 2, 1999, regarding Definitive Plan submittal.

EXHIBIT 47 – Correspondence from Town Planner Megan DiPrete, dated August 4, 1999, regarding Modification of Special Permit 96-4.

EXHIBIT 48 - Correspondence from Town Planner Megan DiPrete, dated August 5, 1999, regarding Definitive Plan Review and including attachments.

EXHIBIT 49 – Correspondence from Grafton Recreation Committee to the Planning Board, dated August 4, 1999.

EXHIBIT 50 – Citizen Input, dated August 4, 1999

EXHIBIT 51 – Citizen Input, dated August 5, 1999

EXHIBIT 52 – Citizen Input, dated August 7, 1999

EXHIBIT 53 – Article entitled "The Golf Course – A Green-Belt Asset" submitted during public hearing on August 9, 1999.

EXHIBIT 54 – Correspondence from the applicant, dated August 9, 1999, requesting the public hearing be continued to September 27, 1999.

EXHIBIT 55 – Copy of correspondence from Greg Valiton to Barry Lorion, Mass Highway Department, dated August 20, 1999.

EXHIBIT 56 - Correspondence from Grafton Economic Development Commission, received September 16, 1999.

EXHIBIT 57 – Correspondence, without date, titled "John Magill, Highfields of Grafton, Construction Scheduling and Management, Stormwater Maintenance Program".

EXHIBIT 58 – Correspondence from Greg Valiton, dated September 15, 1999, seeking waiver from regulations of §4.1.

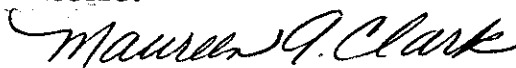
EXHIBIT 59 – Correspondence from Greg Valiton, dated September 21, 1999, responding to Town Planner comments.

EXHIBIT 60 – Citizen Input dated September 24, 1999.

EXHIBIT 61 – Correspondence from the applicant, dated September 27, 1999, requesting the public hearing be continued to October 25, 1999.

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**"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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EXHIBIT 62 - Correspondence from attorney Joseph Antonellis, dated October 1, 1999, with attachment (copy of letter from Grafton Water District, dated September 29, 1999).

EXHIBIT 63 - Correspondence from Nicole Dupré, TEPP, dated October 6, 1999.

EXHIBIT 64 - Copy of correspondence from Karen Kell to Magill Associates, dated October 12, 1999.

EXHIBIT 65 - Correspondence from Greg Valiton, dated October 14, 1999, with attachments.

EXHIBIT 66 - Correspondence from Town Planner Megan DiPrete, dated October 20, 1999, regarding Definitive Plan Review.

EXHIBIT 67 - Correspondence from Town Planner Megan DiPrete, dated October 20, 1999, regarding Test Pits, with copy of test pit results attached.

EXHIBIT 68 - Article entitled "Highfields of Grafton Golf Course, Grafton, MA, Amendment to Initial IPM Plan (submitted October 15, 1999)," received on October 21, 1999.

EXHIBIT 69 - Correspondence (fax transmittal) from Greg Valiton, dated October 21, 1999 and including sketches for proposed clubhouse.

EXHIBIT 70 - Correspondence from applicant, dated October 25, 1999, requesting the public hearing be continued to December 13, 1999.

EXHIBIT 71 - Correspondence to the Grafton Planning Board from Matthew E. Pearson, Manager, Grafton Water District, dated November 24, 1999.

EXHIBIT 72 - Correspondence from Jeff Howland, Graves Engineering, Inc., dated December 2, 1999, responding to Town Planner comments and including attachments.

EXHIBIT 73 - Correspondence from Greg Valiton, dated December 2, 1999, responding to Town Planner comments and including attachments.

EXHIBIT 74 - Correspondence from Town Planner Megan DiPrete, dated December 10, 1999, including a review of revised Definitive plans.

EXHIBIT 75 - Correspondence from applicant, dated December 13, 1999, requesting the public hearing be continued to January 10, 2000.

EXHIBIT 76 - Citizen Input, dated December 13, 1999.

EXHIBIT 77 - Correspondence from Graves Engineering, Inc., dated December 13, 1999.

EXHIBIT 78 - Correspondence from Joseph Antonellis regarding "Request to Modify Certain Provisions of Special Permit 96-4" dated January 4, 2000.

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**"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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EXHIBIT 79 – Correspondence from Town Planner Megan DiPrete, dated January 4, 2000, regarding Modification of Special Permit 96-4

EXHIBIT 80 – Correspondence from Town Planner Megan DiPrete, dated January 10, 2000, regarding Application for Golf Course.

EXHIBIT 81 – Correspondence from Joseph Antonellis dated January 10, 2000, requesting the public hearing be continued to January 31, 2000.

EXHIBIT 82 – Correspondence from the Grafton Water District, dated January 14, 2000.

EXHIBIT 83 – Correspondence from Gregory Valiton dated January 18, 2000.

EXHIBIT 84 – Correspondence from Town Planner Megan DiPrete, addressed to Town Administrator, dated January 21, 2000.

EXHIBIT 85 – Correspondence from Town Planner Megan DiPrete dated January 27, 2000 regarding Highfields of Grafton application.

EXHIBIT 86 – Correspondence from Town Planner Megan DiPrete dated January 27, 2000, addressed to Joseph Antonellis, advising his request to continue the public hearing had been granted.

EXHIBIT 87 – Correspondence from Joseph Antonellis dated January 31, 2000 seeking postponement of the public hearing to February 28, 2000.

EXHIBIT 88 – Correspondence from the Sewer Department (Water Pollution Control Facility) dated January 27, 2000, summarizing their plan review comments.

EXHIBIT 89 – Correspondence received on February 4, 2000 from the Highway Superintendent, responding to the Town Planner's 1/21/00 memo addressed to the Town Administrator.

EXHIBIT 90 – Correspondence from Town Planner Megan DiPrete dated January 27, 2000 regarding Highfields of Grafton application.

EXHIBIT 91 – Copy of correspondence from Gregory Valiton to Chuck Bohaboy, Grafton Water Pollution Control Facility, dated February 9, 2000.

EXHIBIT 92 – Correspondence from Gregory Valiton dated February 14, 2000, regarding Water Quality Basins

EXHIBIT 93 – Correspondence from Fire Chief Raymond Guilmette, received February 16, 2000.

EXHIBIT 94 – Correspondence from Police Chief Peter Paulding dated February 15, 2000, regarding "Emergency Access for the Highfields of Grafton Project"

EXHIBIT 95 – Copy of correspondence from Gregory Valiton to Chuck Bohaboy, Grafton Water Pollution Control Facility, dated February 17, 2000, and including attachments.

A true copy,

Attest:



Maureen A. Clark

Town Clerk, Grafton, MA



**"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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April 2000  
Page 8 of 18**

**EXHIBIT 96 – Correspondence from Gregory Valiton, dated February 15, 2000, regarding Additional Waiver Requests**

**EXHIBIT 97 – Correspondence from Gregory Valiton dated February 17, 2000 and including attachment showing copy of a portion of a recorded plan (Plan Book 486, Plan 61) showing an easement.**

**EXHIBIT 98 – Correspondence from Joseph Antonellis, dated February 22, 2000, regarding "Modifications to Special Permit No. MRSP 96-4"**

**EXHIBIT 99 – Copy of Correspondence from Chuck Bohaboy, Grafton Water Pollution Control Facility, dated February 24, 2000.**

**EXHIBIT 100 – Correspondence from Graves Engineering, Inc., dated March 3, 2000, regarding Definitive Plan Review**

**EXHIBIT 101 – Correspondence from Town Planner Megan DiPrete, dated March 6, 2000, regarding Highfields of Grafton application.**

**EXHIBIT 102 – Correspondence from Graves Engineering, Inc. dated March 13, 2000, regarding Water Quality Basins.**

**DECISION AND CONDITIONS:**

The construction of the Project by the Applicant at the location is hereby approved by the Grafton Planning Board upon the terms and conditions set forth below.

1. The Planning Board hereby waives the specific provisions of the Rules and Regulations Governing the Subdivision of Land set forth in Attachment 1, WAIVERS. Except those provisions which are specifically waived, the Subdivision Regulations and all other requirements shall be complied with. In the event the plans include design or construction elements which conflict with such requirements, the requirements of the Regulations shall be fully complied with.
2. All grading and construction shall be performed in accordance with the Plan and shall be accomplished so as not to discharge any non-permitted pollutants or siltation into waterways during construction or after completion of the Project.
3. Approval of the Conservation Commission will clearly be required for some aspects of development of the infrastructure for this project. Any and all plans that may be approved by the Conservation Commission shall be made a part of the Definitive Subdivision Plan. If there is any inconsistency between the submitted Subdivision Plan and the plans as may be approved by the Conservation Commission, the applicant shall submit an amended plan to the Planning Board for approval. Said amended plan shall be accompanied by a letter setting forth any and all changes from the submitted Subdivision Plan and shall include three (3) sets of revised drainage calculations, if applicable. All

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"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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April 2000

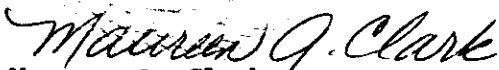
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permits, conditions and approvals of the Conservation Commission are hereby incorporated into this Definitive Plan approval.

4. 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 project.
5. An emphasis will be made to control erosion before it occurs. It shall be the applicant's responsibility not to undertake at any time, in any particular area, more than that magnitude of work which can be safely and adequately controlled by the forces at his disposal. Areas that cannot be restored or stabilized immediately shall be mulched immediately to prevent any potential erosion or sedimentation.
6. The applicant shall ensure that inspections are performed relative to site stabilization (in addition to all other required inspections). These particular inspections shall be performed by qualified personnel for all areas of the construction site that are still disturbed and have not been stabilized. These inspections shall be performed at least once every 7 calendar days and within 24 hours of the end of a storm with 0.5 inches or greater of rainfall. In areas that are stabilized and where work has ceased, the inspection shall be conducted at least once each month and within 24 hours of the end of a storm as described above. Corrective work shall be conducted immediately. Reports of the inspection(s) and action taken shall be filed with the Planning Board office within 7 days.
7. Stormwater Quality Mitigation is another important element of subdivision review, particularly during construction. Suitable erosion controls, including temporary sediment traps, shall be employed throughout the construction process.
8. The applicant shall, at his own expense, service the project area with water from the Grafton Water District in accordance with all applicable rules and regulations of the Grafton Water District. This approval requires and is predicated upon water provided by the Grafton Water District.
9. The applicant shall, at his own expense, service the project area with Town sewer, in accordance with all applicable rules and regulations of the Grafton Board of Sewer Commissioners. This approval requires and is predicated upon sewer service provided by the Grafton Board of Sewer Commissioners/Grafton Sewer Department.
10. As part of the Definitive Plan review process, the Sewer Department submitted numerous comments regarding plan design. All comments of the Sewer Department shall be complied with. In the event any approvals of the sewer department include design elements that conflict with any Subdivision Regulation, it shall be the applicant's responsibility to secure appropriate approvals. The approval of any agency shall not obligate any other department or entity to approve any construction or design element.
11. Any off site work which falls in a public right of way shall be conducted in accordance with any permits or requirements of the Town's Highway Division, in addition to this decision, binding Subdivision regulations and any utility as appropriate. Hours of operation, impact

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on traffic flows, anticipated repair/restoration of the roadway, construction methods, surety and oversight shall be as stipulated in the Highway Department's permits.

12. Driveways shall be designed and constructed in accordance with the requirements of the Subdivision Regulations. Some of these design concerns include a maximum 3% - 8% slope within the road right of way (or meeting ADA/MAAB requirements, whichever is more restrictive), a maximum slope of 10% anywhere else, designing and building it so the driveway does not drain stormwater to the street, etc. Driveways on the cul de sacs shall be separated by at least 20 feet.
13. An analysis of the roadways at the intersections indicates that no leveling zone is provided on the so-called "through" street, but only on one of the streets involved in the intersection. Section 4.1.5.6a of the Subdivision Regulations requires a Leveling Zone of no greater than 3%. The applicant has provided spot elevations, but in some cases the information indicates that there may in fact be ponding in some locations. The applicant must revise the plans and provide additional centerline spot grades. Such revisions shall be submitted prior to endorsement, and will be reviewed by the Planning Board to ensure the functional design of the intersection is adequate.
14. Throughout the public hearing and long prior to receiving these final plans, the Board's consulting engineer has indicated that compliance with the DEP Stormwater Management Guidelines was necessary in order to assure a stormwater management system which was effective and which protected neighboring properties from drainage impacts. The Board notes that there has been extensive effort expended by the Town staff to ensure that the proposed stormwater management facilities are consistent with these DEP Guidelines. According to Graves Engineering, even the current revised plans do not comply with these DEP Guidelines. According to the Subdivision Regulations, and Chapter 41 Section 81 of the General Laws of Massachusetts, assuring appropriate drainage patterns and treatment is an important element of subdivision application review.

Prior to endorsement, the plans must be revised to comply with the DEP Stormwater Management Guidelines, and suitably identify each such facility so that they can be adequately reviewed. Exhibit 100 refers to correspondence from Graves Engineering dated March 3, 2000, wherein GEI reviews this final plan set (Exhibit 6). With regard to all stormwater management infrastructure relative to this subdivision, and in accordance with the comments from Graves Engineering, the plans shall be revised to address compliance with DEP Stormwater Management Guidelines including, but no limited to, the following:

- a.) The nomenclature used shall be consistent with that in the Guidebooks issued by DEP for these purposes. There is not a "water quality basin" identified in the DEP Stormwater Management Technical Handbook. Basins shall be identified, designed and constructed as infiltration, detention or retention basins, or in accordance with such other appropriate terminology consistent with the Technical Handbook. The applicant was previously advised by Planning Board staff that the DEP Technical Handbook provided the guidance for terminology and design, and would be relied upon by the Town in order to ensure adequate drainage provisions.
- b.) According to Graves Engineering, the plans still do not provide suitable access to stormwater management areas. Again, reference is made to the DEP Stormwater

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Management Guidelines, as well as to the several pieces of correspondence provided to the applicant by the Board's engineer throughout the public hearing process. In accordance with the correspondence of Graves Engineering, these access areas shall be at least 12 feet wide, have a slope no greater than 15%, and be constructed of compacted roadway gravel on a suitably prepared subbase. During construction, inspections shall be required. Each access shall extend from the public road to each and all structures and outfalls of each stormwater management area so as to facilitate access. Access must be shown to all level spreaders, forebay, safety benches and outfall structures, for example. Prior to endorsement, the plans shall be revised to show these access ways.

15. The plans show a timber guardrail in certain locations along the proposed roadway.
16. Little information has been submitted relative to the proposal that a portion of the road right of way is intended for use by a private commercial enterprise (namely, the proposed golf course, proposed under separate permit application(s)). Both the proposal and the lack of substantive material to support it trouble the Board. Prior to submitting plans for endorsement, the applicant shall submit a proposal, acceptable both as to form and to substance, addressing this item. At a minimum, the applicant's proposal shall provide that maintenance and repairs to the "cart path" areas shall be the responsibility of the golf course to which they are appurtenant, and conducted so as not to interfere with use of the public infrastructure in any way.
17. Relative to Street Trees, the plans include some conflicts.
  - a.) No street trees or vegetation is shown along Old Upton Street, although the applicant proposes certain roadwork on this road. "Street trees" shall be located along Old Upton and Sibley Streets within the area where work is done on these roads (realignment, construction, widening, paving, etc.) Where the frontage involves a sight easement, the applicant shall plant appropriate low growing vegetation. The Street Trees and vegetation shall be of a species and size acceptable to the Tree Warden and the Planning Board, shall be shown on the plans prior to submitting them for endorsement, and shall be located every 40 feet of frontage (for the trees).
  - b.) On Sheet P1 (of P7 Tree Planting Plan) the plant list conflicts with information in General Note #4 on that sheet. The plant list indicates that there would be 636 maples (187 Crimson King and 449 Sugar Maple) and 22 River Birch. The GN#4 identifies 12 potential species, none of which are in the plant list. In order to both promote biodiversity and protect against disease and blight, the plans shall be revised (prior to endorsement) to show at least 8 different species. There shall be at least 75 trees from each of those 8 species, and no more than 3 types of maples (including at least 1 Red maple and including at least 1 Green maple). No more than 15% of the trees shall be of any one species. Finally, the material submitted to the Planning Board shall first be submitted to the Tree Warden for approval or modification.
  - c.) Street Trees are required every 40 feet along roadway right of way frontage, which may be somewhat more than shown on the plans.
18. Graves Engineering notes that the plans still are inconsistent relative to the location of SMH 68B - is it at STA 129+00 or at STA 130+00?. Prior to endorsement, the plans shall be revised to clarify this and demonstrate consistency. The applicant shall also ensure that any

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plan revisions do not have unintended consequences, such as (but not limited to) affecting the slope of the run of pipe.

19. Until the latest set of plans were submitted, a utility easement was shown and identified as "to be abandoned." The current revised set no longer shows this easement at all. Because of the change, made only on these final plans and with no other material to justify or explain it, the applicant must submit evidence that the easement has been abandoned, and a covenant to that effect has been recorded at the Registry of Deeds. This information shall be provided prior to submitting plans for endorsement.
20. Prior to endorsement, the plans shall be revised to include the "NOTE" regarding the driveway for lot 85. The "NOTE" shall indicate that the driveway for this lot shall be off of Manor Hill Drive.
21. Sheet 13 still shows one monument that was not corrected. According to Graves Engineering, one monument at Rittenhouse Road is shown about 5 feet inside the easement, rather than at the easement corner. Prior to endorsement, this shall be corrected.
22. The applicant has provided certain information regarding the existing easement along Providence Road. However, the material indicates that the easement is held by the Massachusetts Highway Department (MHD). Furthermore, the information provided still does not clearly indicate the purpose of the easement. Prior to endorsement, the applicant shall submit information sufficient to verify the purpose of the easement, *as well as* evidence that MHD consents to the temporary and permanent work within or affecting this easement area, as shown on the plans.
23. The Board's engineer has previously noted that the plans identify the manmade pond as an identified wetland (off STA 108+00, Sheets T4 and T17). Therefore, prior to endorsement of the plans, the applicant shall provide conclusive documentation as to whether the location is subject to regulation by the Wetlands Protection Act or the Grafton Wetlands Bylaws and Regulations or the US Clean Water Act. This is particularly important since the plans show a drainage pipe discharging directly into this pond and point source discharge into a wetland is not permitted.
24. Correspondence from Graves Engineering has noted concerns regarding the drainage facilities in the vicinity of STA 38+00. In particular, the applicant proposes access to Pond 2 via the proposed access easement. However, the easement crosses a wetland. Access to this facility must be provided in accordance with the DEP Stormwater Management Guidelines, and the conditions herein. Prior to submitting plans for endorsement, the plans shall be revised to show this access. In addition, prior to submitting plans for endorsement, evidence shall be submitted documenting the ability to construct this access, including all necessary permits and approvals.
25. According to Graves Engineering, the easements at STA 35+00 are still confusing because they appear to indicate that a public utility easement (a drainage easement to the Town) substantially overlaps another, private interest easement (golf course irrigation line). Prior to submitting plans for endorsement, the plans shall be revised to separate the two so that the drainage easement is unencumbered. Additional monumentation or other changes may be required.

A true copy,  
Attest:

*Maureen A. Clark*

Maureen A. Clark  
Town Clerk, Grafton, MA

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26. Graves Engineering notes that some stormwater management facilities discharge within 100 feet of the property line. Prior to submitting plans for endorsement, the applicant shall submit evidence that the off site easements have been secured. In addition, these off site easements shall be bound with monumentation consistent with the requirements of the Subdivision Regulations regarding monumentation of easements. Prior to submitting plans for endorsement, the plans shall be revised to show this monumentation.
27. In accordance with the recommendations of Graves Engineering, any off-road sewer infrastructure shall be provided with adequate access. Prior to submitting plans for endorsement, the applicant shall revise the plans to show a 12' wide gravel access way providing access from a public road to each manhole or other infrastructure. Such access shall be contained entirely within designated easement areas, and shall not exceed 15% slope in any location.
28. Prior to submitting plans for endorsement, the plans shall be revised to correct the erroneous detail for the vertical granite curb. The reveal should be 7 inches (not 7 feet).
29. Concrete retaining walls are shown on the plan. In at least some cases, the retaining walls are greater than 4 feet in height and are integral to the design of the public roadway. On behalf of the Board, Graves Engineering has noted numerous times during the review process that additional information will be necessary prior to any final approvals. Prior to endorsement of the plan, the plans shall be revised to show that the retaining walls over 4 feet reveal have been designed by a structural engineer. In addition, a structural engineer shall monitor the construction and certify as to the construction and integrity of the retaining wall(s) prior to initiating any road acceptance procedure.
30. Lot 148 has constraints. No buildings, trees or other construction or obstruction may be placed outside of an area roughly 55' X 130'
31. The plans note that stone walls around the perimeter of the site will be preserved and retained, and reconstructed if impacted during construction. In addition, where the plans show work along Old Upton Street, the stone walls in this area shall be retained or reconstructed along the ROW lines.
32. During the public hearing, the Board discussed the requirements for inspections and monitoring of subdivision construction work. The applicant consented to fund a full time "Clerk of the Works" as provided by Section 5.17.2 of the Subdivision Regulations. Prior to submitting plans for endorsement, the applicant shall deposit an amount determined by the Board sufficient to fund such a position, but not less than \$40,000 for an initial deposit. The "Clerk" shall be hired prior to beginning construction, and shall attend the preconstruction meeting(s). Upon receipt of the deposit of funds, the Planning Board will develop a scope of services and commence the hiring process. Hiring expenses will not be paid by this account, but will be the responsibility of the Town.
33. Prior to receiving a building permit for lots 1, 2, 3, 4, 5, 42, 43, 44, 45, 46, 47, 49, 59, 60, 61, 70, 71, 72, 73, 93, 94, 95, 96, 97, 97, 99, 161 or 162, the applicant shall submit erosion and sediment control plans suitable for the Building Inspector to determine that adjacent properties will not be negatively impacted by the development of such lot(s). The Building

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Inspector may consult such other departments and officers as he deems appropriate. Such plans shall also demonstrate the location and grading of all temporary (construction) and permanent driveway access(es) to such lots, which shall comply with all requirements.

34. The plans show numerous drainage and utility easements. No driveways or structures shall be located within any such easement areas. Driveways may be located within grading easements to the extent otherwise authorized.
35. It is the applicant's responsibility to ensure that the plans are accurate, and that there are no inconsistencies. In the event inconsistencies and/or conflicts are identified after the plans are endorsed, it shall be the applicant's responsibility to promptly remedy such inconsistency/conflict. The applicant shall submit corrected plans within 10 calendar days of discovering such need for correction. In the event the change requires approval of the Planning Board, the applicant shall properly initiate a request for the Planning Board's approval of such changes, and make plan revisions as appropriate.
36. Prior to release of any lot(s) or reduction in surety, and as required by Section 3.3.10 of the applicable Regulations, executed documents in a form acceptable to the Planning Board shall be submitted which grant to the Town all rights regarding the roadway(s) and drainage easements and all other infrastructure.
37. Construction activity with regard to the construction and installation of the roadway and municipal services for this subdivision project may occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., except on state and federal holidays, when no activity may be conducted. These hours of operation may be further limited by other permits or agreements.
38. In accordance with the Subdivision Regulations, streetlights are required. For this project, streetlights shall be provided. Street lighting shall be operational at the time that lots located in that vicinity, as determined by the Board, are released for sale or occupancy.
39. Actual field conditions may vary from those anticipated. The Board reserves unto itself the right to require reasonable additional construction techniques, for either on-site work 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, etc., and may involve infrastructure and lot drainage issues, without limitation.
40. Except as otherwise approved by the Planning Board, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the subdivision rules of the Town of Grafton, Mass. in effect as of February 28, 1998. All site improvements shall be inspected at the appropriate stage of construction in accordance with the Town of Grafton Rules and Regulations Governing the Subdivision of Land and as required by the Board.
41. All construction and site improvements shall be completed within two years of the date of this decision. This decision shall lapse after two years, 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. A true copy,

Attest:

*Maureen A. Clark*

Maureen A. Clark  
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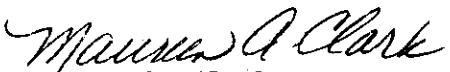
April 2000

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42. All site development and construction of the Project shall be performed in accordance with the Plan and with all state, federal and Town laws, ordinances and regulations applicable to the Project. All required permits and approvals shall be obtained at the appropriate stage of construction and copies shall be filed with the Planning Board.
43. The applicant will not sell any lot in the Project or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application and in accordance with the covenants, conditions, agreements and terms and provisions hereof.
44. It is understood and agreed that lots within the Project shall respectively be released from the foregoing conditions upon the recording of a Certificate of Performance or Lot Release executed by a majority of said Planning Board enumerating the specific lot(s) to be so released, in accordance with the Regulations and upon receipt of suitable surety. Notwithstanding the release of any lots or reduction in surety, however, the Board reserves the right to require corrective work at any time, until the roadways and municipal services have been accepted or otherwise approved by the Town. Furthermore, release of lots for building, sale, etc., shall not affect the applicability of all conditions herein stated.
45. The Applicant represents and covenants that Magill Associates is the fee simple owner of all land included in the aforesaid Project, and that there are no mortgages of record or otherwise on any of said land except such as subordinated to in this contract, and the present holders of said mortgages have assented to this approval prior to its execution by the Applicant.
46. The following statement shall be included on the plans submitted for endorsement: "This subdivision is limited to no more than 161 building lots (shown numbered 1 through 157 and 159 through 162; there is no lot 158) as shown on these approved plans, unless a new plan is submitted to the Grafton Planning Board which meets their full standards and approval, and showing no more than 161 lots in the aggregate. These Definitive Plans show 2 lots (#161 and #162) intended for multi family use. The current Zoning Bylaws require a special permit for such use, and no such permit is herein authorized.
47. These conditions indicate that numerous revisions are necessary to the plans prior to endorsement. Section 3.3.7 of the Regulations requires that Plans be submitted for endorsement within 6 months following Definitive Plan approval. Extensive evaluation is anticipated to be necessary by the Town to review for compliance with these conditions of approval and other regulatory requirements. The Definitive Plan approval shall lapse at the expiration of this time period unless all necessary revisions, and all material required by Section 3.3.7 of the Subdivision Regulations, are provided within this time period. Any request to extend this time period shall constitute a substantive waiver request and shall require a public hearing. In considering any such request, the applicant shall be required to demonstrate to the Board that such an extension of time is both consistent with the intent of the Regulations and is in furtherance of the public interest.
48. Conditions 1 through 48, and Attachment A (Waivers) shall be inscribed by the applicant on a sheet of the plans suitable for recording at the Worcester Registry of Deeds prior to endorsement of the Definitive Plan by the Planning Board. Such sheet(s) shall be so recorded as part of the Definitive Plan.

A true copy,

Attest:

  
Maureen A. Clark  
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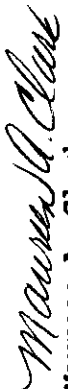
ATTACHMENT A

WAIVERS REQUESTED

The Board considered and voted on the following requested waivers from the Rules and Regulations Governing the Subdivision of Land in Grafton, MA:

- a. Sections 4.1.2.1 and 4.1.6.5. The Subdivision Regulations advocate "through" streets rather than cul de sacs. In the event that a dead end street is allowed, however, the Regulations also require provision for future extension of the street. The subject plans show 2 cul de sac streets. The applicant proposes no future road extension easement or other provision for the future extension of the streets. The applicant indicates that, since the surrounding open space is intended to be actively used as a golf course (by virtue of special permits pending), it is unreasonable to think the streets would ever be extended. Their extensions would conflict with the golf use. The Planning Board voted to **GRANT** this waiver, based on the fact that the development is based on a major residential special permit and the designated open space is identified for golf course use. In order to affect this, the applicant has indicated he will show a temporary road extension easement, pursuant to the requirements of the Regulations, which will extinguish upon recording a Covenant at the Worcester Registry of Deeds regulating (and limiting) the use of the land as described. Such covenant is anticipated to be in the form of a "Conservation Easement" which conforms to Chapter 83 of the Laws of Massachusetts and is consistent with the standards of the MA Department of Environmental Management.
- b. Section 5.5.1. The Subdivision Regulations require construction of cement concrete sidewalks. The applicant requests, instead, to be allowed to use bituminous concrete/asphalt, and indicates that maintenance of asphalt is less expensive. Under discussion, the Board reviewed the Regulations and the request. In terms of maintenance, it is the Board's belief that a properly constructed cement sidewalk is beneficial in the long term and requires less maintenance. Furthermore, the applicant provided no indication of the public benefit which would be realized by granting this request, as required by Chapter 41 of the General Laws of Massachusetts. Therefore, the Planning Board voted to **DENY** this request.
- c. Section 4.1 and 2.1.1.28. According to the Regulations, the main subdivision street (Magill Drive) would typically be designed as a Major Street. Through the 1996 Major Residential Special Permit and Preliminary Plan, the designs showed a Minor Street A. The applicant indicates that a Major Street design will require significantly greater earth removal and land disturbance, by virtue of the different slopes and geometry requirements. Under discussion, the Planning Board noted the additional design elements included in the plan to ensure appropriate design and safety provisions, and considered the detrimental impacts to the land that would result from strict compliance with the letter of the Regulation. Because the intent of the Regulation is met, and because of the public benefit to be realized by limiting the already significant impacts to the site, the Board voted to **GRANT** this request.

A true copy,  
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- d. Section 4.1.3.7. The Subdivision Regulations require that the roadway centerline be colinear with the centerline of the right of way. On Magill Drive between STA 0+00 and STA 2+50, the plans show the roadway centerline offset from the right of way centerline. The applicant indicates that this design will accommodate future development of the so-called "apartments" in this area. The Planning Board noted that the purpose of this deviation is to enable various safety provisions on the plan, and noted that the general intent of the Regulation is maintained. Therefore, the Board voted to **GRANT** this request.
- e. Section 4.1.3.7. The Subdivision Regulations require that the roadway centerline be colinear with the centerline of the right of way. On Magill Drive between STA 36+85 and STA 39+65, the plans show the roadway centerline offset from the right of way centerline. The applicant indicates that this design will accommodate travel of the golf carts within the Right of Way. The applicant represents that, although the proposal involves the potential of use of the town road right of way by a private business, this design best serves the public by limiting overall impacts on the wetlands in this area. The Planning Board noted that the purpose of this deviation is to enable various safety provisions on the plan, noted the public benefit of siting the cart path at this location rather than further impacting the adjacent wetland resource area, and noted that the general intent of the Regulation is maintained. Furthermore, this conditional approval requires agreements addressing the maintenance and repair of the cart paths relative to the potential to impact municipal funds and policies. Therefore, the Board voted to **GRANT** this request.
- f. Section 5.3.2. The Subdivision Regulations require 7½ feet cover over sewer lines. The applicant has requested that this regulation be waived to permit less cover in various places throughout the project. The applicant has not specified particular location(s), nor has the applicant indicated a minimum amount of cover that will be utilized. Absent specific information or a discussion from the applicant as to the public benefit this deviation would realize, the Planning Board voted to **DENY** this request. Due to the technical nature of the issue, the Board noted that the applicant may revisit the issue at a later date.

A true copy,

Attest:

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"Highfields of Grafton" Golf Course, Major Residential Development and Subdivision  
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Witness our hands this 28th day of April, 1999 2000

  
Robert Hassinger, Chairman (NAY)

  
Elias Hanna, Member (AYE)

  
Ann V. Morgan, Vice Chair (not voting)

  
Kenneth Deshais, Clerk (AYE)

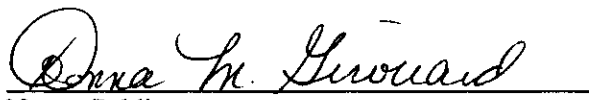
  
Margaret J. Hurley, Member (AYE)

COMMONWEALTH OF MASSACHUSETTS

Worcester ss

April 28, 2000

On this 28th day of April, 2000 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.

  
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 Clark, Town Clerk

Date May 19, 2000

A true copy,  
Attest:

  
Maureen A. Clark  
Town Clerk, Grafton, MA

ATTEST: WORC. Anthony J. Vigliotti, Register