

**DECISION  
GRAFTON PLANNING BOARD**

**MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL  
ELIMINATE WATER MAIN SERVICE**

**“Bull Meadow” Subdivision  
(Appaloosa Drive & Carriage House Lane)  
Off Appaloosa Drive, North Grafton, MA**

**Bull Meadow, LLC (Applicant / Owner)**

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Bull Meadow, LLC, 2 Rachel Road, Boylston, MA 01505 (hereinafter the Applicant / Owner), for a modification of a Definitive Subdivision Plan Approval decision to eliminate the water main service for the 15 lot Conventional Development Residential Subdivision on property located at 11 Appaloosa Drive, 109R Adams Road, 37 Side Bridle Ridge Drive, and 94R Old Westboro Road, and shown as Grafton Assessor’s Map 110, Lot 31 & Map 110, Lot 32 (hereinafter the Site) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 35310, Page 74 and Book 53605, Page 383.

The Definitive Subdivision Plan Approval decision, dated April 17, 2017, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 57074, Page 1. Condition #A3 of said Approval decision requires a determination from the Grafton Planning Board of any modification to the approved plans as to whether the proposed change is substantially different than the original proposal.

**I. BACKGROUND**

The application for Modification of a Definitive Subdivision Plan Approval (hereinafter Application) was filed with the Planning Board July 27, 2018. After review of the proposal it was deemed a Modification of the Special Permit from which the Definitive Subdivision Plan Approval evolved would also need to be amended. A public hearing was held to coincide with the modification of the Special Permit (MRSP 2014-8). Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 9 and 16, 2018, posted with the Town Clerk’s Office on August 7, 2018 and abutters were notified by First Class Mail. The public hearing on the Application was opened on August 27, 2018, continued to September 10, 2018 and closed on September 24, 2018. During the public hearings, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman Linda Hassinger, Members David Robbins and Michael Scully and Associate Member Paul Monroe. Clerk Carroll-Tidman was absent at the October 27, 2018 hearing but submitted a Mullin Certification verifying that she watched a copy of the taped hearing thus being eligible to vote at the time of Decision. At the hearing, Patrick McCarty and Brian Marchetti of McCarty Engineering and Gordon Lewis (Applicant / Owner) presented the proposal. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

## **II. SUBMITTALS**

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

1. Application Submission, received July 27, 2018 to include the following;
  - a. Application for Approval of a Modified Definitive Plan; dated by the Town Clerk July 27, 2018; 2 pages.
  - b. Certificate of Good Standing, signed by Treasurer/Collector's Office; dated July 24, 2018; 3 pages.
  - c. Certified Abutters List, signed by Assessor; 1 page.
  - d. Project Narrative, RE: "Modification to Definitive Subdivision, Estates at Bull Meadow, Appaloosa Drive, Grafton, Massachusetts," from Patrick J. McCarty, P.E. of McCarty Engineering, Inc.; 2 pages.
  - e. Correspondence Re: "Bull Meadow Subdivision, North Grafton, MA" from Matthew Pearson of Grafton Water District; dated July 16, 2018; 1 page.
2. Public Hearing Notice, stamped by Town Clerk on August 7, 2018, 1 page.
3. Email Correspondence: Board of Health; dated and received August 7, 2018; 1 page.
4. Email Correspondence: Zoning Board of Appeals; dated and received August 8, 2018; 1 page.
5. Email Correspondence: Chief of Police; dated and received August 9, 2018; 1 page.
6. Public Hearing Notice, stamped by Town Clerk on August 7, 2018, 1 page.
7. Email Correspondence: Re: "Request for Meeting Continuance for Bull Meadow Estates Modification," from Brian Marchetti, P.E., of McCarty Engineering, Inc.; dated and received September 7, 2018; 1 page.
8. Correspondence Re: "Modification to Definitive Subdivision Estates at Bull Meadow, Appaloosa Drive, Grafton, Massachusetts" from Brian Marchetti, P.E. of McCarty Engineering, Inc.; dated and received September 20, 2018; 2 pages.
9. Plans: "Estates at Bull Meadow Definitive Plan, N. Grafton, MA 01536," revised 9/20/18, "Site Plan Modification," created by McCarty Engineering, Inc.; dated and received September 21, 2018; 24" x 36", black & white, 4 sheets.
10. Mullin Rule Certification for the October 27, 2018 public hearing, signed by Sharon Carroll-Tidman on November 14, 2018; 1 page.

## **III. FINDINGS**

At their meeting of November 5, 2018, 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:

1. That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the information and material submitted and presented in association with the Application.

2. That determinations regarding the following findings are also predicated upon satisfactory completion of all road and other related improvements shown on the Plans in accordance with *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts*, revised through 4/27/09 (hereinafter *Rules and Regulations*), except where modified by this Decision or MRSP 2014-8, as well as in accordance with all applicable Federal, State and other Local regulations.
3. That determinations regarding the following findings are also predicated upon satisfying all of the conditions stated within this Decision, all applicable conditions of the previous Definitive Subdivision Plan Approval (referenced within this Decision) and the Special Permit (MRSP 2014-8) from which the Definitive Plan evolved.
4. That this application is for modification of a previously approved Definitive Subdivision Plan for the “Bull Meadow” subdivision. The Board also finds that said definitive plan was approved by the Grafton Planning Board by decision dated April 18, 2017, and recorded in the Worcester District Registry of Deeds (WDRD) Book 57074, Page 1. The Board further finds that the definitive subdivision plan, endorsed by the Board on January 22, 2018, is recorded in WDRD Plan Book 933, Plan 3.
5. That the modification proposed by this Application is to eliminate the proposed installation of the fire hydrants and the eight (8) inch ductile iron water main within the roadway extension of Appaloosa Drive and Carriage House Lane and instead install 15 individual water wells and one (1) approximately 30’ x 90’ underground water cistern.
6. That the Board reviewed a summary letter (Exhibit #8) from the Applicant explaining their efforts in addressing abutters concerns about the impact the elimination of the water main will have on the existing wells in the adjacent “Bridle Ridge” subdivision. The Applicant stated they had consulted with the Board of Health and their consultant with the Worcester Department of Public Health, who stated that there had been no records of well repairs or water supply issues reported in the surrounding neighborhood.
7. That the previously approved Major Residential Special Permit will need to be amended to reflect the change as presented in the Decision and Exhibits.
8. That the data submitted satisfies the requirements of Section 3.3.1 of the *Rules and Regulations* regarding submission of a Definitive Plan.
9. That the data submitted satisfies the requirements of Section 3.3.2 of the *Rules and Regulations* regarding Plan Sheets.
10. That the materials and information submitted satisfy the requirements of Section 3.3.3 of the *Rules and Regulations* regarding Definitive Plan Contents.
11. That the materials and information submitted satisfy the requirements of Section 3.3.4 of the *Rules and Regulations*, regarding additional submittal requirements.

## **V. DECISION and CONDITIONS**

At their meeting of November 5, 2018, 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 Application for Approval of a Definitive Subdivision Plan with the following conditions:

1. All grading and construction shall be performed in accordance with the Plan, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any non-permitted pollutants or siltation into waterways during construction or after completion of the subdivision.
2. The Plan sheets shall be submitted to the Planning Department for review for consistency with this decision and the Plans approved by the original Definitive Subdivision Decision. The full plan set of the Modified Definitive Plan shall be recorded at the Worcester District Registry of Deeds. The Applicant / Developer shall notify the Planning Board within ten (10) days of the recording of all pages of the approved documents and will notify the Board in writing, presenting evidence of the recording (See Section 3.3.9.1 of the Subdivision Rules and Regulations).
3. All other conditions of the previously issued Definitive Subdivision Plan Approval, recorded in WDRD Book 57074, Page 1 remain in full force and effect.
4. This modification of a Definitive Subdivision Plan Approval Decision for “Bull Meadow” shall be recorded in the Worcester District Registry of Deeds (WDRD) following the expiration of the appeal period, and a copy of such recording including the Registry of Deeds Book and Page numbers, shall be submitted to the Grafton Planning Board.
5. By recording this modification of Definitive Subdivision Plan Approval for “Bull Meadow” in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Decision, and which acceptance shall bind the Applicant and its successors and assigns.

**VI. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Modification of a Definitive Plan Approval to change the proposed water line service to individual water wells for the 15 lot Conventional Development Residential Subdivision on property located at 11 Appaloosa Drive, 109R Adams Road, 37 Side Bridle Ridge Drive, and 94R Old Westboro Road with Conditions based on the information received at the public hearing and the aforementioned findings.

Robert Hassinger, Chairman

David Robbins, Member

Linda Hassinger, Vice Chairman

Michael Scully, Member

Sharon Carroll-Tidman, Clerk

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

  
\_\_\_\_\_  
Joseph Laydon, Town Planner

11-14-2018  
\_\_\_\_\_  
Date

cc:

- Applicant / Owner
- Assistant Town Engineer
- Conservation Commission
- Graves Engineering
- Building Inspector
- Board of Assessors

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

\_\_\_\_\_  
Kandy Lavalley, Town Clerk

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Date