

**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION OF SPECIAL PERMIT (MRSP 2014-8)
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 Major Residential Special Permit (MRSP 2014-8) 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 Major Residential Special Permit (MRSP 2014-8) decision, dated June 12, 2015, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 55687, Page 313. Condition #C12 of said Approval decision requires a determination from the Grafton Planning Board of any modification to the approved decision 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 on July 27, 2018. After review of the proposal it was deemed a Modification of the Special Permit MRSP 2014-8 from which the Definitive Subdivision Plan Approval evolved would also need to be amended. The Applicant proposes to eliminate 2018 to modify the water main service to 15 individual wells. Condition C#14 of the previously approved Special Permit (MRSP 2014-8) states that the lots would be serviced by a water main line installed within the extension of Appaloosa Drive and Carriage House Lane. A public hearing was held to coincide with the modification of a Definitive Subdivision Plan Approval. 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. Carroll-Tidman) 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 Special Permit MRSP 2014-8 (referenced within this Decision) and the approved Definitive Subdivision Plan Approval.
4. That this application is for a modification of a previously approved Special Permit (MRSP 2014-8) for the “Bull Meadow” subdivision. The Board also finds that said special permit was approved by the Grafton Planning Board by decision dated June 16, 2015, and recorded in the Worcester District Registry of Deeds (WDRD) Book 55687, Page 313.
5. That the modification proposed by the 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. The Board further finds that Condition #C14 of the previously approved Special Permit states that the lots shown on the Plans would be serviced by public water as agreed to by the Applicant.
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 would have on the existing well 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.

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. Carrol-Tidman) voted 5-0 to **APPROVE** the Modification of Special Permit with the following conditions:

1. This approval is specifically to change Condition #C14 of the previously issued Special Permit (MRSP 2014-8) regarding installation of a water main within the extension of Appaloosa Drive and Carriage House Lane. This modification is to allow for the installation of 15 individual wells along with an approximate 30’ x 90’ underground water storage cistern.

2. All other conditions of the previously issued Special Permit (MRSP 2014-8), recorded in WDRD Book 55687, Page 313 remain in full force and effect.
3. This modification a Special Permit MRSP 2014-8 Decision 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 Registry of Deeds Book and Page numbers, shall be submitted to the Grafton Planning Board.
4. By recording this modification of Special Permit MRSP 2014-8 in the Worcester 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 Special Permit (MRSP 2014-8) to change the proposed water line service to individual water wells for the 15 lot Conventional Development Residential Subdivision known as “Bull Meadow” 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.

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Linda Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Michael Scully, Member</u>	<u>AYE</u>
<u>Sharon Carroll-Tidman, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD


Joseph Laydon, Town Planner

11-14-2018
Date

cc:

- Applicant / Owner
- Building Inspector
- Graves Engineering
- Grafton Water District

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

Date