

A REPORT
ON THE REASONS WHY

BULL MEADOW

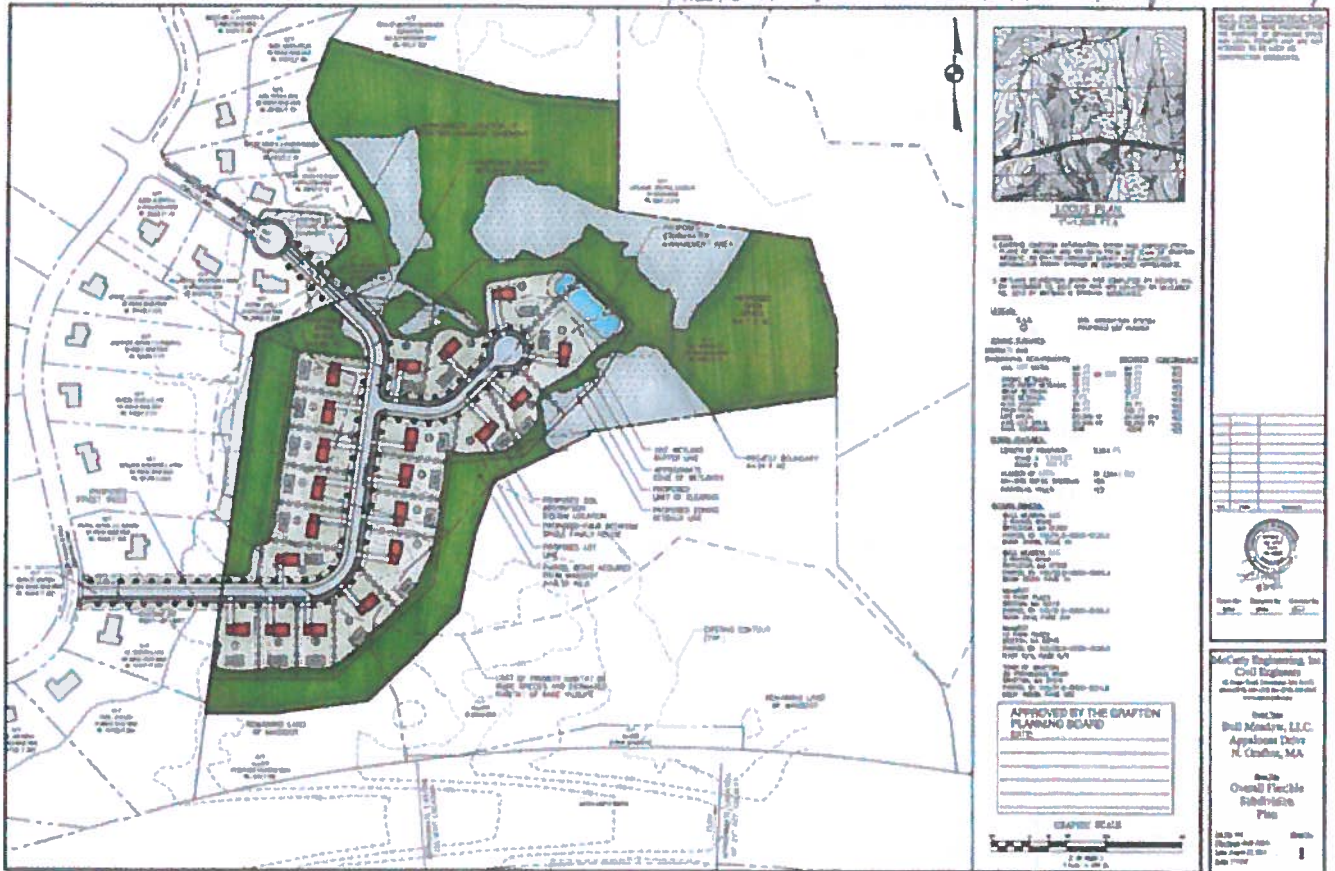
SPECIAL PERMIT

SHOULD BE DENIED

FROM THE RESIDENTS OF NORTH
GRAFTON ESTATES AND ADAMS ROAD



MAS P2014-F BullMeadowLLC 10/01/14-P.2SP by Hatch PK Leahy



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Version 1

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PLANNING BOARD
GRAFTON, MA

REASONS BULL MEADOW SPECIAL PERMIT SHOULD BE DENIED

I: THIS PROPOSED DEVELOPMENT VIOLATES TOWN BYLAWS:

5.3.2. b**, c, d, e*, f, g**, h, i.

5.3.2 Purpose

Major Residential Developments shall be designed to:

- a) allow for greater flexibility and creativity in the design of residential developments;
- b) encourage the permanent preservation of open space, agricultural and forestry land, and other natural resources;
- c) maintain the Town of Grafton's traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands;
- d) protect scenic vistas from Grafton's roadways and other places;
- e) preserve unique and significant natural, historical and archeological resources;
- f) facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
- g) protect existing and potential municipal water supplies;
- h) encourage a less sprawling form of development;
- i) minimize the total amount of disturbance on the site.
(TM 10-18-99)

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II: THIS PROPOSED DEVELOPMENT VIOLATES TOWN BYLAWS:

5.3.4. b) 1. and b) 2.

Required minimum 5 soil test pits or perc tests possibly not executed,
nor designated on plans submitted.

5.3.4 Data Submission - Requirements for All Major Residential Developments:

- a) **Pre-Application Review:** To promote better communication and to avoid misunderstanding the applicant is encouraged to meet with the Planning Board prior to filing its Application for a special permit for a Major or Minor Residential Development.
- b) Applicants for Major Residential Special Permits shall file with the Town Clerk one (1) copy, and with the Planning Board twelve (12) copies (unless a lesser number of copies is allowed by specific vote of the Planning Board), of the following documents which shall have been prepared by an interdisciplinary team including a registered land surveyor, a registered professional engineer, and a registered landscape architect:
 - 1. A Conventional Development Plan conforming to the requirements of a preliminary subdivision plan under the Subdivision Rules showing a conventional lot layout. Such plan shall also indicate wetlands, proposed topography and, except where Town sewers will be utilized, the results of deep soil test pits and percolation tests (the location of which may be designated by the Board of Health or its agent) at a rate of one per every five acres or more as may be required by the Board of Health, but in no case fewer than five per Major Residential Development.
 - 2. A Flexible Development Plan in the same detail as the Conventional Development Plan but showing development of the lots so as to maximize the purposes of Flexible Development.

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III: THIS PROPOSED DEVELOPMENT VIOLATES TOWN BYLAWS:

5.3.8. a, b, and e.

5.3.8 Major Residential Development Considerations

In evaluating the proposed Major Residential Development, the Planning Board shall consider the general objectives of this By-Law and of Major Residential Development, including, but not limited to, the existing and probable future development of surrounding areas; the appropriateness of the proposed layout of the lots and the proposed layout and use of the Common Land in relation to the topography, soils and other characteristics and resources of the tract of land in question. The Planning Board shall grant a FDSP if it finds that the Flexible Development and the proposed uses:

- a) comply in all respects to the requirements of the Bylaw and enhance the purpose and intent of this bylaw.
- b) are in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood,
- c) are, on balance, more beneficial to the Town than the development likely would be without such approval.
- d) comply with the requirements of Section 1.5.5 for granting special permits.
- e) will be connected to public sewer, unless in the opinion of the Board of Health, the development can be adequately served by the use of on-site subsurface sewage disposal systems and in furtherance of the purposes of this Zoning By-Law and protection of the environment.

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IV: THIS PROPOSED DEVELOPMENT VIOLATES TOWN BYLAWS:

5.3.11., and 5.3.11.b.

5.3.11 Use of the Common Land

The Common Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of those uses. No other uses shall be allowed in the Common Land except as provided herein:

5.3.11.a) The proposed use of the Common Land shall be specified on a Land Use Plan and appropriate dedications and restrictions in a form satisfactory to the Planning Board shall be recorded in the Worcester District Registry of Deeds. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purpose of Flexible Development.

5.3.11.b) The Common Land shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land, and provided that the Common Land may be subject to temporary easements for the construction, maintenance, and repair of roads, utilities serving the Flexible Development, and sewer or drainage facilities serving the Flexible Development or adjacent land.

REASONS BULL MEADOW SPECIAL PERMIT SHOULD BE DENIED

V: THIS PROPOSED DEVELOPMENT VIOLATES TOWN BYLAWS:

5.3.13.a)., 5.3.13.b)., and 5.3.13.f).

5.3.13 Design Guidelines

In evaluating the layout of lots and Common Land, the following criteria will be considered by the Planning Board as indicating design appropriate to the natural landscape and meeting the purpose of Flexible Development.

5.3.13.a) Preserve and maintain existing fields, pastures, other land in agricultural use and sufficient buffer areas to minimize conflict between residential and agricultural use. For example, tucking house lots and driveways into wooded areas is recommended.

5.3.13.b) Maintain or create a buffer of natural vegetation of at least 100 feet in width adjacent to surface waters and wetlands.

5.3.13.c) Leave unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads, special places as designated in the Town of Grafton Open Space and Recreation Plan, or scenic roads. For example, a 100 foot deep "no build buffer" is recommended to screen homes from the street (and vice versa)

5.3.13.d) Protect the habitat areas of species listed as endangered, threatened or of special concern by the Massachusetts Natural Heritage Program.

5.3.13.e) Preserve historic and prehistoric sites and their environs in so far as needed to protect the character of the site.

5.3.13.f) The elements of the Flexible Development Plan (buildings, circulation, Common Land, landscaping, etc.) are arranged favorably with and so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views.

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VI: THIS PROPOSED DEVELOPMENT VIOLATES TOWN BYLAWS:

5.3.13.g), 5.3.13.k), 5.7.2.d), 5.7.2.d.1), 5.7.2.d.2), 5.7.2.d.3), 5.7.2.d.4).,

5.3.13.g) Protection of major street appearance and capacity by avoiding development fronting such streets while contributing to the overall aesthetic quality of the development.

5.3.13.h) Landscaping screens areas of low visual interest such as utility boxes, trash containers, and parking areas, and treats pedestrian systems and open space areas in a manner which contributes to their use and visual appearance.

5.3.13.i) Active recreational areas are suitably located and accessible to the residential units and adequate screening ensures privacy and quiet for neighboring residents. Where called for in the Town of Grafton Open Space and Recreation Plan and where warranted by the criteria established in that plan, and where feasible on a site, a large playing field is to be provided for recreational use.

5.3.13.j) The pedestrian circulation system is designed to assure that pedestrians can move safely and easily on the site and between properties and activities within the site and neighborhood.

5.3.13.k) The Common Land shall be reasonably contiguous, coherent and if the tract of land abuts adjacent Common Land or other permanently protected open space, the Common Land shall be connected with such adjacent Common Land and with such permanently protected open space.

5.7.2.d. No special permit shall be granted pursuant to this section unless the Board shall have made detailed findings, in addition to the findings required by Section 1.5.5 of this Zoning By-Law, based upon the required submissions in the following subsections e. and f., and of Section 1 of this By-Law, that:

- 1. the specific site is an appropriate location for such use in accordance with the standards set forth in the foregoing subsection b;**
- 2. the use as developed and carried on will not adversely affect the neighboring properties or people;**
- 3. the use as developed and carried on will not create a nuisance or serious hazard to vehicles or pedestrians traveling into, out of, and about the premises;**
- 4. the use as developed shall provide adequate and appropriate facilities for its proper operation, taking into account the public health and welfare of its patrons and the surrounding environs of the property.**

REASONS BULL MEADOW SPECIAL PERMIT SHOULD BE DENIED

1. NO UTILITIES ARE AVAILABLE FOR EXTENSION OF SERVICE

- 1a. FAILED SEPTIC SYSTEMS within connecting neighborhood had to be rebuilt because of the high levels of clay based soils, not sandy soils, as reported. Please review BOH permits pulled from 2002 to the present.
- 1b. WATER AQUIFER TOO LOW FOR ADDITIONAL WELLS.
Adams Road area and 90 homes at North Grafton Estates have well problems of low water levels, heavy sediment, and high levels of hard water, requiring filtration and expensive replacement of pumps and service. Wells have already dried up on Adams road, requiring hydro-fracking.
- 1c. "THERE ARE ONLY SO MANY STRAWS YOU CAN PUT INTO AN AQUIFER BEFORE IT GOES AWAY".
Will the town, or the developer, pay us for a new water supply when our wells go dry, if they allow this project to be built?
- 1d. PROPOSED HOUSES ARE TOO CLOSE TO POLLUTED MTBE SITE.
(Methyl tertiary-butyl ether)
- 1e. NGE IS END OF THE LINE FOR ELECTRIC SERVICE
Transformers have been replaced, unusual low levels of power have been experienced, many discussions with National Grid with no options to increase and improve service. NO ELECTRICITY IS AVAILABLE FROM NORTH GRAFTON ESTATES FOR BULL MEADOW.
- 1f. CABLE AND PHONE SERVICE IS AT END OF THE LINE.
Hundreds of service calls to get reasonable service, was finally corrected. Cannot be connected to for any future housing.
- 1g. ALL BULL MEADOW UTILITIES - (ELECTRIC, WATER, CABLE AND PHONE) -SHOULD BE REQUIRED BY THE BOARD TO BE BROUGHT IN FROM OUTSIDE NORTH GRAFTON ESTATES.
- 1h. Will the town, or the developer, pay us for all new Utilities when our basic services decline, or fail, if they allow this project to be built?
- 1i. You can't plug in an extension cord to an overloaded electrical outlet.

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2. **TOWN OWNED "OPEN SPACE" CANNOT BE CONVERTED TO A MAJOR ACCESS ROAD.**
 - 2a. Town of Grafton required Toll Brothers to create a "HORSE TRAIL" on the "OPEN SPACE & CONSERVATION AREA OF PARCEL X.
 - 2b. There is not enough "FRONTAGE" on 39 Bridle Ridge Road to allow a Major Road to be built on Parcel X. Or on the lots on Appaloosa Drive.
 - 2c. MAJOR SAFETY ISSUE of Parcel X on steep downhill corner of Bridle Ridge Drive. Traffic Study has been required by the Planning Board on 10-6-14.
 - 2d. NORTH GRAFTON ESTATES WAS CREATED AS A "CLOSED COMMUNITY". We did not buy into a closed and quiet neighborhood to have it reclassified as a main through fare.
 - 2e. Appaloosa Drive and Bridle Ridge Drive is a major bus stop for 60+ children over the 4 schools from 6:30 am until 4 pm. It will not accommodate tens of thousands of trips of huge construction vehicles driving by and around those children every day for 2 to 5 years time.
 - 2f. Safety and quality of life of all residents and 120+ children will be in jeopardy over the next 5 years during high volumes of traffic and construction.
 - 2g. NGE definitive plans shows a house lot on Appaloosa Drive, not a roadway easement.
 - 2h. An additional 40 to 60 children will overburden our schools, and busses. Our schools have one of lowest expenditures per pupil in the state now.

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3. THE DEVELOPMENT WILL BE BUILT WITHIN THE PROTECTED WETLANDS.

- 3a. THREE VERNAL POOLS are the area of Appaloosa Drive extension and bridge within the wetlands according to the MASS DEP PRIORITY RESOURCE MAP.
- 3b. If the neighbors on Appaloosa Drive were denied a permit to work on their property within the wetlands buffer zone - THEN BULL MEADOW SHOULD BE DENIED A PERMIT TO BUILD A BRIDGE AND HOUSES WITHIN THE WETLANDS AND BUFFER ZONES.
- 3c. MANY SEPTIC SYSTEMS will be placed within the protected wetland buffer zones. No recent perk tests have been done within the proposed development site.
- 3d. Many of those septic systems within North Grafton Estates had to be replaced. Those perk tests also showed sandy soil, but were wrong and actually had high clay content.
- 3e. Storm water from NGE presently runs downhill, not sideways, from the three retention ponds that hold millions of gallons of water. This storm water will flow directly into proposed Bull Meadow house lots.
- 3f. If water is redirected from these three very large retention ponds by the developer, it will destroy the in-ground pool located at the rear of the 10 Appaloosa Drive property on the cul-de-sac.
- 3g. No building should be allowed within the 25-foot no disturb zone for each wetland area. (DEP)
- 3h. Bull Meadow maps slightly different than the government wetlands maps.
- 3i. Storm water presently flooding Adams Road properties for the past 7 years. Flooding conditions will only get worse with more pavement and houses proposed uphill from Adams Road.
- 3j. Elevations drop more than 100 feet within three house lots into proposed Bull Meadow development. From Morgan Drive to back of Bridle Ridge Drive lots. (mapgeo.com/grafonma) This will cause major flooding to areas of proposed development.