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TOWN OF GRAFTON, MASSACHUSETTS

PLANNING BOARD

DEFINITIVE PLAN APPROVAL

APPLICANT: Magill Associates, Inc.

OWNER: Elizabeth Kazarian, 24 Wheeler Road, N. Grafton, MA

SUBJECT: Fieldstone Farms -- Definitive Plan

LOCATION: Wheeler Road, North Grafton, MA

PLAN: "Definitive Plan of FIELDSTONE FARMS," for Magill Associates, Inc.

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BACKGROUND: See plan 692-9

This decision is in response to an Application for Definitive Plan approval (hereinafter the Application) by the Applicant for permission to create a 33 lot subdivision pursuant to a Flexible Development Special Permit. This application was formally received on September 29, 1994, and was 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, Chairman Sean Padgett called the hearing to order on November 28, 1994 in the McHale Memorial Conference Room, Grafton Municipal Center, 30 Providence Road, Grafton, MA. The hearing was subsequently continued, at the applicant's request, to January 23, 1995, at which time and following public input the hearing was closed. The following Board members were present throughout the public hearing: Chairman Sean Padgett, Elias Hanna, Robert Hassinger and Cindy McDermid. 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.

A true copy,
Attest:

Maureen A. Clark

Maureen A. Clark
Town Clerk of Grafton

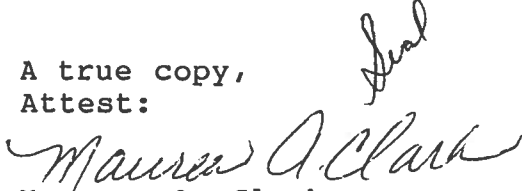
MAIL
DAVID DAVIDSON
340 MAIN ST
WORCESTER, MA
01608

Definitive Plan Approval
Fieldstone Farms, Magill Assocs.
January 1995

FILINGS:

1. Application for Approval of a Definitive Plan, Form C, received August 16, 1994.
2. Definitive Plan of Fieldstone Farms, for Magill Associates, drawn by Andrews Survey & Engineering, Gregory Valiton, Registered Professional Engineer, dated February 1, 1994 and revised through January 12, 1995.
3. Copy of the Decision of the Planning Board for the Preliminary Plan and Major Residential Special Permit for Fieldstone Farms (SP 92-18), recorded in the Worcester Registry of Deeds, Book 15603, Page 31.
4. Certified List of Abutters
5. Authorization to submit plans, from Elizabeth Kazarian, owner, to Magill Associates.
6. Design Specifications - Summary of Hydrologic/Hydraulic Analysis, dated March 15, 1994, and revised through November 15, 1994.
7. Correspondence from applicant dated August 18, 1994 requesting waivers.
8. Traffic Impact Evaluations by Gilbert Nelson, Needham, MA, dated August, 1994.
9. Draft Conservation Easement pertaining to Parcel "D", submitted by the applicant's attorney, David Davidson dated September 29, 1994.
10. Correspondence from Town Planner to applicant, dated October 13, 1994, deeming the application complete.
11. Department comments from the Grafton Water District, dated October 17, 1995.
12. Department comments from the Board of Sewer Commissioners dated November 4, 1994.

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Definitive Plan Approval
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January 1995


13. Staff comments from Paul Grasewicz, Graves Engineering dated November 10, 1994.
14. Staff comments from Paul Grasewicz, Graves Engineering, dated November 14, 1994.
15. Correspondence from Andrews Survey & Engineering, dated November 23, 1994, and including revised plans and calculations.
16. Department comments from Assistant Town Engineer dated December 27, 1994.
17. Staff comments from Paul Grasewicz, Graves Engineering, dated January 5, 1995.
18. Correspondence from abutter, Mr. Delberto, regarding vegetative screening, dated January 9, 1995.
19. Correspondence from Andrews Survey & Engineering dated January 9, 1995.
20. Staff comments from Town Planner contained in report for January 9, 1995, Planning Board meeting.
21. Correspondence from Andrews Survey & Engineering, dated January 12, 1995, and including revised plans and calculations.
22. Staff comments from Paul Grasewicz, Graves Engineering, dated January 19, 1995.

DECISION:

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. This Definitive Plan was submitted pursuant to a Flexible Development Special Permit, #92-18, granted by the Grafton Planning Board, recorded in the Worcester Registry of Deeds in Book 15603, Page 31, and hereby incorporated herein.


A true copy,
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January 1995

2. This approval is subject to receipt of proper and acceptable security for the installation of all municipal services which shall be completed in accordance with the applicable Rules and Regulations of the Grafton Planning Board and MGL Ch.41, Section 81U.
3. The Planning Board hereby waives the specific provisions of the Rules and Regulations Governing the Subdivision of Land set forth in Attachment 1, WAIVERS.
4. 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.
5. Any Orders of Conditions issued by the Grafton Conservation Commission with respect to the Project are hereby incorporated by reference and constitute a condition to this approval.
6. Any and all plans which may be approved by the Conservation Commission pursuant to an Order of Conditions 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.
7. All site improvements shall be inspected at the appropriate stage of construction by the Planning Board or any person designated by the Planning Board upon request made by the Applicant to the Planning Board. After inspection of the site improvements and the construction by the Planning Board or its designee, the Board shall issue a certificate of compliance to the Applicant, provided the work conforms to the requirements of this Approval.

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8. 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 during construction or after completion of the Project.
9. Except as otherwise shown on the plan or as excepted by waivers hereinafter referred to (See Attachment 1), all driveways, roadways, parking areas, utilities and other improvements shall conform to the construction standards of the subdivision rules of the Town of Grafton, Mass. in effect as of October 13, 1993. 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.
10. The undersigned 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, or until sufficient surety and appropriate supplemental covenant(s) are in place to secure completion of said work. This condition shall be included in any Supplemental Covenant.
11. 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 lots to be so released.
12. Some conditions of this approval are expressly intended to carry beyond the release of a lot. The release of a lot shall not be considered as satisfaction of such conditions. A proper and acceptable Supplemental Restrictive Covenant to insure conditions following release of lots from this Statutory Covenant is required.
13. All drainage facilities and associated structures, including pipe, loaming, and seeding, shall be completed to the satisfaction of the Planning Board prior to the release of any lot or the issuance of any Certificate of Occupancy by the

A true copy, *Seal*

Attest:

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Building Inspector. This condition shall be included in any Supplemental Covenant.

14. The applicant shall submit a lighting proposal and electrical distribution plan for the Planning Board's approval. The electrical distribution plan, street light locations, and appropriate easements shall be shown on the plan, and shall indicate at what point the wiring will be brought underground. All electrical, telephone, and cable lines shall be brought into the subdivision underground from the nearest supply feed. Planning Board approval of the plan shall be required prior to any such work commencing.
15. The Applicant represents and covenants that the Owners named above are the fee simple owners 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 this contract, and the present holders of said mortgages have assented to this approval prior to its execution by the Applicant.
16. 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 and following a public hearing. If a request for such extension is properly filed at least 45 days prior to the expiration of this approval, the applicant shall be responsible for all costs of legal notice. If the request is filed later than 45 days prior to the expiration of this approval, the applicant shall be responsible for all costs of legal notice as well as the minimum filing fee for a Definitive Plan application.
17. Prior to endorsement of any Definitive Plans, the applicant shall submit an appropriate and legally enforceable instrument regarding the ownership, use and maintenance of all proposed open land, consistent with Section 5.3 of the Grafton Zoning By Laws. This instrument shall be recorded upon approval and/or acceptance by all appropriate Town entities, and shall be referenced on the Definitive Plan prior to endorsement of said Plan.

A true copy,
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Maureen A. Clark

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Definitive Plan Approval
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18. In areas of deep cuts, where retaining walls are not required, the right of way shall be thickly vegetated with stabilizing species as approved by the Planning Board.
19. Parcels B and C shall be maintained as undisturbed open space. Vegetation shall be allowed and encouraged to grow and shall not be maintained altered or otherwise disturbed except in accordance with the approved Definitive plan or accordance with a perpetual conservation easement recorded in the Worcester Registry of Deeds following Planning Board approval, or as specifically described herein.
20. Use of Parcel "D" shall be confined to passive recreation or haying and gardening.
21. Upon completion of construction of roadways, the density of street trees/vegetation required by Section 5.10 of the Subdivision Rules and Regulations shall be met or exceeded. Such requirements shall be considered a permanent covenant applicable to all lots, tracts of land, or portions thereof which is the subject of this application.
22. Areas providing access from Meadow Lane to the open space (Parcels B, C and D; where appropriate on Parcel A) shall have a cleared width of at least eight (8) feet to encourage pedestrian use of the facilities. Such improvements shall be made by the applicant, and maintenance shall be addressed in the required covenant(s).
23. Areas providing access from Meadow Lane to the open space Parcels A, B, C and/or D shall be designated as "Open Space Access Point(s)" through signage. Such signage shall be posted at each street right-of-way point. Signage shall be consistent with the Zoning By Laws, and shall be of a design and style/size which the Planning Board deems appropriate following an informal design review.
24. All open space development/maintenance/signage including access points, shall be the responsibility of the individuals(s) identified in the conservation easement applicable to the site. This condition shall be included in any Supplemental Covenant.

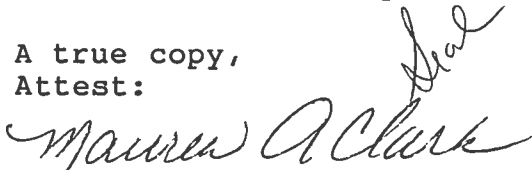
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January 1995

25. Any change of ownership or management of the Common Land will be considered a "significant" change and require an amendment to the Special Permit following a public hearing. The applicant will be required to submit revised covenants, easements or other documents, as appropriate, to reflect such change(s) for review and approval by the Town.
26. Hookup to public water is required. The water main shall be connected to the site by the applicant. with the approval and to the specifications of the Grafton Water District..
27. Hookup to Town sewers is required. The sewer line shall be connected to the site with the approval and to the specifications of the Grafton Board of Sewer Commissioners.
28. Off street parking shall be provided on Parcel A. Construction of the parking area shall be approved by the Town's engineering staff and the Planning Board prior to its construction, and shall be part of the inspections conducted by the Town.
29. Drainage facilities are intended to be located on several house lots/open space parcels. Such facilities shall be kept in proper working order by the owner of the property on which each facility is located. This provision shall be a covenant running in perpetuity with the land.
30. A sidewalk shall be required from Station 0+00 to Station 23+00 and shall be located on the right-hand side (inside of the curve) as shown on the approved Definitive Plan.
31. Easements shall be provided by the applicant which shall permit the Town to conduct necessary inspections, as well as maintenance, repair, etc., of such facilities in the event the party responsible for such has failed to do so in the opinion of the Town.
32. Conditions 10, 19, 20, 21, 22, 23, 24, 29 and 31 are expressly covenants to the land in perpetuity and shall be reflected by this owner in any deed or documentation of transfer of ownership of said property, as appropriate, and shall be

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identified in a Supplemental Covenant upon the provision of any release of lots.

- 33. The following statement shall be included on the plans submitted for endorsement: "This subdivision is limited to 33 lots in the configuration shown on these approved plans, unless a new plan is submitted to the Grafton Planning Board which meets their full standards and approval, pursuant to the Subdivision Rules and Regulations in effect at the time such proposal is formally submitted."
- 34. Conditions 1 through 33 above shall be inscribed by the applicant on a sheet of the plans suitable for recording at the Worcester Registry of Deeds prior to the endorsement of the Definitive Plan by the Planning Board.
- 35. Upon recording this decision, and relevant covenants, plans, etc., in the Registry of Deeds, the applicant shall provide copies of such to the Planning Board, pursuant to the Subdivision Rules and Regulations. Such material and plans must be recorded, and copies of those recorded instruments provided to the Planning Board, within sixty (60) days of the date of endorsement.

The Applicant hereby accepts this Approval and agrees that the conditions set forth herein shall constitute covenants running with the land which shall bind the applicant and its successors and assigns.

A true copy,
Attest:

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Deed

Definitive Plan Approval
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 January 1995

ATTACHMENT 1 -- WAIVERS

DEFINITIVE PLAN
 MAGILL ASSOCIATES
 FIELDSTONE FARMS

The waivers voted upon by the Board, on January 23, 1995, are in addition to the waivers granted during the special Permit review process, and incorporated into that Special Permit #92-18.

Waiver from Section 3.3.4.19 to show any 12" and larger trees on the plan. GRANTED.

Waiver from the requirements of Section 4.5. DENIED.

Waiver from Section 4.1.3.6 allowing a 400-foot distance between intersecting streets. GRANTED.

Waiver from Section 4.1.4.3 allowing construction of a sidewalk on only one side of the roadway. GRANTED.

Waiver from Section 5.2.2.1 allowing pavement width to be 22', with the proviso that the road taper from 26' to 22' from Station 0+00 to Station 1+0. GRANTED.

Waiver from Section 5.4.1.2.b allowing ADS drainage pipe where reinforced concrete is required, with the condition that the corrugated HDPE pipe has a smooth wall interior. GRANTED.

Waiver allowing the reduction of the typical roadway section to 41' for the purpose of minimizing wetland impacts, in the area of the wetland crossing. GRANTED.

Waiver from Section 4.2 allowing cape cod berm to be used, except on the street radii and all catch basin headwalls, where granite will still be required. GRANTED.

The following waiver was voted upon for and is incorporated into Special Permit #92-18:

Waiver from Section 4.1.3.6 to allow streets to be laid out to intersect at less than 600'. GRANTED.

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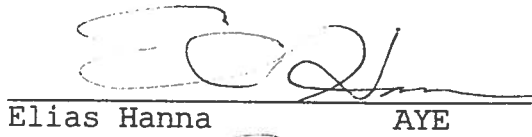
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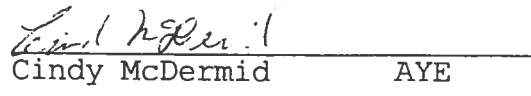
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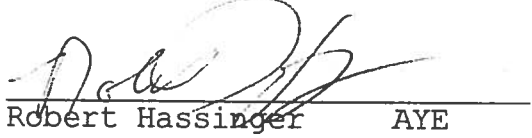
Witness our hands this 21st day of February, 1995.


Sean Padgett AYE


Rand Bardsley - Not Voting


Elias Hanna AYE


Cindy McDermid AYE

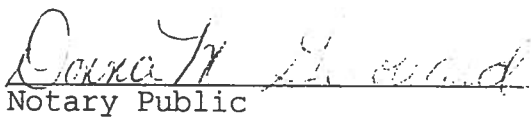

Robert Hassinger AYE

COMMONWEALTH OF MASSACHUSETTS

Worcester ss

1995

On this 21st day of February, 1995, personally appeared Sean Padgett, 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

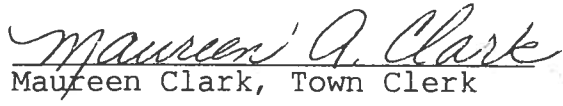
My commission expires 12-1-2000


- 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

A true copy,
Attest:

Maureen A. Clark
Town Clerk of Grafton

