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**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL
(EXTENSION OF CONSTRUCTION DEADLINE)**

**“Fieldstone Farms” Subdivision
(Meadow Lane)
Off Wheeler Road, Grafton, MA**

Magill Associates, Inc. (applicant / owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Magill Associates, Inc., 21 Central Square, Grafton, MA (hereinafter the Applicant), for a modification of a Definitive Subdivision Plan Approval decision, specifically to extend the construction deadline (as specified in the Definitive Plan Approval decision) for completion of the road and associated infrastructure for a 33-lot flexible development subdivision on property located off Wheeler Road, and including property previously shown as Grafton Assessor's Map 45, Lot 8. Said subdivision includes the road known as Meadow Lane.

The Definitive Plan Approval decision, dated February 21, 1995, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 16976, Page 24. Condition # 16 of said Approval decision requires the subdivision to be completed within two (2) years of the date of the Decision. Said Definitive Plan Approval decision is for the definitive subdivision plan recorded in the WDRD in Plan Book 692, Plan 9.

I. BACKGROUND

The application for Modification of a Definitive Plan Approval (hereinafter Application) was filed with the Planning Board and the Town Clerk's Office on August 4, 2005. A public hearing on the Application was held on October 3, 2005. Notice of the public hearing and the subject matter thereof was published in the Grafton News on September 14 and 21, 2005, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chairman Virgil Gray, Vice Chairman Robert Hassinger, Clerk Margaret Small, Donald Chouinard, and Keith Regan. At the hearing, Attorney Joseph M. Antonellis, Engineer Mark Santora, and Gregory Valiton of Andrews Survey & Engineering, represented the Applicant and 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:

EXHIBIT 1: Application for Modification of Definitive Plan, received 8/4/05.

- EXHIBIT 2: Correspondence from Applicant (1 page), received 8/4/05 (fax and original copy), re: project status.
- EXHIBIT 3: Certified List of Abutters.
- EXHIBIT 4: Public Hearing Legal Notice.
- EXHIBIT 5: Return memo from Grafton Town Clerk, received 9/12/05.
- EXHIBIT 6: Return memo from Grafton Zoning Board of Appeals, received 9/12/05.
- EXHIBIT 7: Return memo from Grafton Sewer Department, received 9/13/05.
- EXHIBIT 8: Correspondence from Grafton Police Department, received 9/28/05.
- EXHIBIT 9: Planning Board "Sign-In Sheet" for 10/3/05 Public Hearing.

III. DECISION and CONDITIONS

At their meeting of October 3, 2005, 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. Chouinard, seconded by Mr. Regan) voted unanimously 5 – 0 in favor to **APPROVE** the application for Modification of Definitive Plan Approval with the following conditions:

- 1.) This approval specifically modifies Condition # 16 of the Conditions of Approval contained within the Definitive Plan Approval decision, dated February 21, 1995, and recorded in the Worcester District Registry of Deeds (WDRD) in Book 16976, Page 24, only with respect to the construction deadline (as specified in said Decision) for completion of the road and associated infrastructure for the "Fieldstone Farms" subdivision. This approval specifically allows an extension of the time period in which to complete the Subdivision (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to **May 31, 2006**.
- 2.) Unless modified by this Decision, all conditions of the previous Definitive Plan Approval decision for the "Fieldstone Farms" Subdivision recorded in the WDRD and referenced herein, remain in full force and effect.

WITNESS our hands this 2nd day of November, 2005.

Virgil Gray, Chairman

Robert Hassinger, Vice Chairman

Keith Regan, Member

Donald Chouinard, Member

Margaret Small, Clerk

COMMONWEALTH OF MASSACHUSETTS

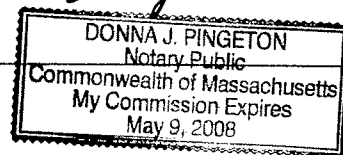
Worcester ss

November 2, 2005.

On this 2nd day of November, 2005, personally appeared Keith Regan, 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 _____



cc: Applicant
Owner
Board of Selectmen
Board of Health
Conservation Commission
Board of Assessors

Board of Appeals
DPW Director / Highway Department
Town Engineer
Building Inspector
Grafton Water District
South Grafton 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