

*Def. file*

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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. The deadline for completion of the subdivision was previously extended to May 31, 2006, by Planning Board decision dated November 2, 2005.

**I. BACKGROUND**

The application for Modification of a Definitive Plan Approval (hereinafter Application) was filed with the Planning Board on September 29, 2006. A public hearing on the Application was held on October 23, 2006. Notice of the public hearing and the subject matter thereof was published in the Grafton News on October 4 and 11, 2006, 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 Keith Regan, Vice Chairman Donald Chouinard, Robert Hassinger, and Peter Parsons. At the hearing, Attorney Joseph Antonellis 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 Exhibits were submitted to the Board for its consideration of this application:

1. Application for Modification of Definitive Plan, received 09/29/06.
2. Certified List of Abutters.
3. Public Hearing Legal Notice.
4. Return memo from Assessors Dept, received 10/05/06.
5. Return memo from Town Clerk, received 10/05/06.
6. Return memo from Board of Health, received 10/06/06.
7. Return memo from Recreation Dept, received 10/06/06.
8. Return memo from Treasurer/Collector, received 10/10/06.
9. Return memo from Sewer Dept, received 10/11/06.
10. Return memo from Water District, received 10/13/06.
11. Correspondence from Graves Engineering, re: status, received 10/20/06.
12. Return memo from Police Dept, received 10/23/06.
13. Planning Board “Sign-In Sheet” for 10/23/06 Public Hearing.

### **III. DECISION and CONDITIONS**

At their meeting of October 23, 2006, 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 Parsons) voted 4-0 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 **June 1, 2007**.
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 31<sup>st</sup> day of October, 2006.

Keith A. Regan  
Keith Regan, Chairman

Robert Hassinger  
Robert Hassinger, Member

Donald Chouinard  
Donald Chouinard, Vice Chairman

Peter Parsons  
Peter Parsons, Member

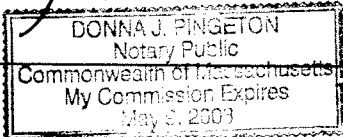
Richard McCarthy, Clerk

COMMONWEALTH OF MASSACHUSETTS

Worcester ss

October 31, 2006.

On this 31<sup>st</sup> day of October, 2006, personally appeared Keith A. Regan, a member of the Grafton Planning Board, and acknowledged the foregoing to be his free act and deed on behalf of said Board.

Donna J. Finckle  
Notary Public  
My commission expires \_\_\_\_\_  


- cc: Applicant
- Owner
- Board of Selectmen
- Board of Health
- Conservation Commission
- Board of Assessors
- Graves Engineering
- 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