




**PLANNING
DEPARTMENT**

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
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MEMORANDUM

TO: Charlie Kady, Kady Builders
FROM: Joseph Laydon, Town Planner 
DATE: August 7, 2019
SUBJECT: Determination of Completeness Request for Dendee Acres Subdivision

The Planning Department has received a request that the Dendee Acres Subdivision/ Desrosiers Landing be determined complete. Submitted with the request were the following documents:

1. Letter from Kady Builders to Joseph Laydon, Town Planner requesting determination of completeness review by the Planning Board.
2. Certificate of Completeness Form with worksheets
3. Public Notice of the submission for Determination of Completeness
4. Tear Sheet from the July 11, 2019 edition of the Grafton News publication of public notice of request for determination of Completeness.
5. Petition to accept Donation of Open Space signed by nine (9) residents of Desrosiers Landing
6. Letter dated December 6, 2018 from Steven Lemoine, South Grafton Water District Superintendent to Joseph Laydon, Town Planner stating the district "accepts the water lines in the as built plans."
7. Memorandum from Paul Cournoyer, Grafton Wastewater department indicating sewer lines and associated infrastructure have been installed, tested and accepted by the Sewer Dept.
8. Letter dated December 10, 2018 from Stephen Charest, Assistant Fire Chief to Charlie Kady stating that the "development has satisfied all Fire Department requirements."
9. Plan entitled "Dendee Acres, Definitive Subdivision As-Built Plan prepared by Alpha Omega Engineering Inc dated May 21, 2019.

Upon receiving the material listed above, Planning Department Staff scheduled a site walk with you, the DPW Director, Assistant Town Engineer, the Board's Engineering Consultant Graves Engineering and myself. The site visit was held on July 15, 2019. The Board's Peer Consultant Jeffrey Walsh's review is summarized in the memo dated July 31, 2019 that is attached to this letter.

As has been discussed in past conversations and through providing an example packet detailing the Determination of Completeness process, the Subdivision Rules and Regulations establish the

process for the Planning Board's determination that a subdivision is complete. Section 3.3.11 details the submission requirements and the following have been found to not have been satisfied:

1. Determination of Completion Request was not sent by Registered Mail to Town Clerk initiating the 45-day review period for the request.
2. Section 3.3.11.2 (b) The Compliance Certificate has not been signed by the developer and the engineer.
3. As-Built Plan was not stamped with Design Engineer's Seal

The above-mentioned deficiencies should be able to be rectified prior to the scheduling of the Determination of Completeness Request scheduled for August 12, 2019.

Since you have indicated that it is your desire to have the Town accept the road at the Fall Town meeting that is scheduled for October 21, 2019, there are four additional steps that must be met, and are summarized below:

1. Preparation of Layout Plan and Legal Descriptions: While you submitted an As-Built Plan, we also need you to submit a Layout Plan for Street Acceptance. This plan will need signature locations for the Planning Board and Select Board to sign. I can provide examples if needed. Along with this we require the legal descriptions. Your attorney has submitted some descriptions, but the snow and drainage easement descriptions are still needed. This will be reviewed by Graves Engineer during the next two steps.
2. Certification of Completeness with the Planning Board: Section 3.3.12.3 details the process for the Final Release of Performance Guarantee and Acceptance. This process occurs 18 months following the Planning Board's Determination of Completeness. However, since the roadway has been completed since October 16, 2016 as documented in Mr. Walsh's letter, it is possible to request a waiver from the subdivision rules and regulations to reduce and the time between determination and certification of completeness. You will need to file a modification request to allow for the submission of the Request for Final Inspection and to Initiate the process for Street Acceptance. I am attaching an example request.
2. Request for Final Inspection: Second you need to request a Final Inspection pursuant to Section 3.3.12.3 (b). This is the actual step that Town Departments and the Board recommends to the Select Board that the road be placed on the warrant for Town Meeting and to schedule a hearing with them to accept the layout. For this we will need written descriptions and the Layout Plan. See the attached letter for the request for this step.
3. Layout Hearing with the Select Board: The last step is to schedule a layout hearing. This will need to be advertised and you need to allow for that to occur. I recommend talking to the Town Administrator's Office to get an idea on deadlines for publication in the newspaper for the layout hearing. Such a request for initiating the layout hearing with the Select Board can be modelled on the attached letter.

Time is of the essence and I recommend addressing these items as soon as possible.

Please contact me if you have any questions.

RECEIVED

AUG - 5 2019



100 GROVE ST. | WORCESTER, MA 01605

July 31, 2019

Joseph Laydon
Town Planner
Grafton Municipal Center
30 Providence Road
Grafton, MA 01519

PLANNING BOARD
GRAFTON, MA

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gravesengineering.com

**Subject: Dendee Acres (Desrosiers Landing)
As-Built Plan and Construction Completeness Review**

Dear Joe:

We received the following document on July 8, 2019:

- Plans entitled Dendee Acres Definitive Subdivision As-Built Plan dated May 21, 2019, prepared by Alpha Omega Engineering Inc. (2 sheets)

Graves Engineering, Inc. (GEI) was requested to review the as-built plan for conformance with the *Rules and Regulations Governing the Subdivision of Land, Grafton, Massachusetts* and for substantial conformance with the approved definitive plans. Graves Engineering, Inc. (GEI) performed site visits through July 26, 2019 to evaluate construction completeness.

We understand that lot development is complete. Maintenance of the road and stormwater basin was in order; no immediate maintenance was required. The finish road pavement was placed on October 16, 2016. Other finish surfaces (i.e. loam and seed, riprap, etc.) have been placed and permanent stabilization has been achieved.

Our comments follow:

As-Built Plan Review

1. Based upon visual observations during our site visits and our review of the as-built plans, it appears that the project was constructed substantially in accordance with the approved plans.

Construction Completeness Review

2. Construction is essentially complete. GEI performed an initial construction completeness site visit with Town staff and the developer on July 15, 2019. GEI performed a follow-up site visit with the developer on July 26, 2019 to confirm the installation of three drill holes that delineate the open space and water easement.
3. Based upon discussions during the July 15, 2019 site visit, the following items need to be addressed prior to the Town accepting the road and easements. This work is to be performed nearer the Town's acceptance of same.
 - a. Remove accumulated sediment from the four catch basins.

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- b. Check the sediment levels in the two proprietary stormwater treatment units and remove accumulated sediment, if necessary.
 - c. Remove debris (leaf litter) along the curb-lines at the project entrance.
4. Based upon discussions during the July 15, 2019 site visit, the following items have been coordinated to the extent possible with the electric utility provider and will be addressed as soon as possible under the electric utility provider's schedule. Completing these tasks should not impede the Town from accepting the road or easements.
 - a. A street light needs to be installed at the project entrance. The Town intends to convert to LED lights, but the electric utility provider can't install a LED light until certain contract obligations between the Town and the electric utility provider are met. The installation of this street light is being coordinated with Grafton DPW.
 - b. The wire for the LED street light at the cul-de-sac needs to be installed and the light energized. The electric utility provider can't energize the LED light until certain contract obligations between the Town and the electric utility provider are met. The developer is coordinating this work with the electric utility provider and Grafton DPW.
5. The developer is responsible for road maintenance (plowing, sanding, sweeping, catch basin and curb inlet cleaning, etc.) until the roads are accepted as public ways. Ongoing maintenance was satisfactory. The developer is also responsible for any necessary road and infrastructure repairs until the subdivision is accepted as a public way.

General Comments

6. An acceptance plan and draft legal descriptions of the right-of-way, open space and easements to be conveyed to the Town or water district (e.g. drainage easement and water easement) were not submitted. GEI defers to the Planning Board and its staff if/when these documents are to be submitted.

We trust this letter will address your review requirements. Please contact this office with any questions.

Very truly yours,
Graves Engineering, Inc.



Jeffrey M. Walsh, P.E.
Principal

cc: Paul Courmoyer; Grafton DPW
Brian Szczurko; Grafton DPW
Charlie Kady; developer

Mayer, Antonellis, Jachowicz & Haranas, LLP

Attorneys at Law

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July 20, 2018

Joseph Laydon, Town Planer
Grafton Planning Board
Grafton Municipal Center
30 Providence Road
Grafton, MA 01519

RE: Street Acceptance: Brookmeadow Village – Request for Final Inspection per Section 3.3.12.3 (b)

Dear Mr. Laydon and Members of the Planning Board:

As you know, Brookmeadow Village, LLC (“BV”) has previously requested the Planning Board waive the 18 month waiting period to apply for road acceptance after a Determination of Completeness has been issued. The grant of the waiver will allow BV to move forward with a Town Meeting Warrant Article for the acceptance of Klondike Road and Brookmeadow Lane, **Station 22+00 thru Station 37+30.60**, as public ways. I have been informed that the Planning Board will consider the above mentioned waiver request at the regularly scheduled meeting to be held on August 13, 2018.

As set forth in the Subdivision Rules and Regulations the Board’s grant of a waiver of the 18 month waiting period must occur prior to the Board requesting the “final inspection” by the Superintendent of Streets and Town Engineer, and publishing notice that BV is seeking to have the streets accepted and thereafter eliminate BV’s obligation to maintain surety. Notwithstanding the procedure outlined in Section 3.3.12.3 (b) (and assuming the Board grants the waiver) I am hereby requesting that the agenda for the August 13, 2018 meeting include an action item wherein the Planning Board consider requesting the above referenced “final inspection” and publishing notice of the proposed street acceptance.

If the Board grants the waiver, it would make sense to move forward that night and begin the final procedural requirements. This would allow BV and the Planning Board to ensure that the proper warrant article and all necessary recommendations can be delivered to the Board of Selectmen prior August 31, 2018.

Respectfully Submitted, Brookmeadow Village, by its attorney

Joseph M. Antonellis

Mayer, Antonellis, Jachowicz & Haranas, LLP

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July 16, 2018

Joseph Laydon, Town Planer
Grafton Planning Board
Grafton Municipal Center
30 Providence Road
Grafton, MA 01519

RE: Determination of Completeness, Street Acceptance: Brookmeadow Village – Waiver Request

Dear Mr. Laydon and Members of the Planning Board:

As you know, Brookmeadow Village, LLC (“BV”) is the developer of the single family residential subdivision known as Brookmeadow Village. After an initial meeting with the Board and then having an inspection made of portions of the roadways at Brookmeadow Village, the Board issued a Determination of Completeness for Klondike Road and Brookmeadow Lane, **Station 22+00 thru Station 37+30.60** (“Completed Roadway”). In an effort to comply with the requisite procedures necessary to seek street acceptance at the fall Town Meeting, BV hereby formally requests the Planning Board waive the strict requirements of Section 3.3.13.3 (b) (18 month waiting period after Determination of Completeness) of its Subdivision Rules and Regulations. A grant of this waiver will allow the applicant to arrange for the required street inspections, and hold the necessary public hearings prior to the 2018 Fall Town Meeting. In that regard, BV is requesting that you add this request for waiver to the agenda for your regularly scheduled Planning Board meeting to be held on August 13, 2018.

As grounds for the request, BV states as follows:

1. BV has complied with all Planning Board approvals and all relevant portions of the aforementioned Subdivision Rules and Regulations. BV has submitted

and has been granted a "Determination of Completeness" for the Completed Roadway. In addition, BV has and will continue to properly maintain the Completed Roadway.

2. BV has heretofore completed the installation of significant off-site improvements including but not limited to the (i) building and donation of a municipal park with a completed Ball Field and soccer field; (ii) the reconstruction of the Route 122/122A intersection; (iii) the placement of foundation and well for a future pump house at the municipal park; (iv) a pump house for South Grafton Water Company; (v) an update of the existing Sewer Lift Station including new pumps and a new generator; and (vi) the establishment of a permanent water connection between Grafton Water Company and Whitinsville Water Company.
3. BV maintained and continues to maintain proper safeguards to insure the integrity of all roads, ways, storm water management facilities and other improvements within the subdivision.
4. BV has timely paid all review and consultant fees and has never been required to comply with a stop work order (or other sanction) from any of the many boards and committees exercising jurisdiction over Brookmeadow Village.
5. BV has installed all of the trail systems in the open space portion of the Brookmeadow Village. The open space parcels have been transferred to the Grafton Land Trust (2007) and the Grafton Conservation Commission (2012).
6. BV has submitted the required acceptance and as built plans for the Completed Roadway.


As you know, waivers are only issued by way of a majority vote of the Planning Board, and only when "in the judgment of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law" (Rules and Regulations Section 2.6).

It is BV's opinion that this Board can make such a finding as to the issue of "public interest". In doing so, the Board need only consider the needs of, and the benefit to, the 86 home owners who presently live at Brookmeadow Village. The acceptance of this street at the next Town Meeting will provide a significant public benefit to these homeowners, each of whom is paying an average of \$7,500.00 per year in real estate taxes.

As to the issue of consistency with the Subdivision Control Law, there is no question that the Determination of Completeness provides assurance that the intent and purpose of the Subdivision Control Law (which is to ensure that proper layout of streets, ways and other improvements) is not obviated.

For the reason set forth above, BV hereby requests that the Planning Board grant a waiver from Section 3.3.13.3 (b) of the Subdivision Rules and Regulations thereby allowing the BV the opportunity to seek Town Meeting approval at the 2018 Fall Town Meeting.

Respectfully Submitted, Brookmeadow Village, by its attorney


Joseph M. Antonellis

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AUG 22 2018

**PLANNING BOARD
GRAFTON, MA**

Timothy P. McInerney
Town Administrator
Town of Grafton
30 Providence Road
Grafton, MA 01519

August 22, 2018

(Hand Delivered)



RE: Brookmeadow Village, Town Meeting Warrant Article, Street Acceptance:

Dear Mr. McInerney:

Please be advised that I represent Brookmeadow Village, LLC, the developer of Brookmeadow Village, a single family residential subdivision locate off of Providence Road. In accordance with the Rules and Regulations of the Planning Board, I am writing to formally request that the Board of Selectmen include on the Warrant for the Fall Town Meeting the enclosed proposed article seeking acceptance of certain roads, ways and infrastructure improvements (drainage easements) in the Brookmeadow residential subdivision.

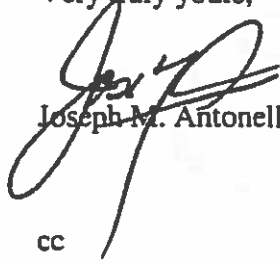
As you know, the procedure governing the Town's acceptance of new roadways requires an extensive review by the Planning Board, and its consulting engineer. Additionally, the Town's Department of Public Works, Municipal Sewer Department, the South Grafton Water Company, and the Grafton Fire Department are all act as inspectors in this detailed process.

In an effort to insure the Board of Selectmen have the necessary information to render a decision, I am herewith enclosing: (i) a copy of correspondence from the Town Planner to the Town Clerk certifying the Planning Board's vote of a "Determination of Completeness" (ii) a copy of the correspondence from the Town Planner to the Town Clerk certifying that the Planning Board has granted a waiver of the 18 month waiting period for road acceptance as required by Section 3.2.13.3 (b) of the Planning Board's Rules and Regulations (iii) a copy of the legal description for the roadway and associated drainage facilities; (iv) a copy of the required 10

citizens petition seeking road acceptance (note original was filed with the Planning Board); and
(v) a proposed warrant article.

It is my hope that you can place this mater on the agenda for the Board of Selectmen's next
regularly scheduled hearing. In the interim, if you have any questions, and or need any additional
information, please feel free to contact me.

Very truly yours,



Joseph M. Antonellis

cc

Brookmeadow Village, LLC
Joseph Laydon