



PLANNING BOARD

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
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RECEIVED TOWN CLERK
GRAFTON, MA

2018 AUG 20 PM 12:55

August 20, 2018

Kandy Lavallee
Town Clerk
30 Providence Road
Grafton, MA 01519

Re: Waiver Request: Determination of Completeness, Street Acceptance
"Brookmeadow Village" Subdivision – Phase II, Definitive Plan Approval
Brookmeadow Village, LLC (Applicant / Owner)

Dear Ms. Lavallee:

At its meeting on Monday, August 13, 2018, the Planning Board considered the above referenced waiver request as detailed in materials submitted to the Planning Board on July 16, 2018 by Attorney Joseph Antonellis representing the Owner. A copy of all the submitted material is attached and is available in the Planning Department. Present at the meeting were Chairman Robert Hassinger, Vice Chairman Linda Hassinger, Clerk Sharon Carroll-Tidman, Members, David Robbins and Michael Scully, and Associate Member Paul Monroe (not voting).

Attorney Antonellis was present to review the request. The Applicant is seeking a waiver from Section 3.2.13.3(b) of the Subdivision Rules and Regulations specifically from the 18 month waiting period after the Determination of Completeness for the Town to consider a Certificate of Completion. Mr. Antonellis reviewed the construction history and the Determination of Completeness process which was previously granted by the Board. After review of the facts and taking into consideration staff recommendations, the Board determined that the waiver request was reasonable and would not negatively impact the Town's review process of certifying completion in advance of Town Meeting action to accept the roadways and infrastructure.

After review of the submitted testimony, the Planning Board voted unanimously 5-0 by roll call vote (R. Hassinger – AYE; L. Hassinger – AYE; Carroll-Tidman – AYE; Robbins – AYE; Scully- AYE) to approve the changes as minor modifications to the above referenced Definitive Subdivision Approval in accordance with the provisions of section 6.1.1 of the Grafton Subdivision Rules and Regulations. All other conditions of the referenced Definitive Subdivision Approval remain in full force and effect.

Sincerely,

Joseph Laydon
Town Planner

Attachment

Cc: Attorney Joseph Antonellis – via email
File

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A. Eli Leino (also admitted in N.H.)

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
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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