

**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL
Extension of Construction Deadline**

**“BROOKMEADOW VILLAGE” SUBDIVISION
(Brookmeadow Lane, Taft Mill Road, Klondike Road)
Off Providence Road & Milford Road, South Grafton, MA**

Brookmeadow Village, LLC (Applicant / Owner)

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Brookmeadow Village, LLC, 67 Cape Road, Mendon, MA 01756 (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 90 lot subdivision on property located off Providence Road & Milford Road, South Grafton, and including property previously shown as Grafton Assessor's Map 124, Lots 42 & 49; Map 125, Lots 1 & 2; and Map 131, Lot 7B. Said property is owned by Brookmeadow Village, LLC, by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 31870, Page 59; Book 31870, Page 63; Book 32454, Page 99; Land Court Book 76, Page 46, Certificate 15046. Said subdivision includes the ways known as Brookmeadow Lane, Taft Mill Road and Klondike Road.

The Definitive Plan Approval decision (MRSP 2005-2), dated June 24, 2005, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 39672, Page 1. Condition # 52 of said Approval decision requires the subdivision to be completed within two (2) years of the date of the Decision or thirty (30) months from the Date of Decision. The deadline for completion of the subdivision was previously extended to October 26, 2011 by Planning Board decision dated October 26, 2009. The Permit Extension Act of 2010 extended the validity of the previously approved Decision for four years to October 25, 2015.

I. BACKGROUND

The application for Modification of a Definitive Plan Approval (hereinafter Application) was filed with the Planning Board on September 28, 2015. A public hearing on the Application was held on October 26, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on October 8 and October 15, 2015 and was 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. Following public input the hearing was closed on October 26, 2015.

Normand Gamache of Guerriere & Halnon, Inc. presented the APPLICATION to the Board on behalf of the Applicant / Owner.

The following Board members were present during the entire public hearing process: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins. 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 the Office of the Planning Board.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

- EXHIBIT 1.** Unbound Application Package prepared and submitted by Normand Gamache of Guerriere & Halnon, Inc., received September 28, 2015, including the following components:
- Application for Approval of a Modified Definitive Plan, 2 pages.
 - Correspondence from Normand Gamache, 2 pages.
 - Certificate of Good Standing signed by the Treasurer / Collector’s Office on September 15, 2015; 1 page.
 - Certified Abutters List, dated September 17, 2015; 4 pages.
 - Brookmeadow Village Construction Status, September 25, 2015, 1 page.
 - Attachment A: Copy of Correspondence to Brookmeadow Village, LLC from Rockland Trust Company, RE: Extension on the “Definitive Plan” for Brookmeadow Village Subdivision, dated September 28, 2015; 1 page.
 - Attachment B: Brookmeadow Village Bond Analysis; 1 page.
 - Parcel List for the “Brookmeadow Village” subdivision.
- EXHIBIT 2.** Department Comment Form, Police Department, received October 9, 2015; 1 page.
- EXHIBIT 3.** Department Comment Form, Board of Health, received October 9, 2015; 1 page.
- EXHIBIT 4.** Site Visit Report from October 6, 2015; Graves Engineering; received October 13, 2015; 3 pages.
- EXHIBIT 5.** Department Comment Form, Zoning Board of Appeals, received October 15, 2015; 1 page.
- EXHIBIT 6.** Public Hearing Sign-In Sheet for the October 26, 2015 hearing.

III. FINDINGS

At their meeting of October 26, 2015, 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. Qualey, seconded by Mr. Christensen) voted 5-0 to make the following Findings:

- F1.** That the Applicant presented a construction status report at the public hearing including the status of lot development, drainage basin installation, road construction schedule, water booster station as well as the off site improvements including the water booster station and the sewer pump station (see EXHIBIT #1). Brookmeadow Lane from Taft Mill Road to the intersection with Klondike Road and Klondike Road have received the first course of pavement. Taft Mill Road and a portion of Brookmeadow Lane will receive their final coat of pavement this fall.
- F2.** That the Applicant stated during the public hearing that they are working on developing the as built plans and will be seeking inspections from the Town’s peer review consultant, Graves Engineering. The Applicant stated that it was their intent to begin the Certificate of Completion process for Taft Mill Road and a portion of Brookmeadow Lane with the intent to have the roadways accepted at the Annual Town Meeting.
- F3.** No public input was received at the Public Hearing.

III. DECISION and CONDITIONS

At their meeting of October 26, 2015, 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. Hassinger, seconded by Mr. Robbins) voted 5-0 in favor to **APPROVE** the application for Modification of Definitive Plan Approval decision with the following conditions:

- 1.) This approval specifically modifies Condition # 52 of the Conditions of Approval contained within the Definitive Plan Approval decision, dated June 24, 2005, and recorded in the Worcester District Registry of Deeds (WDRD) in Book 39672, Page 1, only with respect to the construction deadline (as specified in said Decision) for completion of the road and associated infrastructure for the “Brookmeadow Village” 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 **October 26, 2016**.
- 2.) Approval of this modification is contingent upon the Applicant appearing before the Board on or before **October 26, 2016** to provide a status report of the ongoing work and any other issues identified by the Board.
- 3.) Unless modified by this Decision, all conditions of the previous Definitive Plan Approval decision for the “Brookmeadow Village” subdivision as referenced herein, remain in full force and effect.

IV. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **GRANT** the Applicant’s request to modify the Definitive Plan Approval for the “Brookmeadow” Subdivision to extend the period to construct for one year based on the information received at the public hearing and the aforementioned findings.

<u>Sargon Hanna, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Michael Scully, Vice Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

11-17-2015

Date

cc: Applicant / Owner
Graves Engineering

