

Mayer, Antonellis, Jachowicz & Haranas, LLP

Attorneys at Law

288 Main Street, Milford, MA 01757
Tel. (508) 473-2203 Telecopier (508) 473-4041

William H. Mayer
Robert P. Jachowicz
Joseph M. Antonellis
Peter J. Haranas
Jill P. Dawczyk
Erin Wright (also admitted in R.I.)

Of Counsel: Jack K. Merrill

March 20, 2017

Grafton Planning Board
Grafton Municipal Center
30 Providence Road
Grafton, MA 01519

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

Dear Chairperson and Members of the Planning Board:

Brookmeadow Village, LLC (“BV”) is the developer of the single family residential subdivision known as Brookmeadow Village. After multiple meetings and the subsequent inspection of portions of the roadways at Brookmeadow Village, the Board issued a Determination of Completeness for Brookmeadow Lane, Station 0+00 thru Station 22+00 and Taft Mill Road from Station 0+00 thru Station 29+23.88 (together with Basins 1,2,3 and 4). (the “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 2017 Fall Town Meeting.

As grounds for the request, BV states as follows:

FILE
RECEIVED

MAR 20 2017

PLANNING BOARD
GRAFTON, MA

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 continued to properly maintain the Completed Roadway. At the same time, BV has made significant headway in completing the remaining portions of the project, thereby reducing any chance of the Completed Roadway being affected by ongoing work in the subdivision.
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).

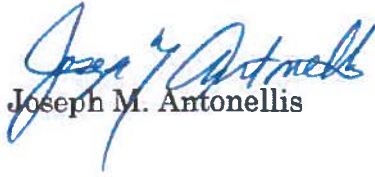
It is BV's opinion that this Board can make such a finding as to the issue of "public interest". In doing so, the Board need only consider the needs of, and the benefit to, the 67 home owners who presently live at Brookmeadow Village. The acceptance of

this street at the next Town Meeting will provide a significant public benefit to these homeowners, each of whom is paying an average of \$7,000.00 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 2017 Fall Town Meeting.

Respectfully Submitted, Brookmeadow Village, by its attorney



Joseph M. Antonellis

