



TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext 120 • FAX (508) 839-4602
www.grafton-ma.gov
planningdept@grafton-ma.gov

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2020 FEB 12 PM 3:59

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PLANNING BOARD

APPLICATION FOR APPROVAL OF A MODIFIED DEFINITIVE PLAN

Application No. DP 2016-1 Modification # 1

APPLICANT & PROPERTY OWNER INFORMATION

NAME D&F Afonso Builders, Inc.
STREET 189 Main Street CITY/TOWN Milford
STATE MA ZIP 01757 TELEPHONE 508-400-2436
NAME OF PROPERTY OWNER (if different)

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Deed recorded in the Worcester District Registry of Deeds Book 34122 Page 57

FEB - 3 2020

CONTACT INFORMATION

NAME Dominic Afonso
STREET 189 Main Street CITY/TOWN Milford
STATE MA ZIP 01757 TELEPHONE 508-400-2436

Planning Board
Grafton, MA

PROJECT LOCATION:

STREET AND NUMBER 100 Westboro Road & Institute Road, North Grafton
ZONING DISTRICT OLI/R-20 ASSESSOR'S MAP 22 LOT #(S) 12

PROJECT/PLAN INFORMATION:

PLAN TITLE "The Village at Institute Road" a Definitive Conventional Subdivision
PLAN DATED: Sept. 26, 2016 REVISED THROUGH June 27, 2018

Deed recorded in the Worcester District Registry of Deeds (WDRD) Book 34122 Page 57

Certificate of Plan Approval recorded in WDRD Book 58546 Page 105-127

PREPARED BY (Engineer) Guerriere & Halnon, Inc.

STREET 1029 Providence Road CITY/TOWN Whitinsville
STATE MA ZIP 01588 TELEPHONE 508-234-6834

The requested modification(s) is/are as follows (describe plan information, condition number(s), etc.)
Respectfully requesting a two-year time extension to the Decision of the Grafton Planning Board dated January 24, 2018 for the construction of the Definitive Subdivision Plan "Village at Institute Road". Additionally, we are respectfully requesting to modify the proposed construction phasing plan narrative depicted on Sheet 27 of 35 of the endorsed plans.

EXHIBIT 1a.

Describe in detail the status of the project relative to construction of ways and municipal service (attach separate sheet).

This project is guaranteed by:

Covenant   X   Bond \_\_\_\_\_ Passbook \_\_\_\_\_ Other \_\_\_\_\_

Provide all relevant information (document number, date, amount, purpose) of each instrument:

  See attached executed covenant  

The undersigned's title to said land is derived from   Commonwealth of Massachusetts  

by deed dated   7/13/2004   and recorded in the Worcester District Registry of Deeds Book   34122  , Page   57  ,  
registered in the   Worcester   Registry District of Land Court, Certificate of Title No. \_\_\_\_\_;  
and said land is free of encumbrances except for the following: \_\_\_\_\_

Any /all mortgages must assent / comment to this application)   N/A  

The undersigned hereby applies for the approval of said **MODIFIED DEFINITIVE** plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations.

Applicant's Signature   Domenico Alfano   Date:   1/14/2020  

Property Owner's Signature (if not Applicant)   Domenico Alfano   Date:   1/14/2020



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 GRAFTON MEMORIAL MUNICIPAL CENTER  
 30 PROVIDENCE ROAD  
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 Phone: (508) 839-5335 ext 1170 • FAX: (508) 839-4602  
 www.grafton-ma.gov

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TREASURER / COLLECTOR

Planning Board  
 Grafton, MA

**Certificate of Good Standing**

Applicants seeking permits with the Town of Grafton must submit this completed form at the time of application. When all obligations are paid to date, you must attach this "Certificate of Good Standing," with your application. Delinquent bills must be paid in full before the appropriate department accepts your application. Please make arrangements to pay these outstanding bills at the Collector's Office.

Please note: it can take up to three (3) business days to process each request.

Please check all that apply and indicate if permit(s) have been issued.

	Permit Issued?			Permit Issued?	
	Yes	No		Yes	No
<input type="checkbox"/> Building - Inspection(s)	_____	_____	<input type="checkbox"/> Septic System	_____	_____
<input type="checkbox"/> Building - Electric	_____	_____	<input type="checkbox"/> Conservation	_____	_____
<input type="checkbox"/> Building - Plumbing	_____	_____	<input type="checkbox"/> Planning	_____	_____
<input type="checkbox"/> Board of Health	_____	_____	<input type="checkbox"/> Other	_____	_____

Other Permit: \_\_\_\_\_

D&F Afonso Builders  
 Petitioner Name  
 189 Main Street  
 Petitioner Address  
 Milford, MA 01757  
 City, State, Zip  
 508-400-2436  
 Phone

D&F Afonso Builders  
 Property Owner / Company Name  
 100 Westboro Road  
 Property Address  
 Grafton, MA  
 City, State, Zip

Please call Amanda Cavallere of Guerriere & Halnon, Inc. at 508-528-3221 or email [acavallere@gandhengineering.com](mailto:acavallere@gandhengineering.com) when this form is ready for pickup.

Date:	Current	Delinquent	N/A
Real Estate	X		
Personal Property			X
Motor Vehicle Excise			X
Disposal			X
General Billing			X

Alicia Rose  
 Treasurer / Collector Name (please print)

Alicia Rose  
 Treasurer / Collector Signature

1-8-20  
 Date

1/6/2020

100 Westboro Road  
Map 12, Lot 22

*Tammy Kalinowski*  
Tammy Kalinowski, Office Manager

PARCEL ID	LOCATION	OWNER 1	OWNER 2	ADDRESS	CITY	ST	ZIP	BK	PG
012.0-0000-0001.0	121 WESTBORO ROAD	BLUE WATER DEVELOPMENT LLC		121 WESTBORO ROAD	N GRAFTON	MA	01536	22784	202
012.0-0000-0001.B	124 WESTBORO ROAD	MASSACHUSETTS DEVELOPMENT FINANCE AGENCY		99 HIGH STREET, 11TH FLOOR	BOSTON	MA	02110	57193	195
012.0-0000-0002.0	117 WESTBORO ROAD	ARUSS INVESTMENTS INC		75 SOUTHWEST CUTOFF	WORCESTER	MA	01604	57571	229
012.0-0000-0005.0	111 WESTBORO ROAD	MAYO PHILLIP M	MAYO ASHLEY	111 WESTBORO ROAD	N GRAFTON	MA	01536	55348	71
012.0-0000-0006.0	113 WESTBORO ROAD	DOYLE GRAFTON LLC		21 GREENWOOD ROAD, 21	HOPKINTON	MA	01748	59010	394
012.0-0000-0007.0	109 WESTBORO ROAD	SMALL JOHN W		109 WESTBORO ROAD	N GRAFTON	MA	01536	21201	280
012.0-0000-0008.0	107 WESTBORO ROAD	PIIRAINEN ANDREW R		931 E 2050 N	NORTH OGDEN	UT	84414	48655	82
012.0-0000-0009.0	97 WESTBORO ROAD	LAHAIR NANCY M		97 WESTBORO ROAD	N GRAFTON	MA	01536	18960	317
012.0-0000-0010.0	95 WESTBORO ROAD	SHAUGHNESSY JOSEPH	SHAUGHNESSY ROSEMARY	95 WESTBORO ROAD	N GRAFTON	MA	01536	11387	274
012.0-0000-0011.0	93 WESTBORO ROAD	MAGNANT SETH	MAGNANT ROBERT	137 GEORGE HILL ROAD	GRAFTON	MA	01519	53211	110
012.0-0000-0012.0	88 WESTBORO ROAD	EQUIPMENT CARE CENTER OF GRAFTON LLC		88 WESTBORO ROAD	N GRAFTON	MA	01536	37347	145
012.0-0000-0015.0	105 WESTBORO ROAD	BY-NEWYO LLC		55 GLENLAKE PARKWAY, NE	ATLANTA	GA	30328	59694	226
012.0-0000-0015.B	83 WESTBORO ROAD	NEW ENGLAND POWER CO	PROPERTY TAX DEPARTMENT	40 SYLVAN ROAD	WALTHAM	MA	02451	4964	572
012.0-0000-0020.0	122 WESTBORO ROAD	MASS COMMONWEALTH OF	DMH / DMR	1 ASHBURTON PLACE	BOSTON	MA	02108	1730	248
012.0-0000-0021.0	120 WESTBORO ROAD	MASS COMMONWEALTH OF	DMH / DMR	1 ASHBURTON PLACE	BOSTON	MA	02108	1730	248
012.0-0000-0022.0	100 WESTBORO ROAD	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0023.0	2 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0024.0	4 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0025.0	6 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0026.0	8 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0027.0	10 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0028.0-0	22 BROOKE STREET	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0029.0-0	20 BROOKE STREET	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0030.0-0	35 BROOKE STREET	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0031.0-0	33 BROOKE STREET	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0032.0	5 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0033.0	3 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0034.0	1 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
019.0-0000-0093.0	46 WATERVILLE STREET	GRAFTON TOWN OF	N GRAFTON ELEMENTARY SCHOOL	30 PROVIDENCE ROAD	GRAFTON	MA	01519	3762	127
020.0-0000-0023.0	81 EAST STREET REAR	GRAFTON TOWN OF	RECREATION 15 YR/ MUNICIPAL 30YR RESTRIK	30 PROVIDENCE ROAD	GRAFTON	MA	01519	28497	258
020.0-0000-0057.0-0	31 BROOKE STREET	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0058.0-0	29 BROOKE STREET	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0060.0	11 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0061.0	9 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0062.0	7 AUDRINA LANE	D & F AFONSO BUILDERS INC		189 MAIN STREET	MILFORD	MA	01757	34122	57

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**EXHIBIT 1c.**

**FEB - 3 2020**

**Planning Board  
Grafton, MA**

ID	Site Address	Owner Name	Owner Address	Town	State	Zip	Book	Page
012.0-0000-0001.B	124 WESTBORO RD	MASS DEVELOP FINANCE AGE	99 HIGH ST 11TH FLR	BOSTON	MA	02110	0	0
021.0-0000-0001.D	42 INSTITUTE ROAD	MASS COMMONWEALTH OF KI	PO BOX 1380	WESTBOI	MA	01581	0	0
021.0-0000-0001.E	33 INSTITUTE ROAD	MASS COMMONWEALTH OF D'	27 WORMWOOD ST SL	BOSTON	MA	02210	0	0
020.0-0000-0022.0	71 EAST STREET REAR	GRAFTON TOWN OF	30 PROVIDENCE ROAC	GRAFTON	MA	01519	28497	258
020.0-0000-0023.0	81 EAST STREET REAR	GRAFTON TOWN OF	30 PROVIDENCE ROAC	GRAFTON	MA	01519	28497	258
020.0-0000-0001.0	107 EAST STREET	GALE MICHAEL	107 EAST STREET	N GRAFT	MA	01536	14914	61
012.0-0000-0022.0	100 WESTBORO ROAD	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0023.0	2 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0024.0	4 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0025.0	6 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0026.0	8 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0027.0	10 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0028.0-0	22 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0029.0-0	20 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0030.0-0	35 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0031.0-0	33 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0032.0	5 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0033.0	3 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0034.0	1 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
012.0-0000-0035.0-0	37 INSTITUTE ROAD	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0057.0-0	31 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0059.0-0	27 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0060.0	11 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0061.0	9 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0062.0	7 AUDRINA LANE	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0066.0-0	18 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0067.0-0	25 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0068.0-0	23 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0069.0-0	16 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0070.0-0	14 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0071.0-0	12 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0072.0-0	10 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0073.0	1 DYLAN WAY	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0074.0-0	3 DYLAN WAY	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0075.0-0	5 DYLAN WAY	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0076.0-0	7 DYLAN WAY	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0077.0-0	6 DYLAN WAY	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0078.0-0	35 INSTITUTE ROAD	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0079.0-0	4 DYLAN WAY	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0080.0-0	2 DYLAN WAY	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0081.0-0	8 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0082.0-0	6 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0083.0-0	4 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0084.0-0	2 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0085.0	1 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0086.0-0	3 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0087.0-0	5 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0088.0-0	7 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0089.0-0	9 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0090.0-0	11 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57
020.0-0000-0092.0-0	15 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD	MA	01757	34122	57

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Planning Board  
Grafton, MA

EXHIBIT 1d.



2/4/2020 4:27 PM  
Map 12,20 Lot

020.0-0000-0093.0-0	17 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD MA	01757	34122	57
020.0-0000-0094.0-0	19 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD MA	01757	34122	57
020.0-0000-0095.0-0	21 BROOKE STREET	D & F AFONSO BUILDERS INC	189 MAIN STREET	MILFORD MA	01757	34122	57

  
Kenneth M. O'Brien, MPA  
Grafton Data Collector



**Guerriere &  
Halnon, Inc.**  
ENGINEERING & LAND SURVEYING

www.gandhengineering.com

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**Whitinsville Office**  
1029 Providence Road  
Whitinsville, MA 01588-2121  
Phone: (508) 234-6834  
Fax: (508) 234-6723

**Milford Office**  
333 West Street  
P.O. Box 235  
Milford, MA 01757-0235  
Phone: (508) 473-6630  
Fax: (508) 473-8243

**Franklin Office**  
55 West Central Street  
Franklin, MA 02038-3807  
Phone (508) 528-3221  
Fax (508) 528-7921

W-2658

January 30, 2020

Town of Grafton Planning Department  
Grafton Memorial Municipal Center  
30 Providence Road  
Grafton, Massachusetts 01519  
Attn: William Scanlon

Re: ***Application for Approval of a Modified Definitive Plan – “The Village at Institute Road”  
Subdivision***

Dear Planning Board Members:

On behalf of the Applicant, D&F Afonso Builders, please find enclosed the Application for Approval of a Modified Subdivision for your consideration. We are respectfully requesting a 2-year extension to the Decision of the Grafton Planning Board dated January 24, 2018 for the construction of the Definitive Subdivision Plan “Village at Institute Road” Subdivision, 100 Westboro Road & Institute Road, North Grafton, MA (Assessor Map 22, Lot 12).

The project has been delayed due to time associated with the Applicant coordinating the construction of the proposed subdivision with the MassDevelopment project located at the former Grafton State Hospital Campus being completed by the Town of Grafton, which requires the proposed sewer pump station and sewer mains to be installed. During discussions with the Town, the Applicant agreed to install the sewer pump station and associated sewer main in advance of proposed subdivision to accommodate both the Town project and allow time to permit the proposed mixed-use development off Westboro Road since the site was rezoned in May 2019. Construction associated with the proposed sewer commenced in the Summer of 2019 and is anticipated to be completed in the Spring 2020.

Please find enclosed the filing and advertising fee in the amount of \$268.00 and associated documents. Thank you in advance for your consideration and please contact us at our Franklin office at (508) 528-3221 if you have any questions or require additional information.

Sincerely,  
***Guerriere & Halnon, Inc.***

*Amanda Cavaliere*

Amanda Cavaliere  
Franklin Office Manager

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EXHIBIT 1e.

Planning Board  
Grafton, MA

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EXHIBIT 1f.

Town of Grafton, Massachusetts

FEB - 3 2020

Covenant

Planning Board  
Grafton, MA

, 2018

Grafton, Massachusetts

KNOWN ALL MEN, By these presents that the undersigned has submitted an application dated September 29 2016 to the Grafton Planning Board for approval of a definitive plan of subdivision of land entitled: Village at Institute Road, plan by (designer) Guerriere & Halnon, Inc., Dated 09/16/16 and owned by: D & F Afonso Builders Inc. address: 189 Main Street Milford MA and located: Westboro Road & Institute Road and showing (number) 46 proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Grafton in the County of Worcester approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of Grafton as follows:

1. That the undersigned is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
  - a. The Application for Approval of Definitive Plan
  - b. The subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
  - c. The certificated of approval and conditions of approval specified therein, issued by the Planning Board, dated 1/24/18
  - d. the definitive plan as approved and as qualified by the certificate of approval.
  - e. Other documents(s) specifying construction to be completed, namely:

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However, a mortgagee who acquired title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.



3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from foregoing conditions upon recording of a certificate of performance executed by the majority of the Planning Board and enumerating the specific lots to be released; and
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Worcester County Registry of Deeds, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in **Section 81-U, Chapter 41, M.G.L**
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before (Planning Board date for construction and installation to be completed)\_\_\_\_\_the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and construction within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time for from securing by one, or in part by one and in part by another of the methods described in **M.G.L., Chapter 41, Section 81U**, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation: and

For title to the property, see deed from Commonwealth of Massachusetts dated 07/13/2004 recorded in the Worcester County Registry of Deeds, Book 34122 Page 57 registered in Worcester Land Registry as Document No, \_\_\_\_\_, and noted on certificate of title no. \_\_\_\_\_, in Registration Book \_\_\_\_\_, Page \_\_\_\_\_.

The present holder of a mortgage upon the property is (name) \_\_\_\_\_ N/A \_\_\_\_\_ of (address) \_\_\_\_\_. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force

and effect as though executed and record before taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

Fatima Afonso (name), spouse of the undersigned applicant hereby agrees that such interest as I, we, may have in the premises shall be subject to the provisions of this

Covenant and insofar as necessary releases all rights of tenancy by the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set out hands and seals this (day) 17<sup>th</sup> of (month) July, 2018

John M. Capuzzello

Domingos Afonso Pres.  
by: Domingos Afonso's President

John M. Capuzzello

Fatima Afonso M.  
by: Fatima Afonso Its Treasurer

D & F Afonso

Builders Inc

Acceptance by a Majority of the Planning Board of the Town of Grafton

COMMONWEALTH OF MASSACHUSETTS

July 17, 2018

Worcester, ss

Then personally appeared before me the above named Domingos Afonso and acknowledged the

foregoing instrument to be (his/hers) free act and deed, as President of D & F Afonso Builders, Inc.

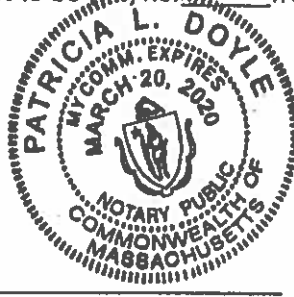


Signature of Notary Public Patricia L. Doyle  
My commission expires 03/20/2020

Worcester, ss

July 17, 2018

Then personally appeared before me the above named Fatima Afonso and acknowledged the foregoing instrument to be (his/hers) free act and deed, as Treasurer of D & F Afonso Builders, Inc.



Signature of Notary Public Patricia L. Doyle  
My commission expires 03/20/2020

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Spouse