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**DECISION  
GRAFTON PLANNING BOARD**

**DEFINITIVE SUBDIVISION PLAN  
"STILLWATER ESTATES" SUBDIVISION**

**11 Wheeler Road, Grafton, MA  
(Assessor's Map 45, Lot 1)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Stanley & Lisa McGriff, 11 Wheeler Road, Grafton, MA 01536 (hereinafter the Applicant / Owner), for a Definitive Plan Approval for a six (6) lot Flexible Development Residential Subdivision on property located at 11 Wheeler Road, and shown as Grafton Assessor's Map 45, Lot 1 (hereinafter the Site) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 62767, Page 121.

**I. BACKGROUND**

The application for Approval of a Definitive Subdivision Plan (hereinafter Application) was filed with the Planning Board on September 21, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on October 8 and 15, 2020, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on October 26, 2020 and continued through December 28, 2020. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on February 8, 2021.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman, David Robbins, Clerk Justin Wood, and Members Linda Hassinger and Prabhu Venkataraman. At the hearing, Attorney Eli Leino, Esq., Mayer, Antonellis, Jachowicz & Haranas, LLP, representing Stanley McGriff (Applicant / Owner) presented the proposal. 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 in the Office of the Planning Board.

**II. SUBMITTALS**

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

**EXHIBIT 1.** Application packet submitted by Attorney Eli Leino, Esq., Mayer, Antonellis, Jachowicz & Haranas, LLP, received September 21, 2020, including the following:

- a) Definitive Plan Application Packet; 13 pages.
- b) Certificate of Good Standing; signed by the Treasurer/ Collector's Office on August 18, 2020; 1 page.
- c) Certified Abutters list; signed by Assessor's Office on July 23, 2020; 1 page.
- d) Plan: "Preliminary Development; 11 Wheeler Road; Grafton, Massachusetts", prepared by Andrews Survey & Engineering, Inc., 1 sheet.
- e) Project Narrative, dated September 9, 2020, prepared by Kristen LaBrie, EIT, Andrews Survey & Engineering, Inc., to the Town of Grafton Planning Board, 6 pages.
- f) Memo from Jennifer Conley, PE, PTOE; to Stephen O'Connell; regarding "Sight Distances and Speed Data at 11 Wheeler Road, Grafton, MA, dated March 27, 2019, 4 pages.

- g) Quitclaim Deed: Recorded in Worcester Registry of Deeds (Bk: 20122 Pg: 145), dated June 29, 1998, 2 pages.
- EXHIBIT 2.** Plan: “Flexible Development - Definitive Plan; 11 Wheeler Road; Grafton, Massachusetts”; dated August 21, 2020; prepared by Richard Mainville, P.E., Andrews Survey & Engineering, Inc.; 15 sheets.
- EXHIBIT 3.** Stormwater Management Report & Operations and Maintenance Plan; dated August 21, 2020, prepared by Andrews Survey & Engineering, Inc., 61 pages.
- EXHIBIT 4.** Public Hearing Notice; stamped by the Town Clerk on October 8, 2020; 1 page.
- EXHIBIT 5.** Email correspondence from Nancy Connors, Health Department; dated October 20, 2020; 1 page.
- EXHIBIT 6.** Email correspondence from Katrina Koshivos, Zoning Board of Appeals; dated October 21, 2020; 1 page.
- EXHIBIT 7.** Email correspondence from Justin Compton, 13 Wheeler Road; dated October 21, 2020; 1 page.
- EXHIBIT 8.** Email correspondence from Paul Cournoyer, Department of Public Works; dated October 21, 2020; 5 pages.
- EXHIBIT 9.** Email correspondence from Leah Cameron, Conservation Agent; dated October 22, 2020; 1 page.
- EXHIBIT 10.** Email correspondence from Justin Mellor, 14 Wheeler Road; dated October 26, 2020; 1 page.
- EXHIBIT 11.** Email correspondence from Judy Valentine, 19 Suzanne Terrace; dated October 27, 2020; 1 page.
- EXHIBIT 12.** Public Hearing Continuance Request; dated November 9, 2020; 1 page.
- EXHIBIT 13.** Peer Review: Graves Engineering, Inc.; dated November 20, 2020; 4 pages.
- EXHIBIT 14.** Public Hearing Continuance Request; dated November 25, 2020; 1 page.
- EXHIBIT 15.** Memo: “Requested Waiver and Public Benefit – 11 Wheeler Road Subdivision”, dated December 10, 2020, prepared by Attorney Eli Leino, Esq., Mayer, Antonellis, Jachowicz & Haranas, LLP, 3 pages.
- EXHIBIT 16.** Public Hearing Continuance Request; dated December 22, 2020; 1 page.
- EXHIBIT 17.** Email correspondence from Attorney Eli Leino, Esq., Mayer, Antonellis, Jachowicz & Haranas, LLP; to Town Counsel; dated December 22, 2020; 2 pages.
- EXHIBIT 18.** Public Hearing Continuance Request; dated December 30, 2020; 1 page.
- EXHIBIT 19.** Public Hearing Continuance Request; dated January 8, 2021; 1 page.
- EXHIBIT 20.** Public Hearing Continuance Request; dated January 22, 2021; 1 page.
- EXHIBIT 21.** Response to Peer Review: Andrews Survey & Engineering, Inc.; dated January 22, 2021; 4 pages.

- EXHIBIT 22.** Report: “Recharge Calculations Standard #3”, prepared by Andrews Survey & Engineering, Inc., P.O. Box 312, 104 Mendon Street, Uxbridge, MA 01569; dated August 21, 2020 revised through January 22, 2021; 2 pages.
- EXHIBIT 23.** TSS Calculation Worksheet, dated January 22, 2021; 2 pages.
- EXHIBIT 24.** Plan: “Flexible Development - Definitive Plan; 11 Wheeler Road; Grafton, Massachusetts”; dated August 21, 2020, revised through January 22, 2021; prepared by Richard Mainville, P.E., Andrews Survey & Engineering, Inc.; 15 sheets.
- EXHIBIT 25.** Peer Review: Graves Engineering, Inc.; dated February 3, 2021; 5 pages.

### **III. FINDINGS**

At their meeting of February 22, 2021, 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to make the following findings:

- F1.) That this application is for a six (6) lot Flexible Development Definitive Subdivision Plan and has evolved from a Major Residential Special Permit (MRSP 2019-9).
- F2.) That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the information and material submitted and presented in association with the Application.
- F3.) That determinations regarding the following findings are also predicated upon satisfactory completion of all road and other related improvements shown on the Plans in accordance with *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts*, revised through 5/11/09 (hereinafter *Rules and Regulations*), except where modified by this Decision or MRSP 2019-9, as well as in accordance with all applicable Federal, State and other Local regulations.
- F4.) That determinations regarding the following findings are also predicated upon satisfying all of the conditions stated within this Decision and all applicable conditions of MRSP 2019-9.
- F5.) That the Applicant requested waivers from the following Sections of the *Rules and Regulations*, for the purposes specified in EXHIBIT #1e:
- *Section 4.1.3.6 - Streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land at intervals of from six hundred feet (600') to twelve hundred feet (1200'). In special instances the Planning Board may approve a right-of-way for a future street to remain in fee ownership of the applicant, in lieu of actual construction of a cross street.*
  - *Section 4.7.8.2 – Systems for infiltration, detention or attenuation of storms shall be designed for 100 year frequency storm and shall not cause water to be discharged within 10 feet of the perimeter of the subdivision. All other drainage facilities shall be designed for a 10 year frequency storm, at minimum.*
- F6.) That the data submitted satisfies the requirements of Section 3.3.1 of the *Rules and Regulations* regarding submission of a Definitive Plan.
- F7.) That the data submitted satisfies the requirements of Section 3.3.2 of the *Rules and Regulations* regarding Plan Sheets.

- F8.) That the materials and information submitted satisfy the requirements of Section 3.3.3 of the *Rules and Regulations* regarding Definitive Plan Contents.
- F9.) That the materials and information submitted satisfy the requirements of Section 3.3.4 of the *Rules and Regulations* regarding Additional Submittal Requirements.
- F10.) That the Board's peer review consulting engineering, Jeffrey Walsh of Graves Engineering, conducted a number of reviews during the course of the public hearing (see EXHIBITS #13 and #25). The Board notes that the Applicant had addressed all engineering issues to the satisfaction of Graves Engineering (see EXHIBIT #25). Several issues to be determined at the Board's discretion were noted in the final review letter.
- F11.) With regard to the conditions of approval listed in MRSP 2019-9, the Board finds that:
- a.) With regard to **Condition # 1**, this Application is for a Flexible Development subdivision.
  - b.) With regard to **Condition # 2**, the Applicant has submitted an Open Space Maintenance Plan (EXHIBIT #3). The Board found the Maintenance Plan as submitted to satisfy this Condition.
  - c.) With regard to **Condition # 3**, the Applicant has coordinated with the Grafton Land Trust for implementation of a Trail Improvement Plan. This condition remains in full force and effect.
  - d.) **Condition #4**, remains in full force and effect.
  - e.) With regard to **Condition # 5**, the definitive plan has satisfied the requirements of Article 33: Shade Tree, Section 5(f), of the Town of Grafton General By-laws.
  - f.) With regard to **Condition #6**, the definitive plan has satisfied the requirements of the Fire Department, Police Department and Department of Public Works.
  - g.) With regard to **Condition #7**, the Applicant has addressed all engineering issues to the satisfaction of Graves Engineering (see EXHIBIT #25). Several issues to be determined at the Board's discretion were noted in the final review letter.
  - h.) **Conditions #8, #9, #10, # 11, #12, #13, #14** remain in full force and effect.
  - j.) With regard to **Condition #15 & Condition #16**, the Planning Board Decision MRSP 2019-9 has been recorded in the Worcester District Registry of Deeds (Bk:62767 Pg:121).
  - k.) **Conditions # 17 and #18** remain in full force and effect.

#### IV. WAIVERS

At their meeting of February 22, 2021, 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 David Robbins, seconded by Justin Wood) voted four (4) in favor and one (1) opposed to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

- W1.** **Section 4.1.3.6** - Streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land at intervals of from six hundred feet (600') to twelve hundred feet (1200'). In special instances the Planning Board may approve a right-of-way for a future street to remain in fee ownership of the applicant, in lieu of actual construction of a cross street.

At their meeting of February 22, 2021, 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

- W2.** Section 4.7.8.2 - Systems for infiltration, detention or attenuation of storms shall be designed for 100 year frequency storm and shall not cause water to be discharged within 10 feet of the perimeter of the subdivision. All other drainage facilities shall be designed for a 10 year frequency storm, at minimum.

## **V. DECISION and CONDITIONS**

At their meeting of February 22, 2021, 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 David Robbins, seconded by Prabhu Venkataraman) voted five (5) in favor and zero (0) opposed to **GRANT** the Application for Approval of a Definitive Subdivision Plan with the following conditions:

### **A. Standard Conditions**

1. This Approval shall not be construed as approving the buildability of any lots shown on the Plans. All applicable Federal, State or other Local permits/approvals must be obtained for each lot prior to construction on said lot.
2. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Water District, Grafton Board of Health, Grafton Police Department, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.
3. Any modification to the approved Plans shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 3.3 of the *Subdivision Rules and Regulations*.
4. The Planning Board reserves the right, pursuant to the *Subdivision Rules and Regulations* and Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, and conducting any inspections or other work associated with the construction of the subdivision. In accordance with the applicable sections of the *Subdivision Rules and Regulations* and the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or



reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.

5. All site development and construction shall be performed in accordance with the approved Plans and the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (revised through 4/27/09), as well as with all applicable Federal, State and Town laws, ordinances and regulations. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision or any related Special Permit, the requirements of the *Rules and Regulations* shall apply. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
6. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Decision. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any modification of this Decision shall be made pursuant to Section 3.3 of the *Rules and Regulations*, and as noted within the Conditions of this Decision.
7. All grading and construction shall be performed in accordance with the Plan, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any non-permitted pollutants or siltation into waterways during construction or after completion of the subdivision.
8. The Applicant, their successors and assigns, will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to adequately serve such lot has been completed in accordance with the approved Plans and the *Rules and Regulations*. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision, the requirements of the *Rules and Regulations* shall apply.
9. The Definitive Plan shall be submitted for endorsement within six (6) months following approval.
10. This Definitive Plan Approval Decision shall be recorded in the Worcester District Registry of Deeds (WDRD) prior to any ongoing Town review and / or peer review associated with conditions set forth in this Decision. The Applicant shall submit evidence to the Planning Board that this Decision has been recorded at the WDRD, including a copy of such recording bearing the WDRD Book and Page Number and/or Instrument Number. Any such Plan(s) submitted to the Planning Board for approval shall contain reference to this Decision, as well as other related approvals, indicating that such plans are prepared pursuant to said Decision(s)/Approval(s) and shall include WDRD recording information, including Book and Page numbers. By recording this Definitive Plan Approval Decision in the Worcester Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision, and which acceptance shall bind the Applicant and its successors and assigns.

11. The full plan set of the Approved Definitive Plan shall be recorded at the Worcester District Registry of Deeds prior to any ongoing Town review and / or peer review associated with conditions set forth in this Decision. The Applicant / Developer shall notify the Planning Board within ten (10) days of the recording of all pages of the approved documents and will notify the Board in writing, presenting evidence of the recording (See Section 3.3.9.1 of the Subdivision Rules and Regulations.
12. All construction and site improvements shall be completed within two years of the date of plan endorsement or thirty (30) months from the date of this Decision, whichever occurs sooner. This Decision shall lapse after said applicable time period, and no other work may occur, and the subdivision approval shall be deemed automatically rescinded unless the Planning Board grants an extension pursuant to the *Subdivision Rules and Regulations*. Requests for extensions shall require a public hearing in accordance with all applicable requirements for conducting such hearings.
13. Any inability or failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

**B. Conditions to be met prior to Plan Endorsement**

1. Sheet C6 shall be revised to address Comment #26 of the Peer Review comment letter by Graves Engineering, Inc.; dated February 3, 2021 (see EXHIBIT #25). The Applicant shall receive written notice from the Peer Review Engineer that the proposed plan is acceptable prior to plan endorsement.
2. An additional sheet will be developed and incorporated into the plan set showing the design and specifications for public access to the proposed designated Open Space areas. This plan shall be submitted to the Town for review by the Planning Board and/or its agent. The plan will require approval from the Planning Department and the Conservation Agent. The Applicant shall receive written notice from the Planning Department that the proposed plan is acceptable prior to incorporating the plan sheet into the plan set.
3. An additional sheet will be developed and incorporated into the plan set showing the design and specifications addressing the comments of Paul Cournoyer, DPW Director (EXHIBIT #8). This plan shall be submitted to the Town for review by the Planning Board and/or its agent. The plan will require approval from the Planning Department and the DPW Director. The Applicant shall receive written notice from the Planning Department that the proposed plan is acceptable prior to incorporating the plan sheet into the plan set.
4. The Applicant shall submit to the Planning Board written approval from the Grafton DPW Highway Superintendent / Tree Warden a Tree Plan for the proposed species of trees to be used as street trees. The plan submitted for endorsement by the Board shall include all relevant details for said trees (e.g., size, type, planting details, etc.) as approved by the Tree Warden/DPW Director.
5. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans suitable for recording at the Worcester Registry of Deeds (WDRD). Such sheets shall be so recorded as part of the Definitive Plan. Reference to these Conditions, as well as the WDRD Book and Page number of the recorded Decision and the corresponding sheet numbers shall also be inscribed on any sheet(s) that do not contain the Conditions of Approval.
6. The plans shall be revised to sequentially reflect the sheet numbers cataloged on the Cover Sheet which will include a new sheet as identified in Condition B1 & B2.

7. The Applicant / Developer shall provide a performance guarantee pursuant to Section 3.3.8 of the Subdivision Rules and Regulations which state: “Construction and installation within the site property shall be secured by one, or in part by one and part by another, of the following methods which may, from time to time, be varied by the Applicant. Said security shall be posted and approved by the Planning Board prior to the construction, installation or sale of lots. Construction and installation within existing street right-of-ways shall be secured by surety as required under the Street Opening and / or other Permit(s).”
8. All applicable requirements of Section 3.3.7 of the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (revised through 5/11/09) shall be satisfied.

**C. Conditions to be satisfied prior to the Start of Any Construction Activity**

1. Prior to the commencement of work, the Planning Board shall be provided with the following:
  - a. Five (5) full size plan sets, 24” x 36”, endorsed and recorded, one of which shall be sent directly to the Town’s peer review consulting engineer.
  - b. An electronic copy of the endorsed and recorded plan set. The electronic copy shall be in a “PDF” compatible format.
2. The Applicant / Developer shall submit acceptable construction and maintenance schedule documents in accordance with Section 3.3.7.3 of the the Subdivision Rules and Regulations.
3. The Applicant / Developer shall install orange snow fencing around the limits of work for the purpose of maintaining the existing tree cover. Fencing shall be inspected by the Planning Board or its Agent and receive approval thereof prior to the commencement of construction activity on site. The Developer shall maintain fencing throughout the construction of the development. The fencing shall be inspected periodically by the Board or it’s Agent to ensure compliance.
4. In advance of any site clearing, the Applicant / Developer and/or its Agent shall participate in a site walk with the Town Planner to determine if any Heritage Trees exist on site as defined under Article 33 – Shade Tree of the Town’s General By-Laws. Trees on site identified as such shall have orange snow fencing around them. Fencing shall be inspected by the Town Planner and Tree Warden and will receive written approval thereof prior to the commencement of construction activity on site. The Developer shall maintain fencing throughout the construction of the development. The fencing shall be inspected periodically by the Board or it’s Agent to ensure compliance
5. An initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant / Developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant / Developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant / Developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.



6. Prior to commencing any work within a public way, all required permits / approvals shall be obtained from the Grafton Department of Public Works.
7. In accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant / Developer. A copy of this document shall be forwarded to the Planning Board, Conservation Commission and Department of Public Works prior to commencing any construction activity.

**D. Conditions to be met During Construction**

1. Construction and installation of the roadway and municipal services shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., and there shall be no construction activity on State or Federal holidays.
2. The Site shall be inspected on a regular basis by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant / Developer, in order to monitor the stormwater management system/facilities and erosion control/site stabilization measures.
3. All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.
4. Except as otherwise approved by the Planning Board or modified as part of this Definitive Plan Approval Decision, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the *Subdivision Rules and Regulations*. All site improvements shall be inspected at the appropriate stage of construction in accordance with the *Rules and Regulations* and as required by the Board.
5. Every effort will be made to ensure that screening and buffering measures shall sufficiently screen/buffer, to the satisfaction of the Board, the proposed development from surrounding properties and dwellings
6. In no case shall additional filling or land disturbance occur that results in a steeper slope or a slope that encroaches on the roadway to a greater degree than shown on the plans without the expressed prior approval of the Planning Board.
7. The Town reserves the right to require reasonable additional construction techniques, for either on-site or off-site work, in response to actual field conditions, effects of construction methods and as the situation warrants. This may include, without limitation, earth work, purchase and installation of materials, infrastructure, etc., and lot drainage issues.
8. Driveway slopes, both within and outside the right-of-way shall comply with the *Subdivision Rules and Regulations*, and development of individual lots shall not cause detrimental drainage, erosion or sedimentation onto adjacent property, roadways or lots. Driveways shall not exceed 10% in slope without prior approval by the Planning Department and Fire Department.
9. All construction vehicles and vehicles of all workers are to be parked on site. Parking of construction vehicles on Wheeler Road is specifically prohibited, except during the period of the initial clearing of the property.

10. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
11. Once the plant materials associated with the approved tree plan have arrived on site, and prior to their installation, the Planning Board's agent shall be contacted to arrange an inspection and to approve the size, quantity and species of plant materials prior to their installation in the ground. De minimus changes limited to the exact location of species and plant materials may be approved by the Town Planner upon consultation with the Tree Warden provided the intent of the material is maintained.

**E. Conditions to be met prior to Release of Lots or Reduction of Surety**

1. Evidence shall be provided to the Planning Board and/or its Agent indicating compliance with conditions set forth by the Conservation Commission specifically regarding the operations and management of rain gardens to be installed by the developer and maintained by the private property owner as well as any other conditions associated with the operations and maintenance of the stormwater management system. Such conditions may or may not include deed restrictions for those lots on which a rain garden is installed per the approved Definitive Plan.
2. As per Section 3.3.10 of the *Subdivision Rules and Regulations*, prior to the release of any lot or reduction in surety, executed documents in a form acceptable to the Town shall be submitted that grant to the Town all rights regarding the roadway, drainage easements and all other infrastructure.
3. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the release of any lot within that portion of the subdivision.

**F. Conditions to be met prior to the Issuance of either a Temporary or Permanent Occupancy Permit**

1. The Building Inspector shall require proof of the following in consultation with the Town Planner:
  - a. A valid and duly recorded Lot Release documentation for said lot in question.
  - b. Proof of final approval of the Tree Plan as it pertains to the lot in question. The Town reserves the right to conduct a site inspection of lot to verify that the approved Tree Plan continues to remain valid. In the event that the plant material has failed (either by death or disease) new material will be installed at the expense of the Property Owner and / or its Agent or Builder. All work to replace plant material will be done to the satisfaction of the Planning Board or its agent and must receive final written approval to be submitted into the Planning Department project file and provided to the Building Department prior to the issuance of an occupancy permit.

**G. Conditions to be met prior to Request for Determination of Completeness**

1. Prior to acceptance of the way and improvements by the Town, a determination shall be made by the Planning Board, through its designated consulting engineer, as to whether the detention basins, rain gardens, as well as all other improvements, are constructed and operate as designed on the approved plan(s). If a negative determination is made, the Applicant shall, at their own expense, remedy any and all deficiencies to the satisfaction of the Board.

2. A final inspection by the Police Department and Department of Public Works will be conducted to ensure that all public safety signage and roadway markings have met the required standards. The Town reserves the right to require additional public safety controls in the event that site conditions may warrant. The Applicant / Developer shall be responsible to submitting a final approval from both the Police Department and the Department of Public Works that the all signs and other public safety controls have been identified and installed to their satisfaction. This Condition does not nullify or negate the requirements set forth in Section 3.2.11.2.d (Written Evidence of Compliance from Superintendent of Streets) of the Subdivision Rules and Regulations during the Determination of Completeness Review.
3. The Planning Board or its designated agent shall inspect all plantings to ensure that all the plantings have been installed as specified on the approved Tree Plan.
4. The Town of Grafton in coordination with the Grafton Land Trust and the Applicant will evaluate means of improvement to the local trail network, as identified in the Project Narrative, dated September 9, 2020, prepared by Kristen LaBrie, EIT, Andrews Survey & Engineering, Inc. (see EXHIBIT #1e). The Applicant shall fund the costs to design and construct the improvements with an overall cost not to exceed \$13,000.00.

**VI. RECORD OF VOTE**

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>David Robbins, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

	<u>3/5/2021</u>
Christopher J. McGoldrick, Town Planner	Date

cc: Applicant / Owner

- Graves Engineering
- Building Inspector
- Board of Assessors
- Assistant Town Engineer
- Conservation Commission

**To Whom It May Concern:** This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

\_\_\_\_\_  
 Kandy Lavallee, Town Clerk

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 Date