



COPY

Natalia Alward <alwardn@grafton-ma.gov>

Re: Request to join-in the Joint meeting on 11-9-2020, re. Completion of High point estates. Grafton, MA.

Daniel C Hill <dhill@danhilllaw.com>

Mon, Nov 9, 2020 at 12:39 PM

To: Christopher McGoldrick <mcgoldrickc@grafton-ma.gov>

Cc: Katrina Koshivos <koshivosk@grafton-ma.gov>, Jeffrey Walsh <jwalsh@gravesengineering.com>, Natalia Alward <alwardn@grafton-ma.gov>, Bill McCusker <billmccusker@charter.net>

Chris,

Exhibit 28

RECEIVED**November 9, 2020****Planning Board
Grafton, MA**

It is not clear to me whether the Town would like me to attend tonight's meeting, so please advise. I am available if requested.

Also, I have reviewed the current plans and Jeff Walsh's October 22nd letter, and I have only three questions/comments, which are probably best directed to Jeff:

1. On the "record" plans recorded in the Registry of Deeds, which define the current extent of drainage easements within this subdivision, the drainage easement on Lot 48 is ten feet wide (north/south), as it is on the "as-built" plans. However, on the proposed Road Layout Plan, the easement area is 40 feet wide. Is this a discrepancy?
2. In response to our concerns from June, 2020, the developer has added a 40-foot easement area in the back of Lot 48. This area is labelled "40' Drainage Access Esmt." On the 2006 Record Plan, the area is labelled "40' Drainage/Access Esmt." This may seem like an insignificant change, but it could be significant is the future owner of Lot 49 wants to parse words, and argue that the newer language means that the easement is only for access, and not for drainage structures. I recommend that the Road Layout plan retain the exact wording as the 2006 Record Plan in this regard.
3. Peter Hingorani continues to attach to his emails Pat Garner's draft subdivision modification plan, dated March 14, 2017. This plan is not consistent with the current Road Layout plans, including in the area of Lots 48-49. Is he proposing to record this 2017 plan? Importantly, if there needs to be a 40'-wide drainage easement on Lot 48 leading to High Point Drive, then the operative plan sheet (4 of 25) of the Record Plans needs to be amended before Lot 48 is sold. If Jeff hasn't done so already, I recommend that he compare the current Road Layout Plans (5 sheets) with the 2006 Record Plans, to make sure there are no other discrepancies that the developer may not have brought to our attention.

Dan

Daniel C. Hill, Esq.

11/9/2020

Town of Grafton Mail - Re: Request to join-in the Joint meeting on 11-9-2020, re. Completion of High point estates. Grafton, MA.



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GRAFTON
Massachusetts

Natalia Alward <alwardn@grafton-ma.gov>

Re: Request to join-in the Joint meeting on 11-9-2020, re. Completion of High point estates. Grafton, MA.

Jeffrey Walsh <JWalsh@gravesengineering.com>

Mon, Nov 9, 2020 at 3:41 PM

To: Daniel C Hill <dhill@danhilllaw.com>, Christopher McGoldrick <mcgoldrickc@grafton-ma.gov>

Cc: Katrina Koshivos <koshivosk@grafton-ma.gov>, Natalia Alward <alwardn@grafton-ma.gov>, Bill McCusker <billmccusker@charter.net>

Dan,

Unfortunately, your questions #1 and #3 are associated with the confusion from the developer's team about which version of documents are submitted and when. I've often received from Mr. Hingorani older versions of plans and other documents (e.g. legal descriptions) that I knew had already been revised by Mr. Garner and reviewed by me. Anyway, here are my comments to your questions.

1. The latest plans submitted by Mr. Garner have a 40-foot wide easement running north-south on Lot 48. The as-built plans (Sheet 1 last revised 08/29/20, Sheets 4 and 5 last revised May 1, 2020) have the 40-foot wide easement. The acceptance plans (Sheets 1 and 5 last revised 09/25/20) also have the 40-foot wide easement.
2. I understand Dan's point and defer to Dan.
3. The March 14, 2017 plan was already recorded at Worcester District Registry of Deeds at Plan Book 925 Plan 101. Dan brings up a good point about changes to the easements since 2006. During our office's reviews, we did compare the acceptance plans with the 2006 plans to: inventory easements, look at their layout, and confirm easement changes that we knew had been approved. My point to Mr. Garner through our as-built plan and acceptance plan review was that this is the opportunity to create a final set of plans showing the subdivision, eliminating any easements not needed (e.g. the former fire cistern easements), showing any new easements and showing any changes to easements, and that it would not be prudent to rely on the 2006 plans as the "final" plans for the rights-of-way and easement layouts. Again, the latest plans we received do have the 40-foot wide easement running north-south on Lot 48 between the open space/stormwater basin and High Point Drive.

Jeff

JEFFREY M. WALSH, P.E.

Principal

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Natalia Alward <alwardn@grafton-ma.gov>

Re: Request to join-in the Joint meeting on 11-9-2020, re. Completion of High point estates. Grafton, MA.

Daniel C Hill <dhill@danhilllaw.com>

Mon, Nov 9, 2020 at 4:28 PM

To: Jeffrey Walsh <JWalsh@gravesengineering.com>, Christopher McGoldrick <mcgoldrickc@grafton-ma.gov>

Cc: Katrina Koshivos <koshivosk@grafton-ma.gov>, Natalia Alward <alwardn@grafton-ma.gov>, Bill McCusker <billmccusker@charter.net>

Ok, the recording of the 2017 plan complicates things. It should not have been recorded. I will discuss this with Don Borenstein, but I think the remedy here is to record a new plan restoring the easements on Lots 48 and 49 (in addition to the road acceptance plans that will eventually get recorded). The new plan should also make the easement on Lot 48 40 feet, to conform to the current plans.

Dan

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