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High Point Estates - Acceptance Plans, As-Built Plans and Legal Descriptions Review

Jeffrey Walsh <JWalsh@gravesengineering.com>

Thu, Oct 22, 2020 at 12:27 PM

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Good afternoon Everyone,

Attached is our latest (and presumably final) review letter pertaining to the submittal of draft acceptance plans, as-built plans and legal descriptions for the High Point Estates project. To summarize the letter, our previous comments that warranted document revisions have been addressed.

Please consider together the attached letter and our latest construction completeness letter dated September 23, 2020 when evaluating the status of this project. As a reminder, we did not have any comments in our September 23, 2020 construction completeness letter that warranted immediate action by the developer. Both letters do have comments for the ZBA's consideration/information.

Please let me know if I can answer any questions concerning our reviews.

Respectfully submitted,

Jeff

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Principal

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October 22, 2020

Planning Board
Grafton, MA



100 GROVE ST. | WORCESTER, MA 01605

October 22, 2020

Zoning Board of Appeals
Town of Grafton
30 Providence Road
Grafton, MA 01519

Exhibit 25

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**Subject: High Point Estates (Adams Road Trust)
Review of Draft As-Built Plans, Acceptance Plans and Legal Descriptions**

Dear Board Members:

We received the following document on October 2, 2020 via email from Patrick C. Garner Co., Inc.:

- Correspondence from Patrick C. Garner Company, Inc. to Graves Engineering dated October 2, 2020 re: High Point Estates – Graves Engineering Letter Dated June 1, 2020 [sic].
- Document entitled Grant of Easements, undated.
- Sheets 1, 4 and 5 of plans entitled As-Built Lot Layout, As-Built Roads dated December 15, 2016 and last revised October 2, 2020, prepared by Patrick C. Garner Co., Inc. (3 sheets)
- Sheets 1 and 4 of plans entitled Road Layout Plans, High Point Drive and Pepperbush Court dated October 15, 2018 and last revised October 2, 2020, prepared by Patrick C. Garner Co., Inc. (2 sheets)

We also received the following documents on October 9, 2020 via email from Patrick C. Garner Co., Inc.:

- Document entitled Grant of Easements, undated.
- Sheets 1 and 2 of plans entitled As-Built Lot Layout, As-Built Roads dated December 15, 2016 and last revised October 8, 2020, prepared by Patrick C. Garner Co., Inc. (2 sheets)
- Sheet 2 of plans entitled Road Layout Plans, High Point Drive dated October 15, 2018 and last revised October 8, 2020, prepared by Patrick C. Garner Co., Inc. (1 sheet)

We also received the following documents on October 21, 2020 via email from Patrick C. Garner Co., Inc.:

- Document entitled Grant of Roads, undated.
- Document entitled Grant of Easements, undated.

In advance of the formal submittal of as-built plans, acceptance plans and legal descriptions, Graves Engineering, Inc. (GEI) was requested to review the draft documents for compliance with Rules and Regulations Governing the Subdivision of Land, Grafton, Massachusetts and for

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substantial conformance with the approved plans and approved plan modifications. GEI issued its first review letter on February 22, 2017.

This letter is a follow-up to our previous draft as-built plan review letters dated February 22, 2017, February 14, 2019, December 31, 2019, March 11, 2020, April 30, 2020, June 1, 2020 and October 2, 2020. For clarity, comments from our previous letters are *italicized* and our latest comments to the project surveyor's responses are depicted in **bold**. For brevity, comments previously addressed by the project surveyor and acknowledged by GEI have been omitted. Previous comment numbering has been maintained.

Our comments follow:

As-Built Plan Review

2. *To be consistent with other subdivisions in Grafton, the as-built plans need to be revised to include street trees and topography (record topography only) within the rights-of-way.*

December 31, 2019

Street trees were added to the as-built plans. Topography still needs to be added to the plans (added to Sheets 2 – 5).

March 11, 2020:

Street topography was added to the plans. However, the topography is difficult to follow in many locations.

- *There is a mix of ten-foot contour intervals and two-foot contour intervals. The contour intervals need to be consistent throughout the plans. To be prepared as other Grafton projects, two-foot intervals need to be used.*

April 30, 2020:

This was not addressed. There is still a mix of ten-foot contour intervals (e.g. Sheets 2, 3 and most of Sheet 5) and two-foot contour intervals (Sheet 4 and High Point Drive station 31+50 to 32+50 on Sheet 5). Two-foot contour intervals need to be used.

June 1, 2020:

The plans were revised to include topographic contours at two-foot intervals. On Sheet 5, there is a 458 contour missing between the 456 contour at station 31+75+/- and the catch basins (rim elevations = 459.36) at station 31+25+/-.

October 2, 2020:

We received the same version of Sheet 5 that was the subject of our June 1, 2020 review letter. Although this is a minor plan revision, the plan should be revised nonetheless.

Acknowledged. Sheet 5 was revised to include the missing 458 contour.

21. *The plans don't show fences at the four stormwater basins. Per correspondence from the Grafton Conservation Commission to Peter Hingorani dated July 21, 2016, after consulting with Grafton Department of Public Works, the requirement for installing these fences under MassDEP File #164-602 (Order of Conditions) and Grafton Wetlands Permit WP #449 was eliminated. We defer to the Zoning Board of Appeals if it has the same or a differing position under the Comprehensive Permit relative to not installing fences at these locations. Sheets 18 – 20 of the construction plans had shown fences.*

No further comment.

22. *We defer to the Zoning Board of Appeals (who may wish to consult with Special Town Counsel) whether the stormwater basins (or portions thereof) located on Open Space will require easements. Our concern is if the Open Space parcels are not conveyed to the Town, the Town may not have the ability to enter onto the Open Space for the purpose of accessing the stormwater basins should the Town become responsible for basin maintenance (e.g. if/when the roads and stormwater infrastructure are conveyed to the Town).*

No further comment.

23. *It is our understanding that the Grafton Water District will review the as-built plans relative to the water utility (once this utility's information has been added to the plans). If not already done, the project surveyor may wish to consult with the Grafton Water District relative to their required as-built plan content.*

No further comment.

24. *An updated set of as-built plans containing necessary plan revisions will need to be submitted for review. We suggest that at that time, draft acceptance plans (showing the rights-of-way, open spaces and any easements intended to be conveyed to the Town) and legal descriptions should also be submitted for review.*

December 31, 2019

Draft acceptance plans dated October 15, 2018 were submitted and were the subject of the following review comments #25 - #29. Revised acceptance plans were not submitted with the latest set of revised as-built plans.

March 11, 2020:

Revised acceptance plans were not submitted with the latest set of as-built plans (as-built plans last revised January 20, 2020).

April 30, 2020:

Legal descriptions and revised acceptance plans were submitted as noted on page 1. Review comments are provided below.

Specific review comments are addressed below.

Additional Comments, February 14, 2019

Acceptance (Road Layout) Plans

29. *GEI has not performed a detailed review of the acceptance plans, the Grant of Easements and the Grant of Open Space. Customarily, such a submittal would consist of the as-built plans, the acceptance plans and draft metes and bounds descriptions of the rights-of-way and easements that are intended to be conveyed to the Town. Draft metes and bounds descriptions were not submitted. Whereas GEI understands the developer recently received input from the Grafton Planning Department concerning the Determination of Completeness process, GEI would like the opportunity to meet with Town staff relative to procedures and our scope-of-work for reviewing this project's Determination of Completeness documents before commencing a detailed review.*

December 31, 2019

GEI met with Town staff. Draft metes-and-bounds descriptions need to be submitted for rights-of-way and easements that the developer desires to convey to the Town. The acceptance plans and metes-and-bounds descriptions need to include all easements desired to be conveyed to the Town (e.g. easements shown on the approved plans) and any approved changes to easements (e.g. the elimination of the fire cistern easements on Lot 61 and on the Open Space next to Lot 1, elimination of the drainage easement on Lots 50 and 51, and the reconfiguring of drainage and access easements on Lot 48 between High Point Drive and Basin 4).

GEI performed additional cursory review of the acceptance plans entitled "Road Layout Plans, High Point Drive" dated October 15, 2018. We noted the following:

C. Drainage easements were missing from the rear of Lots 48 and 49.

April 30, 2020:

Easement lines that run parallel to the rear lot lines of Lots 48 and 49 were added to Sheet 5 but metes and bounds were not added. Any parcel, easement or open space that is to be conveyed to the Town needs to be identified on the plans and fully described by metes and bounds.

June 1, 2020:

The project surveyor responded that the easements paralleling the rear of Lots 48 and 49 were eliminated and referred to easement modification plan dated March 13, 2017. GEI has no information indicating that these easements have been eliminated nor do we have a copy of said easement modification plan. To gain access around the entire perimeter of Basin 4, access over the drainage easements on Lots 48 and 49 is necessary.

October 2, 2020:

Correspondence from Johnson & Borenstein, LLC to Grafton Zoning Board of Appeals dated June 28, 2020 addressed the status of easements on Lot 49 and the developer still owns Lot 48. The acceptance plans were revised to include the formerly eliminated easements. However, the easements were not added back onto Sheet 1 of the as-built plans. GEI understands that Special Town Counsel may be asked to review Johnson & Borenstein, LLC's correspondence.

Sheet 1 has been revised to include the aforementioned drainage easements. GEI understands that Special Town Counsel may be asked to review Johnson & Borenstein, LLC's correspondence.

H. The acceptance plans do not include an access and utility easement on Lots 40 and 41 that was proposed on plans entitled Trench Detail, Lots 40 – 45 & Compensatory Storage Details dated July 25, 2005 and last revised December 13, 2007. This easement was to provide access to a stormwater basin that was proposed as a modification to the approved plans. The applicant needs to identify who will be the responsible party for maintenance of the stormwater basin on Lot 41 and how the responsible party will access the basin.

June 1, 2020:

The drainage easement on Lot 41 was added to Sheet 1 of the acceptance plans and is also included on Sheet 10 of the as-built plans. The project surveyor responded that the

responsible party for maintenance of the Basin on Lot 41 is intended to be the Town. The basin does not receive runoff from a street and access to the basin is via the open space parcel (instead of via an easement). GEI defers to the ZBA and DPW whether the Town should consider accepting maintenance responsibilities for this basin and if so, whether access via the open space parcel is acceptable to DPW.

Acknowledged. Whereas the basin will not receive stormwater runoff from a public way, it is GEI's understanding that Grafton DPW does not wish to assume maintenance of this stormwater basin. The easement for the basin and the 10-foot wide access easements (to the basin) on the rear of Lots 34 and 40 have been removed from the acceptance plans.

Additional Comments, April 30, 2020

39. *On Sheet 4, the drainage easement line on Lot 48 that runs parallel with the rear property line needs to be added.*

June 1, 2020:

See comment #29C.

Acknowledged. The easement line was added to the plan. See comment #29C.

41. *Legal descriptions need to be provided for the 20-foot wide drainage easement located at the rear of Lot 49 and for the 15-foot wide access easement that runs along the eastern sideline of Lot 49. It is GEI's understanding that these easements were not eliminated when the drain easement on Lot 48 was widened.*

June 1, 2020:

See comment #29C relative to the 20-foot wide drainage easement located at the rear of Lot 49. A legal description was provided for the 15-foot wide access easement that runs along the eastern sideline of Lot 49.

October 2, 2020:

The legal descriptions we received as an enclosure to Johnson & Borenstein, LLC's correspondence of August 29, 2020 did not include a legal description of the 20-foot wide drainage easement that is at the rear of Lot 49.

Acknowledged. Legal descriptions were provided for the 20-foot wide drainage easement that is at the rear of Lot 49.

43. *The rights-of-way legal descriptions follow the rights-of-way centerlines instead of the rights-of-way sidelines. This is unusual and should be discussed among GEI, Town staff and Special Town Counsel to obtain an opinion whether the centerline method is acceptable for the Town's needs.*

No further comment. The project surveyor responded that the owner's counsel was consulted.

Additional Comments, October 2, 2020

49. *The latest version of Sheet 1 of the Road Layout Plans (acceptance plans) now includes a 4,274 sq. ft. drain easement on Lots 42, 43, 44 and 45 that was eliminated when the stormwater management systems were reconfigured years ago. The easement will not be conveyed to the Town, and therefore needs to be deleted from Sheet 1.*

Acknowledged. The aforementioned drain easements have been deleted from Sheet 1.

50. *The legal descriptions of access easements and drain easements submitted to me by Patrick C. Garner Co. Inc. via email on June 4, 2020 are in order except that they are missing descriptions for the 4,731 sq. ft. drain easement at the rear of Lot 48 and the 2,566 sq. ft. drain easement at the rear of Lot 49.*

Acknowledged. Legal descriptions were provided for the drain easements at the rear of Lot 48 and Lot 49. The easement legal descriptions received by our office on October 21, 2020 are in order.

51. *The legal descriptions enclosed with Johnson & Borenstein, LLC's correspondence of August 29, 2020 are earlier versions. The descriptions include the common driveways, which are not to be conveyed to the Town, and an earlier version of the access and drain easements.*

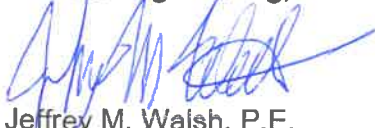
Acknowledged. The right-of-way and easement legal descriptions received by our office on October 21, 2020 are in order.

Additional Comments, October 22, 2020

52. **The drain easement lines at the rear of #92 High Point Drive (Lot 4) and #94 High Point Drive (Lot 3) were revised to provide an easement width of 22 to 23 feet (as scaled on the "As-Built Lot Layout" plan). The easement width was formerly 25 feet in this area. GEI understands that this revision was made to keep a homeowner's retaining wall out of the drain easement. GEI has no issue with this revision, and defers further comment, if any, to the ZBA.**

We trust this letter addresses your review requirements. Feel free to contact this office if you have any questions or comments.

Very truly yours,
Graves Engineering, Inc.



Jeffrey M. Waish, P.E.
Principal

Cc: Robert Berger, Grafton Building Inspector
Christopher McGoldrick, Grafton Town Planner
Grafton Conservation Commission
Paul Cournoyer, Grafton DPW
Patrick C. Garner Co.; Patrick C. Garner Co., Inc.
Peter Hingorani, Adams Road Company
Tim Barlow, Barlow Construction