

**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL
DP- 2016-1 MODIFICATION #2**

Extension of Construction Deadline, Changes to Grading and Phasing Plan

**“Village At Institute Road” Subdivision
100 Westboro Road & Institute Road, North Grafton, MA
(Assessor’s Map 22, Lot 12)**

D&F Afonso Builders, Inc. (Applicant / Owner)

2022 APR 26 1 AM 10: 06

RECEIVED TOWN CLERK
GRAFTON, MA

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of D&F Afonso Builders, Inc., 189 Main Street, Milford, MA 01757 (hereinafter the Applicant / Owner), for a modification of a Definitive Subdivision Plan Approval Decision to approve several adjustments to the approved plans for a forty six (46) lot Conventional Development Residential Subdivision on property located at 100 Westboro Road & Institute Road, and shown on Grafton Assessor’s Map 22, Lot 12 (hereinafter the Site) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 34122, Page 57.

The Definitive Plan Approval decision, dated January 22, 2018, as filed with the Town Clerk on January 24, 2018, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 58546, Page 107. Condition #A11 of said Approval decision requires the subdivision to be completed within two (2) years of the date of Plan Endorsement or thirty (30) months of the date of the Decision, whichever is sooner. On March 28, 2022, the Grafton Planning Board bifurcated the request to extend the construction deadline for completion of the road and associated infrastructure to April 29, 2023 and voted unanimously to approve as a minor modification of Definitive Subdivision Plan Approval,

I. BACKGROUND

The above referenced application for a Modification of a Definitive Plan Approval (hereinafter Application) was submitted on March 3, 2022. A public hearing on the Application was held on March 28, 2022. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 10th and 17th, 2022, and posted with the Town Clerk’s Office on March 9, 2022. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on April 11, 2022.

The following Board members were present during the entire public hearing process: Chairman David Robbins, Vice Chairman Justin Wood, Clerk Linda Hassinger, Member Prabhu Balaji Venkataraman and Member Robert Hassinger. At the hearing, Matthew A. Leidner, P.E., 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.

II. PROJECT HISTORY AND OVERVIEW

This application represents a second modification of Definitive Plan Approval (DP 2016-1) for 100 Westboro Road for a forty-six (46) lot Conventional Development Residential Subdivision on the subject property. This modification deals specifically with a request to make several adjustments to the approved plans. As also further detailed herein, in addition to the two modifications, the Planning Board also approved a minor modification on March 28, 2022 to extend the construction deadline (as specified in the Definitive Plan

Approval Decision) for completion of the road and associated infrastructure. The permitting history of this site for this use includes:

1. Major Residential Special Permit (MRSP 2014-10) - *Approved February 9, 2016* – to construct a 46-lot Conventional Subdivision. Recorded at the Worcester District Registry of Deeds (WDRD) in Book 55057, Page 233.
2. Definitive Subdivision Plan Approval (DP 2016-1) – *Approved January 22, 2018* - to construct a 46-lot Conventional Subdivision. Recorded at the Worcester District Registry of Deeds (WDRD) in Book 58546, Page 107.
3. Modification of Definitive Subdivision Plan Approval (DP 2016 – 1.1) – *Approved March 9, 2020* – to extend the deadline for completion to January 22, 2021. Recorded at the Worcester District Registry of Deeds (WDRD) in Book 62206, Page 395. In accordance with the State's Acts 2020, Chapter 53, the deadline for completion was extended 318 days to April 29, 2022.
4. Determination of Minor Modification of Definitive Subdivision Plan Approval (DP 2016 – 1.1) – *Approved March 28, 2022* - to extend the deadline for completion to April 29, 2023.

III. SUBMITTALS

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

- EXHIBIT 1.** Application packet submitted by Dominic Afonso, received on March 3, 2022; materials submitted included the following:
- a. Application for Approval of a Modified Definitive Plan, "The Village at Institute Road" Definitive Conventional Subdivision, submitted by Dominic Afonso, dated February 23, 2022; 2 pages.
 - b. Certificate of Good Standing, signed by the Treasurer / Collector's Office on February 8, 2022; 1 page.
 - c. Certified List of Abutters, dated February 11, 2022, 1 page.
 - d. Letter from Matthew A. Leidner, P.E., Civil Design Group, LLC, to Town of Grafton Planning Board, dated March 3, 2022, regarding "Village at Institute Road; Application for Approval of a Modified Definitive Plan; DP 2016-1".
- EXHIBIT 2.** Plans: "Overall Erosion Control & Phasing Plan for The Village at Institute Road", dated October 26, 2016, revised through March 3, 2022, prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA 01845, 1 sheet.
- EXHIBIT 3.** Public Hearing Legal Notice Filed with the Town Clerk on March 9, 2022, 1 page.
- EXHIBIT 4.** Presentation Slides: "The Village at Institute Road; Phasing Plan", dated March 21, 2022, prepared by Pulte Homes, 5 slides.
- EXHIBIT 5.** Email from Normand Crepeau, Police Chief, to Grafton Planning Department, dated March 22, 2022.
- EXHIBIT 6.** Email from Nancy Connors, Grafton Health Department, to Grafton Planning Department, dated March 22, 2022.
- EXHIBIT 7.** Email from Michael Killeen, Fire Department, to Grafton Planning Department, dated March 23, 2022.

- EXHIBIT 8.** Public Hearing Continuance Request, dated March 29, 2022, signed by Mark Mastroianni, Pulte Homes, 1 page.
- EXHIBIT 9.** Public Comment, Jenna Lindeman, 79 East Street, dated March 30, 2022, 1 page.
- EXHIBIT 10.** Public Comment, Bob Carroll, 72 East Street, dated March 31, 2022, 1 page.
- EXHIBIT 11.** Plans: “Overall Erosion Control & Phasing Plan for The Village at Institute Road”, dated October 26, 2016, revised through March 30, 2022, prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA 01845, 1 sheet.
- EXHIBIT 12.** Presentation Slides: “The Village at Institute Road; Phasing Plan”, dated April 11, 2022, prepared by Pulte Homes, 3 slides.

IV. FINDINGS

At their meeting of April 25, 2022, 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 Justin Wood, seconded by Linda Hassinger) voted five (5) in favor and zero (0) opposed to make the following Findings:

- F1. That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2. That during the public hearing, Matthew A. Leidner, P.E, reviewed the status of the subdivision and noted that, an application for the two-year extension of the construction deadline was sought to allow the alternative project proposal with revised grading and phasing as detailed in EXHIBIT 1d, to be completed.
- F3. The Applicant proposes a revised construction phasing plan, sheet 27 of 35. After conducting soil testing and other geotechnical analysis and coordinating with site contractors and Pulte construction staff, the approach presented on the revised plan more accurately represents the sequence best suited to follow to construct this neighborhood effectively and efficiently.
- F4. The Applicant also proposes slightly adjusting the Limit of Work (LOW) line based on detailed construction level lot engineering/grading related to Pulte’s selected home styles to meet today’s market demand. The revised LOW line better represents the conditions associated with building this neighborhood.
- F5. In accordance with Condition #D.13 of the definitive subdivision decision, Pulte is requesting the Planning Board’s approval to construct driveway grades in excess of 10% on lots 24-29, 32, 33, 41, & 46. The slightly steeper grades will minimize earth movement on those lots, minimize the required cut and minimize the required limit of work. In all cases a flatter driveway area has been created proximate to the homes to maintain usable driveway space outside the garages. The Board notes that this request is in keeping with the approved definitive plans, which also contain grades exceeding 10% on several of the driveways.
- F6. That during the public hearing, the Grafton Planning Board (motion by Robert Hassinger, seconded by Linda Hassinger) voted 5-0 to find a one (1) year extension to the deadline for completion as detailed in Condition A11 of the Definitive Subdivision Plan Approval (DP 2016-1), approved January 22, 2018, recorded at the Worcester District Registry of Deeds (WDRD) in Book 58546, Page 107 and as modified

by Modification of Definitive Subdivision Plan Approval (DP 2016 – 1.1), approved March 9, 2020, to extend the deadline for completion to January 22, 2021, recorded at the Worcester District Registry of Deeds (WDRD) in Book 62206, Page 395 and as affected by the State's Acts 2020, Chapter 53, for which the deadline for completion was extended 318 days to April 29, 2022, was a minor modification, and was necessary to allow adequate review of the proposed grading and phasing plans.

V. DECISION and CONDITIONS

At their meeting of April 25, 2022, 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 Justin Wood, seconded by Linda Hassinger) voted five (5) in favor and zero (0) opposed to **APPROVE** the application for Modification of Definitive Plan Approval decision with the following conditions:

- C1.) This approval specifically confirms the minor modification to Condition #A11 of the Definitive Plan Approval decision, dated January 22, 2018, as recorded in the Worcester District Registry of Deeds (WDRD) and referenced herein. This approval as presented in this Decision specifically confirms the approval of an extension of the time period in which to complete the Subdivision (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to **April 29, 2023**.
- C2.) This approval specifically modifies construction phasing plan, sheet 27 of 35 as shown in EXHIBIT 11 of this Decision. The revised sheet shall be incorporated into the original approved plans. Prior to issuance of a building permit, an amended plan set and shall be submitted to the Planning Board for their review and endorsement.
- C3.) This approval specifically authorizes construction of driveway grades in excess of 10% on lots 24-29, 32, 33, 41, & 46, as detailed in Finding 5 of this Decision.
- C4.) No more than ten (10) lots included within Phase 4 of construction as detailed in EXHIBIT 11 and EXHIBIT 12 of this Decision shall be issued occupancy permits prior to the completion of improvements to Institute Road. This limit of occupancy permits shall not be construed to apply to lots designated within Phase 2 of construction as detailed in EXHIBIT 11 and EXHIBIT 12 of this Decision, and such lots designated within Phase 2 of construction shall not be included in the associated count of this limitation.
- C5.) This DECISION shall not take effect until the Applicant has recorded it at the Worcester District Registry of Deeds and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C6.) Unless modified by this Decision, all conditions of the previous Definitive Plan Approval decision, for the "Village at Institute Road" Subdivision recorded in the Worcester District Registry of Deeds and referenced herein, remain in full force and effect.

VI. RECORD OF VOTE

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

