



THE COMMONWEALTH OF MASSACHUSETTS
TOWN of HOLDEN

2019 NOV 14 A 11:20

FORM C
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN EXTENSION

File on completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section III-B.

NO. _____

DATE: 11/6/19

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Holden for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the Town of Holden.

1. Name of Subdivider JACKSON WOODS INVESTMENT LLC
Address: 87 Main St. Rutland Ma 01543
Tel. # 508-294-8239
2. Name of Engineer/Surveyor James B. Kalloch
Address: Bunny Rd Worcester, Ma
Tel. #: 508-886-4040
3. Deed of property recorded in Worcester County District Registry,
Book 52332 Page 83
4. Location and Description of Property:
88 LOT Subdivision off UNION ST IN
Holden.

Signature of owner

Address 87 Main St. Rutland Ma
01543

A list of the names and addresses of the abutters of this subdivision is attached. Verification will be made by the Planning Board.

Members of the Planning Board:

We are applying to amend the approved definitive subdivision plan entitled Greenwood Estates II by amending or deleting the following conditions of approval:

Condition #5

5. In lieu of the Subdivision Roadway and Infrastructure inspection fee of 2.5% of the bond amount as outlined in the Holden Subdivision Control Regulations the Applicant is responsible for funding a third party inspector for the installation of infrastructure, utilities, and stormwater systems. The inspector will be onsite for all site preparation and infrastructure. The frequency of inspections will be at the discretion of the Department of Public Works (DPW) and the Inspector must provide inspectional reports to the DPW Engineering Division.

The reason for this appeal is the third party inspection costs are exorbitant, I've attached their invoices for your review. We asked that this be capped at 2.5% of the bond amount as outlined in the regs. We also have major issues with their (the DPW's) estimated cost to build the site as they are extremely high. If this is agreed to then those cost have to be adjusted. Also the third party inspectors are being asked to review and approve plans that is not required under the conditions of approval and have never been required when I've done any other subdivision in town.

Condition #15

15. There is a "bottleneck" at the intersection of Boyden and Phillips Road which will require the replacement of 600' of pipe in accordance with the approved plans. This upgrade shall be installed prior to the issuance of any building permits, this schedule maybe amended at the discretion of the DPW Engineering Office.

The reason for this appeal was described during the last public hearing on 8/21/18. I've attached the minutes for your review. We ask that this be applied after the 40th building permit. Using the calcs provided by us and approved by the town's review agent (Weston and Sampson) these pipes do not become 97% full until full build out and furthermore we are taking a pump station off line that may add one more cycle of the pump station a day and can be adjusted to not have any effect on the down stream sewage at 40 houses. The DPW does not have any discretion they just say no and give ridiculous excuses.

Condition # 22

22. The Applicant is responsible for maintenance of the roadway, until time of roadway acceptance by the Town. Maintenance includes snow and ice removal for the full width and length of the road outlined above (Condition 14) on a prompt basis. The Station shall be accessible 24-hours a day, 365 days per year. At no point shall there be more than 3-inches of snow and/or ice on the paved roadway. The road shall be treated with sodium chloride for ice removal at the completion of each winter weather event and on an as-needed basis.

We ask that the board reconsider this to say until such time as the roads have a finish coat of pavement, then the town will be responsible for the plowing and sanding. All other maintenance will still be borne by us until such time as the town accepts the roads at a town meeting. The reason for this is that the town is collecting the real estate taxes for these houses and once the finish coat is on the roadway then the safety issue is gone.

Condition #24

24. If the Applicant fails to maintain the roadway, including for snow and ice conditions, and damage occurs to the Stephanie Drive Pump Station and/or its equipment, due to such failure of the Applicant, then the Applicant shall be responsible for reimbursing the Town for all costs related to repairing such damage. This condition shall be in effect until such time that the subdivision's roadway is accepted by the Town.

We asked this be removed, it makes no sense.

Condition #32

32. The roadway shown on the offsite improvement plan shall be constructed by the applicant in accordance with the design standards set forth to the satisfaction of DPW. After completion of the improvements, the applicant will complete an as-built and roadway layout plan. For the new portion of Union/Highland Street, upon the direction of the Director of the Public Works, the ownership of the completed roadway, or the conveyance of an easement for public street purposes, shall be provided to the Town of Holden.

These plans were approved after numerous back and forth with the review agent, what are they talking about with design standards, could you please give further definition. I can not allow any portion of this new road to be travel on by the public until the town takes the easement (or fee) for it.

Condition #53

53. The stormwater system must operate as designed prior to acceptance or an evaluation and amendments may be required to ensure the operation meets current DEP Stormwater Management Standards.

We asked that this be removed. The design has been approved and if built to design then it will be operating as planned. Under the law I can't be made to upgrade a stormwater system to new standards especially at their (the DPW's) discretion, who says they're right.

Condition #75

75. Frequency of all inspections will be required at the discretion of the DPW, but will be required on a daily basis during the commencement of construction, utility installation and paving. The inspector will be required to provide a written report of their findings to the Department of Planning and Development Office and DPW on a weekly basis, if the applicant chooses and finds a qualified person the erosion control specialist and construction inspector may be the same qualified individual.

We ask that the DPW adhere to the conditions of approval. In some cases the DPW has had an inspector on site for the entire time pipe is being installed (8 hours a day) for what I don't know, the cost of that is exorbitant. On another note we've only asked twice to work on Saturdays and both times we've been turned down because John wants every inch of pipe to be inspected. As I said that has never been the practice before, we never even had to asked to work Saturdays and it says that Saturday work is allowed under the conditions of approval.

Condition #84

84. Due to the public safety issues that can arise from lack of maintenance within the subdivision the Applicant will be responsible to provide security to ensure the roadways are maintained and kept in passable condition.

This is illegal as well. Monies can not be added to the bond for plowing and maintenance. It is specific to road construction. We ask that this condition be removed.

We would also like to ask the board for 4 Model building permits, no occupancy permits with those, prior to pavement going down. The board has granted this request on every other subdivision we have done in town.