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11-13-2017 @ 12:01P

TOWN OF WRENTHAM PLANNING BOARD

MUNICIPAL BUILDING, 79 SOUTH STREET

WRENTHAM, MASSACHUSETTS 02093

p: 508-384-5441 / f: 508-384-3174

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September 6, 2017

Special Permit Decision

Park Place

Open-Space Preservation Development

Wrentham, Massachusetts

Applicant: Park Place Wrentham, LLC
135 Lakeside Avenue
Wrentham, MA 02093

Owner: Eagle Brook Estates Realty Trust
20 Dodge Avenue
North Attleboro, MA 02760

Locus: 112.46± acres located off of Park Street to the west and north of Mill Street
Assessors' Map K-12, Block 1, Parcel 8
Assessors' Map K-13, Block 1, Parcels 1, 7 & 8

Deed References: Book 4439, Page 339-341

Zoning District: Residence-30 (R-30) and Residence 43 (R-43)

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

2017 SEP 12 AM 8:18

RECEIVED
TOWN CLERK'S OFFICE
WRENTHAM, MA

In the matter of the Application for a special permit associated with the development entitled Park Place, a proposed residential Open Space Preservation Development (OSPD) in Wrentham, Massachusetts, which has been submitted by Park Place Wrentham, LLC (the "Applicant"), the Planning Board (the "Board"), subject to the requirements of Articles 9 and 17 of the Town of Wrentham Zoning By-Laws (the "Zoning By-Laws") and the provisions of Chapter 40A of the Massachusetts General Laws, has made and hereby renders the following decision.

Background

The aforementioned application was submitted on April 12, 2017, to the Office of the Planning Board and the Office of the Town Clerk. The application and plan entailed the following conditions.

- This project has been designed as a residential OSPD. The Planning Board is concurrently granting Approval of a Definitive Subdivision Plan pursuant to Wrentham's "Rules and Regulations Governing the Subdivision of Land", Town of Wrentham Zoning By-Laws and the provisions of MGL c.41 §§81K-81GG of the Massachusetts General Laws.
- Required open space consists of a 44- acre open space parcel.
- The applicant is proposing to create up to 92 residential building lots that will occupy approximately 68 acres, which will leave approximately 44 acres as open space.
- The lots will be accessed by the creation of a new roadway system that will have a centerline length of approximately 8,035 linear feet. Access to this subdivision will be off of Park Street via two (2) access points directly across from Warren Drive and Joshua Road.
- A central mailbox and school bus stop are incorporated into the design of the subdivision.

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[Signature]

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- In accordance with the provisions of Article 17, dimensional requirements under OSPD design are as follows:

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	R-30 Conventional	R-43 Conventional	OSPD (Minimum Required)
Lot Area	30,000 sf	43,560 sf	22,000 sf
Frontage	125 ft	150 ft	55 ft
Front Yard	40 ft	40 ft	25 ft
Side Yard	20 ft	25 ft	15 ft
Rear Yard	40 ft	40 ft	8 ft

- The Wrentham Conservation Commission issued an Order of Conditions (DEP SE 351-1088).

The following documentation was submitted to and reviewed by the Board:

Plans: A 78-page sheet set of plans entitled, *"Open Space Preservation Development, Definitive Residential Subdivision, Wrentham, Massachusetts"*, prepared by Andrews Survey & Engineering, Inc., 800 East Washington Street, North Attleboro, MA 02760 dated March 1, 2017 and revised through June 23, 2017.

Reports: A bound document entitled *"Open Space Preservation Development, Definitive Subdivision, Park Place, 0, 355 & 365 Park Street"*, prepared by Andrews Survey & Engineering, Inc., 500 East Washington Street, North Attleboro, MA 02760 dated January 7, 2013. Bound document contains Application Forms, Checklists, Waiver Requests, Project Narrative, Community and Environmental Assessment, Abutters List, etc.

"Stormwater Management Report, Park Place, 0, 355 & 365 Park Street, 0 Park & Mill Streets, Wrentham, MA" prepared by Andrews Survey & Engineering, Inc., 500 East Washington Street, North Attleboro, MA 02760 dated March 1, 2017 and revised through June 23, 2017.

"Operation and Maintenance Plan, Park Place, 0, 355 & 365 Park Street, 0 Park & Mill Streets, Wrentham, MA" prepared by Andrews Survey & Engineering, Inc., 500 East Washington Street, North Attleboro, MA 02760 dated March 1, 2017.

Letters: Letter from Beals & Thomas dated April 24, 2017 that contained a summary of proposed review services and cost estimate.

Email dated May 12, 2017 from Scott Hughley of 406 Park Street that contained comments regarding the proposed project.

Email from Virginia Stuart dated May 18, 2017 that contained the endorsed, executed scope of services from Beals & Thomas for peer review services.

Letter from Beals & Thomas dated June 7, 2017 that contained first review comments for the proposed project.

Letter from Andrews Survey & Engineering dated June 12, 2017 that contained responses to comments received from Beals & Thomas.

Email from Andrews Survey & Engineering dated June 20, 2017 that contained revised site plan sheets that were part of the responses to comments from Beals & Thomas.

Letter from Professional Services Corp. dated June 20, 2017 that contained comments regarding stormwater for the proposed project.

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Email from Beals & Thomas dated July 12, 2017 that contained a status of the review of the project.

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After the required public notification, the public hearing was opened on May 3, 2017 and was continued to May 17, 2017, June 14, 2017, June 21, 2017, July 19, 2017, August 9, 2017, August 16, 2017 and September 6, 2017, at which time the hearing was closed.

During the public hearing the Board heard from the Applicant and his agents, the Planning Board's consulting engineer, and those members of the public who wished to comment on the project were allowed the opportunity to either speak or submit written comments. On September 6, 2017, the Board began its deliberations and thereafter rendered the following decision.

Findings

Based on all of the evidence and other information received at the public hearing as well as the Board's careful review of all plans and other documentation submitted as part of the Application, the Board accordingly finds as follows:

1. The Open Space Preservation Development (hereinafter "Development") will not result in unreasonable traffic congestion or other unsafe conditions, either within or outside of the Development. The Development will not by its nature generate any more motor vehicle trips than a conventional subdivision development. The new subdivision roads will be coordinated with the existing street system so as not to cause any unreasonable traffic congestion or other unsafe conditions either within or outside the Development.
2. The soils and sub-soils within the Development are generally suitable for single-family residential development and customary accessory uses. The Applicant's engineers have performed preliminary soil suitability testing and groundwater observation. The results thus far indicate that the soil types and water table elevations within most of the site are suitable for the intended use and intensity of the Development.
3. Proper soil erosion and sedimentation control measures will be utilized in the Development in order to minimize sedimentation and siltation of the existing surface water bodies and wetlands within and adjacent to the Development. Existing natural vegetation has been preserved wherever possible.
4. The site design of the Development preserves and protects many of the significant natural features of the property.
5. The subdivision roadway drainage facilities and utilities have been or shall be designed and constructed in compliance with all applicable Rules and Regulations governing the Subdivision of Land in Wrentham, Massachusetts, subject to any waivers granted during the Definitive Subdivision process.
6. An Open Space Preservation Development under Article 17 of the Zoning By-Laws is permitted within the Residence 30 (R-30) and Residence 43 (R-43) Zoning Districts. The site of the Development is larger than the minimum required size of eight (8) acres.
7. The proposed reductions in the minimum dimensional lot requirements of the underlying Residence 30 (R-30) and Residence 43 (R-43) Zoning Districts will enhance the design features of the Development and allow for the protection of the natural and scenic resources of the site by preserving large areas of natural open space in perpetuity.
8. Stormwater drainage facilities within the Development have been designed not to degrade the watershed area. Rather they are designed to preserve the quality of surface and groundwater

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resources, to maintain and reduce peak discharge rates of stormwater runoff, and to mitigate for any loss of groundwater recharge as a result of the build-out of the open-space subdivision.

9. For all of the reasons set forth herein and based upon the above Findings, the Board further finds that the planned Development is superior to and will have less impact than a conventional subdivision development of the site. The granting of the requested Special Permit under Articles 9 and 17 of the Zoning By-Laws will be in harmony with the general purpose and intent of said Zoning By-Laws.

Decision

Based on the above findings and upon consideration of all testimony and documentary evidence submitted by the Applicant, abutters and others during the public hearing, the Board, following the close of the public hearing, voted to approve the Special Permit requested by the Applicant for the subject site pursuant to Articles 9 and 17 of the Zoning By-Laws, as more particularly described below and subject to the following conditions:

1. This Special Permit Decision shall run with the land and shall be binding upon the current property owner as well as its administrators, successors, and assigns.
2. A Special Permit is granted to the Applicant in accordance with Articles 9 and 17 of the Zoning By-Laws for the construction of an Open Space Preservation Development (OSPD) as shown on the aforementioned plans entitled, "*Open Space Preservation Development, Definitive Residential Subdivision, Wrentham, Massachusetts*", prepared by Andrews Survey & Engineering, North Attleboro, MA dated March 1, 2017 and revised through June 23, 2017.
3. Not greater than 92 lots shall be constructed as part of the project.
4. The Board grants the following waivers. Said waivers shall be so noted on the plan submitted for endorsement and subsequently recorded at the Norfolk County Registry of Deeds.
 - a. Section 5.225 – To install typical street tree plantings along both sides of the roadways within the subdivision adjacent to infiltration basins #2, #3, #5 and #8 in lieu of the required greenbelt.
 - b. Section 5.244 – To install portions of the proposed drainage system that exceeds the maximum depth of 10 feet (Eight (8) occurrences ranging from 10.11 feet to 11.46 feet).
 - c. Section 6.4 - To install street lighting at street intersections only.
 - d. Section 7.32 - To install sloped granite curbing in lieu of vertical granite curbing along both sides of the roadway including all radii of less than 400 feet. Type VA-4 vertical granite curbing will be installed at all intersection radii only.
 - e. Article 14.7k - Due to the underlying terrain throughout the site, excavations will be required to be made at less than 10 feet above the annual high water table.
5. Excavation, earthwork or disturbance within 100 feet of any state-regulated wetland shall be prohibited, except by authorization of the Conservation Commission.
6. No removal of earth is authorized by this approval. The Applicant's attention is directed to Article 14 of the Zoning By-Laws, Article 7.11 of Wrentham's General By-Laws and the Earth Removal Special Permit/General Permit decision.

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7. Concrete property bounds shall be set for each lot abutting open space. Said bounds shall be permanent and indicate that they are depicting open space. Said bounds shall be positioned at each turning point on the property line where the line abuts land to become town owned open space. The location and specification of said bounds shall be subject to approval of the Wrentham Conservation Commission.
8. Entrances to all pedestrian access ways to the Common Open Space shall be marked in accordance with the Conservation Commission guidelines, if applicable. Entrances shall be installed prior to any buildings constructed on the adjoining lots being occupied or prior to the final release of the Subdivision Surety, whichever is earlier. In no case shall land within the access ways be cleared or otherwise disturbed or improvements located therein without prior written approval of the Planning Board and only for purposes of improving pedestrian access to said Common Open Space. Otherwise, such land shall be restored to a condition so determined by the Board at the expense of the Applicant. Said entrances shall be shown on the related Definitive Subdivision Plan submitted for endorsement and shall be subject to review and approval of the Board.
9. The public vs. non-public open space areas shall be designated with clearly posted usage rules, if applicable.
10. This Decision is contingent upon approval by the Board of Selectmen of the transfer of title to the Common Open Space within the OSPD to the Town of Wrentham for park or open space use under the control and management of the Wrentham Conservation Commission in accordance with Chapter 40, Section 8C, of the Massachusetts General Laws. In the event that said transfer of title does not occur, the Applicant shall submit to the Planning Board a conservation restriction and other related legal documents for the purpose of preserving and maintaining in perpetuity the Common Open Space in accordance with applicable provisions of Article 17.7. Said documents shall be subject to the review and approval of the Planning Board and Town Counsel. Prior to the release of 50% of the lots from the Subdivision Covenant pursuant to MGL c.41 §81U, the deed transferring the Common Open Space to the Town or legal documents pertaining to an acceptable alternative method shall in either case be recorded at the Norfolk County Registry of Deeds and a copy of which shall be provided to the Board.
11. The Applicant may incorporate into any subsequently submitted Definitive Subdivision Plan measures which the Board would deem would further mitigate development impacts within the site and upon adjoining properties and streets. Such measures may include changes in the overall design, but not in terms of construction standards, of streets and walkways that serve to preserve or create distinctive features within the development subject to any necessary waivers being granted by the Board pursuant to MGL c.41 §81R.

Conditions Required Before Authorized Work Proceeds

12. Limit of work fencing shall be installed along the periphery of those designated Common Open Space areas which are to remain undisturbed, prior to site work commencing and maintained throughout the construction process until the final release of the Subdivision Surety pursuant to MGL c.41 §81U unless otherwise voted by the Board. Said fencing shall be shown on the Definitive Plan submitted for endorsement subject to review and approval of the Planning Board and shall also be shown on all required as-built plans.
13. The Conditions of this Decision shall be noted on any subsequent Definitive Subdivision Plan for this site prior to said plan being submitted for endorsement.
14. Following the clearing of trees, stump grinding and grading sufficient for machinery access for Phases II, III and IV, the Applicant shall provide the Board with a work schedule for said phase and with information relative to perk testing and soil evaluations for the lots contained in that phase.

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Conditions Required During Authorized Work O F F I C I A L

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15. Minor modifications to the area and configuration of the lots and Common Open Space within the Development may be allowed prior to the recording of legal restrictions or transfers affecting the preservation of the Common Open Space provided the Board finds it is largely consistent with this Decision and complies with applicable zoning requirements. (Nothing herein restricts the re-division of land between lots provided it complies with applicable requirements.)
16. Prior to the initial release of the Subdivision Covenant pursuant to MGL C.41 §81U, the Applicant shall submit an as-built plan and profile showing the location and elevations of the then-existing base course of the roadways, and related drainage and utility improvements. The plan shall be prepared and certified by a Professional Land Surveyor registered within the Commonwealth of Massachusetts. In addition, two benchmarks established prior to and maintained in the field throughout the construction process and based on the same datum as the subsequently endorsed Definitive Subdivision Plan shall be so referenced on the as-built plan submitted at this stage and the one to be submitted upon the completion of the development. (See Condition #18 below.) The as-built plans shall be at a scale of 1" = 40' on 24" by 36" sheets. As an option, the Applicant may submit two (2) or more as-built plans and profiles as described above in order to receive a partial release of the Subdivision Covenant provided the release only involves those lots fronting along roadways shown on said plans and profiles and would be in accordance with the approved phasing plan for the development. (See Condition #16 above.) All releases shall be subject to Board determining that the roadway and related improvements have been properly completed to date.
17. The hours of operation for excavation activities and the construction of the approved roadway and related improvements shall be from 7:00 A.M. to 6:00 P.M., Monday through Friday, although the operation of heavy site work and construction equipment shall cease by 5:00 P.M. Said excavation and construction activities may be conducted on Saturdays, but only between the hours of 8:00 AM to 5:00 PM. No site work shall occur on Sundays. Heavy machinery shall be required to have properly installed and working mufflers to minimize noise levels.

Conditions Required Upon Completion of Authorized Work

18. Prior to the final release of the Subdivision Surety pursuant to MGL c.41 §81U, permanent boundary markers shall be installed along the periphery of the Common Open Space at each point of change in bearing. The type and location of said boundary markers shall be shown on the Definitive Subdivision Plan, subject to review and approval of the Board. Said markers shall also be shown on the as-built plan submitted upon completion of the development.
19. Prior to the final release of the Subdivision Surety pursuant to MGL C.41 §81U, the Applicant shall submit an as-built plan and profile showing the location and elevations of the roadways as well as related drainage and utility improvements completed in accordance with the approved Definitive Subdivision Plan or approved modifications thereto as determined by the Board. The plan shall be prepared and certified by a Professional Land Surveyor registered within the Commonwealth of Massachusetts. The as-built plans shall be at a scale of 1" = 40' on 24" by 36" sheets.

After the expiration of the 20-day appeals period, a revised modification plan for the development shall be submitted for endorsement by the Planning Board and shall incorporate, as applicable, the aforementioned conditions.

The rights granted by the Special Permit shall lapse within two (2) years from the date of this decision being filed with the Office of the Town Clerk, exclusive of such time required to pursue or await an appeal referred to in Section 17 of Chapter 40A, MGL, unless construction of the proposed improvements has commenced.

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Further, that the Approvals granted hereunder shall not be effective and no activity shall be conducted on the site until:

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- a) Twenty (20) days shall have lapsed next following the filing of this decision in the office of the Town Clerk.
- b) The Applicant obtains a copy of this Decision from the Town Clerk bearing a certification that no appeal has been filed.
- c) Such copy of decision is recorded at the Registry of Deeds within 60 days of the decision being filed by the Board with the Office of the Town Clerk and a copy of that recording provided to the Board.
- d) And until any required documents/plans, and/or actions outlined in the decision have been completed to the satisfaction of the Board, no work authorized herein shall proceed.

The vote on September 6, 2017 of the individual Board members in regards to the requested special permit via roll call vote was as follows:

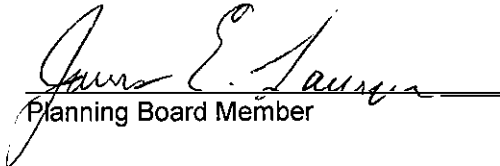
<u>Member</u>	<u>Vote</u>	<u>Member</u>	<u>Vote</u>
Michael McKnight	Yes	Charles Woodhams, Jr.	Yes
Everett Skinner, Jr.	Yes	Stephen Schwarm	Yes
Jim Lawrence	Yes	Robert Cass	Yes

And further approved that the Chairman and a member sign this Decision and Approval on behalf of the Board.

Appeals, if any, from this decision shall be made pursuant to Chapter 40A of the Massachusetts General Laws and shall be filed within 20 days after the date of filing of this decision in the office of the Wrentham Town Clerk.

Signed on behalf of the Wrentham Planning Board:


Michael McKnight, Chairman


Planning Board Member

A TRUE COPY, ATTEST:


TOWN CLERK

NO NOTICE OF APPEAL RECEIVED 20 DAYS
FOLLOWING RECORDING OF NOTICE AND
APPROVAL OF PLANS FROM PLANNING
BOARD OR BOARD OF APPEALS.

OCT 04 2017