



TOWN OF WRENTHAM PLANNING BOARD
MUNICIPAL BUILDING, 79 SOUTH STREET

NO T WRENTHAM, MASSACHUSETTS 02093
p: 508 384-5441 / f: 508 84-3174

AN AN
OFFICIAL OFFICIAL
COPY COPY

September 6, 2017

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

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

Special Permit Decisions
Pursuant to Articles 14 and 15 of the
Wrentham Zoning By-Laws and
General Permit Pursuit to
Article 7.11 of the Wrentham (General) By-Laws
Park Place Subdivision

RECEIVED
TOWN CLERK'S OFFICE
WRENTHAM, MA
SEP 11 2017
CO

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 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)

In the matter of the Earth Removal permit applications submitted in accordance with Article 14 (Earth Removal) and Article 15 (Aquifer Protection District) of the Wrentham Zoning By-Laws and Article 7.11 of the Wrentham (General) By-Laws and submitted concurrently in association with the Definitive Subdivision 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, 14 and 15 of the Town of Wrentham Zoning By-Laws (the "Zoning By-Laws") and Article 7.11 of the Wrentham General By-Laws (the "General By Laws") has rendered 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.
- 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.

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- A N A N
 O F F I C I A L O F F I C I A L
 C O P Y
- Site disturbance i t j o wy:

Cubic Yards Cut	425,000
Cubic Yards Fill	285,000
Net Cubic Yards	140,000

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 Andrew Survey & Engineering, Inc., 500 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 t 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, O 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, O 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.

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 hearing was held 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.

Earth Removal Findings

Based on the information and plans presented by the Applicant and the additional testimony received during the Public Hearing, the Board renders the following findings.

1. **The earth removal shall be accomplished without unreasonable danger to the health, safety and general welfare of the inhabitants of the Town in general and those in the immediate vicinity.** Earth removal activities will excavate only the volume of material necessary to accommodate the construction of streets and related improvements, and house lots. All equipment involved in the construction activities will enter and exit via the proposed street openings. Equipment involved in on-site construction activities will be properly covered and secured from spilling material along any street outside the site and limits of work fencing will be installed.
2. **The earth removal will not produce unreasonable noise, dust, or other effects observable as detrimental to the normal use of adjacent land.** The development will not produce unreasonable noise or dust within or outside of the development. Hours of operation for excavation activities and construction will be limited to hours set forth by the Planning Board and wetting and stabilization of exposed grades will occur whenever necessary to suppress the generation of dust. Further, the Board specifically finds that (a) wetting and stabilization of exposed grades will occur to suppress dust generation, (b) scheduling of construction activities such as blasting (if any), rock drilling and hydraulic excavation will be limited to normal business hours, (c) heavy machinery shall be required to have properly installed and working mufflers to minimize noise levels, and (d) any blasting shall be strictly conducted in accordance with all applicable laws, rules and regulations, as most recently amended, and in consultation with the Fire Chief.
3. **The earth removal and change in topography may be accomplished without adverse effect on abutting land by surface water drainage nor to the recharge of the water table nor to the pumping rate of any nearby Town well site subject to the conditions imposed herein.** The change in topography can be accomplished without any adverse effect to the abutting land as vegetation clearing and earth excavation/filling will be done in phases and limited to that area being worked in. Prior to earth disturbance in any work area compost socks, silt fence, and limits of work fence will be installed and temporary berms, swales, and basins to divert water away from the areas that will be exposed by construction activity will be constructed. Additionally, the drainage system will consist of a piped, catch basin to manhole network to collect and control the storm water within the road system. A combination of water quality swales and stormwater management basins will be utilized to treat and control stormwater outside of the road system. Individual runoff infiltration systems will be provided for each house to recharge roof runoff on each lot. All elements of the storm drain system will allow for the water to be collected, treated, and either recharged to the groundwater or discharged to the surface wetlands systems located on site.

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4. The earth removal material and the use of it, shall not be such as to create a health or safety of persons living in the neighborhood or on the use of it, or adjacent land. The Board cites all applicable discussion and mitigation measures set forth in paragraphs a, b, and c above, for the basis on which this finding is made. All equipment involved in the construction activities will enter and exit via the proposed street openings on Park Street. Equipment involved in on-site construction activities will be properly covered and secured from spilling material along any street outside the site. Stockpiles will be surrounded with erosion control barriers and silt fence to prevent and/or control siltation or erosion and limits of work fencing will be installed along the periphery of those areas designated which are to remain undisturbed.

Aquifer Protection Findings

1. **In no way, during construction or thereafter, will the proposed use adversely affect the existing or potential quality or quantity of groundwater that is available in the Aquifer Protection District.** A combination of water quality swales and stormwater management basins will be utilized to treat and control stormwater outside of the road system. Individual runoff infiltration systems will be provided for each house to recharge roof runoff on each lot. All elements of the storm drain system will allow for the water to be collected, treated, and either recharged to the groundwater or discharged to the surface wetlands systems located on site.
2. **The project will be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.** Earth removal activities will excavate only the volume of material necessary to accommodate the construction of streets and related improvements, and house lots. The change in topography can be accomplished without any adverse effect to the abutting land as vegetation clearing and earth excavation/filling will be done in phases and limited to that area being worked in. Prior to earth disturbance in any work area hay bales, silt fence, and limits of work fence will be installed and temporary berms, swales, and basins to divert water away from the areas that will be exposed by construction activity will be constructed.
3. **The project will be in harmony with the purpose and intent of this By-Law, as well as its specific criteria.** The Board has determined that the proposed OSPD will be more in harmony with the purpose of this By-law than a conventional subdivision design.

Decision

In consideration of the information and evidence received at the public hearing and contained in the application and the plan, the Board voted by a vote of six (6) in favor, zero (0) opposed and zero (0) abstained to grant a Special Permit pursuant to Article 9, 14 and 15 of the Town of Wrentham Zoning By-Laws and Article 7.11 of the Wrentham General By-Laws to allow the excavation, disturbance, processing/stockpiling and removal of approximately 425,000 cubic yards of site of which not greater than 140,000 cubic yards may be transported from the site in accordance with the aforementioned plan and as approved herein of material on the site based upon the above stated findings, subject to the conditions stated below:

1. This decision shall run with the land and shall be binding upon the property's owners as well as their administrators, successors, and assigns.
2. The Applicant shall adhere to the Wrentham Zoning By-laws, and all other applicable provisions of municipal law and regulation, federal and state statutes and related regulations promulgated by federal and state agencies.

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3. The Applicant shall not remove more than 140,000 cubic yards of earth within the site of which not more than 10,000 cubic yards may be transported from the site in accordance with the aforementioned plan and as approved hereon. The remaining volume of material including all topsoil shall remain on the site and shall be utilized in its final grading. Said material shall be stockpiled in locations as shown on the Definitive Plan submitted for endorsement subject to review and approval of the Planning Board.

The estimate of material to be disturbed and the amount to be removed is based on pre-development borings and other soils testing. The Applicant may request that Board amend the allowed amounts, as a minor modification. If additional and more detailed borings and soil tests determine that the material on site might not be suitable for use on site. Such amendment made as minor modification shall be accompanied by data and plans sufficient to allow the Board to consider the request.

4. 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.
5. No blasting operations shall be conducted on the site unless the Applicant provides copies of any blasting permits issued by the WFD to the Planning Board Office as they are issued. And such operations are conducted in accordance with all applicable laws, rules and regulations, permits and in consultation with the Wrentham Fire Chief.
6. Prior to the commencement of any site work, a pre-construction meeting shall be held with the Town Planner and the Building Inspector to review project conditions and proposed scope of work and schedule. The Town Planner and Building Inspector shall, within one week of the pre-construction meeting, inform the Planning Board chairman whether in their opinion, the proposed project requires the use of an engineer to act as "clerk of the works" for the project. This "clerk of the works" would be retained in accordance with M.G.L. chapter 44, section 53G, to inspect and/or oversee the construction and installation of the approved drainage and infrastructure for this project. The cost associated with the "clerk of the works" shall be borne solely by the applicant. In the event the Board determines that a clerk of the works is warranted, a deposit of \$2,500 shall be provided to the Town prior to the commencement of any site work.
7. Clearing, excavation and other site work may not commence within the subdivision site until the Applicant has provided proper documentation that a SWPPP has been prepared and a NPDES permit for construction activities has been issued. During all phases of construction, the site shall be managed and maintained to ensure that no onsite or offsite impacts from stormwater runoff occur. Efforts shall be made to minimize the extent of disturbance and to maintain the integrity, stability and aesthetics of the site.
8. No material, vehicles or construction equipment shall be stored within the Common Open Space, except for the following:
- the construction of drainage improvements in the Common Open Space.
 - within the existing construction entrance area as shown on Sheet C11.3 (area to be restored/revegetated upon completion of work)
9. Wetting and stabilization of exposed grades shall occur whenever necessary to suppress dust generation.

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10. O F F I C I A L O F F I C I A L

For purposes of celebration, all grades exposed after a greater than a 14-day period shall be stabilized. Erosion controls shall be in place before any excavation that could cause silt and similar material to leave the area of excavation due to weather (i.e. rain, or storm runoff) and remain in place until the area is stabilized.

11. All modifications affecting the proposed grading, method of removal or any other action or condition approved under this decision shall be subject to the review and approval of the Planning Board prior to any related site work commencing. These changes shall include, but not be limited to, any modifications that may be required by the Conservation Commission as a result of an Order of Conditions, and/or Board of Health in regards to the stormwater management system. Efforts are encouraged, however, to minimize the disturbance of land in the vicinity of abutting properties, which the Board would consider in light of the resultant grades. The Board as a minor modification may review any modifications referenced above.
12. A limit of work fence shall be incorporated into the silt fence and hay bales controls, through the use of OSHA Orange, colored silt fence and installed along the edge of the approved earth removal area prior to any related activity proceeding, maintained throughout such activity and removed upon completion. Where there is work proposed but no OSHA Orange silt fence and hay bales controls are to be installed, OSHA Orange plastic construction fence shall be used, if required. Said fencing shall be shown on the Definitive Plan submitted for endorsement subject to review and approval of the Planning Board.
13. In accordance with Section 14.11 of the Zoning Bylaws, a performance surety shall be required of the Applicant in the amount of \$290,000 (58 acres of proposed disturbance). The type of surety shall be based on the standardized form adopted by the Board and shall be deposited with the Town Treasurer prior to the commencement of any work. The bond may revert to the Town in the event that site work outlined in this decision has commenced but not been completed within three (3) years from the date this decision being recorded at the Norfolk County Registry of Deeds, and upon the vote of the Planning Board. Such surety shall be held by the Town Treasurer until the Applicant submits to the Planning Board and Building Inspector a "final as-built plan" (see below), prepared and certified by a Professional Land Surveyor and stamped by a Professional Engineer registered within the Commonwealth of Massachusetts, showing that all excavation has been graded to elevations as shown on the approved plan, and that all restoration work has been properly completed as so determined by the Planning Board. In addition, at least two (2) benchmarks shall be installed on the site in an area that shall remain undisturbed prior to any work commencing elsewhere within the site and shall be maintained throughout the earth removal process and so noted on the as-built plan submitted prior to the Release of the Subdivision Covenant and on the final as-built plan submitted after the completion of the subdivision.
14. The Applicant's attention is called to Section 14.7 of the Zoning By-Laws and Article 7.11 of the Wrentham General By-Laws regarding requirements relating to earth removal specifications and, unless otherwise stated herein, are conditions to this special permit.
15. In accordance with Section 10 of Article 7.11, this permit shall be valid for a period not longer than 12 months from the date that this decision has been recorded at the Norfolk County Registry of Deeds. Said permit may be renewed for an additional 12 - month period in accordance with said provision and may be subject to further reasonable conditions imposed at that time. The Board notes however that phased construction will occur and the total time that earth removal operations might occur will exceed two (2) years and will consider renewal requests beyond two (2) years by right.

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The rights granted by this decision shall lapse on the date of this decision being filed with the Office of the Town Clerk, except if the time required to pursue or await an appeal referred to in Section 17 of Chapter 40A, or in the case of the General Permit in a manner allowed by law, unless construction of the proposed improvements has commenced. Further, that the Approvals granted hereunder shall not be effective and no activity shall be conducted on the site until:

- 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 therefrom has been taken.
- 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.

On September 6, 2017, members of the Planning Board voted via roll call vote on the aforementioned motion 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 MGL c. 40A and shall be filed within 20 days after the date of filing in the office of the Town Clerk.

Signed on behalf of the Wrentham Planning Board:


Michael McKnight, Chair


Planning Board Member

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

A TRUE COPY,, ATTEST:


TOWN CLERK

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