#### TOWN OF WRENTHAM PLANNING BOARD

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#### CERTIFICATE OF ACTION FOR A DEFINITIVE SUBDIVISION PLAN "KING PHILIP ESTATES" 430 South Street, Wrentham, MA 02093

Project Name:	"King Philip Estates", 430 South Street, Wrentham, MA		
Applicant:	Downwind Realty, 32 Norfolk Avenue, Easton, MA 02375		
Owner:	KRS Estates, LLC, 353 Lake Street, Bellingham, MA 02019		
Location:	8.04± Acres located at 430 South Street, Assessor's Parcel ID L-07-4-3		
Zoning District: Residential 30 (R-30), Aquifer Protection Overlay District (A)			
Proposal:	Eight-lot residential subdivision 696.5± roadway		
Permits Sought:	Definitive Plan Approval – eight lots		
Application Date:	10/05/2022		
Public Hearing Dates*:	11/02/22, 11/16/22, 12/07/22, 01/18/23, 02/01/23, 02/15/23, 05/03/23		

**DECISION** of the Planning Board of the Town of Wrentham, Massachusetts (hereinafter the "Board"), on the petition of Downwind Realty, 32 Norfolk Ave., Easton, MA (hereinafter the "Applicant") for a Definitive Plan for the construction of an eight-lot single-family residential subdivision extending Earle Stewart Lane by 696.5 linear feet and associated site and utility improvements on the parcel known as 430 South Street, Wrentham, shown on Assessor's Map Parcel ID L-07-4-3, and owned by KRS Realty, LLC, 353 Lake Street, Bellingham, MA (hereinafter the "Owner"), by deed recorded in the Norfolk County Registry of Deeds Book 28926, Page 428 (hereinafter the "Site").

#### BACKGROUND

The above-referenced application for a Definitive Plan was formally received on October 5, 2022. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on October 18 & 25, 2022, posted with the Town Clerk's office on October 13, 2022, and abutters were notified by First Class Mail. The public hearing on the Application was opened on 11/02/2022 and continued to 11/16/22, 12/07/22, 01/08/23, 02/01/23, 02/15/23, 05/03/23 and 05/17/23 (closed).

The following Planning Board members were present throughout the public hearing: Chairperson Michael McKnight (absent 01/18/23), Vice Chairperson Charles Woodhams, Jr., Clerk James Lawrence (absent 12/07/22), Members Robert Cass, and Thomas Wrynn. Mr. Lawrence and Mr. McKnight reviewed the materials and testimony from the meetings that they missed and completed

\*Pursuant to the Governor's Executive Order of March 29, 2023, Extending the Suspension of Certain Provisions of the Open Meeting Law, G.L. c.30A §18, as amended, the Town of Wrentham Planning Board conducted their public hearings via remote participation.

Mullin's Certificates to remain eligible to vote (Exhibit #27 & #34). Mr. Skinner, Jr. was absent for two public hearing dates and therefore was ineligible to vote, and Mr. Schwarm's term ran out during the public hearing. The newly elected member, Mr. English, having not been elected when the public hearing was first published, was also ineligible to vote on this Application. The record of proceedings and submission upon which this decision is based may be referred to in the Planning & Community Development Office or the Town Clerk's Office.

#### SUBMITTALS

The following items were submitted as Exhibits to the Board for its consideration of this Application:

- 1. Form 3 Application for Approval of a Definitive Subdivision Plan; dated 09/29/22, received 10/05/22; 3 pages.
- 2. Certified Abutters List; dated 09/12/22; received 09/29/22, 6 pages
- 3. Community and Environmental Assessment Report, dated 08/31/22, received 09/29/22, 5 pages
- 4. Stormwater Drainage Report prepared by United Consultants, Inc, dated 08/31/22, received 09/29/22, 382 pages
- 5. Definitive Subdivision Plan entitled "King Philip Estates" prepared by United Consultants, Inc., dated 08/31/22, received 09/29/22, 11 sheets including:
  - Cover Sheet; 1 Sheet
  - Existing Conditions Plan; 2 sheets
  - Lot Layout Plan; 1 Sheet
  - Grading & Utility Plan; 1 sheet
  - Roadway Profile; 1 sheet
  - Planting Plan; 1 sheet
  - Erosion Control Plan; 1 sheet
  - Construction Details; 3 sheets
- 6. Sketch Plan entitled "Lot Layout Plan/Build Factor"; dated 08/31/22, received 09/29/22; black & white; 24"x36" & 11"x17"; 1 sheet
- 7. Public Hearing Notice for 11/02/22, Town Clerk stamped 10/13/22, 1 page
- 8. Department Comments Water; dated/received 10/13/22, 1 page
- 9. Department Comments Assessor; dated/received 10/13/22, 1 page
- 10. Department Comments DPW; dated/received 10/13/22, 1 page
- 11. Abutter Comments, Moraski, dated 10/17/22, received 10/18/22, 1 page
- 12. Abutter Comments, Hoyle, dated 10/22/22, received 10/25/22, 1 page
- 13. Peer Review, Stormwater prepared by PSC; dated 10/24/22, received 10/25/22, 22 pages
- 14. Peer Review, Zoning/Subdivision prepared by BTI; dated/received 10/25/22, 11 pages
- 15. Abutter Comments, Holm, dated 10/30/22, received 11/01/22, 1 page
- 16. Abutter Comment, K. Green, dated/received 11/02/22, 1 page
- 17. Abutter Comment, Person, dated/received 11/02/22, 1 page
- 18. Abutter Comment, N. Green, dated 11/02/22, received 11/03/22, 1 page
- 19. Department Comments Fire; dated/received 11/03/22, 2 pages
- 20. Abutter Comments, Bou-Assi, dated 11/14/22, received 11/15/22, 1 page
- 21. Abutter Comments, Curran, dated/received 11/15/22, 1 page
- 22. Abutter Letter, Hoyle, dated/received 11/17/22, 3 pages

23. Revised Lot Layout Plan, dated 11/29/22 received 12/01/22, 1 page

24. Department Comments - Water; dated/received 12/01/22, 2 pages

25. Department Comments - DPW; dated 12/02/22, received 12/06/22, 1 page

26. Abutter Comments, Curran, dated/received 12/06/22, 3 pages

27. Mullins Form completed by James Lawrence, dated/received 12/20/22, 1 page

28. Abutter Letter, Person, dated 12/24/22, received 12/27/22, 2 pages

29. Abutter Letter, Green, dated/received 01/04/23, 3 pages

30. Public Hearing Continuance request to 01/18/23, 1 page

31. Abutter Comment, Green, dated 01/04/23, received 01/05/23, 1 page

32. Revised Illustration Plan, dated 01/17/23, received 01/24/23, 1 page

33. DPW Comment, dated/received 01/30/23, 1 page

34. Mullins Form completed by Michael McKnight, dated 01/26/23, received 01/30/23, 1 page

35. Abutter Letter, Hoyle, dated 02/04/23, received 02/07/23, 2 pages

36. Abutter Letter, Person, dated 02/03/23, received 02/15/23, 1 page

37. Abutter Letter, Person, dated/received 02/16/23, 1 page

38. Fire Chief Marino Comments, dated 02/21/23, received 02/22/23, 1 page

39. Town Counsel Road Discontinuance Memo, dated 03/03/23, received 03/09/23, 4 pages

40. Abutter Letter, Bou-Assi, dated 03/10/23, received 03/14/23, 1 page

41. Public Hearing Continuance Request to 04/05/23, received 03/15/23, 1 page

42. Public Hearing Continuance Request to 04/19/23, received 04/04/23, 1 page

43. Public Hearing Continuance Request to 05/03/23, received 04/19/23, 1 page

44. Response to Peer Review Comments, dated 04/10/23, received 04/24/23, 25 pages

45. Revised Subdivision Plan Set, dated 04/10/23, received 04/24/23, 11 sheets including:

• Cover Sheet; 1 Sheet

• Existing Conditions Plan; 2 sheets

• Lot Layout Plan; 1 Sheet

• Grading & Utility Plan; 1 sheet

• Roadway Profile; 1 sheet

• Planting Plan; 1 sheet

• Erosion Control Plan; 1 sheet

• Construction Details; 3 sheets

46. Revised Stormwater Report, dated 04/10/23, received 04/24/23, 365 pages

47. Beals & Thomas Supplemental Peer Review, dated 05/01/23, received 05/02/23, 12 pages

48. PSC Stormwater Review, dated/received 05/03/23, 25 pages

#### FINDINGS

At their meeting of May 17, 2023, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Planning Board made the following Findings:

1. That the determinations regarding the following Findings are based upon the documents and plans identified in this Decision and the information and Exhibits submitted and presented in association with the Application.

- 2. That the determinations regarding the following Findings are also predicated upon the maintenance and development of the Site in accordance with this Certificate of Action, as well as all applicable Federal, State, and Local regulation, except where modified by this Decision.
- 3. The Definitive Plan submitted for King Philip Estates is not based on a Preliminary Plan.
- The Site is 8.04± acres in the Residential 30 (R-30) Zoning District and the Aquifer Protection Overlay District. There are no wetlands on or near the property. The existing single-story detached dwelling on the Site will be demolished for the subdivision (Exhibits #1, #3, #5 & #45).
- 5. The Application proposes to demolish the existing single detached dwelling and construct an eight-lot, single-family residential subdivision, extending Earl Stewart Lane by approximately 696.5 linear feet, installing underground utilities, a stormwater management system, a sidewalk, and trail access. The eight lots will be serviced by Town water and site septic systems. Two lots, 6 & 7, would be accessed via a new private road named King Philip Circle (Exhibits #1, #3-#5, #45 & #46). The Applicant proposes to install a new 8" cement-lined ductile iron water main in accordance with the Wrentham Water Department Standards from South Street (Rte 1A) to the existing Earl Stewart Lane. The Board notes that creating a looped water system helps with water quality, as noted in the Water Master Plan (Exhibit #8, #10, #24 & #33).
- 6. The Applicant submitted two plan sets; one showing that the proposal could be built to the exact standards of the Wrentham Subdivision Rules & Regulation and another proposal with waiver requests. During the public hearings, the Board discussed the waivers and their benefits. They noted that the proposed tradeoffs were beneficial to both the Town and the Applicant and that granting the waivers would not be detrimental to the public for a development of this size (Exhibits #5, #6, #8, #10, #19, #24, #25, #33, #38, #45 & #46) (See Waivers section).
- 7. Access to the eight house lots will be provided over a 696.5 linear foot extension of Earl Stewart Lane, a proposed 45-foot-wide right-of-way with a 26-foot-wide paved road that is anticipated to be submitted for acceptance as a public way upon completion. Lots 6 & 7 will be accessed via King Philip Circle, a new private way from the proposed Earl Stewart Lane extension (Finding #6).
- 8. During the public hearing, it was determined that King Philip Circle would be constructed as two driveways for access to Lots 6 & 7 instead of a full cul-de-sac and maintained by the future homeowners of Lots 6 & 7. A homeowner's association must be created so the future owners are aware of the maintenance. This alternative design reduces the maintenance cost to the Town (Findings #6 & #7). The drainage basin is sized to accommodate the potential full build-out of the King Philip Circle to WSRR.
- 9. The stormwater management system has been designed to collect the stormwater runoff generated from the proposed roadway and lot development area and provide treatment prior to discharging to the infiltration basin. Lots 6 & 7 will have an underground cultec recharge system to capture and infiltrate stormwater from that portion of the Site. The infiltration basin has been designed and sized so that the stormwater runoff will be captured and treated prior to discharge to the infiltration basin (Exhibit #4, #5, #13, #14, #32, #44 & #45-#48). Peer review comments were received from Matthew Cote, PE of BTI, who has deemed the design in conformance with the WSRR, subject to the requested waivers being granted (Exhibit #47).
- 10. During the public hearing, the abutters raised concerns about the noise/construction hours, disposition of the discontinued cul-de-sac, dust and dust clean up, screening, trail location,

maintenance of the infiltration basin, and location of the exiting fire hydrant. The Applicant addressed all concerns in the final design (Exhibit #45) and the Conditions of Approval.

#### WAIVERS

At their meeting on May 17, 2023, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and as supported by the foregoing findings, the Wrentham Planning Board voted 5-0-2 (MOTION by Mr. Woodhams SECOND by Mr. Lawrence) by Roll Call vote: Mr. Cass – Aye, Mr. Lawrence – Aye, Mr. McKnight – Aye, Mr. Woodhams – Aye, Mr. Wrynn – Aye (Mr. English & Mr. Skinner ineligible) to GRANT the Applicant's request for waivers from the following sections of the Wrentham Subdivision Rules & Regulations (WSRR), finding that the GRANT of these waivers are in the best interest of the Town and are consistent with the intent and purpose of the WSRR:

- 1. WSRR §5.225 Stormwater Basin Screening: To allow the greenbelt trees to be five feet to six feet in height at the time of planting instead of eight feet.
  - The planting of younger, smaller-height trees will ensure a better survival rate for the long-term of the project.
- 2. WSRR §5.41 Easements: Allow the water and pedestrian easement to be less than 30 feet wide.
  - The size reduction will not hinder access to the easements and does not degrade the intent of the WSRR.
- 3. WSRR §5.8, Fire Alarm System: The fire alarm system shall be installed in accordance with the Wrentham Fire Department.
  - The Fire Chief submitted a comment that the Fire Department does not support the "Street Box" type fire alarm systems.
  - The Applicant shall install an alternative fire suppression system acceptable to the Wrentham Fire Department that complies with the National Fire Protection Association (NFPA) (WSRR §5.33.b).
- 4. WSRR §6.4, Lighting: Street lighting shall be placed at a minimum at the following locations: All intersections, the end of cul-de-sacs, and any other locations as designated by the Board and/or the DPW Superintendent.
  - Lamp posts shall be installed at the end of each driveway, hardwired to the main house and photocell. The lamp posts shall be in a colonial style, as similar as possible to that shown on the plans, subject to approval by the Wrentham Electrical Inspector.
- 5. WSRR §7.32, Curbing: Waive the requirement for granite curbing in favor of integrally molded modified cape cod berm along each side of the roadway as shown on Detail Sheet 9.
  - This substitution would match the existing Earl Stewart Lane. Vertical Granite curbing would be installed at catch basin inlets and the new cul-de-sac radius.
- 6. WSRR §7.51, Sidewalks: "Sidewalks...on both sides of each roadway on all streets shown on the definitive plan."
  - Sidewalks will be installed on one side of the new roadway to match the existing sidewalks on Earl Stewart Lane,
  - A mulched pedestrian trail access will be provided from South Street to Earl Stewart Lane extension over new Lot 3 and continue from Earl Stewart Lane extension over Lot 7 via a 10' wide easement to the future Metacomet Greenway.

- 7. WSRR Figure 5, Catch Basin/Manhole construction: Substitute brick/concrete block for precast concrete.
  - The waiver is to bring the construction of these features to align with modern construction standards and will be better for maintaining the stormwater system.
- 8. WZBL §390-6.2, Build Factor: New lots must have a build factor of 25 or less.
  - Lots 3 & 4 would have the build factors of 29.3 and 68.9, respectively, so as not to have a small parcel taken over and maintained by the Town.

#### **CONDITIONS OF APPROVAL**

At their meeting of May 17, 2023, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Planning Board voted to GRANT the Certificate of Action of a Definitive Subdivision Plan subject to the following conditions:

#### STANDARD CONDITIONS

- 1. This decision shall run with the land and shall be binding upon the current property owner and its administrators, successors, and assigns. In the event of the sale of the development, the Planning Board shall be provided with the name, address, and telephone number of the new owner.
- 2. The Subdivision is approved as an eight-lot, single-family, residential subdivision. The road construction is approved subject to the waivers listed below, and granting these waivers renders the roadway unsuitable for use by more than eight single-family houses. Use of the roadway for purposes other than eight single-family homes will require a re-submittal of the plans to the Planning Board for modification before implementing said change.
- 3. The road names shall be "Earl Stewart Lane" and "King Philip Circle." It is anticipated that Earl Stewart Lane extension roadway will become a public way and King Philip Circle will remain a private roadway. The Applicant shall reserve the fee interest in the roadways in any deeds conveying one or more lots in the subdivision to any other party. Should the Applicant wish Earl Stewart Lane extension roadway to remain private and not convey the road to the Town, then the Applicant shall be required to apply for a modification of this decision so that additional conditions can be established regarding the proper maintenance, safety, accessibility, and liability of the road. Should the Applicant wish King Philip Circle to become a public way, then the Applicant shall be required to apply for a modification of this decision. A public hearing and reconstruction of the roadway to current subdivision standards may be required.
- 4. The houses on Lots 6 & 7 shall direct their roof gutter system into infiltration chambers to assist in controlling stormwater runoff. The chambers shall be sized in conformance with the information on Sheet 9 of the design plans.
- 5. The existing cul-de-sac at the end of Earl Stewart Lane shall be discontinued, pavement removed and loamed and seeded, and the existing driveways extended to Earl Stewart Lane to prepare for the transfer of ownership following the legal procedures identified in Exhibit #39. The Applicant shall prepare the plans and legal documents required for the Discontinuance of that portion of Earl Stewart Lane. These documents and plans shall follow the rules and regulations for recording at the Norfolk County Registry of Deeds.
- 6. The Applicant shall relocate the existing street light, gate valve, and fire hydrant from the existing portion of Earl Stewart Lane to the locations shown on Plan Sheet 5.

- 7. The subdivision shall be built in accordance with the Subdivision Rules and Regulations of the Town of Wrentham, and as shown on the Plans, except as noted otherwise in this Certificate of Action Decision. The approval of said plan shall not be construed as an acceptance or dedication of any way shown on said plan. In the event that the Town must perform any service, maintenance and/or repair in an emergency, the Town shall not be held responsible for any damage to any property. The Town shall be reimbursed fully by the owner/applicant for any such work.
- 8. This approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, or other utility installation) associated with this project and shown on the Plans. All applicable Federal, State, and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approval/permits unless otherwise authorized in advance by the Director of Planning & Economic Development in consultation with the Building Commissioner. All applicable requirements of the Wrentham Board of Health, Conservation Commission, Department of Public Works, and all other utilities are hereby incorporated by reference as a requirement of this Decision.
- 9. Prior to the endorsement of the Definitive Plan, the following shall be done:
  - a. The owner/applicant shall make a notation on the plan which references the conditions and date of this Certificate of Action,
  - b. The completion of the subdivision shall be secured by a method agreeable to the Board and to the Applicant (WSRR §3.329).
  - c. A notation shall be made on the plan that all erosion mitigation measures shall be in place prior to major road construction commencing on the site.
  - d. All outstanding invoices for services rendered by the Town's consulting engineers, attorneys, and other reviewing Departments of the Town relative to their review of the owner/applicant's application and plans shall be paid in full.
  - e. All plan amendments required by this decision, or resulting from the conditions set forth in any other department's review process, shall be made.

#### CONDITIONS TO BE MET PRIOR TO THE START OF CONSTRUCTION

- 10. The Applicant shall submit a final construction phasing schedule which also identifies the designated route for construction vehicles and their anticipated hours of travel. The installation of haybales, compost socks, and silt fences and the clearing and grubbing necessary for such installation shall not be considered "site work" for purposes of compliance with this condition.
- 11. The Definitive Plan prepared for endorsement shall include both lot numbers and street addresses (located in circles), as assigned by the Wrentham Assessor's Department.
- 12. The owner/applicant shall deliver to the Board two (2) complete prints of all signed subdivision sheets, two (2) reduced-size copies of all plans at an 11"x17" size, and a copy of the recorded plan(s) with the book and page number(s). In addition, the applicant shall furnish one (1) additional copy of the lot layout plan for submittal to the Board of Assessors. One full-sized copy of all plans, and one reduced-size set, shall also be submitted to the Town Clerk.
- 13. Signed deeds for all land and/or easement donations necessary for the Town to maintain the site utilities and pedestrian access proposed for the project shall be provided. This shall include the following:

- a. Conveyance to the Town of Wrentham of a right-of-way easement and an easement to repair and maintain all utilities under the proposed roadway. This land is shown as "Earl Stewart Lane," station 0+00 to 5+11.63 on the approved plans. A final deed conveying fee ownership of the extension of Earl Stewart Lane will be required once the road is accepted as a public way at Town Meeting.
- b. Conveyance to the Town of Wrentham of a drainage easement over the "Drainage Easement" to allow for access, repairs, maintenance, and completion of construction, as needed (WSRR Form 8).
- 14. Revised plans and documents must be submitted within 60 days from the date of approval of this Certificate of Action unless the Board grants a written extension.
- 15. The Definitive Plans and this Certificate of Action shall be filed contemporaneously at the Registry of Deeds. All recording information shall be provided to the Board or its office within 20 days after endorsement.
- 16. A copy of the final Stormwater Pollution Prevention Plan (SWPPP) required for NPDES approval shall be submitted to the Director of Planning & Economic Development for review and approval prior to the start of construction. The Director shall review the SWPPP for compliance with the terms of the NPDES Construction General Permit (CGP), the conditions set forth in the approved plans and these conditions, and the adequacy of the ongoing monitoring and reporting requirements needed to ensure compliance with the CGP and subdivision regulations. Monitoring and maintenance of the stormwater management system are required to be performed by the Applicant until the Town of Wrentham accepts the roadway. If compliance with these items is verified, then approval of the SWPPP shall be granted. Failure of the proposed sediment control system during construction will require additional remediation to be installed to prevent erosion and siltation.
- 17. A pre-construction meeting shall be held with the Planning Board's Consulting Engineer, Planning Director, and applicable Department heads prior to the start of construction. The Board may require the services of a peer-review engineer to inspect portions of the work both during and after construction. The Applicant shall bear the costs for these inspections. Based on the results of the pre-construction meeting, a review deposit may be required from the Applicant at that time, but failure to require a deposit at that time shall not preclude the Board from requiring a deposit at a later date if it deems additional inspections are needed. Peer review services terminate once the Town has accepted the road. Any unused funds will be returned to the Applicant upon acceptance.
- 18. The Applicant shall install erosion control devices before starting any other work on-site.
- 19. All applicable laws, bylaws, rules, regulations, and codes shall be complied with, and all necessary permits and approvals shall be obtained by the owner/applicant at the appropriate stage of construction.

#### CONDITIONS TO BE MET DURING CONSTRUCTION

- 20. That Applicant shall ensure that, during construction, the design engineer, or its qualified representative, visits the Site regularly and at a minimum, twice a month during peak activity periods and provides regular reports to the Building Commissioner, Director, and the Board's Consulting Engineer to advise of the status of the work, erosion control measures and any special circumstances which may arise in connection with the construction of the project.
- 21. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the Site onto adjacent roads and properties. Any sediment or dirt tracked onto public

ways shall be swept prior to the end of the construction day. Wetting and stabilizing exposed grades shall occur at the end of each workday to suppress dust generation.

- 22. Construction hours of operation are Monday Friday, 7:00 a.m. to 5:00 p.m., Saturdays, 8:00 a.m. to 4:00 p.m.; No work shall be conducted on Sundays or Federal and State holidays. Heavy machinery must have properly installed and working mufflers to minimize noise levels.
- 23. Non-compliance/Stop Work Order: If, at any time, the construction of the subdivision is not in compliance with the approved plans and conditions, the Board may order that work on the construction of the subdivision be stopped. If the Planning Board issues a stop work order, the Board may also:
  - a. Require that additional surety be provided to allow for the correction of the noncomplying construction;
  - b. Suspend or rescind the release of any or all lots which have not already been conveyed to a different owner by filing a notice of such suspension or rescission with the Registry of Deeds.
- 24. The Inspection of Construction Form 7 (WSRR, Appendix A, Form 7) must be completed by the appropriate agencies in order for the road to be accepted by the Town of Wrentham.
- 25. Concrete bounds will be installed per WSRR §7.8 and §7.91-7.94. Bounds shall be set at the following locations:
  - a. At all bend points on Earl Stewart Lane extension;
  - b. At all corners of the drainage, water, and pedestrian easements.
- 26. Landscaping shall be installed as shown on the approved plans and in conformance with WSRR §7.5 and §7.61-7.64.
- 27. All utilities shall be installed underground.
- 28. No driveway opening shall enter over any catch basin nor otherwise serve to preclude the installation of the granite inlet curb and any granite transition curbing at least six (6) feet on either side of the catch basin.
- 29. It is required that a sign be posted at the entrances of the subdivision prior to any building construction. Said sign shall inform the public that the roadway is private. The sign shall read "Not a Town Way Town Services Not Provided" and shall be legible from a distance of not less than 50 feet with the unaided eye. Such sign shall be subject to the approval of the Board.
- 30. Snow plowing and all road maintenance shall be the responsibility of the Owner/Applicant until such time as the Town of Wrentham accepts the roadway. The Board reserves the right to require of the Applicant a Maintenance Bond comprising an amount equal to up to three years of the cost of snow plowing and maintenance in order to protect the safety of residents who may be in need of emergency services should the Applicant default on this requirement at any time during construction of this development.
- 31. Water will be provided to the eight lots by connecting to the municipal water system via Route 1A / South Street and connecting back into Earl Stewart Lane by installing a new 8" cementlined ductile iron water main. All installations shall be per Wrentham Department of Public Works Standard Water System Requirements (Finding #5).
- 32. If applicable, the Easements and covenants that the Town of Wrentham might have an interest in will undergo review by Town Counsel. Once approved, proper documentation will be recorded at the Norfolk County Registry of Deeds. The Easement documents should be reviewed and approved before any lots are released from the Subdivision Covenant, but they will not be recorded. The final version of the Easement documents will be reviewed and

approved before the Town accepts the streets and recorded with the plans for Street Acceptance.

- 33. To control erosion, all grades exposed for over thirty (30) days shall be stabilized.
- 34. Blasting operations, if applicable, shall be conducted on the site in accordance with applicable State and Local regulations. The applicant shall coordinate any blasting activities with the Wrentham Fire Department.
- 35. Prior to the initial release of the Subdivision Covenant pursuant to MGL Chapter 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 Massachusetts Registered Land Surveyor or Engineer and shall clearly list all discrepancies from the approved plans. All releases shall be subject to the Board determining that the roadway and related improvements have been properly completed for that phase. In addition, two benchmarks, established prior to and maintained in the field throughout the construction process and based on the North American Vertical Datum of 1988 (units in feet) and North American Datum of 1983 (units in feet) 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. 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 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 phase. All releases shall be subject to Board determining that the roadway and related improvements have been properly completed for that phase. The Board reserves the right to require as-built information and additional review by the Planning Board's Consulting Engineer, utilizing Chapter 44, section 53G funds, if deemed necessary by a majority of the Planning Board.
- 36. Prior to the final release of the Subdivision Surety pursuant to MGL Chapter 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 utilizing the North American Vertical Datum of 1988 (units in feet) and North American Datum of 1983 (units in feet).
- 37. <u>Time Limitations:</u> In accordance with WSRR §3.333, failure of the Applicant to meet the listed timelines shall automatically rescind approval of the plan or require the Applicant to petition the Board for action on the undeveloped portion. The Board may rescind its Approval of the Definitive Plan if:
  - a. Construction has not commenced within 24 months from the date of endorsement of the Definitive Plan or,
  - b. Construction has not commenced within six months after the initiation of the related clearing and rough grading of land,
  - c. Construction is not completed within 36 months from the date of endorsement of the definitive plan or within 24 months from the initiation of the related clearing and rough grading, whichever is later,

- d. The performance period has not been extended. Upon extension request, the Board may adjust any bond amount set if construction timelines exceed those required under WSRR §3.333.
- 38. Enforcement. As required under MGL Chapter 41 §81Y, the Building Inspector shall not issue a building permit for any lot without verifying that the lot is either not in the subdivision or, if in the subdivision, that the lot has been released by enumeration in a Certificate of Surety Agreement, and further that no restriction has been placed on such a lot by the Board of Health at the time of definitive plan approval. Other officials shall advise the Board of conveyances or other violations of a Covenant (if used) or of conditions of this definitive plan approval. The Board may take such action as is provided by law to enforce these Rules and Regulations and to enjoin said court action initiated within one (1) year of a violation.
- 39. Endorsement and Recording. Upon furnishing by the applicant of a performance guarantee securing the completion of the improvements, the Board shall endorse the definitive plan and refer to conditions of approval; the Town Clerk shall certify if such is the case, that the notice of the plan approval has been received and no notice of appeal has been filed within twenty (20) days after the receipt of the approval notice. The developer shall record the original tracing of the plan, the Certificate of Action, and the Covenant or Surety Agreement or file them with the recorder of the Land Court if the definitive plan comprises registered land.
- 40. During construction, the existing driveway of 430 South St shall be utilized for as long and as much as possible by appropriately sized vehicles. Reasonable efforts shall be employed to reduce the usage of Earl Stewart Lane.

#### **RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members vote 5-0-2 (MOTION by Mr. Lawrence, SECOND by Mr. Woodhams), by Roll Call vote: Mr. Cass – Aye, Mr. Lawrence – Aye, Mr. McKnight – Aye, Mr. Woodhams - Aye, Mr. Wrynn – Aye (Mr. English & Mr. Skinner ineligible) to APPROVE with Conditions the Definitive Plan for eight single family lots on 430 South Street, Wrentham, MA. The Conditions of Approval and the approved Waivers are listed in this Decision.

BY ORDER OF THE BOARD:

Rachel Benson, Director of Planning & Economic Development

- cc:
- Applicant
- Building Commissioner
- DPW
- Owner
- Conservation Commission
- Fire Department

5/22/23

Date

- Assessor
- Board of Health

PHASING OF SUBDIVISION CONSTRUCTION NO LESS THAN 48 HOURS BEFOREHAND, THE WRENTHAM PLANNING BOARD AND THE WDPW SHALL RECEIVE WRITTEN NOTICE FROM THE APPLICANT OF THE COMMENCEMENT OF CLEARING AND EXCAVATION WITHIN THE SUBDIVISION SITE RELATED TO THE INSTALLATION OF REQUIRED IMPROVEMENTS. APPROVAL OF THIS PLAN SHALL BE DEEMED NO LONGER IN EFFECT (I.E. RESCINDED) IF: 1. CONSTRUCTION OF IMPROVEMENTS REQUIRED UNDER SECTION 6 AND 7 (OF THE WSRR) HAS NOT COMMENCED WITHIN 24 MONTHS FROM THE DATE OF ENDORSEMENT OF THE DEFINITIVE SUBDIVISION PLAN; OR, 2. CONSTRUCTION OF IMPROVEMENTS REQUIRED UNDER SECTION 6 AND 7 (OF THE WSRR) HAS NOT COMMENCED WITHIN SIX (6) MONTHS AFTER THE INITIATION OF RELATED CLEARING AND ROUGH GRADING OF LAND WITHIN A SUBDIVISION SITE.

SAID PERIODS OF PERFORMANCE MAY BE EXTENDED, PROVIDED THE APPLICANT REQUESTS AND THE BOARD VOTES, PRIOR TO THE EXPIRATION OF THEIR RESPECTIVE 24 - MONTH OR SIX (6) - MONTH PERIODS, AN EXTENSION OF UP TO 12 ADDITIONAL MONTHS ON THE PERIOD FOR WHICH CONSTRUCTION SHALL BEGIN. (PRIOR TO GRANTING AN EXTENSION, THE BOARD SHALL CONSIDER THE JUSTIFICATIONS FOR THE DELAYS AND WHETHER A REASONABLE BASIS EXISTS TO EXPECT APPRECIABLE PROGRESS WITH THE INSTALLATION OF REQUIRED IMPROVEMENTS OVER THE NEXT 12 - MONTH PERIOD.) PRIOR TO THE EXPIRATION OF EACH EXTENSION PERIOD, THE BOARD (BASED ON THE SAME CONSIDERATIONS) MAY THEREAFTER GRANT ADDITIONAL 12 - MONTH EXTENSIONS. ALL EXTENSIONS SHALL BE RECORDED AT THE NORFOLK COUNTY REGISTRY OF DEEDS AND DOCUMENTATION OF SAID RECORDING SHALL BE PROVIDED TO THE THE BOARD PRIOR TO THE RELEASE OF COVENANT. IN THE EVENT THAT NO EXTENSIONS HAVE BEEN REQUESTED OR GRANTED, ANY SUBSEQUENT PLANS TO SUBDIVIDE THE SITE SHALL BE SUBJECT TO THE RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND EXISTING AT THE TIME OF SUCH SUBMISSION.

WRENTHAM CONSERVATION COMMISSION OR ITS AUTHORIZED AGENT CERTIFY THAT ALL LANDS AND RELATED BUFFERS SUBJECT TO THE PROVISIONS OF MGL C. 131 SECTION 40 AND ARTICLE 16 OF THE TOWN OF WRENTHAM BYLAWS ARE ACCURATELY SHOWN ON THE DEFINITIVE PLAN OR THAT NO SUCH LANDS AND RELATED BUFFERS EXTEND WITHIN THE PROPOSED SUBDIVISION.

WRENTHAM CONSERVATION COMMISSION DATE

WAIVER REQUESTS:

1. SECTION 7.3 CURBING. A WAIVER IS REQUEST TO ALLOW THE INSTALLATION OF CAPE COD BERM AS SHOWN ON THE PROPOSED SUBDIVISION AS WELL AS IN THE RECONSTRUCTED CUL-DE-SAC. 2. SECTION 7.51 SIDEWALKS. A WAIVER IS REQUESTED TO ALLOW THE THE

CONSTRUCTION OF A SIDEWALK ON ONE SIDE OF THE PROPOSED STREETS. 3. SECTION 6.4 LIGHTING. A WAIVER IS REQUESTED TO ALLOW ONE POST LAMP AT EACH DRIVEWAY.

4. SECTION 5.225 STORMWATER BASIN SCREENING. A WAIVER IS REQUESTED TO ALLOW THE GREENBELT TREES TO BE 5' TO 6' IN HEIGHT. 5. SECTION 390-6.2 BUILD FACTOR. A WAIVER IS REQUESTED TO ALLOW LOTS 3

AND 4 TO HAVE A BUILD FACTOR GREATER THAN 25. 6. FIGURE 5. A WAIVER IS REQUESTED TO ALLOW THE USE OF PRE-CAST CATCH BASINS, DRAIN MANHOLES AND TO ALLOW THE CATCH BASIN SUMP TO BE 4

FEET. 7. SECTION 5.41 EASEMENTS, A WAIVER IS REQUESTED TO ALLOW THE WATER AND PEDESTRIAN ACCESS EASEMENTS TO BE LESS THAN 30 FEET WIDE. 8. SECTION 5.8 A WAIVER IS REQUESTED TO NOT REQUIRE A FIRE ALARM SYSTEM BE INSTALLED. SEE FIRE CHIEF'S EMAIL.

9. A WAIVER IS REQUESTED TO ALLOW THE KING PHILIP TRAIL ROADWAY TO BE CONSTRUCTED AS SHOWN ON THE SUBDIVISION PLANS.

APPROVAL UNDER SUBDIVISION CONTROL LAW REQUIRED WRENTHAM PLANNING BOARD	GRAPHIC SCALE					Charlos A OUINTAC OUINTAC
	1 inch = 200 ft.	1	4/10/23 DATE	REVIEW COMMENTS DESCRIPTION	RRG	CARLOS A. QUINTAL P.E. #3081

# KING PHILIP ESTATES DEFINITIVE SUBDIVISION IN WRENTHAM, MASSACHUSETTS



## LOCATION PLAN

SCALE: 1'' = 200'

PRIOR TO THE RELEASE OF THE SHALL BE SUBMITTED TO THE BO INDICATING THEREON THE INVERT INCLUDING CATCH BASINS AND M ELEVATIONS OF ALL STORM WATE ENGINEER OR LAND SURVEYOR S GRADES SHOWN ON THIS PLAN F CONSTRUCTED.

RECEIVED 04/24/23 Planning Dept Exhibit # 45

**REFERENCES:** ASSESSORS MAP L7 BLOCK 4 LOT 4 DEED BOOK 4377 PAGE 642 PLAN 9 OF 2005 PLAN 390 OF 1987 PLAN 895 OF 1976 PLAN 920 OF 1966 PLAN 796 OF 1963 PLAN 1426 OF 1901

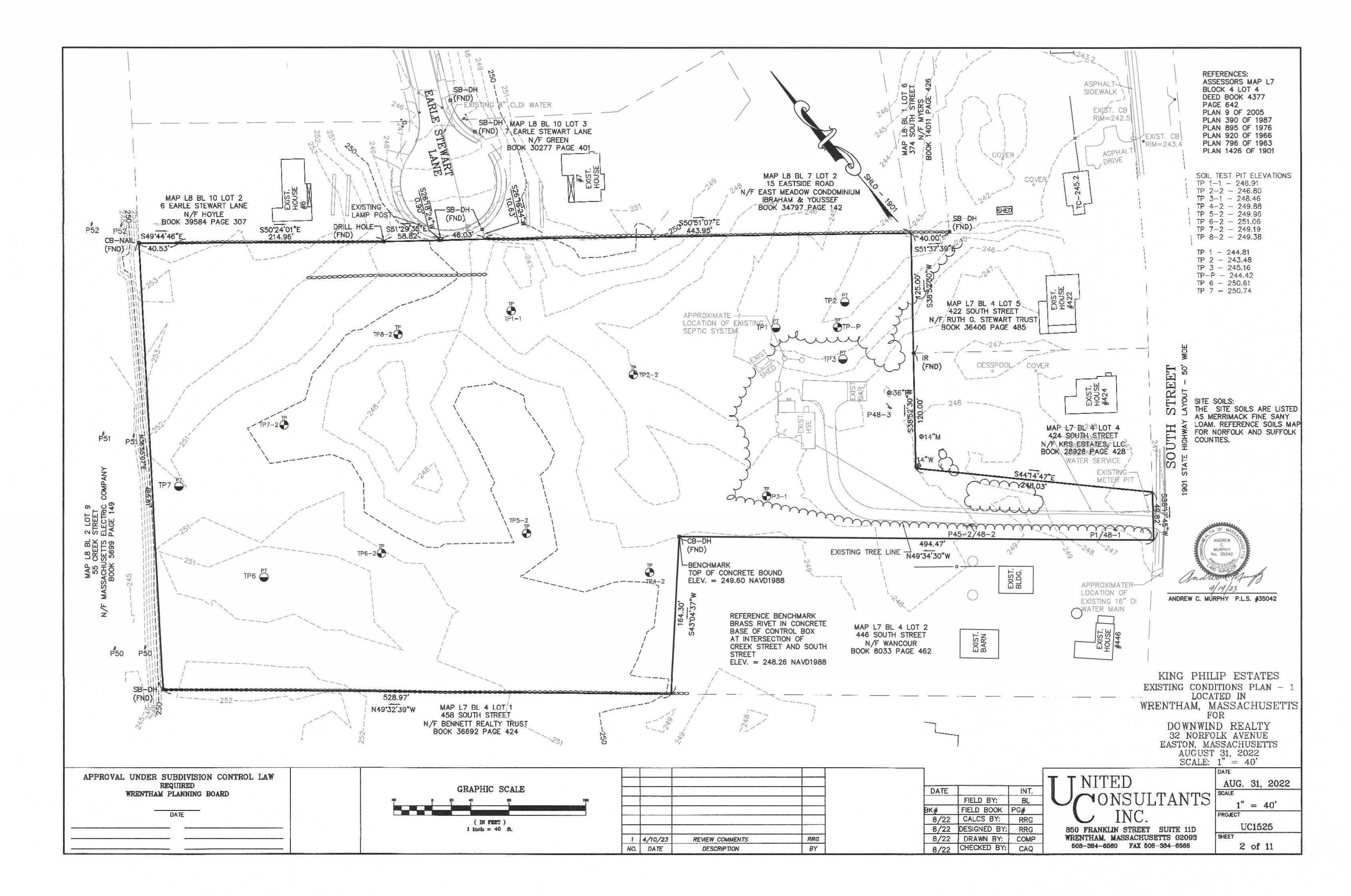
DRAWING INDEX

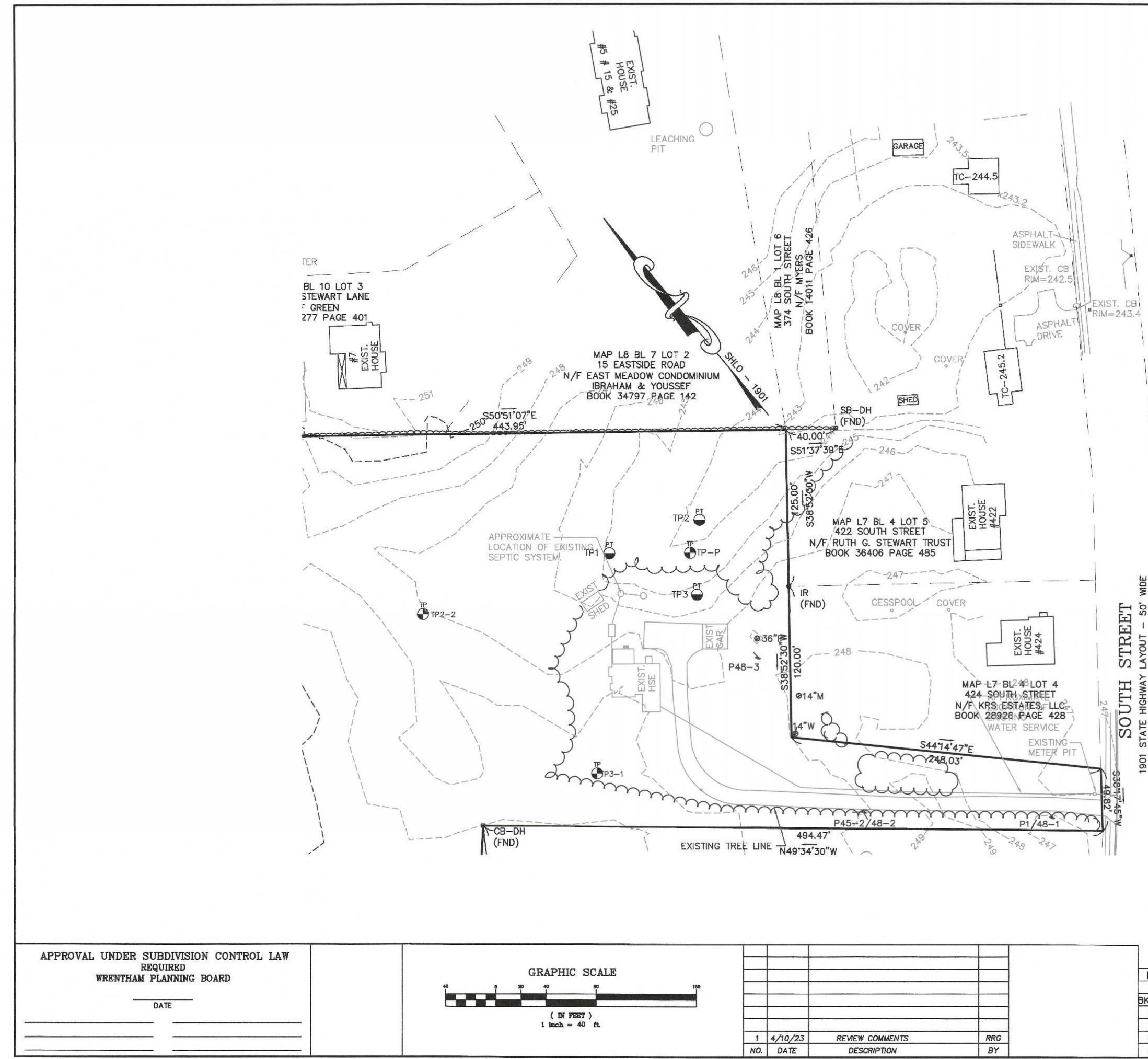
SHEET 1 -	COVER SHEET
SHEET 2 -	EXISTING CONDITIONS PLAN - 1
SHEET 3 -	EXISTING CONDITIONS PLAN - 2
SHEET 4 -	LOT LAYOUT PLAN
SHEET 5 -	GRADING AND UTILITY PLAN
SHEET 6 -	PLAN AND PROFILE - EARLE STEWART LANE
SHEET 7 -	PLANTING PLAN
SHEET 8 -	EROSION CONTROL PLAN
SHEET 9 -	CONSTRUCTION DETAILS - 1
SHEET 10 -	- CONSTRUCTION DETAILS - 2
SHEET 11 -	- CONSTRUCTION DETAILS - 3

OWNER: KRS ESTATES, LLC 353 LAKE STREET BELLINGHAM, MA

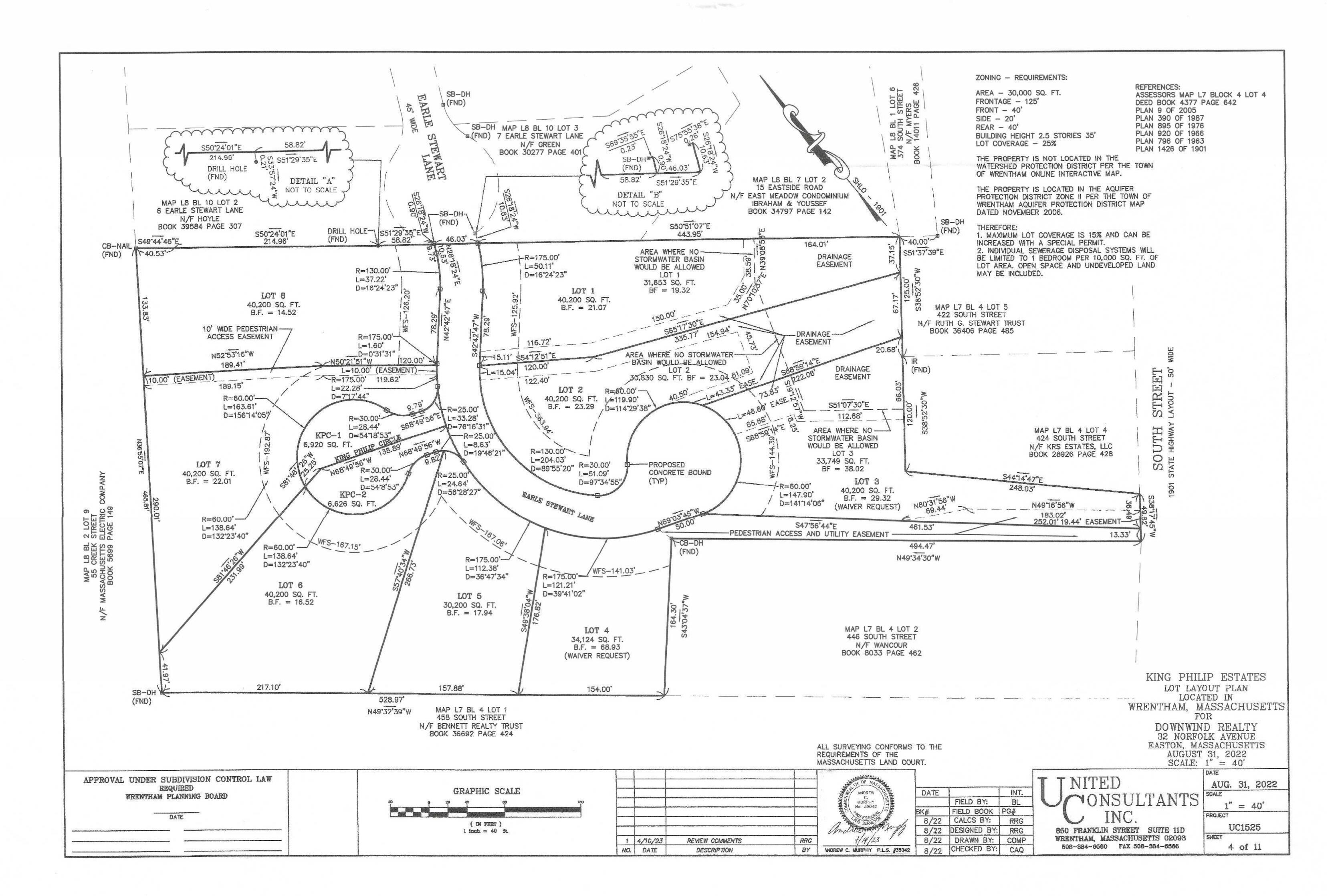
APPLICANT: DOWNWIND REALTY **32 NORFOLK AVENEUE** EASTON, MA

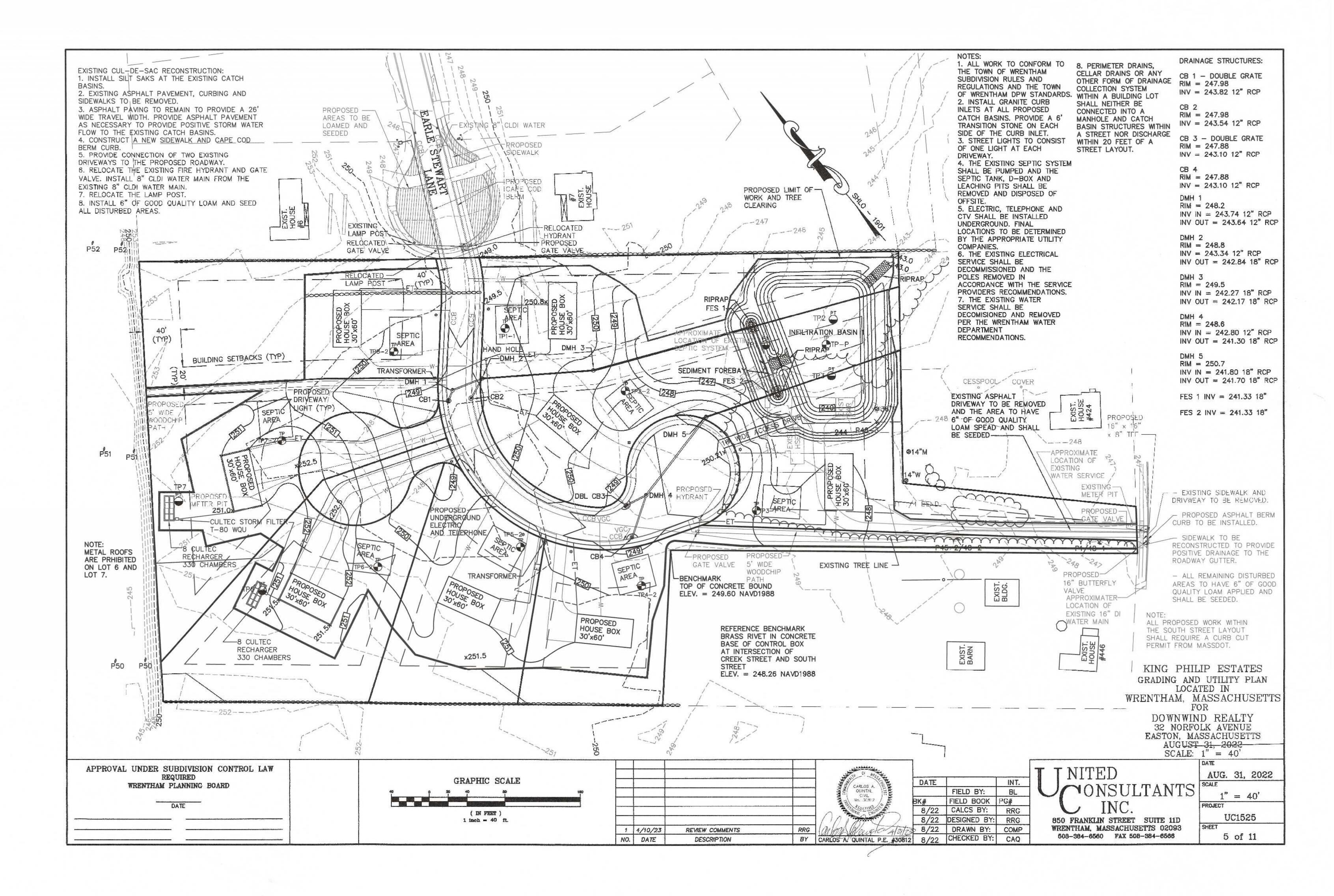
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8/22	DRAWN BY:	COMP	WRENTHAM, MASSACHUS	etts 0209	93	SHEET
8/22	CHECKED BY:	CAQ	508-384-6560 FAX 508	-384-6566		1 of 11

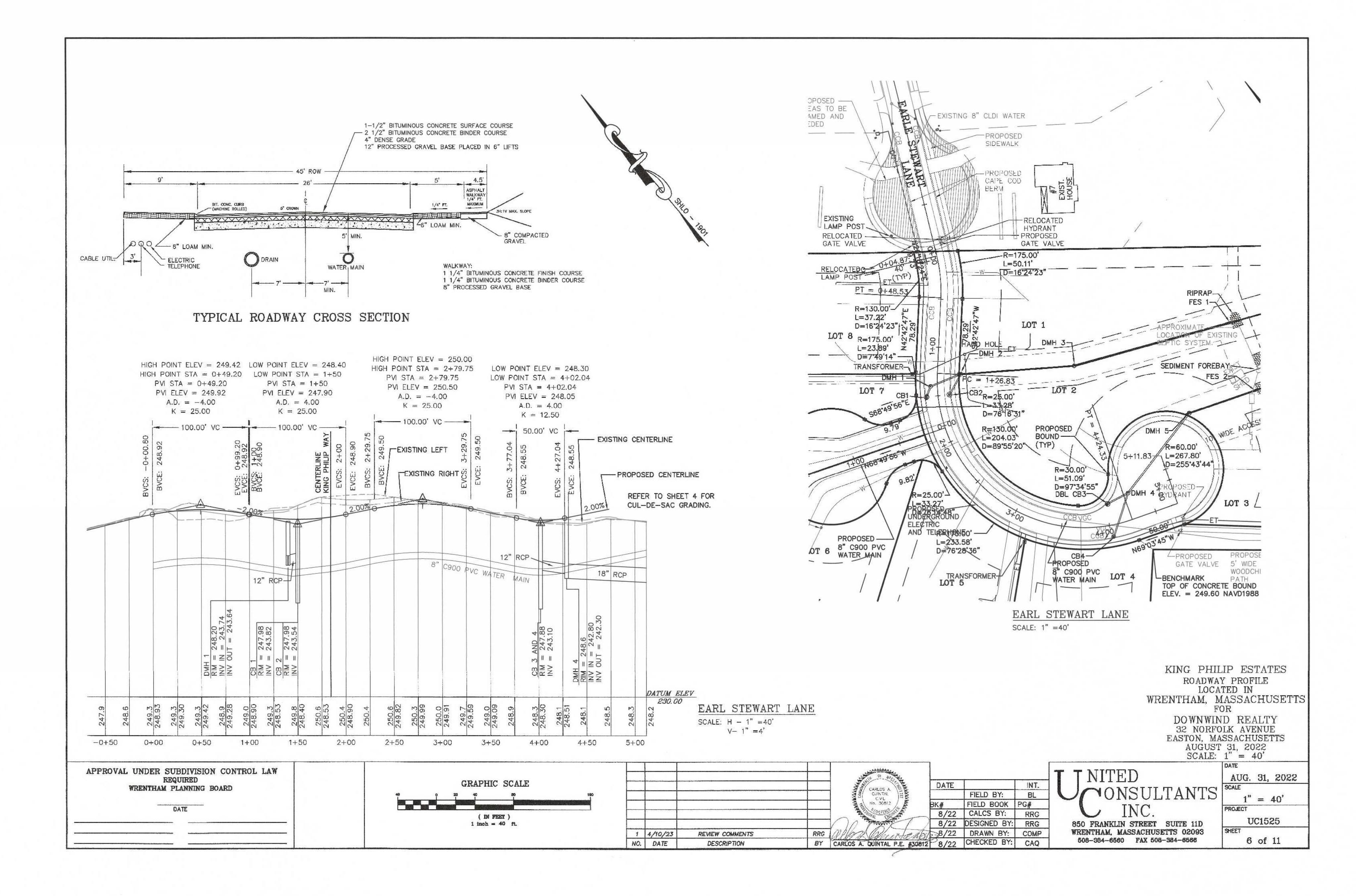


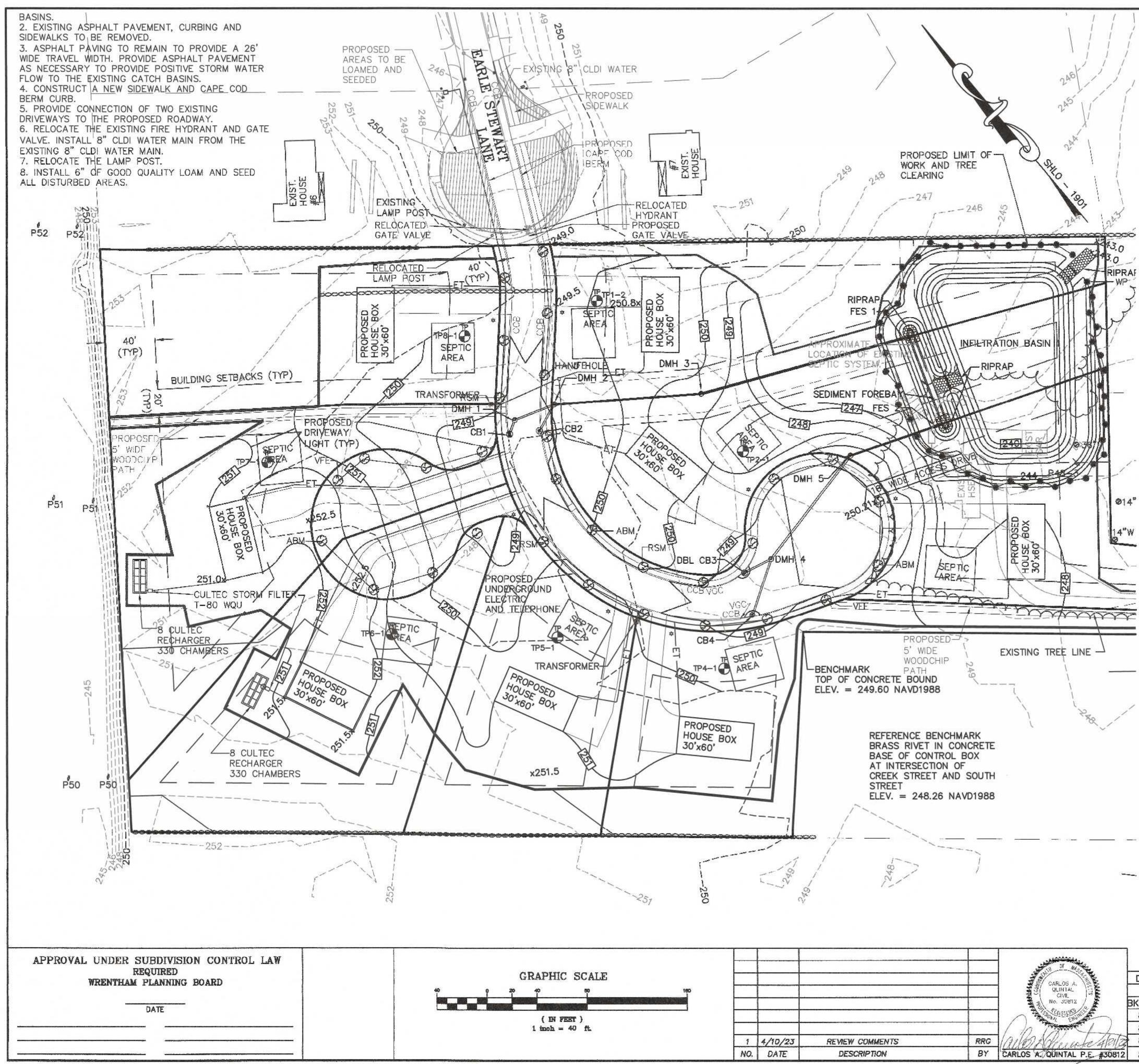


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	TP 1- TP 2 TP 3 TP 4 TP 5 TP 6 TP 7	TEST PIT ELEVATIONS -1 - 246.91 -2 - 246.80 -1 - 248.46 -2 - 249.88 -2 - 249.96 -2 - 251.06 -2 - 249.19 -2 - 249.38
	TP 2 TP 3 TP-F TP 6	- 244.81 - 243.48 - 245.16 20ND - 244.42 - 250.61 - 250.74
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DATE INT. FIELD BY: BL K# FIELD BOOK PG# 8/22 CALCS BY: RRG 8/22 DESIGNED BY: RRG 8/22 DRAWN BY: COMP 8/22 CHECKED BY: CAQ	UNITED UCONSULTANTS INC. 850 FRANKLIN STREET SUITE 11D WRENTHAM, MASSACHUSETTS 02093 508-384-6560 FAX 508-384-6566	DATE AUG. 31, 2022 SCALE 1'' = 40' PROJECT UC1525 SHEET 3 of 11









## PLANTING SCHEDULE

NUMBER	COMMON NAME	SCIENTIFIC NAME	SIZE	CONDITION
10	VALLEY FORGE ELM - VFE	ULMUS AMERICANA "VALLEY FORGE"	1.5" - 2"	B&B
9	RED SUNSET MAPLE - RSM	ACER RUBRUM "FRANKSRED"	1.5" - 2"	B&B
11	AUTUMN BLAZE MAPLE - ABM	ACER X FREEMANII "JEFFERSRED"	1.5" - 2"	B&B
EVERG	REEN SCREEN TREES			
48	UPRIGHT WHITE PINE - WP	PINUS STROBUS "FASTIGIATA"	5' - 6'	B&B

## GENERAL NOTES

 PLANTING HOLE SHALL BE THREE TIMES ROOT BALL DIAMETER.
ALL INSTALLED PLANT MATERIAL SHALL BEAR THE SAME RELATIONSHIP TO FINISH GRADE (TOP OF PLANTING SOIL MIX), AS IT BORE TO THE NURSERY OR FIELD GRADE.

3. THE PLANTING HOLE DEPTH SHALL PROVIDE FOR A SIX INCH DEPTH OF PLANTING SOIL MIX BELOW THE ANTICIPATED ROOT BALL BOTTOM.

4. NOTWITHSTANDING THE REQUIREMENTS OF NOTES 1 & 3 ABOVE, NO PLANTING HOLE FOR TREES SHALL HAVE LESS THAN ONE CUBIC YARD OF PLANTING SOIL MIX.

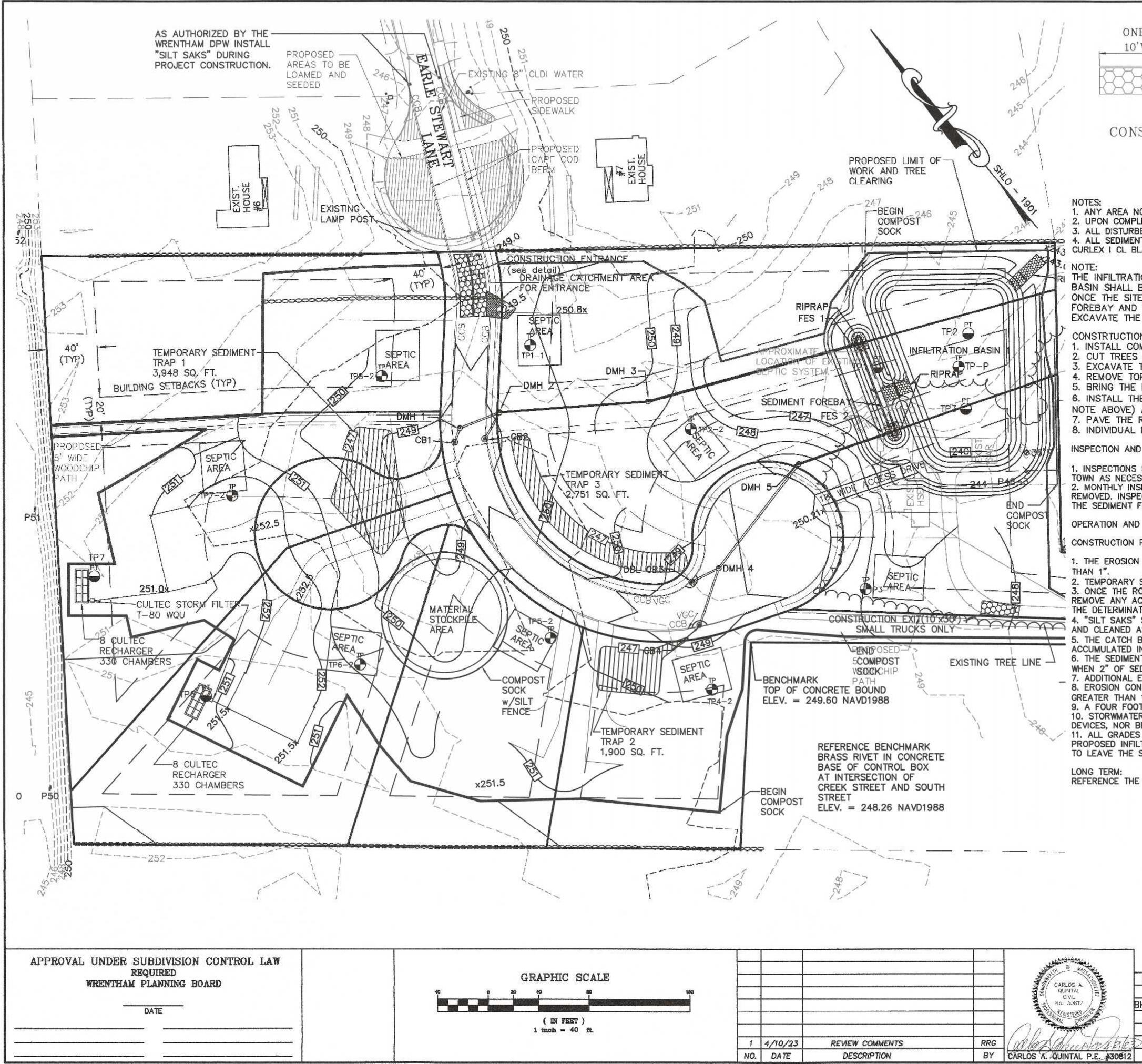
5. PLANTING SOIL MIX SHALL BE A LOAM OR SANDY LOAM, AS DEFINED BY THE U.S.D.A. THE FIRST (BOTTOM) SIX INCH LAYER IN THE

PRE-EXCAVATED PLANTING HOLE SHALL BE FIRMLY TAMPED TO PREVENT SETTLEMENT OF THE ROOT BALL POSITIONED THEREON. SUBSEQUENT LIFTS TO FINISH GRADE SHALL BE IN SIX INCH LOOSE LIFTS, EACH SETTLED BY THOROUGH SOAKING.

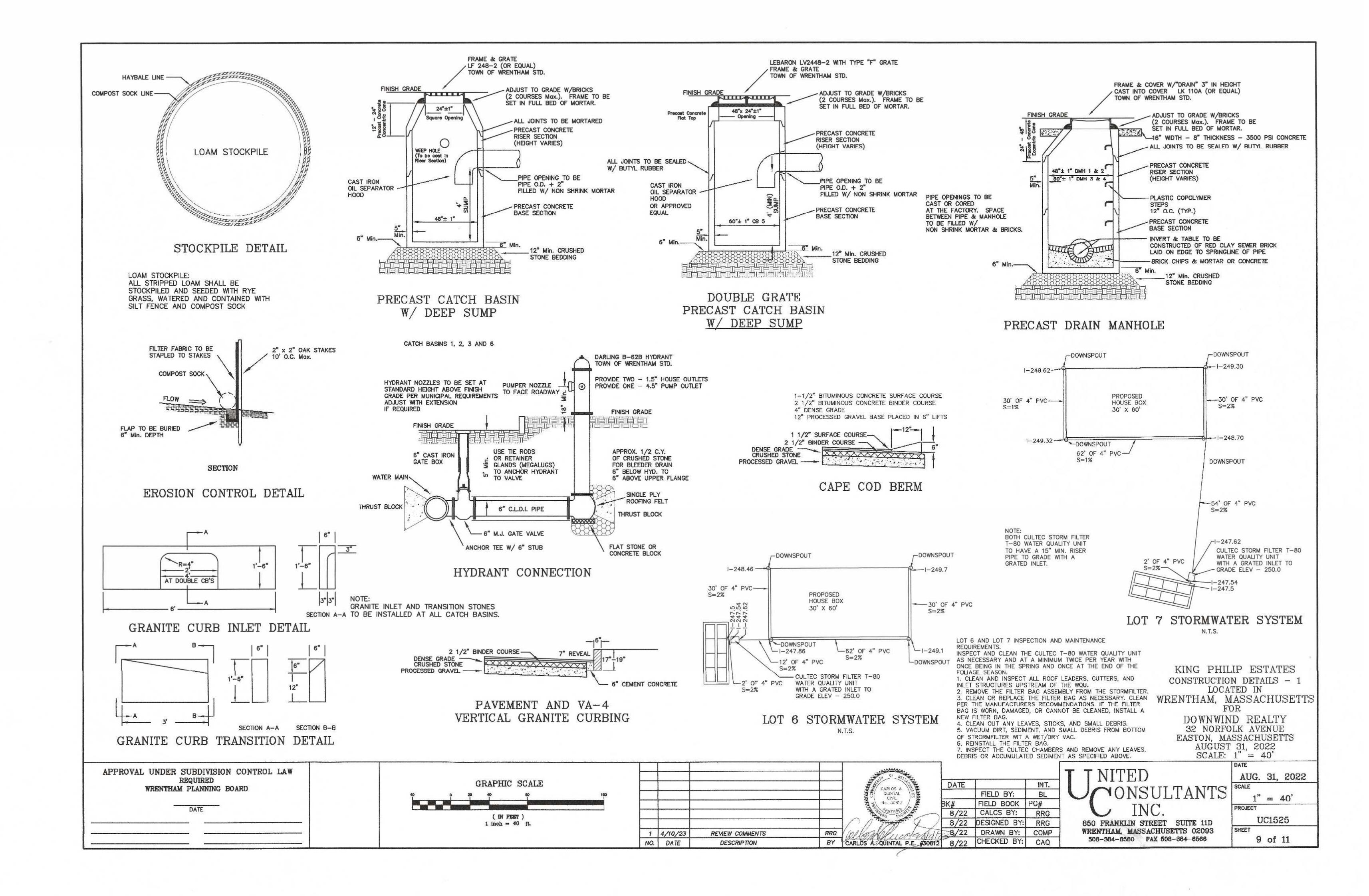
6. UPON ATTAINMENT OF FINISH GRADE WITHIN EACH PLANTING BED, THE GROUND SURFACE SHALL RECEIVE AN EVEN APPLICATION OF ORGANIC NON-PHOSPHORUS FERTILIZER APPLIED PER THE MANUFACTURERS RECOMENDATIONS.

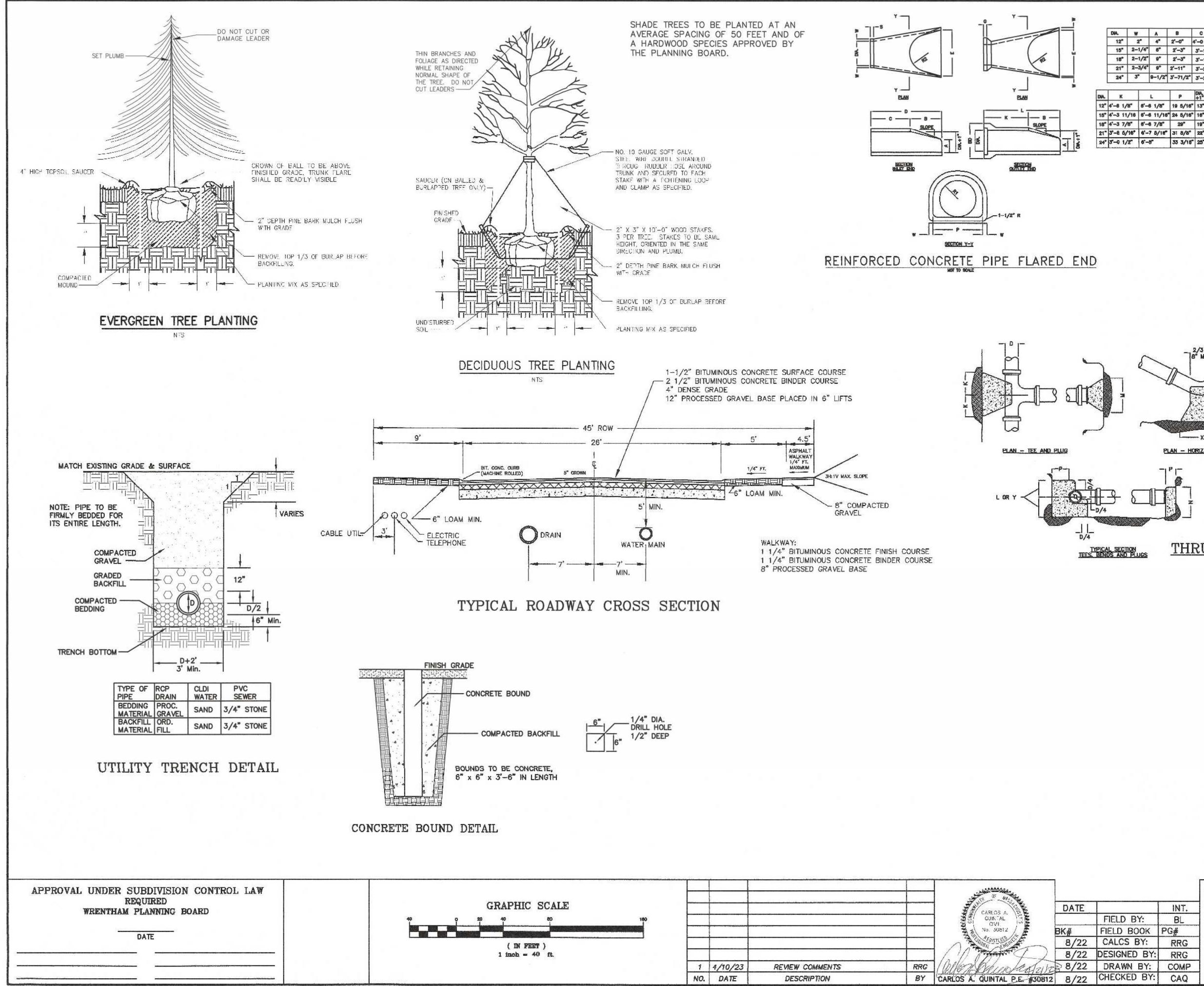
7. COVERED WITH A THREE INCH NOMINAL DEPTH OF SHREDDED CEDAR BARK (OR APPROVED EQUIVALENT), MAINTAINING A ONE INCH MINIMUM DEPTH AT THE BERM EDGE, AND IMMEDIATELY RISING TO A THREE INCH DEPTH ACROSS THE PLANTING BED OR LANDSCAPE ISLAND. (SEE DETAIL)

			PLANTII LOCA WRENTHAM, M	IP ESTATES NG PLAN TED IN ASSACHUSETTS OR D REALTY
			EASTON, MA	LK AVENUE SSACHUSETTS 31, 2022 1'' = 40'
			TTNITED	date AUG. 31, 2022
DATE		INT.		SCALE
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8/22	DRAWN BY:	COMP	WRENTHAM, MASSACHUSETTS 02093	SHEET
8/22	CHECKED BY:	CAQ	508-384-6560 FAX 508-384-6566	7 of 11



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R MUST BE MAN E DISCHARGED OR BARE SOIL	AGED IN THE WOR OUTSIDE OF THE S WITHIN THE BUFFE	K AREA AND IT MUST ITE AREA. ER ZONE, AND ANY SI	OPES OR ARE	WED TO IMPACT	EROSION CORTROL DRAINING NEAR TO A
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OPERATION AN	D MAINTENANCE P	LAN IN APPEXDIX K O	FTHE STORMWA	ATER REPORT.	
			1	KING PHIL	IP ESTATES
				EROSION CO	NTROL PLAN
			WRE	NTHAM, M	ASSACHUSETTS DR
				DOWNWIN 32 NORFO EASTON, MA	D REALTY LK AVENUE SSACHUSETTS
				AUGUST SCALE:	31, 2022 1'' = 40'
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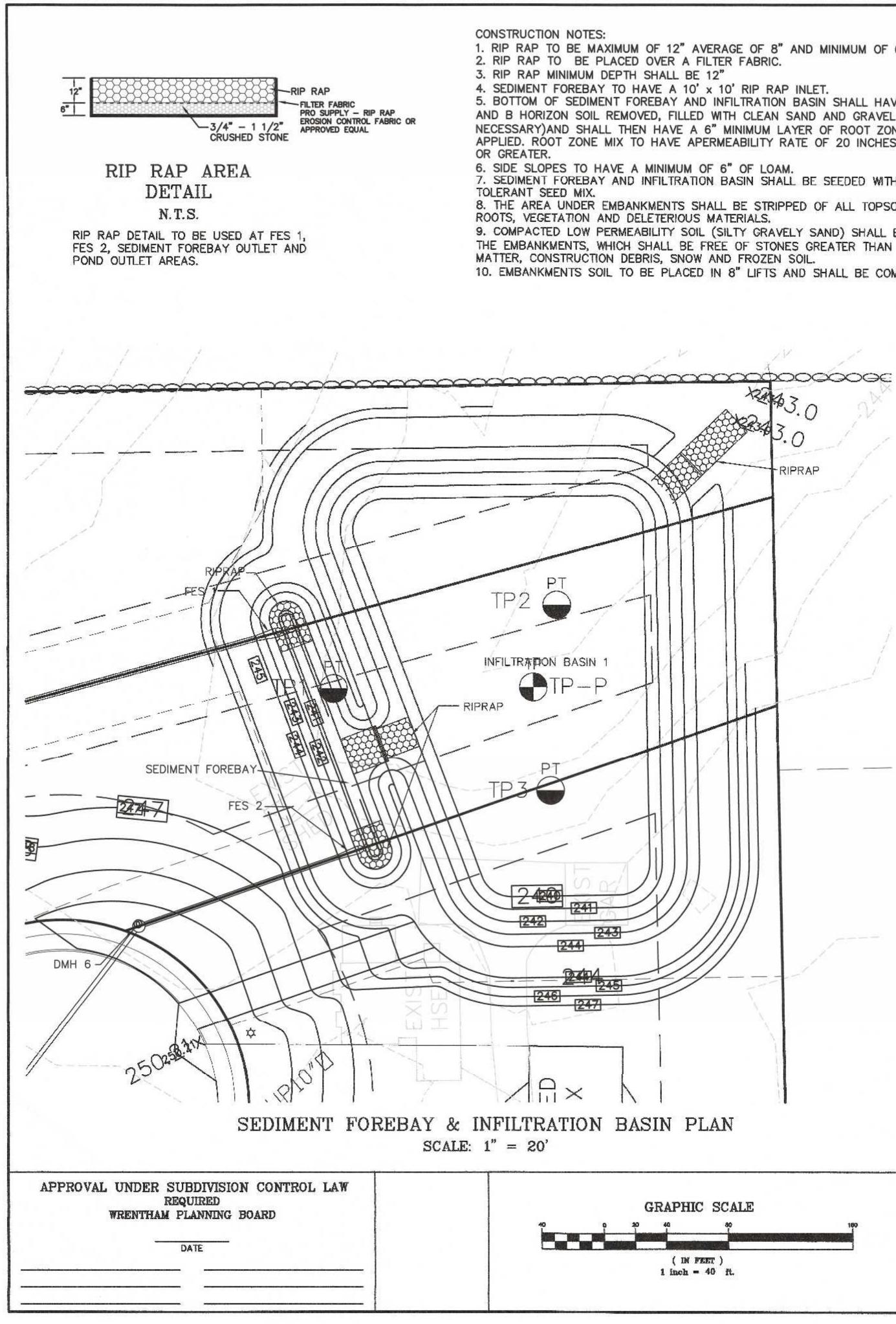




DIA.     W     A     B     C     D     E     BD       12"     2"     4"     2'-0"     4'-0 7/8"     6'-1 3/8"     2'-0"     20"       15"     2-1/4"     6"     2'-3"     3'-10"     6'-1 1/2"     2'-6"     24"	
18" 2-1/2" 9" 2'-3" 3'-10" 6'-1" 3'-0" 28"   21" 2-3/4" 9" 2'-11" 3'-2" 6'-1" 3'-6" 32"	
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12"   4'-6   1/8"   6'-6   1/8"   19   5/16"   13"   10   1/8"   9"   4"   2   1/2"   3:1     15"   4'-3   11/16   6'-6   11/16"   24   5/16"   16"   12   1/2"   11"   4"   2   1/2"   3:1	
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- PROPOSED 1/2" GALVINIZED STEEL RE-BAR - DRILLED THROUGH THE TOP OF THE FES AND MORTARED AT TOP - INSTALL NO SHRINK MORTAR - SPACING TO BE 6" ON CENTER - FOR INLETS AND OUTLES GREATER THAN 15" IN DIAMETER	
ED END	
SECTION OUTLET BAD	
2/X D	
B" MIN.	
REAL K L M N O	
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THE S BENDS AND PLUGS THRUST BLOCK DETAILS	
BIODEGRADABLE	
100% ORGANIC COMPOST	
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### COMPOST SOCK DETAIL NOTE: COMPOST SOCK TO BE A MINIMUM OF 12" IN DIAMETER.

			CONSTRUCTIO LOCA WRENTHAM, M F( DOWNWIN 32 NORFO EASTON, MA	IP ESTATES N DETAILS - 2 TED IN IASSACHUSETTS OR D REALTY OLK AVENUE SSACHUSETTS 31, 2022 1" = 40'
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8/22	CHECKED BY:	CAQ	508-384-6560 FAX 508-384-6566	10 of 11



1. RIP RAP TO BE MAXIMUM OF 12" AVERAGE OF 8" AND MINIMUM OF 6".

4. SEDIMENT FOREBAY TO HAVE A 10' x 10' RIP RAP INLET.

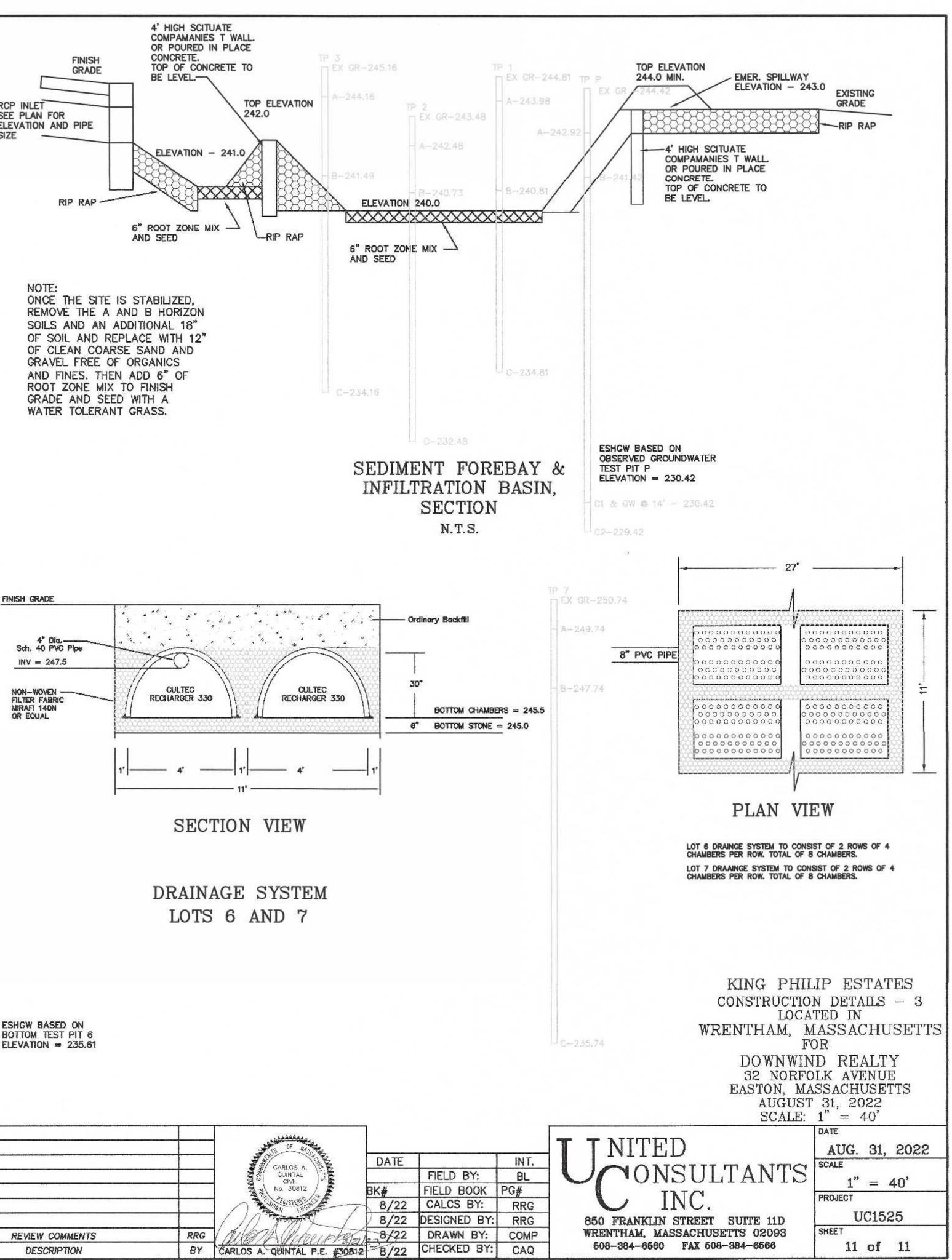
5. BOTTOM OF SEDIMENT FOREBAY AND INFILTRATION BASIN SHALL HAVE ALL A AND B HORIZON SOIL REMOVED, FILLED WITH CLEAN SAND AND GRAVEL (AS NECESSARY) AND SHALL THEN HAVE A 6" MINIMUM LAYER OF ROOT ZONE MIX APPLIED. ROOT ZONE MIX TO HAVE APERMEABILITY RATE OF 20 INCHES PER HOUR

7. SEDIMENT FOREBAY AND INFILTRATION BASIN SHALL BE SEEDED WITH WATER

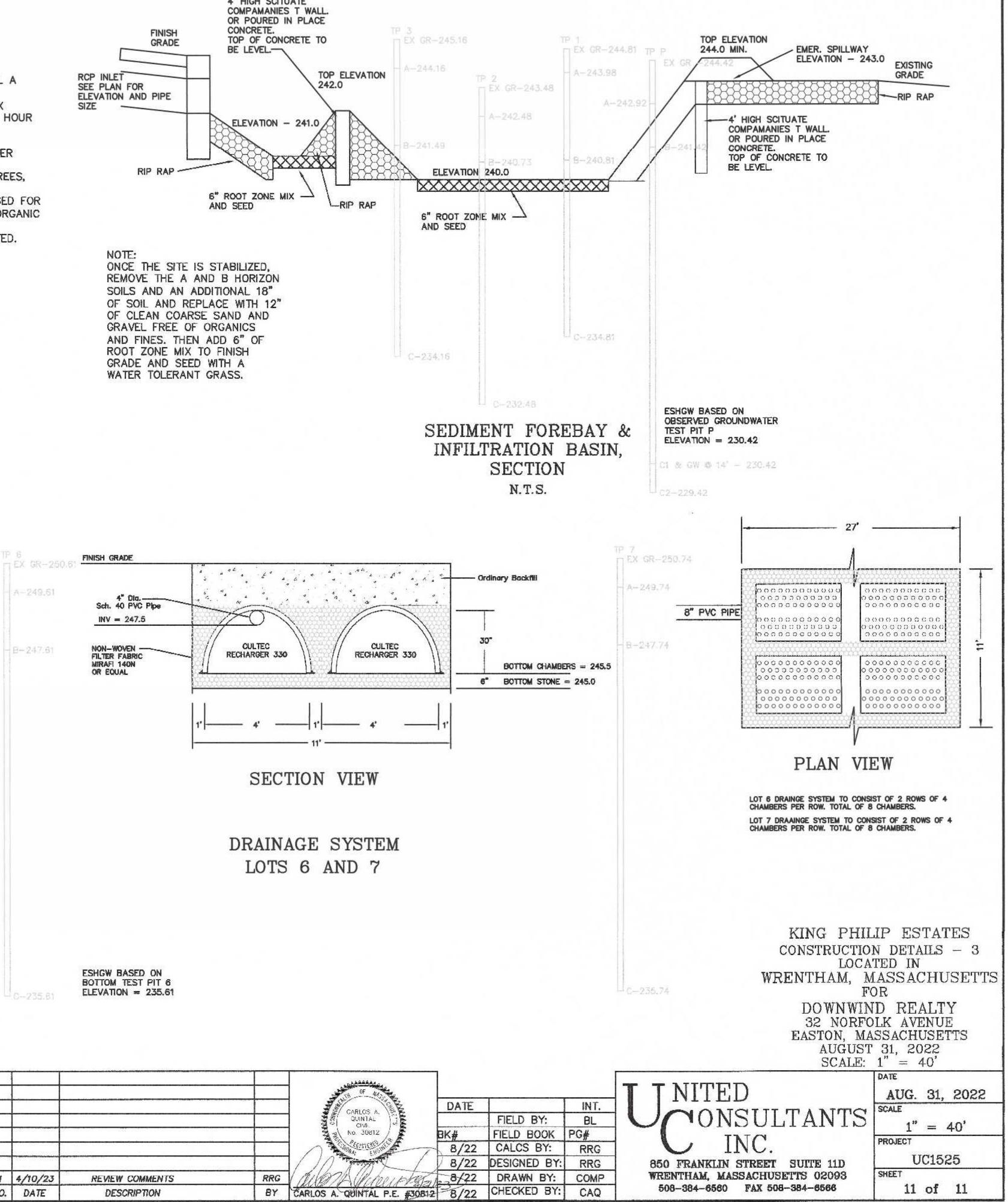
8. THE AREA UNDER EMBANKMENTS SHALL BE STRIPPED OF ALL TOPSOIL, TREES,

9. COMPACTED LOW PERMEABILITY SOIL (SILTY GRAVELY SAND) SHALL BE USED FOR THE EMBANKMENTS, WHICH SHALL BE FREE OF STONES GREATER THAN 6". ORGANIC MATTER, CONSTRUCTION DEBRIS, SNOW AND FROZEN SOIL.

10. EMBANKMENTS SOIL TO BE PLACED IN 8" LIFTS AND SHALL BE COMPACTED.



RIPRAP



	GRAPHIC	SCALE	 				OF MANAGE
20							CARLOS A. QUINTAL OIVI. No. 30812
	( IN Fi 1 inch =		 	-			
			1	4/10/23	REVIEW COMMENTS	RRG	MUDIA VICTORITED
			NO.	DATE	DESCRIPTION	BY	CARLOS A. QUINTAL P.E. #30812