

**TOWN OF WRENTHAM  
PLANNING BOARD**

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**DECISION**

2023 AUG 17 AM 10:17

**SPECIAL PERMIT (SP 2023-07) & SITE PLAN APPROVAL  
1,385 CY Earth Removal  
45 Lealand Peck Drive, Wrentham, MA**

<b>Owner/Applicant</b>	Caterina Sanguinetti 45 Lealand Peck Drive, Wrentham, MA 02093	
<b>Location:</b>	45 Lealand Peck Drive Assessor's Parcel ID K-05-1-6	
<b>Zoning District:</b>	<ul style="list-style-type: none"><li>• Residential 43 (R-43)</li><li>• Watershed Protection District (W)</li><li>• Aquifer Protection District (A)</li><li>• Floodplain District (F)</li></ul>	
<b>Permits Sought (WGC):</b>	<u>Article (WGC)</u> 390-14 390-9 390-7 275-4	<u>Permit Required</u> Special Permit Earth Removal: 1,385 CY Special Permit Site Plan Approval Permit Earth Removal  <i>§390=Zoning Bylaw Chapter, §275=General Bylaw Chapter</i>
<b>Application Date:</b>	May 17, 2023	
<b>Public Hearing Dates*:</b>	06/21/23, 07/19/23, 08/02/23	

**DECISION** of the Planning Board of the Town of Wrentham, Massachusetts (hereinafter the Board) on the petition of Caterina Sanguinetti (hereinafter the Owner/Applicant) for a Special Permit for Earth Removal in the amount of 1,385 cubic yards (CY)  $\pm 10\%$  to construct a one-story, 24'x34' addition, driveway, and drainage improvements on the property of 45 Lealand Peck Drive, Wrentham Assessors Map Parcel ID K-05-1-6, owned by deed recorded in the Norfolk County Registry of Deeds (NCRD) at Book 30769, Page 541 (hereinafter the Site).

**BACKGROUND**

The above-referenced application for an Earth Removal Special Permit (hereinafter Application) under WGC §390-14 & §275 was formally received on May 17, 2023. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on June 6 & 13, 2023, posted with the Town Clerk's Office on May 18, 2023, and abutters were notified by First Class Mail. The public hearing on the Application was opened on June 21, 2023, and continued to July 19 & August 2, 2023 (closed). During the public hearing, all those wishing to speak were heard. Following public input, the hearing was closed on August 2, 2023.

The following Planning Board members were present throughout the public hearing: Chairperson Michael McKnight (absent 06/21), Vice Chairperson Charles Woodhams, Jr., Clerk James Lawrence (absent 07/19), Members Robert Cass, Robert English, Everett Skinner, Jr., and Thomas Wrynn (absent 07/19). Mr. McKnight, Mr. Lawrence, and Mr. Wrynn completed Mullin's Certificates for the public hearings

*\*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.*

they were absent from, as noted, and were eligible to vote on this application. Bryan Weiner of Dunn & McKenzie (hereinafter the “Engineer”) presented the Application on behalf of the applicant at the public hearing. 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. Application packet for Earth Removal under the Wrentham Zoning By-Laws submitted by Dunn McKenzie, Inc. 10 pages including:
  - a. Application form, 3 pages
  - b. Checklist for Article 7, 2 pages
  - c. Blank Waiver Request Form, 1 page
  - d. Mitigation of Adverse Impact, 1 page
  - e. Checklist for Article 8, 1 page
  - f. Fee Schedule, 2 pages
2. Application packet for Earth Removal under the Wrentham General By-Laws submitted by Dunn McKenzie, Inc. 7 pages
3. Project Narrative prepared by Dunn McKenzie, Inc. dated 05/06/23, received 05/09/23, 2 pages
4. Certified Abutters List, dated 04/27/23, received 05/09/23, 6 pages
5. Stormwater Plans:
  - a. Pre-Development Sub catchment Map prepared by Dunn McKenzie, Inc., dated 03/18/23, received 05/09/23, 1 page
  - b. Post-Development Sub catchment Map prepared by Dunn McKenzie, Inc., dated 03/18/23, received 05/09/23, 1 page
6. Earth Removal Plan prepared by Dunn McKenzie, Inc. dated 03/18/23, received 05/09/23, 1 page
7. Public Hearing Notice for 06/21 Planning Board Meeting, stamped on 05/18/23, 1 page
8. Assessor Comments, dated 06/18/23, received 06/20/23, 2 pages
9. Water Division Comments, dated/received 06/21/23, 1 page
10. Fire Dept Comments, dated/received 06/21/23, 1 page
11. DPW Director Comments, dated/received 06/21/23, 1 page
12. 2023-07(ER-SP) PB Staff Report, dated/received 06/21/23, 3 pages
13. Mullins Form Completed by Michael McKnight, dated/received 07/05/23, 1 page
14. FEMA LOMA Determination Letter, dated 11/29/13, received 07/12/23, 5 pages
15. Revised Earth Removal Plan prepared by Dunn McKenzie, dated 07/11/23, received 07/12/23, 1 page
16. Revised Stormwater Plans:
  - a. Revised Pre-Development Sub catchment map prepared by Dunn McKenzie, dated 07/11/23, received 07/12/23, 1 page
  - b. Revised Post-Development Sub catchment map prepared by Dunn McKenzie, dated 07/11/23, 1 page
17. Request for Continuance of Public Hearing, dated/received 07/12/23, 1 page
18. Mullins form completed by James Lawrence, dated/received 07/25/23, 1 page
19. Request for Continuance of Public Hearing, dated 07/20/23, received 07/27/23, 1 page
20. Mullins form completed by Thomas Wrynn, dated/received 08/01/23, 1 page
21. Revised Site Plan entitled “Earth Removal Plan”, prepared by Dunn & McKenzie, Inc., dated 03/18/23, revised through 08/05/23, received 08/10/23, color, 24”x36”, 1 sheet

## **FINDINGS**

At their meeting of August 16, 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 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 determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State, and Local regulations, except where modified by this Decision.
3. That this Application is for an Earth Removal Special Permit under Wrentham General Code (WGC) §390-14, (Earth Removal) to remove 1,385 CY,  $\pm 10\%$ , of earth for the construction of a one-story, 24'x34' addition, a driveway, and drainage improvements as shown on the submitted plans (Exhibit #15). The Board further finds that WGC §390-14.1 requires a Special Permit for removing earth from land in all zoning districts and that the proposed earth removal exceeds §390-14.3 Exemptions for landscaping.
4. That the Site is 5.80 acres located in the Residential 43 (R-43) Zoning District and wholly within the Aquifer Protection Overlay (A) District, and portions of the Site are located in the Watershed Protection District (W) and the Floodplain District (F) (Exhibit #14 & #15). The Site was created from a definitive subdivision approved on November 1, 1990, recorded in NCRD Plan Book 405, Plan number 231 of 1992, and shown as Lot 5.
5. That the Applicant submitted correspondence from FEMA that removed the existing structure from the Floodplain (Exhibit #14). During the public hearing, the Engineer noted that the addition, being at a higher elevation than the existing structure and outside the Floodplain, the overlay district restrictions did not apply to the Application (Exhibit #14 & #15).
6. That during the public hearing, the Engineer presented the Application to the Board. The Engineer noted that the design included installing a drainage system to capture the increase in runoff and divert it in compliance with the MassDEP Stormwater Handbook. The design would not change the drainage points.
7. During the public hearing, the Board discussed the impact of heavy truck travel on the roadway and the impact on neighbors. The Board noted that the Applicant should post a bond in an amount that is commensurate with the truck traffic impact. The Board further noted that the hours of operation would need to be scheduled so as not to be detrimental to the neighborhood but also to ensure the project has a clear end date.

### *Criteria for Site Plan Approval [WGC §390-7.7(B)]*

8. With regard to WGC §390-7.7(B)(1), based upon the Findings stated within this Decision, there is adequate stormwater retention on the site. The plans and documents submitted demonstrate that stormwater runoff from the site will not be increased in the proposed conditions for all storm events up to and including the 100-year storm. The Site design conforms to the performance standards of the DEP's Storm Water Management Policy and all other state and local requirements (Exhibits #1-#3, #5 & #6, #15 & #16, Finding #6).
9. With regard to WGC §390-7.7(B)(2), based upon the Findings stated within this Decision, there is adequate emergency access to the site. The proposed site plan includes access from Lealand Peck

Drive, which is a public way. The proposed driveway provides adequate access to emergency vehicles to all sides of the construction area. If blasting is required, a permit from the Fire Department will be required, at which point they will provide a further review for public safety.

10. With regard to WGC §390-7.7(B)(3), based upon the Findings stated within this Decision, the site is currently a single detached dwelling that was created as part of a residential subdivision in the 90s. The Board notes that the required tree plantings, as shown on Exhibit #21, should be planted along the closest property line (#60 Lealand Peck Dr) to create a natural buffer.
11. With regard to WGC §390-7.7(B)(4), the Application minimizes air and water pollution. Mitigation measures will be implemented to minimize and control the dust that may occur due to the proposed grading and construction activities. All demolition activities will be conducted in accordance with the applicable provisions of the Dust, Odor, Construction, and Demolition regulations, 310 CMR 7.09.
12. With regard to WGC §390-7.7(B)(5), based upon the Findings stated within this Decision, the collection and disposal of solid waste is satisfactory as the property is an existing single detached dwelling that participates in the Town solid waste program. During construction, the Applicant shall ensure that all debris and litter is picked up daily.
13. With regard to WGC §390-7.7(B)(6), based upon the Findings stated within this Decision, pedestrian and vehicular safety on site and with adjoining properties is adequate. The Board further notes that the revised design submitted by the Applicant greatly reduces the amount of heavy truck traffic. However, due to the construction activities happening within an existing residential subdivision and on a Town accepted way, the hours of operation will need to reflect the neighborhood's sensitivity and ensure the proper maintenance of the roadway and infrastructure.
14. With regard to WGC §390-7.7(B)(7), based upon the Findings stated within this Decision, the Application minimizes the visibility of parking and any outdoor storage from the public view and any glare from headlights through additional plantings (Finding #10).
15. With regard to WGC §390-7.7(B)(8), based upon the Findings stated within this Decision, this is not applicable as the site is a single detached dwelling, and no stationary lights are proposed.
16. With regard to WGC §390-7.7(B)(9), based upon the Findings stated within this Decision, the proposed architectural design is compatible with the surrounding neighborhood. The Board notes that addition is allowed by right and that they only review these criteria as they relate to the proposed earth removal.

*Criteria for Special Permit Decisions (WGC §390.9.1)*

17. With regard to WGC §390-9.1(A), based upon the Findings stated within this Decision, the Application has vehicle or pedestrian traffic that is in harmony with the immediate neighborhood (Findings #7 & #13).
18. With regard to WGC §390-9.1(B), based upon the Findings stated within this Decision, the Application will not have a number of employees, customers, or visitors to affect the immediate neighborhood (Finding #10) adversely.
19. With regard to WGC §390-9.1(C), based upon the Findings stated within this Decision, the Site has an acceptable lot coverage for the Zoning District and the Overlay districts. The Applicant has designed the stormwater system to capture and treat all on-site stormwater, including a roof recharge system (Finding #6 & #8).
20. With regard to WGC §390-9.1(D), based upon the Findings stated within this Decision, the use will not be dangerous to the immediate neighborhood through fire, explosion, emission of wastes, or other causes (Finding #9).

21. With regard to WGC §390-9.1(E), based upon the Findings stated within this Decision, the use does not adversely affect the immediate neighborhood by creation of noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard to the immediate neighborhood (Findings #11, #14, #15 & #20).
22. With regard to WGC §390-9.1(F), based upon the Findings stated within this Decision, the use shall not adversely affect the character of the immediate neighborhood (Finding #21).

*Criteria for Special Permit Decisions [WGC §390-9.2(A)]*

23. With regard to WGC §390-9.2(A)(1), based upon the Findings stated within this Decision, the project complies with WGC §390-4 & §390-6 (Exhibits #1-#6, #14-#16).
24. With regard to WGC §390-9.2(A)(2), based upon the Findings stated within this Decision, there will not be a significant impact nor an adverse environmental effect on vehicular and pedestrian traffic in the neighborhood, the primary or secondary roads, or the intersections serving the project area (Findings #7, #13, #17 & #18).
25. With regard to WGC §390-9.2(A)(3), based upon the Findings stated within this Decision, there will be adequate provisions to control litter, reduce, separate, recycle and/or compost solid waste generated at the site (Finding #11 & #12).
26. With regard to WGC §390-9.2(A)(4), based upon the Findings stated within this Decision, the project will not significantly impact the quality of surface water, ground, waters, soil, and the environment, including noise, vibration, dust, smoke, fumes, odor, glare or another nuisance or serious hazard to the immediate neighborhood (Finding #21).
27. With regard to WGC §390-9.2(A)(5), based upon the Findings stated within this Decision, the use will not be a danger to the immediate neighborhood and/or the community or premises through fire, explosion, emission of wastes or runoff or other causes (Finding #26).
28. With regard to WGC §390-9.2(A)(6), based upon the Findings stated within this Decision, the proposed water and subsurface sewage disposal for the site are adequate.
29. With regard to WGC §390-9.2(A)(7), based upon the Findings stated within this Decision, the Application will not have a significant impact on municipal public safety services, including water, sewer, police, fire protection and ambulance services.
30. With regard to WGC §390-9.2(A)(8), based upon the Findings stated within this Decision, the architecture of the proposed building is in harmony with the surrounding neighborhood.
31. With regard to WGC §390-9.2(A)(9), based upon the Findings stated within this Decision, the project will not adversely impact the neighborhood's character.
32. With regard to WGC §390-9.2(A)(10), based upon the Findings stated within this Decision, the project will not have an adverse impact on the town, its residents, or surrounding properties (Findings #8-#31).
33. With regard to WGC §390-9.2(A)(11), based upon the Findings stated within this Decision, the proposed use is in harmony with the intent and purpose of the Wrentham General Code Chapter 390 (Zoning Bylaw).
34. With regard to Section 9.2 of the ZBL, based upon the Findings stated within this Decision, the proposed use is not in conflict with the public health, safety and to the health of the Town residents (Findings #8-#33).
35. With regard to Section 9.2 of the ZBL, that based upon the Findings stated within this Decision, the use does not adversely affect the neighborhood, including the zoning district and all abutting districts (Findings #8-#34).

*Criteria for Earth Removal Special Permit [WGC §390-14.6(A) and WGC §275-4]*

36. With regard to WGC §275-4.6(A), based upon the Findings stated within this Decision, the proposed earth removal activity shall be accomplished without unreasonable danger to the health, safety, and general welfare of the inhabitants of the Town in general nor to that of those in the immediate vicinity.
37. With regard to WGC §275-4.6(B), based upon the Findings stated within this Decision, the proposed earth removal activity will not produce unreasonable noise, dust, or other effects observable as detrimental to the normal use of adjacent land.
38. With regard to WGC §275-4(C), based upon the Findings stated within this Decision, the proposed earth removal activity will not result in an adverse effect on abutting land by reason of surface water drainage, nor to the recharge of the water table nor to the pumping rate of nearby Town well sites.
39. With regard to WGC §275-4(D), based upon the Findings stated within this Decision, the proposed earth removal will not have a material adverse effect on the health and safety of persons living in the neighborhood or on the use or amenities of adjacent land.

**CONDITIONS OF APPROVAL**

At their meeting of August 16, 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 Application for Special Permits (§390-14 & §275) and Site Plan Approval with the following conditions:

**STANDARD CONDITIONS**

1. This Special Permit and Site Plan Approval specifically authorizes the removal of 1,385 CY,  $\pm 10\%$ , of earth associated with the one-story 24'x34' addition, driveway expansion, and drainage installation improvements on the Site as shown on the Plans identified as Exhibit #15 of this Decision or as modified by the Conditions of these Special Permits and Site Plan Approval.
2. The work authorized by these Special Permits and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. It shall run with the land and be binding upon the property owners and their administrators, successors, and assigns, including future tenants. Any instrument for sale, transfer of rights or interest in all or any part of the Site shall reference this Decision and include a notice that the successors are bound to its terms and conditions.
3. The Applicant shall adhere to the Wrentham Zoning By-Laws (WGC §390) and all other applicable provisions of municipal law and regulation, Federal and State statutes, and related regulations promulgated by Federal and State agencies. All maintenance of the Site hereafter shall be in accordance with all applicable Federal, State, and Local regulations.
4. Any modifications to the use, Site, structure(s), and/or Site improvements as described within and authorized by this Decision and as presented to the Board during the public hearing and in the above-referenced Exhibits shall require, before implementing such change, a request in writing, from the Applicant to the Board a determination as to whether the proposed change constitutes a Minor or Major Modification. Insubstantial modifications, such as minor field changes, slight variations in building or site layout, and changes that are de-minimus in nature, shall not require additional review and approval of the Board and may be approved by the Wrentham Building Commissioner in consultation with the Planning Director.
5. In accordance with WGC §275-10, this permit shall lapse within one year from the date that this decision has been recorded at the Norfolk Registry of Deeds (NCRD). Said permits may be renewed for an additional twelve-month period in accordance with said provision and may be subject to further reasonable conditions imposed at that time. Any request for an extension of said validity period shall

be considered a Modification of this Special Permit and shall be submitted in writing to the Board 30 days before the expiration for review and approval.

6. The approved site plan is valid for two years pursuant to WGC §390-7.7(E). Pursuant to WGC §390-7 & §275-12, failure to comply with the site plan conditions or earth removal bylaw will result in a penalty of \$300 a day or the maximum allowed under MGL c. 40A §7 for each day of continued violation. Each truckload of earth removed from the site violating WGC §275 shall constitute a separate offense. Each late delivery of a bi-weekly monitoring report shall also constitute a separate offense, with the late delivery date being defined as postmarked five days beyond the scheduled delivery date.
7. These Special Permits & Site Plan Approval shall not take effect until the Decision and Plan have been recorded at the NCRD within thirty (30) days following the expiration of the appeal period. Proof of recording of the Decision and Plans, including the Deed Book and Page Number or Instrument Number, shall be submitted to the Planning Board office within thirty (30) days of recording.
8. By recording this Decision in the NCRD, the Applicant agrees to and accepts the Conditions outlined in these Special Permits & Site Plan Approval decisions.
9. Any inability, failure, or refusal by the Applicant to comply with the Conditions of this Decision, when notified of the failure of compliance, shall be grounds for immediate denial of building construction or occupancy permit with respect to this project.
10. This approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utility installation) associated with this project and shown on the Plans. The Applicant shall obtain all applicable Federal, State, and Local approvals/permits before the construction of any portion of the development or off-site improvements that warrant such approval/permits. 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.

#### STANDARD CONDITIONS – EARTH REMOVAL

11. All trees are to be cut, not bulldozed. Unless removed for commercial purposes, all trees and brush will be chipped on site. Stumps may not be buried on the site except in accordance with a site assignment issued under MGL c. 111, § 150A.
12. All loam and topsoil must be scraped and stockpiled on the site for use in later landscaping. No loam or topsoil may be removed from the site.
13. Excavation of the property line is not permitted. The site plan designates a minimum fifty-foot buffer strip along the property lines where the earth and vegetation shall remain undisturbed. This buffer shall be staked with orange construction safety fencing and verified by an agent of the Planning Board before the start of construction. The Applicant will be required to plant the required trees of §390-14.7J as shown on Exhibit #21 and shall provide year-round screening of the abutting property.
14. Earth must be removed to contours outlined in the approved site plan. Boulders must be buried at a depth providing a six-foot cover at finished grade. Ledge shall not be left exposed under normal circumstances. If ledge is encountered, the permittee must either remove it or submit a revised site plan for approval which must be approved before work is continued.
15. Slopes shall not exceed a 3:1 ratio; a 4:1 ratio is preferred where practical.
16. Earth removal shall be carried out in no more than four-acre grids and not over the entire site at one time. After each grid has been excavated, the land shall be brought to rough finish grade and loam spread to a depth of not less than six inches to bring the land to finished grade before proceeding to the next excavation area. This regrading area must then be seeded with acceptable perennial grass at



the rate of not less than 200 pounds per acre, and the area maintained until the grass heights have reached the two-inch minimum.

17. The regrading and seeding of each grid or disturbed area shall be completed, according to specification, within 30 days of the completion of the excavation of the grid, expiration of the special permit, or upon cessation of operations, whichever occurs first.
18. Finished grades shall be as indicated on the approved site plan. In general, finished grades may not be designed to be below the level of any abutting public way unless the Planning Board determines, based upon satisfactory engineering data, that a finished grade below the elevation of an abutting way is advantageous to the plan for future use of the property.
19. Topsoil must be spread to a depth of not less than six inches over disturbed areas and seeded and maintained as stated previously.
20. Fingerling fir, white pine, or other approved tree cover shall be planted in accordance with Exhibit #21. The final tree planting list shall be submitted to the Tree Warden for review and approval, and a copy will be provided to the Board for the record file. Said area shall be landscaped immediately following the conclusion of earth removal activities on the Site.
21. No excavation shall be made at less than 10 feet above the annual high-water table as established from test pits and soil borings. A minimum of three observation wells shall be monitored for one year to establish the high-water table ground plane elevation. This data shall be shown on the site plan submitted to the Planning Board for approval and on a permanent monument placed on the property and shown on the site plan (Exhibit #15).
22. All access roads leading to public ways shall be treated to minimize dust and mud for a distance of not less than 200 feet back from the public way. Any spillage on public ways shall be cleaned by the applicant twice daily, including once after the close of regular working hours.
23. Unless the site conditions expressly require alteration of drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural drainage points; and so that the total discharge at peak flow and the area of drainage to any one point, is not increased; and so that the hydrography of any post-development stream is the same as that of the predevelopment stream (Exhibit #16a & #16b).
24. Any earth removal in the vicinity or within wetland areas governed by MGL c. 131 or other wetlands-related laws shall also be subject to orders of conditions from the Conservation Commission. Whether such proposed earth removal projects fall within the jurisdiction of the Conservation Commission shall be determined by the Conservation Commission and the applicable Town, state, and federal laws.
25. The Applicant shall monitor the amount of earth removed from the site. A bi-weekly report, prepared and certified by a registered civil engineer licensed to practice in the Commonwealth of Massachusetts, shall be forwarded to the Planning Board for the duration of the earth removal project. The report shall include a daily account of the number of truckloads of earth removed from the site, the number of cubic yards of earth contained in each truckload, daily and weekly totals of the number of cubic yards of earth removed from the site and a cumulative total, from project inception to date, of the number of cubic yards of earth removed from the site.
26. The Applicant shall comply with MassDEP regulations as defined in CMR 310, 7.09, and CMR 310, 7.10, which require construction activities not to cause or contribute to a condition of air quality pollution and noise pollution, respectively.
27. The use of municipal water for wetting exposed grades and for other purposes associated with this approved operation shall require the prior written authorization of the Wrentham Public Works Department. The Applicant must file copies of said authorization with the Planning Board and the



Building Commissioner before its use. Otherwise, the water supply shall be transported to the site from a lawful source outside the Town of Wrentham.

28. No material, except those required to fulfill Condition #1, shall be brought onto the Site.
29. The Applicant shall ensure that trucks leaving the Site are adequately covered and otherwise secured from spilling material along any street outside the Site. In the event that such spillage occurs, the Applicant shall be responsible for immediately removing the material from the traveled way (see Condition #23 & #34).
30. The Applicant shall submit a bond of \$20,000 to ensure the project is completed according to the approved plans and decision and to ensure any roadway/infrastructure damage caused by the heavy trucks/equipment is repaired in a timely manner. The surety may revert to the Town in the event that the site work outlined in this decision has not been completed within two years from the date of the decision being recorded at the NCRD and upon the vote of the Planning Board unless an extension has been approved the Board (see Condition #6).
31. The Applicant shall install, monitor and maintain silt sacks in the catch basins within Lealand Peck Drive during construction.
32. Truck traffic exiting the Site shall be limited to no more than one vehicle every five minutes. If a greater frequency occurs or complaints are received by the Building Commissioner, the Commissioner may require the Applicant to hire a police detail to control traffic accordingly as a condition of allowing earth removal operations to continue on the Site. The Applicant shall bear the costs.
33. The Applicant/Developer shall perform pre- and post-inspections of the drainage system and roadway conditions with the Board's agent and DPW. Upon completion of the earth removal work and before the bond is released, the Applicant/Developer shall provide updated information that the conditions have not worsened due to the activity. If the Board finds these features damaged due to the work, they may withhold a portion of the bond to rectify the damage.

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

34. Prior to the endorsement of the site plan, a final revised plan, with a revised plan set date, incorporating all conditions and changes listed herein, stamped by the appropriate professional engineers and/or land surveyors shall be submitted to the Board. A block for Planning Board endorsement shall be placed on the cover sheet.
35. A pre-construction meeting shall be held with the Planning Board's Consulting Engineer, Planning Director, other applicable departments, and the Police Department 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.
36. Prior to the start of any construction activity on the Site, an initial inspection of the delineated limits of work, erosion control, and site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/Developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/Developer receives written authorization from the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant/Developer

shall be notified in writing of the necessity for such additional measures and shall complete all such requirements within ten (10) days of receiving said notice or other time as may be agreed upon by both the Planning Board and Conservation Commission.

#### CONDITIONS TO BE MET DURING CONSTRUCTION

37. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
38. Hours of construction shall be as follows:
  - a. Site Work: Monday – Friday, 9 a.m. to 4 p.m., there shall be no construction activity on Saturdays, Sundays, Federal and State holidays and during school holidays or early release days.
39. All grading and construction shall be in accordance with the approved Plans and the Conditions of this Special Permit, as well as all applicable Federal, State, and Local regulations. They shall be accomplished to not discharge any pollutants or siltation into waterways or resource areas from the site and its associated improvements during construction and after completion.
40. The Planning Board reserves the right to utilize review fees as allowed under M.G.L. Ch. 44 §53G for engineering, legal, and any other professional review services that may be needed to review the project adequately, monitor construction activities and impacts, and review final as-built plans.
41. The Applicant shall control litter during and after construction.
42. No vehicles shall be allowed to idle for more than 5 minutes.

#### CONDITIONS TO BE MET AFTER CONSTRUCTION

##### **A. General**

43. Unless modified by this Decision, the Site shall be developed, constructed, and maintained in accordance with all applicable Federal, State, and Local regulations, and as shown on the Plans identified as Exhibit #15 & #21 of this Decision or as modified by the Conditions of this Special Permit and Site Plan Approval. The Applicant shall secure all required permits and approvals at the appropriate stage of construction, and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
44. All final grades and installation of improvements authorized by this Special Permit and Site Plan Approval, or approved modifications thereto, shall be shown on an as-built plan prepared by a professional land surveyor registered in the Commonwealth of Massachusetts. Copies of said plan shall be submitted to the Board and the Building Commissioner before issuing a Certificate of Occupancy.
45. All landscaping, berms, walls, and fencing shown on the approved plans shall be permanently maintained by the owner, and landscaping shall be replaced as needed to maintain the buffer to neighboring parcels and compliance with the requirements of the zoning bylaws and approved plans.
46. The final as-built plans shall be submitted in an electronic format compatible and/or able to be converted for use with the Town's GIS. A copy shall also be submitted in PDF format for more general use.
47. The Applicant shall install a five-foot fence, in a material of their choosing, along the top of the retaining wall as shown on Exhibit #21 to protect from falls within 30 days from the completion of the project.

## RECORD OF VOTE

Constituting a majority of the Planning Board, the following members (MOTION by Mr. Skinner, SECOND by Mr. Lawrence) voted 6-0 by Roll Call vote: Mr. Cass-Aye, Mr. English – Aye, Mr. Lawrence-Aye, Mr. McKnight-Aye, Mr. Skinner-Aye, Mr. Woodhams-Aye to **APPROVE with Conditions** the Earth Removal Special Permits and Site Plan Approval in accordance with WGC §275, §390-14, §390-7 and §390-9 for 1,385 CY, ±10% of earth removal & associated site improvements at 45 Lealand Peck Drive based on the information received at the public hearing and the aforementioned findings.

## BY ORDER OF THE BOARD:



Rachel Benson, Director of Planning &  
Economic Development

8/17/23  
Date

cc:

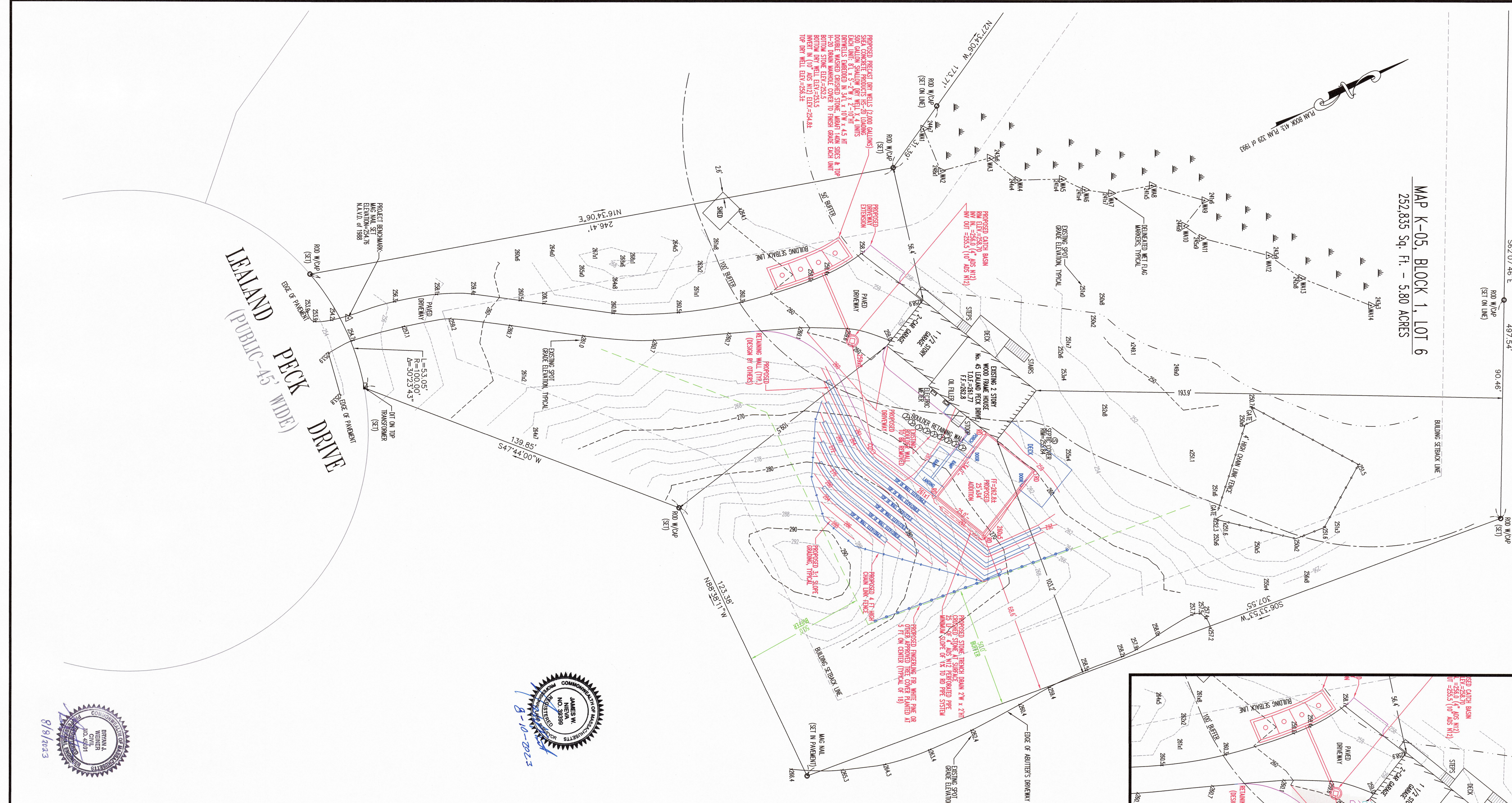
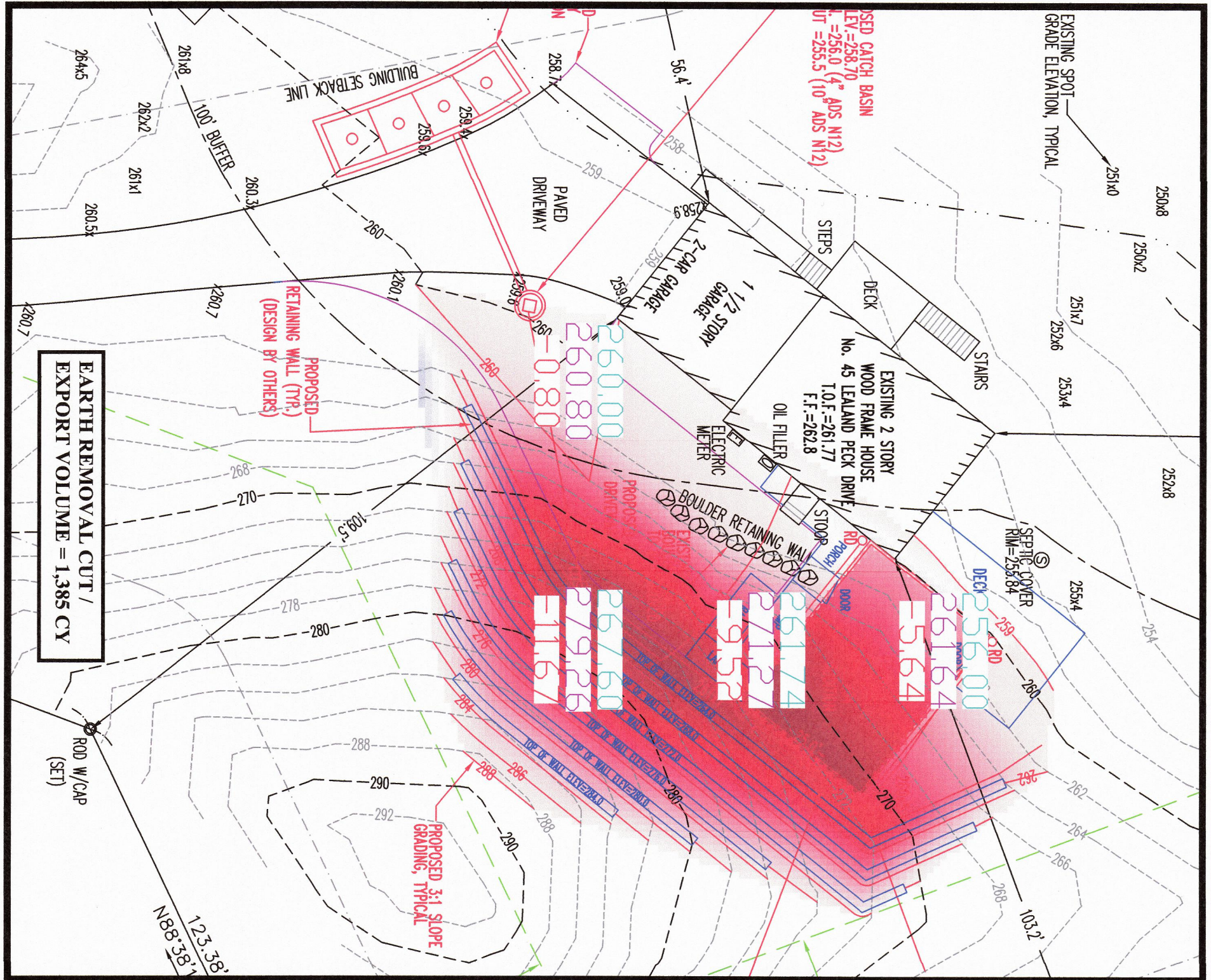
● Applicant	● Applicant's Engineer	● Assessor
● Building Commissioner	● Conservation Commission	● Board of Health
● DPW	● Fire Dept	● Police Dept
● file		



RECEIVED  
08/15/23  
Planning Dept  
Exhibit # 21

6498

MAP K-05, BLOCK 1, LOT 6  
252,835 Sq. Ft. - 5.80 ACRES



I CERTIFY THAT THE EXISTING DWELLING IS LOCATED AS SHOWN HEREON AND THAT THE EXISTING DWELLING MEETS THE APPLICABLE SETBACK REQUIREMENTS OF THE ZONING BY-LAWS FOR THE TOWN OF WRENTHAM, MASSACHUSETTS.

JAMES W. NIEVA, P.L.S. #39399

GENERAL NOTES

1. ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON M.A.D. of 1988.

FLOOD ZONE LOCATION  
THIS SITE LIES WITHIN FLOOD ZONES "X" & "A" AS INDICATED ON THE FLOOD INSURANCE RATE MAP PUBLISHED BY HUD. ZONE "X" IS INDICATED AS AREA OF ANNUAL FLOODING. LOCATED ON MAP #250700338E AND HANGING AWAY EFFECTIVE DATE OF JULY 17, 2012.

ZONING CRITERIA

ZONE DISTRICT "R4.3"  
MINIMUM LOT SIZE 43,560 SQ. FT.  
MINIMUM STREET FRONTAGE 150'  
FRONT YARD SETBACK 40'  
SIDE YARD SETBACK 25'  
REAR YARD SETBACK 40'  
MAXIMUM BUILDING HEIGHT 2 1/2 STORIES or 35'  
MAXIMUM LOT COVERAGE 25%

DEED REFERENCE:

BOOK 30769 PAGE 541

PLAN REFERENCE:

PLAN BOOK 413: PLAN 329 of 1993

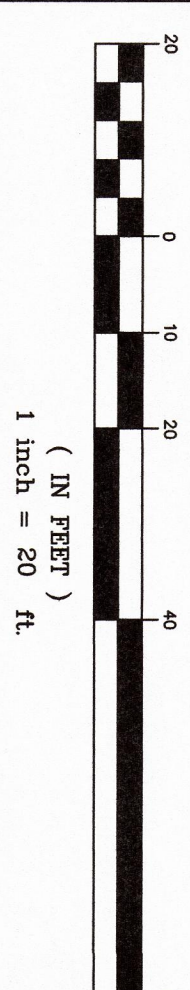
PROJECT LOCATION:

45 LEALAND PECK DRIVE  
WRENTHAM, MA 02093

PREPARED FOR AND OWNED BY:

CATERINA SANGUINETTI  
45 LEALAND PECK DRIVE  
WRENTHAM, MA 02093  
TELEPHONE # (508) 838-6931

GRAPHIC SCALE



RESEARCH BY: JWN

FIELD SURVEY: KGM/REW

COMPUTED BY: JWN

DRAFTED BY: DRD

DESIGNED BY: n/g

CHECKED BY: JWN/KGM

ASSESSORS REFERENCE

MAP K-05, BLOCK 1, LOT 6

ZONING REFERENCE

ZONE = "R4.3"

REVISIONS

DATE: MARCH 18, 2023

**Dunn · McKenzie, Inc.**  
LAND SURVEYING AND CIVIL ENGINEERING  
206 DEHAM STREET, R1.1A at R1.115  
NORFOLK, MASSACHUSETTS 02056  
(508) 384-3990 - FAX (508) 384-3905  
jimny@dunnmckenzie.com

**EARTH REMOVAL PLAN**  
LOCATED IN:  
**WRENTHAM, MASSACHUSETTS**

SHEET NO.	SCALE	JOB NO.
1 of 1	1"=20'	6498

