

TOWN OF WRENTHAM PLANNING BOARD CERTIFICATE OF ACTION FOR A DEFINITIVE SUBDIVISION PLAN 291 South Street, Wrentham, MA 02093

Project Name:	291 South Street, Wrentham, MA
Applicant:	John L. Sullivan, 291 South St, Wrentham MA 02093
Owner:	John L. Sullivan, 291 South St, Wrentham, MA 02093
Location:	2.08± Acres located at 291 South Street, Assessor's Parcel ID L-08-4-19
Zoning District:	Residential 30 (R-30)
Proposal:	Two-lot residential subdivision with private road
Permits Sought:	Definitive Plan Approval – Two lots
Application Date:	11/29/23
Public Hearing Dates*:	12/20/23, 01/17/24, 02/07/24

DECISION of the Planning Board of the Town of Wrentham, Massachusetts (hereinafter the "Board"), on the petition of John L. Sullivan, 291 South St, Wrentham MA 02093 (hereinafter the "Applicant") for a Definitive Plan to create a two-lot residential subdivision with a private road and associated site improvements on the parcel known as 291 South Street, Wrentham, shown on Assessor's Map Parcel ID L-08-4-9, and owned by John L. Sullivan, 291 South St, Wrentham MA (hereinafter the "Owner"), by deed recorded in the Norfolk County Registry of Deeds Book 37969, Page 428 (hereinafter the "Site").

BACKGROUND

The above-referenced application for a Definitive Plan was formally received on November 29, 2023. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on December 5 & 12, 2023, posted with the Town Clerk's office on November 30, 2023, and abutters were notified by First Class Mail. The public hearing on the Application was opened on 12/20/2023 and continued to 01/17/24 and 02/07/24 (closed).

The following Planning Board members were present throughout the public hearing: Chairperson Michael McKnight, Vice Chairperson Charles Woodhams, Jr., Clerk James Lawrence (absent 01/17/24), Members Robert Cass (absent 12/20/23), Robert English, Everett Skinner Jr., and Thomas Wrynn. Mr. Cass & Mr. Lawrence reviewed the materials and testimony from the meetings that they missed and completed Mullin's Certificate to remain eligible to vote (Exhibit # 11 & #14). 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

^{*}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.

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 11/21/23, received 11/29/23; 3 pages.
- 2. Project Narrative, dated 11/15/23, received 11/29/23, 1 page
- 3. Certified Abutters List, dated 11/14/23, received 11/29/23, 7 pages
- 4. Environmental Impact Statement prepared by GW Site Solutions, undated, received 11/21/23, 6 pages
- 5. Hydraulic/Hydrologic Calculations prepared by GW Site Solutions, dated 11/15/23, received 11/21/23, 61 pages
- 6. Definitive Subdivision Plans prepared by GW Site Solutions, dated 10/23/23, received 11/21/23, 2 pages
- 7. Waiver Requests of the Subdivision Rules and Regulations prepared by GW Site Solutions, undated, received 11/21/23, 2 pages
- 8. Case # 2023-16 (DP) Public Hearing Notice, stamped on 11/30/23, 1 page
- 9. DPW Director Antonioli Comments, dated/received 12/06/23, 2 pages
- 10. Revised Roadway Plan prepared by GW Site Solutions, dated 12/20/23, received 12/21/23, 2 pages
- 11. Mullins Certificate completed by member Robert Cass, dated 12/26/23, received 12/27/23, 1 page
- 12. Public Hearing Continuance Request, dated/received 12/28/23, 1 page
- 13. Proof Plan prepared by GW Site Solutions, dated 12/20/23, received 01/24/24, 1 page
- 14. Mullins Certificate completed by member James Lawrence, dated/received 02/01/24, 1 page

FINDINGS

At their meeting of February 07, 2024, 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 regulations, except where modified by this Decision.
- 3. The Definitive Plan submitted for 291 South Street is not based on a Preliminary Plan.
- 4. The Site is 2.08± 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 remain as shown on Lot 1, and the new Lot 2, which currently shows an existing barn, will potentially be demolished and reconstructed into a new single-family dwelling (Exhibits #2, #6, #10 & #13).
- 5. The Application proposes access to the lots by two separate driveways from South Street. Lot 1 will be accessed via a new driveway approximately 50ft from the southern property line. Said driveway will be paved to a width of 12ft and 180ft long. Lot 2 will be accessed via the existing driveway with the rear portion removed. The Applicant submitted plans showing that

- a road could be built in accordance with the Subdivision Rules & Regulations without waivers with a 50-foot-wide roadway with a cul-de-sac layout, approximately 105 feet in length.
- 6. The new subdivision roadway will service the existing home at 291 South Street (Lot 1), and the existing driveway will service the new lot (Lot 2). The existing driveway will be demolished to create a new lawn area when the location of the new house is determined.
- 7. Due to the fact that a private roadway is proposed, the Applicant is seeking numerous waivers pertaining to the construction of the roadway (see Waivers sections).
- 8. Town Water and individual onsite sewage disposal systems will serve both sites.
- 9. The proposed stormwater will be managed through minimal grading to a depression and infiltration pit in accordance with the Mass. Stormwater Handbook. The proposed driveway will be pitched to one side and be directed into a grass swale at the low point as it does within the existing conditions (Exhibit #5 & #13).
- 10. The applicant submitted two plan sets; one shows 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 #7) (See Waivers section).

WAIVERS

At their meeting on February 7, 2024, 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 7-0 (MOTION by Mr. Skinner, SECOND by Mr. Woodhams) by Roll Call vote: Mr. Cass – Aye, Mr. English – Aye, Mr. Lawrence – Aye, Mr. McKnight – Aye, Mr. Woodhams – Aye, Mr. Wrynn – Aye 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 §3.323(i, k, l, n, o, p, q, r) Plan Content
- 2. WSRR §4.3 Public Utilities: The buildings are existing.
- 3. WSRR §4.413 Cross Section: Construction in accordance with standards shown on the typical cross section for street layout.
- 4. WSRR §4.46: Rotary Circles or Cul-de-sacs and Back-up Strips: Waive the radius to allow a 50' radius.
- 5. WSRR §4.5 Drainage: Allow for modified drainage that is in compliance with Mass. Stormwater Handbook.
- 6. WSRR §4.7 Town Acceptance: The road will not be constructed and, therefore, is not eligible for Town Acceptance.
- 7. WSRR §5 Design Standards
- 8. WSRR §5.32 Fire Hydrants: waive the installation of an additional fire hydrant. There is an existing hydrant.
- 9. WSRR §5.8 Fire Alarm Installation: Waive a fire alarm system installation.
- 10. WSRR §6.3 Underground Services: To waive the installation of underground services. The Lots have existing services running to them.

- 11. WSRR §6.4 Lighting: To waive the installation of street lights.
- 12. WSRR §7.3 Curbing: to waive the curbing construction and install cape cad berm on one side.
- 13. WSRR §7.6 Sidewalks: to waive the construction of sidewalks.
- 14. WSRR §7.10 Street lines: To waive the application of painted street lines.

CONDITIONS OF APPROVAL

At their meeting of February 7, 2024, 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:

- 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 a two-lot, single-family, residential subdivision. Access to the lots will be via two driveways from South Street. Lot 1 will be accessed via a new driveway approximately 50ft from the southern property line. Said driveway will be paved to a width of 12ft and 180ft long. Lot 2 will be accessed via the existing driveway with the rear portion removed on the new house's location is determined to reduce lot imperviousness.
- 3. The driveways, as approved by this Decision, are not eligible for Town Acceptance. Use of the driveways for purposes other than single-family homes will require re-submitting the plans to the Planning Board for modification before implementing said change.
- 4. The road name shall remain a private driveway in perpetuity. The Applicant shall reserve the fee interest in the roadway in any deeds conveying one or more lots in the subdivision to any other party. Should the Applicant wish the roadway to become a public way, then the Applicant shall be required to apply for a modification of this decision. The installation of ways and infrastructure shall be in accordance with the subdivision construction standards in place at that time.
- 5. 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.
- 6. Given the approved roadway shall remain a private way in perpetuity, the future maintenance and repair of the approved roadways and related drainage and other improvements shall be the sole responsibility of the current and future owners of Lot 1 and Lot 2. In accordance with Section 5.227 of the WSRR, Articles of Organization or a similar appropriate document(s) shall be prepared and submitted by the Applicant for review by the Town and, if deemed acceptable by the Town, thereafter recorded by the Applicant at the Norfolk County Registry of Deeds prior to the release of any lots from the Subdivision Covenant.
- 7. Prior to the Board granting a release of covenant for Lot 2, appropriate documentation shall be provided to the Planning Board for their review and approval (including, if the Board deems necessary, review by Town Counsel) to ensure that the individual Lot 1 deed includes language outlining the requirement of the lot owner to maintain and protect the drainage swale located entirely or partially on their lot, or within the private road layout.
- 8. The Applicant shall adhere to the Wrentham Zoning By-laws and all other applicable provisions of municipal law and regulation, federal state stature, and related regulations promulgated by federal and state agencies.

- 9. All work shall be performed in accordance with the Town of Wrentham Subdivision Rules & Regulations (WSRR) and as shown on the Plans, except as noted otherwise in this Decision. The approval of said plan shall not be construed as an acceptance or dedication of any way shown on said plan.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. All modifications affecting the grading or construction of improvements approved under this Definitive Plan approval 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 to the drainage system.
- 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. The Applicant shall install erosion control devices before starting any other work on-site.
- 17. 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.
- 18. 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.
- 19. 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.
- 20. Snow plowing and all road maintenance shall be the responsibility of the Owner/Applicant (Homeowner's Association).
- 21. All grades exposed for over thirty (30) days shall be stabilized to control erosion.
- 22. 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.

- 23. The Covenant pursuant to MGL c.41, s. 81U shall not be released, and the roadway frontage shall not be deemed adequate until all construction that may impact the safety of the future residents of the Subdivision is in place and approved by the required authorities. This would include but not be limited to the installation of the roadway base course and the drainage system. No lots can be sold until either the roadway and drainage work are completed or the Applicant has submitted a bond in the amount equal to constructing the roadway and drainage in accordance with the Plans.
- 24. At the time of requesting the release of the subdivision covenant, the Applicant shall submit an as-built plan and profile showing the location and elevation of the then-existing driveway base course and related drainage utility improvements. A professional Land Surveyor registered within the Commonwealth of Massachusetts shall prepare, sign, and stamp the asbuilt plan.
- 25. 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 commencing any related site work.
- 26. Prior to the final release of the Subdivision Surety, an as-built plan and profile showing the location and elevations of the roadway top course and related drainage improvements, which has been prepared by a Professional Land Surveyor registered in the Commonwealth of Massachusetts, shall be submitted to the Board to ensure compliance with this Decision.
- 27. The Definitive Plans and Certificate of Action shall be filed contemporaneously at the Norfolk Registry of Deeds, and all recording information shall be provided to the Board or its office within 20 days after endorsement. No site work or disturbance of land shall begin until evidence of such recording has been provided to the Board. 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.

RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 7-0 (MOTION by Mr. Lawrence, SECOND by Mr. Woodhams), by Roll Call vote: Mr. Cass – Aye, Mr. English – Aye, Mr. Lawrence – Aye, Mr. McKnight – Aye, Mr. Woodhams – Aye, Mr. Wrynn – Aye to APPROVE with Conditions the Definitive Plan for a two-lot subdivision and private subdivision roadway at 291 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:

cell

Applicant

Building Commissioner

Owner

Board of Health

Assessor

DPW

• Fire Department





